

Water Management (General) Regulation 2004

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New South Wales

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The provisions displayed in this version of the legislation have all commenced.

Notes—

- **Does not include amendments by**
 - [Parliamentary Electorates and Elections Amendment Act 2006 No 68](#) (not commenced)
 - [Statute Law \(Miscellaneous Provisions\) Act 2011 No 27](#) (not commenced — to commence on 8.7.2011)

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Water Management (General) Regulation 2004



New South Wales

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Water Management (General) Regulation 2004



New South Wales

Part 1 Preliminary

1 Name of Regulation

This Regulation is the *Water Management (General) Regulation 2004*.

2 Commencement

This Regulation commences on 1 July 2004.

3 Definitions

(1) In this Regulation:

appointed day means:

- (a) in relation to a category or subcategory of access licence to which Part 2 of Chapter 3 of the Act applies or an entitlement from which such an access licence arises, the day appointed under section 55A of the Act in relation to that category or subcategory of access licence, or
- (b) in relation to a type or kind of approval to which Part 3 of Chapter 3 of the Act applies or an entitlement from which such an approval arises, the day appointed under section 88A of the Act in relation to that type or kind of approval.

Note—

Clause 9 of Schedule 10 to the Act provides that, in certain circumstances, the operation of those Parts is deferred in relation to particular entitlements.

authorised area, in relation to an entitlement, means the authorised area specified in the entitlement.

commercial activities means activities within the following categories recognised in the *Australian and New Zealand Standard Industry Classification* (ANZSIC), 1993 edition (Australian Bureau of Statistics publication, Catalogue No 1292.0):

- (a) construction (category E),

- (b) wholesale trade (category F),
- (c) retail trade (category G),
- (d) accommodation, cafes and restaurants (category H),
- (e) communication services (category J),
- (f) finance and insurance (category K),
- (g) property and business services (category L),
- (h) government administration and defence (category M),
- (i) education (category N),
- (j) health and community services (category O),
- (k) cultural and recreational services (category P),
- (l) personal and other services (category Q).

Note—

This definition replicates the definition of **associated commercial activities** in section 66 (3A) of the Act.

domestic consumption, in relation to land, means consumption for normal household purposes in domestic premises situated on the land.

Note—

This definition replicates the definition of **domestic consumption** in section 52 (3) of the Act.

entitlement means:

- (a) a licence, permit, authority, irrigation corporation licence or group licence referred to in Part 2 of the former 1912 Act, or
- (b) a right to take and use water referred to in section 38B of the former 1912 Act, or
- (c) a licence referred to in Part 5 of the former 1912 Act, or
- (d) an approval referred to in Part 8 of the former 1912 Act, or
- (e) a water management licence under Part 9 of the former 1912 Act, or
- (f) a permit under Part 3A of the former 1948 Act, or
- (g) an irrigation corporation licence under the former 1994 Act, or
- (h) any power under section 12 of the [Water Administration Act 1986](#) or section 8 of the former 1912 Act that, immediately before the appointed day, was exercisable by any person pursuant to an agreement between that person and the Ministerial

Corporation, or

- (i) any right to take water from an unlicensed bore (being a bore constructed as referred to in section 112 (1) (b) of the former 1912 Act) that was in force immediately before the appointed day, or
- (j) any arrangement that, immediately before 1 July 2004, was in force between a local council and the Ministerial Corporation, or
- (k) any other right, interest, privilege, permission or authority that is declared by this Regulation to be an entitlement for the purposes of this clause.

Note—

This definition replicates the definition of **entitlement** in clause 2 of Schedule 10 to the Act.

excluded work means a work referred to in Schedule 1.

general security entitlement means an entitlement that, pursuant to clause 4 of Schedule 10 to the Act, has been replaced by a regulated river (general security) access licence, regulated river (general security—A class) access licence, regulated river (general security—B class) access licence or aquifer (general security) access licence.

Part 5 entitlement means a licence under Part 5 of the former 1912 Act.

section 18 entitlement means an additional licence under section 18 (2) of the former 1912 Act.

section 20B entitlement means an authority for a joint water supply scheme under section 20B of the former 1912 Act that, immediately before the appointed day, was subject to a high flow condition.

section 20AA direction means a direction under section 20AA of the former 1912 Act.

stock watering, in relation to land, means the watering of stock animals being raised on the land, but does not include the use of water in connection with the raising of stock animals on an intensive commercial basis that are housed or kept in feedlots or buildings for all (or a substantial part) of the period during which the stock animals are being raised.

Note—

This definition replicates the definition of **stock watering** in section 52 (3) of the Act.

the Act means the [Water Management Act 2000](#).

the former 1912 Act means the [Water Act 1912](#).

the former 1948 Act means the *Rivers and Foreshores Improvement Act 1948*.

the former 1994 Act means Division 3 of Part 4 of the *Irrigation Corporations Act 1994*, as continued in force by clause 11 of the *Water Management (Irrigation Corporations) Savings and Transitional Regulation 1995*.

water year means a year commencing 1 July.

- (2) For the purposes of paragraph (k) of the definition of **entitlement** in clause 2 of Schedule 10 to the Act, any arrangement that, immediately before 1 July 2004, was in force between a local council and the Ministerial Corporation is declared to be an entitlement for the purposes of that clause.
- (3) Notes and examples in the text of this Regulation do not form part of this Regulation.

4 Temporary extension of existing exemption

- (1) Any person who, immediately before 1 July 2004, was taking or using water by means of a work identified in either of the Schedules to the Amnesty Document is exempt from sections 341 (1), 342 (1) and 343 (1) of the Act and so may continue to take and use water by means of that work without the need for a water supply work approval for the work, an access licence for water taken by means of the work or a water use approval for the use of the water so taken.
- (2) The exemption conferred on a person by subclause (1):
 - (a) applies only while the person complies with such of the conditions set out in the Amnesty Document as are applicable to the work concerned, and
 - (b) ceases to have effect on 30 September 2005.
- (3) In this clause, **Amnesty Document** means the document entitled *NSW Water Amnesty Exemptions Provisions* prepared within the former Department of Land and Water Conservation, with document identifier 0377706, copies of which are available for inspection at the offices of the Department of Infrastructure, Planning and Natural Resources.

5 Pre-1999 existing works

- (1) This clause applies to the following kinds of water supply work whose construction had been completed before 1 January 1999 (**pre-1999 existing works**):
 - (a) impounding works that exceed the maximum capacity allowed by any relevant order in force under section 54 of the Act,
 - (b) dams and other works on rivers or lakes:
 - (i) constructed for landholders by a government agency, or

- (ii) constructed by landholders with the approval of a government agency, or
 - (iii) constructed by landholders, where the works did not require a licence under Part 2 of the former 1912 Act under the then Government policy, other than dams or other works that are also flood works,
 - (c) works taking water, at a rate of not more than 5 megalitres per year, from rivers for the purposes of farming, washdowns, fruit and vegetable spraying or washing, or livestock shed cooling,
 - (d) works previously exempted from the operation of Part 2 of the former 1912 Act by section 7 (1) of the *Hunter Valley Flood Mitigation Act 1956*.
- (2) Clause 32 does not apply so as to require an application for a water supply work approval for a pre-1999 existing work to be advertised as referred to in section 92 of the Act.
- (3) Section 94 of the Act does not apply so as to require:
- (a) an application for a water supply work approval for a pre-1999 existing work to be referred to a Commission of Inquiry, or
 - (b) a decision on such an application to be made having regard to a Commission of Inquiry's report into the application.
- (4) For the purposes of section 112 (1) (d) of the Act, an application for a water supply work approval for a pre-1999 existing work is prescribed as an application to which an embargo under section 110 or 111 of the Act does not apply.
- (5) Despite section 61 (1) (a) of the Act, the owner of a pre-1999 existing work may apply to the Minister for any category or subcategory of access licence for water taken by means of that work.

Part 2 Management plans

6 Water sharing provisions

- (1) For the purposes of section 21 (c) of the Act, the following are prescribed as circumstances in which water may be withdrawn from a water allocation account:
- (a) circumstances in which there is insufficient water available in the relevant dam to provide for losses in the conveyance of water between the dam and the locations to which it is delivered (whether by evaporation, leakage or otherwise),
 - (b) circumstances in which the amount of uncontrolled flow taken under a regulated river (general security) access licence exceeds the amount that is allowed to be taken under that licence.

- (1A) For the purposes of section 21 (f) of the Act, the water sharing planning provisions of a management plan for a water management area or water source may deal with the short term delivery of water through the area, including by providing for the grouping of water orders and the periodic release of such orders, where the circumstances or conditions of delivery would result in unacceptably high delivery losses.
- (2) In this clause, **the relevant dam** means the dam from which water is released for delivery to the holder of an access licence.

7 Amendment of Minister's plans

- (1) On the commencement of this clause, each Minister's plan referred to in Schedule 2 is amended, in relation only to those references that relate to provisions of the [Water Management Act 2000](#):
- (a) by omitting the matter "section 42 (2)", wherever occurring, and by inserting instead the matter "section 45 (1) (b)", and
 - (b) by omitting the matter "section 71A", wherever occurring, and by inserting instead the matter "section 71M", and
 - (c) by omitting the matter "section 71B", "section 71C", "section 71D", "section 71E", "section 71F", "section 71G", "section 71H", "section 71I", "section 71J", "section 71K" and "section 71L", wherever occurring, and by inserting instead the matter "section 71O", "section 71P", "section 71Q", "section 71R", "section 71S", "section 71T", "section 71U", "section 71V", "section 71W", "section 71Y" and "section 71Z" respectively.
- (2) On the commencement of this clause each Minister's plan referred to in Schedule 2 is amended by omitting the words "environmental health water" and "supplementary environmental water" wherever occurring and by inserting instead the words "planned environmental water".

Part 3 Access licences

Division 1 General

8 Categories of access licence

- (1) For the purposes of section 57 (1) (l) of the Act, each of the following categories of access licence are prescribed:
- (a) Murrumbidgee Irrigation (conveyance) access licence,
 - (b) Coleambally Irrigation (conveyance) access licence,
 - (c) floodplain harvesting access licence,

- (d) domestic and stock (conveyance) access licence,
- (e) unregulated river (high flow) access licence,
- (f) regulated river (general security—A class) access licence,
- (g) regulated river (general security—B class) access licence,
- (h) aquifer (general security) access licence.

(2) For the purposes of section 57 (2) of the Act, each subcategory specified in Column 2 of Schedule 3 in relation to a category of access licence referred to in Column 1 of that Schedule is a prescribed subcategory of the category so referred to.

8A Specific purpose access licences

A domestic and stock (conveyance) access licence is declared to be a specific purpose access licence.

Note—

See paragraph (e) of the definition of *specific purpose access licence* in the Dictionary to the Act.

9 Priorities between different categories of access licence

(1) The following priorities are to be observed in relation to the access licences referred to in section 58 (1) (c) of the Act:

- (a) regulated river (conveyance) access licences, Murrumbidgee Irrigation (conveyance) access licences and Coleambally Irrigation (conveyance) access licences:
 - (i) have equal priority with each other, and
 - (ii) have priority over access licences referred to in paragraph (b),
- (b) all other access licences referred to in section 58 (1) (c) of the Act have equal priority with each other.

(2) Any subcategory of access licence has equal priority with the access licence of which it is a subcategory and with any other subcategory of that licence.

10 Available water determinations

(1) For the purposes of section 59 (2) of the Act, an available water determination referred to in section 59 (1) (a) of the Act is to be published on the Department's website.

(2) An available water determination so published must be retained on the Department's website until the end of the water year to which it relates.

Note—

Section 367 (1) (e) of the Act enables the Ministerial Corporation to issue an evidentiary certificate as to the terms of any particular available water determination.

10A Publication of orders authorising the taking of water pursuant to supplementary water access licence

For the purposes of section 70 (1) of the Act, an order authorising the taking of water pursuant to a supplementary water access licence is to be published on the internet website of the NSW Office of Water.

Note—

The internet website of the NSW Office of Water is www.water.nsw.gov.au.

11 Applications generally

- (1) An application under Part 2 of Chapter 3 of the Act:
 - (a) must be in the approved form, and
 - (b) must be signed or otherwise authenticated by each party to the application, and
 - (c) must be accompanied by, or make provision for the payment of, the fee payable under section 114 of the Act in relation to the application, and
 - (d) must be lodged at, or sent by post to, an office of the Department.
- (2) An application is incomplete unless it includes, or is accompanied by, all information required by the approved form.

Note—

Among other things, certain approved forms relating to dealings require information as to the price paid for water pursuant to the dealing.

- (3) This clause does not apply to an application for the recording of any matter in the Access Register under section 71A of the Act.

12 Matters to be included in Water Access Licence Register

- (1) For the purposes of section 71A (1) (h) of the Act, the matters to be recorded in the General Division of the Access Register include any memorandum of terms and conditions:
 - (a) that is lodged with the Minister by the holder, or prospective holder, of a security interest, and
 - (b) that is, or is intended to be, adopted by or incorporated in an instrument evidencing the existence of a security interest, as referred to in section 71D (1) (a) of the Act.

- (2) For the purposes of section 71A (2) (b) of the Act, the matters to be recorded in the Assignment Division of the Access Register include any agreement in the approved form that is signed by all the holders of an access licence and is submitted to the Minister, being an agreement that the person or persons specified in the agreement may, on behalf of the holders of the access licence, apply for an assignment dealing.

13 Dealings on default

For the purposes of section 71X of the Act, a notice referred to in subsection (1) (b) of that section with respect to an access licence to be transferred as a consequence of a default in the payment of a debt or performance of some other obligation under a contract or other legally enforceable arrangement secured by a security interest:

(a) must indicate:

- (i) that it is a notice under that section, and
- (ii) that the holder or co-holder of the licence is in default under the contract or arrangement, as specified in the notice, and
- (iii) that steps that must be taken by the holder or co-holder of the licence to rectify the default, as specified in the notice, and
- (iv) that, if those steps are not taken within 30 days after service of the notice, the access licence may be transferred pursuant to that section,

(b) must be served on a person in a manner in which a document may be served on a person under section 170 of the [Conveyancing Act 1919](#).

14 Cancellation of specific purpose access licences

For the purposes of section 77A (3) of the Act, the following criteria are prescribed as criteria that the Minister must consider when determining whether the purpose for which a specific purpose access licence was granted no longer exists:

- (a) in the case of an access licence for the supply of water to a location in relation to any activity, whether that activity is still continued at that location or still requires a supply of water,
- (b) in the case of an access licence for the supply of water to a town or community or to some other location for domestic purposes, whether anyone still resides in that town or community or at that location,
- (c) in the case of an access licence for the supply of water to a location for stock purposes, whether there is still any stock at that location,
- (d) in the case of an access licence for the supply of water for any purpose from any water source, whether the water previously supplied for that purpose from that water

source is now supplied from some other water source.

15 Register of available water determinations

- (1) The following particulars must be recorded in the register of available water determinations kept under section 84 of the Act in relation to each available water determination made under section 59 of the Act:
 - (a) the terms of the determination,
 - (b) the date on which it was made,
 - (c) the water source or sources (or the parts of the water source or sources) to which it applies,
 - (d) in the case of a determination referred to in section 59 (1) (a) of the Act, the categories or subcategories of access licence to which it applies,
 - (e) in the case of a determination referred to in section 59 (1) (b) of the Act, the individual access licences to which it applies.
- (2) For the purposes of section 84 (3) of the Act, the following places are prescribed as places at which the register of available water determinations is to be made available for public inspection:
 - (a) the head office of the Department,
 - (b) each regional office of the Department.

16 Water allocation accounts

- (1) Water allocations are to be debited from an access licence's water allocation account:
 - (a) except as provided by paragraph (b), whenever water is taken by means of any of the access licence's nominated water supply works, or
 - (b) if the relevant water sharing plan so provides, whenever water is ordered in relation to any of the access licence's nominated water supply works.
- (2) If a water supply work is nominated in relation to two or more access licences, water allocations taken by means of, or ordered in relation to, the work are to be debited from the water allocation accounts for those access licences:
 - (a) to the extent to which the relevant water sharing provisions of a management plan establish priorities in that regard, in accordance with the priorities so established, and
 - (b) to the extent to which the relevant water sharing provisions of a management plan do not establish priorities in that regard:

- (i) subject to subparagraph (ii), as nominated by the holder of the access licences concerned or, if the access licences are held by different people, as nominated jointly by the holders, or
 - (ii) if no such nomination is made or if such a nomination is incapable of being implemented, as determined by the Minister.
- (3) Water allocations that arise during one accounting year may be carried over to the following accounting year, but only to the extent to which the relevant water management plan so provides.
- (4) Subclause (3) is not limited or otherwise affected by any order in force under section 60 (2) of the Act.
- (5) For the purposes of subclause (3), **accounting year** means the period of 12 months commencing on 1 July of any year and ending on 30 June of the following year.

17 Claims for compensation

- (1) A claim under section 87 of the Act:
 - (a) must be in the approved form, and
 - (b) must be signed or otherwise authenticated by the claimant, and
 - (c) must be lodged at, or sent by post to, an office of the Department.
- (2) A claim is incomplete unless it includes, or is accompanied by, all information required by the approved form.

Division 2 Exemptions

18 Exemption from requirement for access licence

- (1) The following persons are exempt from sections 60A (1) and (2), 60C (1)–(4) and 60D of the Act in relation to the taking of water from a water source:
 - (a) a roads authority (within the meaning of the *Roads Act 1993*), in relation to water required for road construction and road maintenance,
 - (b) any person lawfully engaged in the carriage of water for use for drought relief, in relation to water required for that purpose,
 - (c) any person lawfully engaged in the use of water for dust suppression,
 - (d) any person lawfully engaged in the hydrostatic testing of gas pipelines, in relation to water required for that purpose,
 - (e) any person lawfully engaged in prospecting or fossicking for minerals or petroleum

under the *Mining Act 1992* or the *Petroleum (Onshore) Act 1991*, in relation to:

- (i) the taking of water required for such prospecting or fossicking pursuant to a lease, licence, mineral claim or environmental assessment permit under the *Mining Act 1992* or a petroleum title under the *Petroleum (Onshore) Act 1991* (an **authority**), up to a maximum of 3 megalitres for all such prospecting or fossicking pursuant to each such authority in any water year, and
 - (ii) the taking of up to 3 megalitres of water required for all other such prospecting or fossicking in any water year,
- (f) any landholder, in relation to water required for the purpose of generating electricity for use for domestic consumption on that land (but only if the water is returned to the water source from which it was taken),
- (g) any person lawfully engaged in the testing of a bore, in relation to water used for that purpose during the week following completion of the bore's construction,
- (h) any person lawfully engaged in the operation of a hydro-electric power station in connection with a water supply work owned by the Ministerial Corporation,
- (i) all persons, in relation to the taking of water from or by means of an excluded work,
- (j) any person taking water from an artificial channel where:
- (i) the water is taken only for the purpose of watering to establish agricultural plantings of sugar cane, and
 - (ii) the volume of water taken does not exceed 0.05ML per hectare of land on which sugar cane is being established in any continuous 12-month period, and
 - (iii) the channel was constructed for the primary purpose of draining water from land on which sugar cane is grown, and
 - (iv) the channel does not have banks that are above ground level, and
 - (v) the channel is located in an area to which one of the following plans applies:
 - (A) the *Water Sharing Plan for the Tweed River Area Unregulated and Alluvial Water Sources 2010*,
 - (B) the *Water Sharing Plan for the Richmond River Area Unregulated, Regulated and Alluvial Water Sources 2010*, and
 - (iv) any work used to take the water is not fixed to the land.

Note—

The use of a water supply work for the purpose of taking any such water may still require a water supply

work approval under Part 3 of Chapter 3 of the Act.

- (1A) A person exempted under subclause (1) is also exempted from any mandatory conditions relating to access licences that are imposed on a water supply work approval.
- (2) (Repealed)

19 Applications for specific purpose access licences

For the purposes of section 61 (1) (a) of the Act, an application for the following categories and subcategories of specific purpose access licence may be made, but only for the following purposes:

- (a) a local water utility access licence (subcategory “domestic and commercial”), for the purpose of domestic consumption and commercial activities,
- (b) a domestic and stock access licence (subcategory “domestic”), for the purpose of domestic consumption,
- (c) an unregulated river access licence (subcategory “town water supply”), for the purpose of supply to communities for domestic consumption and commercial activities,
- (d) a regulated river (high security) access licence (subcategory “town water supply”), for the purpose of supply to communities for domestic consumption and commercial activities,
- (e) an aquifer access licence (subcategory “town water supply”), for the purpose of supply to communities for domestic consumption and commercial activities,
- (f) any category of specific purpose access licence (subcategory “Aboriginal cultural”), for Aboriginal cultural purposes.

20 Granting of access licences

An access licence for which an application may be made under section 61 (1) of the Act, or under clause 5 (5) of this Regulation, is exempt from the operation of section 63 (2) (a) of the Act.

21 Security holder’s consent not required for certain dealings

The following are exempt from the requirements of section 71L (1) (c) of the Act:

- (a) the grant of a single access licence arising from an application under section 71U of the Act for the grant of an access licence to give effect to the transfer into the State of an interstate equivalent of an access licence together with an application under section 71P of the Act for consolidation of that licence with another licence,

- (b) an increase in the share or extraction component of an access licence in connection with the assignment of rights under section 71Q of the Act.

21A Exemption from requirement for certain endorsement on dealings

Clause 2 (3) (b) of Schedule 1A to the Act does not apply in respect of any dealing other than a grant or cancellation of an access licence to give effect to an interstate transfer of an access licence (as referred to in section 71U of the Act).

21B Exemption from certain requirement concerning registration of security interests in replacement access licences

A person claiming a security interest in a replacement access licence is exempt from the requirement of clause 19 (5) (d) of Schedule 10 to the Act that the person advise the holder of the licence of the existence of the security interest claimed and give written notice of the advice to the Director-General, but only if the licence holder requests the Director-General, in writing, to register the security interest.

Division 3 Replacement water access licences (1 July 2004)

22 Gwydir

- (1) On 1 July 2004, a section 18 entitlement or section 20B entitlement with respect to the Gwydir is taken to have been replaced by a supplementary water access licence with a share component calculated in accordance with the following formula:

$$S_1 = \frac{D \times 178,000}{\Sigma D + \Sigma E}$$

where:

S_1 represents the share component for the supplementary water access licence, expressed in megalitres.

D (the base amount under this subclause) represents an area equivalent to 6 times the area (measured in hectares) of the authorised area in relation to the entitlement.

ΣD represents the sum of the base amounts under this subclause for all section 18 entitlements or section 20B entitlements with respect to the Gwydir.

ΣE represents the sum of the base amounts under subclause (2) for all general security entitlements with respect to the Gwydir.

- (2) On 1 July 2004, a general security entitlement with respect to the Gwydir is taken to have been replaced not only by the relevant access licence referred to in Schedule 11 to the Act but also by a supplementary water access licence with a share component calculated in accordance with the following formula:

$$S_2 = \frac{E \times 178,000}{\Sigma D + \Sigma E}$$

where:

S₂ represents the share component for the supplementary water access licence, expressed in megalitres.

E (the base amount under this subclause) represents the volume of water authorised by the entitlement immediately before 1 July 2004.

ΣD represents the sum of the base amounts under subclause (1) for all section 18 entitlements or section 20B entitlements with respect to the Gwydir.

ΣE represents the sum of the base amounts under this subclause for all general security entitlements with respect to the Gwydir.

- (3) In this clause, a reference to the Gwydir is a reference to the Gwydir regulated river water source identified in the *Water Sharing Plan for the Gwydir Regulated River Water Source 2002*, as in force on 1 July 2004.

23 Hunter

- (1) On 1 July 2004, the entitlement identified as 20MW000021 with respect to the Hunter is taken to have been replaced not only by the relevant access licence referred to in Schedule 11 to the Act but also by a supplementary water access licence with a share component of 36,000 megalitres.
- (2) On 1 July 2004, a general security entitlement with respect to the Hunter (other than the entitlement referred to in subclause (1)) is taken to have been replaced not only by the relevant access licence referred to in Schedule 11 to the Act but also by a supplementary water access licence with a share component equivalent to the greater of the following:
- (a) the greatest volume of water (in megalitres) taken in excess of the volume authorised by the entitlement in any water year between 1 July 1993 and 30 June 2000,
 - (b) the greatest volume of water (in megalitres) taken pursuant to a relevant section 20AA direction in any water year between 1 July 1993 and 30 June 1998.
- (3) In this clause, a reference to the Hunter is a reference to the Hunter regulated river water source identified in the *Water Sharing Plan for the Hunter Regulated River Water Source 2004*, as in force on 1 July 2004.

24 Lower Darling

- (1) On 1 July 2004, a general security entitlement with respect to the Lower Darling is

taken to have been replaced not only by the relevant access licence referred to in Schedule 11 to the Act but also by a supplementary water access licence with a share component calculated in accordance with the following formula:

$$S = \frac{E \times 250,000}{\Sigma E}$$

where:

S represents the share component for the supplementary water access licence, expressed in megalitres.

E (the base amount under this subclause) represents the greatest volume of water (in megalitres) taken in excess of the entitlement in any water year between 1 July 1983 and 30 June 2001.

ΣE represents the sum of the base amounts under this subclause for all general security entitlements with respect to the Lower Darling.

- (2) In this clause, a reference to the Lower Darling is a reference to the Lower Darling regulated river water source identified in the [Water Sharing Plan for the Murray and Lower Darling Regulated Rivers Water Sources 2003](#), as in force on 1 July 2004.

25 Lower Namoi

- (1) On 1 July 2004, a section 18 entitlement or section 20B entitlement with respect to the Lower Namoi is taken to have been replaced by a supplementary water access licence with a share component calculated as follows:

- (a) if D is equal to or greater than G, in accordance with the following formula:

$$S_1 = \frac{D \times 110,000}{\Sigma E}$$

- (b) if D is less than G, in accordance with whichever of the following formulae yield the lesser volume:

$$S_1 = \frac{G \times 110,000}{\Sigma E}$$

$$S_1 = \frac{(D + E) \times 110,000}{\Sigma E}$$

where:

S₁ represents the share component for the supplementary water access licence, expressed in megalitres.

D (the base amount under this subclause) represents the greater of:

- (a) the greatest volume of water taken pursuant to the entitlement in any water year between 1 July 1990 and 30 June 2001, and
- (b) one megalitre per hectare of the authorised area in relation to the entitlement.

G represents the average number of days per water year on which pumping water pursuant to the entitlement was permissible in the water years between 1 July 1990 and 30 June 2001, multiplied by the assessed pump capacity associated with the entitlement.

E represents the base amount under subclause (2) for the associated general security entitlement.

ΣE represents the sum of the base amounts under subclause (2) for all general security entitlements with respect to the Lower Namoi.

- (2) On 1 July 2004, a general security entitlement with respect to the Lower Namoi is taken to have been replaced not only by the relevant access licence referred to in Schedule 11 to the Act but also by a supplementary water access licence with a share component calculated as follows:

- (a) if the holder of the general security entitlement:

- (i) is not also the holder of a section 18 entitlement or section 20B entitlement, or
- (ii) is also the holder of a section 18 entitlement or section 20B entitlement and **D** is equal to or greater than **G**,

in accordance with the following formula:

$$S_2 = \frac{E \times 110,000}{\Sigma E}$$

- (b) if the holder of the general security entitlement is also the holder of a section 18 entitlement or section 20B entitlement and **D** is less than **G**, in accordance with the following formula:

$$S_2 = \frac{(D + E) \times 110,000}{\Sigma E} - S_1$$

where:

S₂ represents the share component for the supplementary water access licence, expressed in megalitres.

D represents the base amount under subclause (1) for the associated section 18

entitlement or section 20B entitlement.

E (the base amount under this subclause) represents the greater of:

- (a) the greatest volume of water taken pursuant to the relevant section 20AA direction in any water year between 1 July 1990 and 30 June 2001, and
- (b) one megalitre per hectare of the authorised area in relation to the general security entitlement.

G represents the average number of days per water year on which pumping water pursuant to the associated section 18 entitlement or section 20B entitlement was permissible in the water years between 1 July 1990 and 30 June 2001, multiplied by the assessed pump capacity associated with the entitlement.

S₁ represents the share component for the associated section 18 entitlement or section 20B entitlement under subclause (1).

ΣE represents the sum of the base amounts under this subclause for all general security entitlements with respect to the Lower Namoi.

- (3) For the purposes of this clause, a section 18 entitlement or section 20B entitlement and a general security entitlement are **associated** with each other if, under the former 1912 Act, the one was granted in relation to the other.
- (4) In this clause, a reference to the Lower Namoi is a reference to the Lower Namoi regulated river water source identified in the [Water Sharing Plan for the Upper Namoi and Lower Namoi Regulated River Water Sources 2003](#), as in force on 1 July 2004.

26 Macquarie and Cudgegong

- (1) On 1 July 2004, a section 18 entitlement or section 20B entitlement with respect to the Macquarie and Cudgegong is taken to have been replaced by a supplementary water access licence with a share component calculated in accordance with the following formula:

$$S_1 = \frac{D \times 50,000}{\Sigma D + \Sigma E}$$

where:

S₁ represents the share component for the supplementary water access licence, expressed in megalitres.

D (the base amount under this subclause) represents an area equivalent to 8 times the area (measured in hectares) of the authorised area in relation to the entitlement.

ΣD represents the sum of the base amounts under this subclause for all section 18 entitlements or section 20B entitlements with respect to the Macquarie and

Cudgegong.

ΣE represents the sum of the base amounts under subclause (2) for all general security entitlements with respect to the Macquarie and Cudgegong.

- (2) On 1 July 2004, a general security entitlement with respect to the Macquarie and Cudgegong is taken to have been replaced not only by the relevant access licence referred to in Schedule 11 to the Act but also by a supplementary water access licence with a share component calculated in accordance with the following formula:

$$S_2 = \frac{E \times 50,000}{\Sigma D + \Sigma E}$$

where:

S_2 represents the share component for the supplementary water access licence, expressed in megalitres.

E (the base amount under this subclause) represents the volume of water authorised by the entitlement immediately before 1 July 2004.

ΣD represents the sum of the base amounts under subclause (1) for all section 18 entitlements or section 20B entitlements with respect to the Macquarie and Cudgegong.

ΣE represents the sum of the base amounts under this subclause for all general security entitlements with respect to the Macquarie and Cudgegong.

- (3) In this clause, references to the Macquarie and Cudgegong are references to the Macquarie and Cudgegong regulated river water sources identified in the [Water Sharing Plan for the Macquarie and Cudgegong Regulated Rivers Water Source 2003](#), as in force on 1 July 2004.

27 Murray

- (1) On 1 July 2004, each entitlement with respect to the Murray referred to in Column 1 of Part 2 of Schedule 4 is taken to have been replaced not only by the relevant access licence referred to in Schedule 11 to the Act but also by a supplementary water access licence with a share component equivalent to the volume of water (expressed in megalitres) specified in Column 2 of Schedule 4 with respect to that entitlement.
- (2) In this clause, a reference to the Murray is a reference to the Murray regulated river water source identified in the [Water Sharing Plan for the Murray and Lower Darling Regulated Rivers Water Sources 2003](#), as in force on 1 July 2004.
- (3) Each person who, as at the commencement of this subclause, is a member of the Eagle Creek Pumping Syndicate Incorporated (INC 9890882) is taken to have the same rights under the following access licences, namely WAL 14879, WAL 14880 and WAL

14881, as that person, or that person's predecessor in title, had as at 1 July 2004.

(4) Subclause (3) applies:

- (a) whether or not the access licences referred to in that subclause have been issued, and
- (b) whether or not any transfers under section 71M of the Act have been registered in the Access Register in relation to those access licences.

28 Murrumbidgee

- (1) On 1 July 2004, each entitlement with respect to the Murrumbidgee referred to in Column 1 of Part 1 of Schedule 4 is taken to have been replaced not only by the relevant access licence referred to in Schedule 11 to the Act but also by a supplementary water access licence with a share component equivalent to the volume of water (expressed in megalitres) specified in Column 2 of Schedule 4 with respect to that entitlement.
- (1A) On the commencement of this subclause, the entitlement identified as licence number 40SL025182H under the former 1912 Act is taken to have been replaced by a supplementary water access licence with a share component equivalent to a volume of water of 5,943 megalitres.
- (2) In this clause, a reference to the Murrumbidgee is a reference to the Murrumbidgee regulated river water source identified in the [Water Sharing Plan for the Murrumbidgee Regulated River Water Source 2003](#), as in force on 1 July 2004.

29 Miscellaneous

- (1) A general security entitlement is not replaced by a supplementary water access licence if the share component for such a licence, calculated in accordance with this Division, would be zero.
- (2) A supplementary water access licence that has replaced a general security entitlement is subject to such conditions, not inconsistent with any mandatory conditions referred to in clause 20 of Schedule 10 to the Act, as were most recently applicable to the taking and use of water under the entitlement.

29AA Extension of time for registration of security interests

- (1) This clause applies to any 1 July 2004 access licence for which particulars were first recorded in the Access Register on or after 1 July 2006, other than:
 - (a) a domestic and stock access licence, or
 - (b) an access licence for which an access licence certificate has been issued, whether before or after the commencement of this clause, or

- (c) an access licence for which an access licence certificate has not been issued, but on which there is a notation to the effect that dealings in the licence may be recorded in the Access Register.
- (2) This clause also applies to the following 1 July 2004 access licences, namely, the licences numbered 7593, 7770, 7793, 7799, 7800, 7952, 7960, 7961, 7983, 7984, 8184, 8278, 8285, 8311, 8312 and 8367.
- (3) Pursuant to clause 1 of Schedule 9 to the Act, clause 19 of Schedule 10 to the Act is to be construed, in its application to an access licence to which this clause applies, as if the reference in clause 19 (11) to 36 months were a reference to:
 - (a) except as provided by paragraphs (b), (c) and (d), 48 months or,
 - (b) in the case of an access licence arising from an entitlement referred to in Schedule 4AA (other than one referred to in paragraph (c) or (d)), 60 months, or
 - (c) in the case of an access licence arising from an entitlement numbered 30SA004518, 60SA008558, 70SA009598, 80SA010605 or 90SA011551, 72 months, or
 - (d) in the case of an access licence arising from an entitlement numbered 50SA000207, 80SA000962 or 90SL051364, 90 months.
- (4) In this clause, **1 July 2004 access licence** means an access licence that came into being on 1 July 2004 in relation to a water source the subject of a water sharing plan listed, in connection with a proclamation under sections 55A (1) and 88A (1) of the Act, on page 5006 or 5007 of Gazette No 110 of 1 July 2004.

Division 4 Replacement access licences for certain Part 5 entitlements (1 October 2006)

29A Application of Division

This Division applies to and in respect of each Part 5 entitlement referred to in Column 1 of Schedule 4A, and to and in respect of each access licence arising from any such entitlement, but not to any other entitlement or access licence.

29B New share components for existing Part 5 entitlements

- (1) This clause applies for the purposes of clause 3 (1) (a), and clause 8, of Schedule 10 to the Act.
- (2) On 1 October 2006, a Part 5 entitlement (or group of Part 5 entitlements) referred to in Column 1 of Schedule 4A is taken to have been replaced:
 - (a) by an aquifer access licence with a share component of the volume specified in Column 2 of that Schedule, and

(b) if a volume is specified in Column 3 of that Schedule, by a supplementary water access licence with a share component of the volume so specified.

(2A) Despite subclause (2), Schedule 4A (as inserted in this Regulation by the [Water Management \(General\) Amendment Regulation 2006](#)) is to be read as if:

(a) the share component volumes specified in Columns 2 and 3 in relation to Part 5 entitlement 90BL030236 in Column 1 were 163 and 83, respectively, instead of 88 and 11, and

(b) the share component volume specified in Column 2 in relation to Part 5 entitlement 90BL247500 in Column 1 were 167 instead of 111.

(2B) Subclause (2A) is taken to have commenced on 1 October 2006.

(2C) Part 5 entitlement 50BL196431 is taken also to have been replaced by a domestic and stock [Stock] access licence with a share component of a volume of 324 megalitres.

(2D) Subclause (2C) is taken to have commenced on 1 October 2006.

(3) The volumes specified in Columns 2 and 3 of Schedule 4A in relation to any Part 5 entitlement (or group of Part 5 entitlements) have been calculated in accordance with whichever of the following methodologies is relevant to that entitlement or group of entitlements:

(a) in the case of entitlements relating to the Lower Gwydir Groundwater Source within the meaning of the [Water Sharing Plan for the Lower Gwydir Groundwater Source 2003](#), the methodology set out in clauses 25C and 25D of that plan,

(b) in the case of entitlements relating to the Lower Macquarie Groundwater Sources within the meaning of the [Water Sharing Plan for the Lower Macquarie Groundwater Sources 2003](#), the methodology set out in clauses 25C and 25D of that plan,

(c) in the case of entitlements relating to the Lower Murrumbidgee Groundwater Sources within the meaning of the [Water Sharing Plan for the Lower Murrumbidgee Groundwater Sources 2003](#), the methodology set out in clauses 25C and 25D of that plan.

29C Registration of security interests in replacement access licences

(1) Pursuant to clause 1 of Schedule 9 to the Act, clause 19 of Schedule 10 to the Act is to be construed as if:

(a) the reference in clause 19 (5) to the commencement of Part 2 of Schedule 10 to the Act were a reference to 1 October 2006, and

(b) the reference in clause 19 (5) (a) to replacement access licences were a reference to replacement access licences arising under clause 29B in relation to the water sources referred to in Schedule 4A.

(2) Pursuant to clause 1 of Schedule 9 to the Act, the following subclauses are taken to be inserted after clause 19 (10):

(10A) Subclause (10B) applies only to an access licence arising from an entitlement with respect to land in respect of which an interest was, immediately before 1 October 2006, registered under the *Real Property Act 1900* or under the *Corporations Act 2001* of the Commonwealth.

(10B) No dealing that requires the consent of the holder of a security interest may be registered in relation to an access licence until the expiry of the prescribed period unless, before the expiry of that period, the holder of the interest:

(a) has lodged with the Director-General a notice of the kind referred to in subclause (5) (d), or

(b) has notified the Director-General that the holder does not propose to seek registration of the interest in the Access Register.

29D Entitlements held by 2 or more co-holders

(1) Pursuant to clause 1 of Schedule 9 to the Act, clause 23 of Schedule 10 to the Act is taken to have been replaced by the following clause:

23 Entitlements held by 2 or more co-holders

Two or more co-holders of a replacement access licence are taken to hold the access licence:

(a) if the Minister has a record of the shares in which the former entitlement was held immediately before the appointed day, in the same shares as the former entitlement was so held, or

(b) if the Minister has no such record, but within 2 months after sending a written request to the co-holders seeking information as to their shareholding the Director-General receives:

(i) a notice, signed by or on behalf of each of them, by which they agree as to the shares in which they hold the access licence, or

(ii) a notice, signed by any one of them, to the effect that legal proceedings have been commenced for the purpose of obtaining a declaration as to the shares in which they hold the access licence,

in the agreed shares referred to in the notice under subparagraph (i), or in the shares determined pursuant to the legal proceedings referred to in the notice under subparagraph (ii), as the case may be, or

- (c) in any other case, as tenants in common with the entitlements conferred by the licence under section 56 apportioned equally between them.

29E Water allocations

Pursuant to clause 1 of Schedule 9 to the Act, clause 25 of Schedule 10 to the Act is to be construed as if clause 25 (4) were replaced by the following subclause:

- (4) The water allocations for a replacement access licence are to be adjusted as required by the accounting practices applicable for the time being to water allocation accounts, except that no such adjustment arising from water taken before 1 October 2006 is to be made after 30 June 2008.

Division 5 Replacement access licences for Part 5 entitlements for the Lower Murray (1 November 2006)

29F Application of Division

This Division applies to and in respect of each Part 5 entitlement referred to in Column 1 of Schedule 4B, and to and in respect of each access licence arising from any such entitlement, but not to any other entitlement or access licence.

29G New share components for existing Part 5 entitlements

- (1) This clause applies for the purposes of clause 3 (1) (a), and clause 8, of Schedule 10 to the Act.
- (2) On 1 November 2006, a Part 5 entitlement (or group of Part 5 entitlements) referred to in Column 1 of Schedule 4B is taken to have been replaced:
- (a) by an aquifer access licence with a share component of the volume specified in Column 2 of that Schedule, and
- (b) if a volume is specified in Column 3 of that Schedule, by a supplementary water access licence with a share component of the volume so specified.
- (3) The volumes specified in Columns 2 and 3 of Schedule 4B in relation to any Part 5 entitlement (or group of Part 5 entitlements) have been calculated in accordance with the methodology set out in clauses 27 and 28 of the [Water Sharing Plan for the Lower Murray Groundwater Source 2006](#).

29H Registration of security interests in replacement access licences

- (1) Pursuant to clause 1 of Schedule 9 to the Act, clause 19 of Schedule 10 to the Act is to be construed as if:
 - (a) the reference in clause 19 (5) to the commencement of Part 2 of Schedule 10 to the Act were a reference to 1 November 2006, and
 - (b) the reference in clause 19 (5) (a) to replacement access licences were a reference to replacement access licences arising under clause 29G in relation to the water sources referred to in Schedule 4B.
- (2) Pursuant to clause 1 of Schedule 9 to the Act, the following subclauses are taken to be inserted after clause 19 (10):
 - (10A) Subclause (10B) applies only to an access licence arising from an entitlement with respect to land in respect of which an interest was, immediately before 1 November 2006, registered under the *Real Property Act 1900* or under the *Corporations Act 2001* of the Commonwealth.
 - (10B) No dealing that requires the consent of the holder of a security interest may be registered in relation to an access licence until the expiry of the prescribed period unless, before the expiry of that period, the holder of the interest:
 - (a) has lodged with the Director-General a notice of the kind referred to in subclause (5) (d), or
 - (b) has notified the Director-General that the holder does not propose to seek registration of the interest in the Access Register.

29I Entitlements held by 2 or more co-holders

- (1) Pursuant to clause 1 of Schedule 9 to the Act, clause 23 of Schedule 10 to the Act is taken to have been replaced by the following clause:

23 Entitlements held by 2 or more co-holders

Two or more co-holders of a replacement access licence are taken to hold the access licence:

- (a) if the Minister has a record of the shares in which the former entitlement was held immediately before the appointed day, in the same shares as the former entitlement was so held, or
- (b) if the Minister has no such record, but within 2 months after sending a written request to the co-holders seeking information as to their shareholding the Director-General receives:

- (i) a notice, signed by or on behalf of each of them, by which they agree as to the shares in which they hold the access licence, or
- (ii) a notice, signed by any one of them, to the effect that legal proceedings have been commenced for the purpose of obtaining a declaration as to the shares in which they hold the access licence,

in the agreed shares referred to in the notice under subparagraph (i), or in the shares determined pursuant to the legal proceedings referred to in the notice under subparagraph (ii), as the case may be, or

- (c) in any other case, as tenants in common with the entitlements conferred by the licence under section 56 apportioned equally between them.

29J Water allocations

Pursuant to clause 1 of Schedule 9 to the Act, clause 25 of Schedule 10 to the Act is to be construed as if clause 25 (4) were replaced by the following subclause:

- (4) The water allocations for a replacement access licence are to be adjusted as required by the accounting practices applicable for the time being to water allocation accounts, except that no such adjustment arising from water taken before 1 November 2006 is to be made after 30 June 2008.

Division 6 Replacement access licences for Part 5 entitlements for the Upper and Lower Namoi (1 November 2006)

29K Application of Division

This Division applies to and in respect of each Part 5 entitlement referred to in Column 1 of Schedule 4C, and to and in respect of each access licence arising from any such entitlement, but not to any other entitlement or access licence.

29L New share components for existing Part 5 entitlements

- (1) This clause applies for the purposes of clause 3 (1) (a), and clause 8, of Schedule 10 to the Act.
- (2) On 1 November 2006, a Part 5 entitlement (or group of Part 5 entitlements) referred to in Column 1 of Schedule 4C is taken to have been replaced:
 - (a) by an aquifer access licence with a share component of the volume specified in Column 2 of that Schedule, and
 - (b) if a volume is specified in Column 3 of that Schedule, by a supplementary water access licence with a share component of the volume so specified.

- (3) The volumes specified in Columns 2 and 3 of Schedule 4B in relation to any Part 5 entitlement (or group of Part 5 entitlements) have been calculated in accordance with the methodology set out in clauses 25C and 25D of the *Water Sharing Plan for the Upper and Lower Namoi Groundwater Sources 2003*.

29M Registration of security interests in replacement access licences

- (1) Pursuant to clause 1 of Schedule 9 to the Act, clause 19 of Schedule 10 to the Act is to be construed as if:
- (a) the reference in clause 19 (5) to the commencement of Part 2 of Schedule 10 to the Act were a reference to 1 November 2006, and
 - (b) the reference in clause 19 (5) (a) to replacement access licences were a reference to replacement access licences arising under clause 29L in relation to the water sources referred to in Schedule 4B.
- (2) Pursuant to clause 1 of Schedule 9 to the Act, the following subclauses are taken to be inserted after clause 19 (10):

(10A) Subclause (10B) applies only to an access licence arising from an entitlement with respect to land in respect of which an interest was, immediately before 1 November 2006, registered under the *Real Property Act 1900* or under the *Corporations Act 2001* of the Commonwealth.

(10B) No dealing that requires the consent of the holder of a security interest may be registered in relation to an access licence until the expiry of the prescribed period unless, before the expiry of that period, the holder of the interest:

- (a) has lodged with the Director-General a notice of the kind referred to in subclause (5) (d), or
- (b) has notified the Director-General that the holder does not propose to seek registration of the interest in the Access Register.

29N Entitlements held by 2 or more co-holders

- (1) Pursuant to clause 1 of Schedule 9 to the Act, clause 23 of Schedule 10 to the Act is taken to have been replaced by the following clause:

23 Entitlements held by 2 or more co-holders

Two or more co-holders of a replacement access licence are taken to hold the access licence:

- (a) if the Minister has a record of the shares in which the former entitlement was held immediately before the appointed day, in the same shares as the

former entitlement was so held, or

- (b) if the Minister has no such record, but within 2 months after sending a written request to the co-holders seeking information as to their shareholding the Director-General receives:
 - (i) a notice, signed by or on behalf of each of them, by which they agree as to the shares in which they hold the access licence, or
 - (ii) a notice, signed by any one of them, to the effect that legal proceedings have been commenced for the purpose of obtaining a declaration as to the shares in which they hold the access licence,in the agreed shares referred to in the notice under subparagraph (i), or in the shares determined pursuant to the legal proceedings referred to in the notice under subparagraph (ii), as the case may be, or
- (c) in any other case, as tenants in common with the entitlements conferred by the licence under section 56 apportioned equally between them.

290 Water allocations

Pursuant to clause 1 of Schedule 9 to the Act, clause 25 of Schedule 10 to the Act is to be construed as if clause 25 (4) were replaced by the following subclause:

- (4) The water allocations for a replacement access licence are to be adjusted as required by the accounting practices applicable for the time being to water allocation accounts, except that no such adjustment arising from water taken before 1 November 2006 is to be made after 30 June 2008.

Division 7 Replacement supplementary water access licences for Part 2 entitlements for the Paterson (1 July 2007)

29P Supplementary water access licences

- (1) On 1 July 2007, each section 18 entitlement and section 20B entitlement with respect to the Paterson is taken to have been replaced not only by the relevant access licence referred to in Schedule 11 to the Act but also by a supplementary water access licence with a share component equivalent to the greater of the following:
 - (a) the greatest volume of water (in megalitres) taken in excess of the volume authorised by the entitlement in any water year between 1 July 1995 and 30 June 2005,
 - (b) the greatest volume of water (in megalitres) taken pursuant to a relevant section 20AA direction in any water year between 1 July 1995 and 30 June 2005.

- (2) In this clause, a reference to the Paterson is a reference to the Paterson regulated river water source identified in the [Water Sharing Plan for the Paterson Regulated River Water Source 2007](#), as in force on 1 July 2007.

Division 8 Replacement access licences for Part 5 entitlements for the Lower Lachlan (1 February 2008)

29Q Application of Division

This Division applies to and in respect of each Part 5 entitlement referred to in Column 1 of Schedule 4D, and to and in respect of each access licence arising from any such entitlement, but not to any other entitlement or access licence.

29R New share components for existing Part 5 entitlements

- (1) This clause applies for the purposes of clause 3 (1) (a), and clause 8, of Schedule 10 to the Act.
- (2) On 1 February 2008, a Part 5 entitlement (or group of Part 5 entitlements) referred to in Column 1 of Schedule 4D is taken to have been replaced:
- (a) by an aquifer access licence with a share component of the volume specified in Column 2 of that Schedule, and
 - (b) if a volume is specified in Column 3 of that Schedule, by a supplementary water access licence with a share component of the volume so specified.
- (3) The volumes specified in Columns 2 and 3 of Schedule 4D in relation to any Part 5 entitlement (or group of Part 5 entitlements) have been calculated in accordance with the methodology set out in clauses 25C and 25D of the [Water Sharing Plan for the Lower Lachlan Groundwater Source 2003](#).

29S Registration of security interests in replacement access licences

- (1) Pursuant to clause 1 of Schedule 9 to the Act, clause 19 of Schedule 10 to the Act is to be construed as if:
- (a) the reference in clause 19 (5) to the commencement of Part 2 of Schedule 10 to the Act were a reference to 1 February 2008, and
 - (b) the reference in clause 19 (5) (a) to replacement access licences were a reference to replacement access licences arising under clause 29R in relation to the water sources referred to in Schedule 4D.
- (2) Pursuant to clause 1 of Schedule 9 to the Act, the following subclauses are taken to be inserted after clause 19 (10):

(10A) Subclause (10B) applies only to an access licence arising from an entitlement

with respect to land in respect of which an interest was, immediately before 1 February 2008, registered under the *Real Property Act 1900* or under the *Corporations Act 2001* of the Commonwealth.

- (10B) No dealing that requires the consent of the holder of a security interest may be registered in relation to an access licence until the expiry of the prescribed period unless, before the expiry of that period, the holder of the interest:
- (a) has lodged with the Director-General a notice of the kind referred to in subclause (5) (d), or
 - (b) has notified the Director-General that the holder does not propose to seek registration of the interest in the Access Register.

29T Entitlements held by 2 or more co-holders

- (1) Pursuant to clause 1 of Schedule 9 to the Act, clause 23 of Schedule 10 to the Act is taken to have been replaced by the following clause:

23 Entitlements held by 2 or more co-holders

Two or more co-holders of a replacement access licence are taken to hold the access licence:

- (a) if the Minister has a record of the shares in which the former entitlement was held immediately before the appointed day, in the same shares as the former entitlement was so held, or
- (b) if the Minister has no such record, but within 2 months after sending a written request to the co-holders seeking information as to their shareholding the Director-General receives:
 - (i) a notice, signed by or on behalf of each of them, by which they agree as to the shares in which they hold the access licence, or
 - (ii) a notice, signed by any one of them, to the effect that legal proceedings have been commenced for the purpose of obtaining a declaration as to the shares in which they hold the access licence,

in the agreed shares referred to in the notice under subparagraph (i), or in the shares determined pursuant to the legal proceedings referred to in the notice under subparagraph (ii), as the case may be, or

- (c) in any other case, as tenants in common with the entitlements conferred by the licence under section 56 apportioned equally between them.

29U Water allocations

Pursuant to clause 1 of Schedule 9 to the Act, clause 25 of Schedule 10 to the Act is to be construed as if clause 25 (4) were replaced by the following subclause:

- (4) The water allocations for a replacement access licence are to be adjusted as required by the accounting practices applicable for the time being to water allocation accounts, except that no such adjustment arising from water taken before 1 February 2008 is to be made after 30 June 2009.

Division 9 Replacement access licences for entitlements for Bellinger River Area and Great Artesian Basin (1 July 2008)

29V Application of Division

This Division applies to and in respect of each entitlement with respect to:

- (a) the Bellinger River Area Unregulated and Alluvial Water Sources (identified in the [Water Sharing Plan for the Bellinger River Area Unregulated and Alluvial Water Sources 2008](#)), or
- (b) the Great Artesian Basin Groundwater Sources (identified in the [Water Sharing Plan for the NSW Great Artesian Basin Groundwater Sources 2008](#)),

and to and in respect of each access licence arising from any such entitlement.

29W Registration of security interests in replacement access licences

- (1) Pursuant to clause 1 of Schedule 9 to the Act, clause 19 of Schedule 10 to the Act is to be construed as if the reference in clause 19 (5) to the commencement of Part 2 of Schedule 10 to the Act were a reference to 1 July 2008, and
- (2) Pursuant to clause 1 of Schedule 9 to the Act, the following subclauses are taken to be inserted after clause 19 (10):

(10A) Subclause (10B) applies only to an access licence arising from an entitlement with respect to land in respect of which an interest was, immediately before 1 July 2008, registered under the [Real Property Act 1900](#) or under the [Corporations Act 2001](#) of the Commonwealth.

(10B) No dealing that requires the consent of the holder of a security interest may be registered in relation to an access licence until the expiry of the prescribed period unless, before the expiry of that period, the holder of the interest:

- (a) has lodged with the Director-General a notice of the kind referred to in subclause (5) (d), or

- (b) has notified the Director-General that the holder does not propose to seek registration of the interest in the Access Register.

29X Entitlements held by 2 or more co-holders

Pursuant to clause 1 of Schedule 9 to the Act, clause 23 of Schedule 10 to the Act is taken to have been replaced by the following clause:

23 Entitlements held by 2 or more co-holders

Two or more co-holders of a replacement access licence are taken to hold the access licence:

- (a) if the Minister has a record of the shares in which the former entitlement was held immediately before the appointed day, in the same shares as the former entitlement was so held, or
- (b) if the Minister has no such record, but within 2 months after sending a written request to the co-holders seeking information as to their shareholding the Director-General receives:
- (i) a notice, signed by or on behalf of each of them, by which they agree as to the shares in which they hold the access licence, or
- (ii) a notice, signed by any one of them, to the effect that legal proceedings have been commenced for the purpose of obtaining a declaration as to the shares in which they hold the access licence,
- in the agreed shares referred to in the notice under subparagraph (i), or in the shares determined pursuant to the legal proceedings referred to in the notice under subparagraph (ii), as the case may be, or
- (c) in any other case, as tenants in common with the entitlements conferred by the licence under section 56 apportioned equally between them.

Division 10 Replacement access licences for entitlements for the NSW Border Rivers (1 July 2009)

29Y Application of Division

- (1) This Division applies to and in respect of:
- (a) each entitlement with respect to the NSW Border Rivers, and
- (b) each access licence arising from any such entitlement.
- (2) In this Division, a reference to the **NSW Border Rivers** is a reference to the NSW Border Rivers Regulated River Water Source identified in the [Water Sharing Plan for](#)

the NSW Border Rivers Regulated River Water Source 2009, as in force on 1 July 2009.

29Z Supplementary water access licences

- (1) On 1 July 2009, an A or B component entitlement is taken to have been replaced not only by the relevant access licence referred to in Schedule 11 to the Act but also by a supplementary water access licence with a share component calculated in accordance with the following formula:

$$S = \frac{D \times 120,000}{\Sigma D}$$

where:

S represents the share component for the supplementary water access licence, expressed in unit shares.

D represents the sum of:

- (a) the volume of water for A component irrigation, and
- (b) the volume of water for B component irrigation,

as authorised by the A or B component entitlement immediately before 1 July 2009.

ΣD represents the sum of the volumes of water for A or B component irrigation for all A or B component entitlements.

- (2) In this clause:

A or B component entitlement means a licence under section 12 or 13 of the former 1912 Act, or an authority under section 20B of that Act, being a licence or authority with respect to the NSW Border Rivers that is described as including a volume of water for A component irrigation or B component irrigation, or both.

unit share has the same meaning as it has in the *Water Sharing Plan for the NSW Border Rivers Regulated River Water Source 2009*, as in force on 1 July 2009.

29ZA Registration of security interests in replacement access licences

- (1) Pursuant to clause 1 of Schedule 9 to the Act, clause 19 of Schedule 10 to the Act is to be construed as if the reference in clause 19 (5) to the commencement of Part 2 of Schedule 10 to the Act were a reference to 1 July 2009.
- (2) Pursuant to clause 1 of Schedule 9 to the Act, the following subclauses are taken to be inserted after clause 19 (10) of Schedule 10:

(10A) Subclause (10B) applies only to an access licence arising from an entitlement with respect to land in respect of which an interest was, immediately before 1

July 2009, registered under the *Real Property Act 1900* or under the *Corporations Act 2001* of the Commonwealth.

(10B) No dealing that requires the consent of the holder of a security interest may be registered in relation to an access licence until the expiry of the prescribed period unless, before the expiry of that period, the holder of the interest:

- (a) has lodged with the Director-General a notice of the kind referred to in subclause (5) (d), or
- (b) has notified the Director-General that the holder does not propose to seek registration of the interest in the Access Register.

29ZB Entitlements held by 2 or more co-holders

Pursuant to clause 1 of Schedule 9 to the Act, clause 23 of Schedule 10 to the Act is taken to have been replaced by the following clause:

23 Entitlements held by 2 or more co-holders

Two or more co-holders of a replacement access licence are taken to hold the access licence:

- (a) if the Minister has a record of the shares in which the former entitlement was held immediately before the appointed day, in the same shares as the former entitlement was so held, or
- (b) if the Minister has no such record, but within 2 months after sending a written request to the co-holders seeking information as to their shareholding the Director-General receives:
 - (i) a notice, signed by or on behalf of each of them, by which they agree as to the shares in which they hold the access licence, or
 - (ii) a notice, signed by any one of them, to the effect that legal proceedings have been commenced for the purpose of obtaining a declaration as to the shares in which they hold the access licence,

in the agreed shares referred to in the notice under subparagraph (i), or in the shares determined pursuant to the legal proceedings referred to in the notice under subparagraph (ii), as the case may be, or
- (c) in any other case, as tenants in common with the entitlements conferred by the licence under section 56 apportioned equally between them.

Division 11 Replacement access licences for entitlements for the Hunter, Lower North Coast, Coffs Harbour and Central Coast

Unregulated and Alluvial Water Sources (1 August 2009)

Subdivision 1 Preliminary

29ZC Application of Division

This Division applies to and in respect of each entitlement with respect to:

- (a) the Hunter Unregulated and Alluvial Water Sources (identified in the [Water Sharing Plan for the Hunter Unregulated and Alluvial Water Sources 2009](#)), or
- (b) the Lower North Coast Unregulated and Alluvial Water Sources (identified in the [Water Sharing Plan for the Lower North Coast Unregulated and Alluvial Water Sources 2009](#)), or
- (c) the Coffs Harbour Area Unregulated and Alluvial Water Sources (identified in the [Water Sharing Plan for the Coffs Harbour Area Unregulated and Alluvial Water Sources 2009](#)), or
- (d) the Central Coast Unregulated Water Sources (identified in the [Water Sharing Plan for the Central Coast Unregulated Water Sources 2009](#)),

and to and in respect of each access licence arising from any such entitlement.

Subdivision 2 Access licences for tidal pool water sources

29ZD Definitions

In this Subdivision:

eligible land means any land on which the landholder of the land has used tidal pool water at any time between 1 February 1999 and 1 August 2009.

confirmed history of water usage, in relation to eligible land, means information that indicates the volume of tidal pool water that has been used on the land, and the purposes for which that water has been used, at any time between 1 February 1999 and 1 August 2009, established to the satisfaction of the Minister.

replacement access licence means an access licence that is taken to have arisen under this Subdivision.

tidal pool water means water taken from a tidal pool water source.

tidal pool water source means:

- (a) the Wallis Creek Tidal Pool Water Source, the Paterson River Tidal Pool Water Source or the Hunter River Tidal Pool Water Source (each within the meaning of the [Water Sharing Plan for the Hunter Unregulated and Alluvial Water Sources 2009](#)), or

- (b) the Manning River Tidal Pool Water Source (within the meaning of the *Water Sharing Plan for the Lower North Coast Unregulated and Alluvial Water Sources 2009*).

29ZE Temporary exemption from requirements for certain access licences and approvals

- (1) All persons are exempt from:
- (a) sections 60A (1) and (2), 60C (1)-(4) and 60D of the Act in relation to the taking of tidal pool water, and
 - (b) section 91A (1) of the Act in relation to the use of tidal pool water, and
 - (c) section 91B (1) of the Act in relation to:
 - (i) the use of any water supply work by which tidal pool water is taken (being a water supply work constructed before 1 August 2009), and
 - (ii) the maintenance and repair of any such work,for the period between 1 August 2009 and 31 July 2010 (inclusive).
- (2) Subclause (1) ceases to apply to a person in relation to land when the person is given notice under clause 29ZF of the terms and conditions of the person's replacement access licence for the land.
- (3) The Minister may in a particular case by notice in writing to a landholder of eligible land extend the period of the exemption conferred by subclause (1) in its application to the landholder if the Minister is satisfied that the extension is necessary to enable the Minister to establish the landholder's confirmed history of water usage.

29ZF Replacement access licences arising from confirmed history of water usage

- (1) A landholder of eligible land in respect of which there is a confirmed history of water usage is taken to hold an access licence (a **replacement access licence**), and such an access licence is taken to have arisen, on the following terms and conditions:
- (a) terms identifying:
 - (i) the category or subcategory of the licence, as determined by clause 29ZG, and
 - (ii) the share component of the licence, as determined by clause 29ZH or 29ZI, as the case requires, and
 - (b) the mandatory conditions referable to an access licence of the category or subcategory referred to in paragraph (a) (i).
- (2) A replacement access licence does not operate (and has no force or effect) until the Minister notifies the licence holder in writing of the terms and conditions of the licence referred to in subclause (1).

- (3) For the purpose of establishing the confirmed history of water usage for any eligible land, the Minister may require the landholder to furnish information relevant to that purpose.
- (4) The Minister is not required to issue a notice under subclause (2) if he or she is not satisfied that a confirmed history of water usage for eligible land has been established, whether because the landholder has failed to comply with a requirement under subclause (3) or otherwise.
- (5) This Subdivision does not operate:
 - (a) to create a domestic and stock access licence (or an access licence of a subcategory of a domestic and stock access licence) in relation to land if:
 - (i) the land has frontage to a tidal pool water source, or
 - (ii) the share component of the licence, as determined by clause 29ZH, would be zero or negative, or
 - (b) to create an unregulated river access licence (or an access licence of a subcategory of an unregulated river access licence) if the share component of the licence, as determined by clause 29ZI, would be zero or negative.

Note—

Because it is an access licence, a replacement access licence can be suspended, cancelled or compulsorily acquired under Division 6 of Part 2 of Chapter 3 of the Act, and discretionary conditions can be imposed under section 66. The licence holder will need to apply for any necessary water use approvals and water supply work approvals if he or she intends to take or use water under the authority of a replacement access licence.

29ZG Categories of replacement access licence

A replacement access licence is to be:

- (a) to the extent to which the confirmed history of water usage for the land indicates that tidal pool water has been used for domestic consumption or stock watering:
 - (i) if the water has been used for both domestic consumption and stock watering, a domestic and stock access licence, or
 - (ii) if the water has been used for domestic consumption only, a domestic and stock [domestic] access licence, or
 - (iii) if the water has been used for stock watering only, a domestic and stock [stock] access licence, and
- (b) to the extent to which the confirmed history of water usage for the land indicates that tidal pool water has been used otherwise than for domestic consumption or stock watering:

- (i) an unregulated river access licence, or
- (ii) an access licence of any subcategory of an unregulated river access licence.

29ZH Share component for domestic and stock access licences

The share component for a replacement access licence that is a domestic and stock access licence is to be as follows:

- (a) except as provided by paragraphs (b) and (c), 4.5 megalitres,
- (b) in the case of a domestic and stock [domestic] access licence, 1 megalitre,
- (c) in the case of a domestic and stock [stock] access licence, 3.5 megalitres,

subtracting from each such volume the volume of any entitlement under the former 1912 Act that authorised the taking of tidal pool water for domestic consumption or stock watering (or both).

29ZI Share component for unregulated river access licences

- (1) The share component for a replacement access licence that is an unregulated river access licence is to be the amount (in megalitres) equivalent to the maximum average volume of tidal pool water taken annually and used on the eligible land concerned, otherwise than for domestic consumption or stock watering, between 1999 and 2009 (inclusive).
- (2) The reference in subclause (1) to the maximum average volume of water is a reference to:
 - (a) if water was taken during only one of the years between 1999 and 2009, the volume of water taken during that year, or
 - (b) if water was taken during only 2 of the years between 1999 and 2009, one half of the sum of the volumes of water taken annually during those years, or
 - (c) if water was taken during 3 or more of the years between 1999 and 2009, one third of the sum of the 3 largest volumes of water taken annually during those years,

subtracting from each such volume the volume of any entitlement under the former 1912 Act that authorised the taking of tidal pool water, other than an entitlement that authorised the taking of tidal pool water for domestic consumption or stock watering (or both).

- (3) To the extent to which the confirmed history of water usage for the land indicates that tidal pool water has been used for purposes other than:
 - (a) irrigation, or

(b) domestic consumption, or

(c) stock watering,

the volume of water taken in any year is to be calculated (in megalitres) on the basis of that history.

(4) To the extent to which the confirmed history of water usage for the land indicates that tidal pool water has been used for the purposes of irrigation, the volume of water taken in any year for those purposes is to be calculated (in megalitres):

(a) in the case of water taken from the Wallis Creek Tidal Pool Water Source, the Paterson River Tidal Pool Water Source or the Hunter River Tidal Pool Water Source:

- (i) if the confirmed history of water usage for the land indicates which crops specified in Table 1 were grown under irrigation on which parts of the land during that year, as the sum of the amounts obtained by multiplying the number of hectares of land on which each such crop was grown (as indicated by the confirmed history of water usage) by the factor specified in that Table in relation to that crop, or
- (ii) in any other case, as the amount obtained by multiplying the number of hectares of the land on which crops specified in Table 1 were grown under irrigation during that year (as indicated by the confirmed history of water usage for the land) by the smallest factor specified in that Table in relation to those crops, and

(b) in the case of water taken from the Manning River Tidal Pool Water Source:

- (i) if the confirmed history of water usage for the land indicates which crops specified in Table 2 were grown under irrigation on which parts of the land during that year, as the sum of the amounts obtained by multiplying the number of hectares of land on which each such crop was grown (as indicated by the confirmed history of water usage) by the factor specified in that Table in relation to that crop, or
- (ii) in any other case, as the amount obtained by multiplying the number of hectares of the land on which crops specified in Table 2 were grown under irrigation during that year (as indicated by the confirmed history of water usage for the land) by the smallest factor specified in that Table in relation to those crops.

(5) Where more than one crop has been grown on the same land in the same year, the land may not be counted more than once for the purposes of subclause (4), but the higher or highest of the factors relevant to those crops is to be used.

- (6) For the purposes of this clause, a reference to a crop specified in Table 1 or 2 includes a reference to any other crop that the Minister determines to be an equivalent to that crop.

Table 1 Wallis Creek, Paterson River and Hunter River

Crop under irrigation	Factor
Winter cereal	3
Summer cereal	4
Citrus	6
Vines	3
Summer oilseeds	4
Perennial pasture (dairy)	7
Perennial pasture (non-dairy)	5
Annual pasture	3.5
Lucerne	6
Vegetables	8
Orchards (not citrus)	8
Nuts	8
Pulses	5
Olives	5
Turf	11

Table 2 Manning River

Crop under irrigation	Factor
Winter cereal	2.5
Summer cereal	3
Citrus	5
Summer oilseeds	3
Perennial pasture (dairy)	7
Perennial pasture (non-dairy)	5
Annual pasture	3

Lucerne	5
Vegetables	6.5
Orchards (not citrus)	6.5
Nuts	6.5
Pulses	4
Cut flowers	5
Nurseries	20
Turf	11

Example 1—

Suppose, in respect of any year, 30 hectares of a landholding were under irrigation, of which 10 hectares were used for growing lucerne, 10 hectares were used for annual pasture and 10 hectares were used for vegetables (as indicated by the confirmed history of water usage for the land). The factors for these crops (using Table 1) are 6 (for lucerne), 3.5 (for annual pasture) and 8 (for vegetables). The volume of water calculated for that year for the land would therefore be 175 megalitres (that is, 10 times 6, plus 10 times 3.5, plus 10 times 8: see subclause (4) (a) (i)).

Example 2—

Suppose, in respect of any year, 30 hectares of a landholding were under irrigation, of which some were used for growing lucerne, some were used for annual pasture and some were used for vegetables (the specific areas not indicated by the confirmed history of water usage for the land). The factors for these crops (using Table 1) are 6 (for lucerne), 3.5 (for annual pasture) and 8 (for vegetables). The volume of water calculated for that year for the land would therefore be 105 megalitres (that is, 30 times 3.5: see subclause (4) (a) (ii)).

Example 3—

Suppose, in respect of any year, 30 hectares of a landholding were under irrigation, of which all 30 were used for growing summer cereals (in summer) and all 30 were used for growing winter cereals (in winter). The factors for these crops (using Table 1) are 4 (for summer cereals) and 3 (for winter cereals). The volume of water calculated for that year for the land would therefore be 120 megalitres (that is, 30 times 4: see subclauses (4) (a) (i) and (5)).

29ZJ Conversion of share components of access licence

Clause 7 of Schedule 10 to the Act applies to and in respect of a replacement access licence in the same way as it applies to and in respect of an access licence arising under that Schedule.

Note—

This clause enables the share component of an access licence under this Subdivision to be converted from a specified quantity of water to any other manner (such as a unit share) in which a share component may be expressed under section 56 of the Act.

Subdivision 3 General

29ZK Registration of security interests in replacement access licences

- (1) Pursuant to clause 1 of Schedule 9 to the Act, clause 19 of Schedule 10 to the Act is to be construed as if the reference in clause 19 (5) to the commencement of Part 2 of Schedule 10 to the Act were a reference to 1 August 2009.
- (2) Pursuant to clause 1 of Schedule 9 to the Act, the following subclauses are taken to be inserted after clause 19 (10) of Schedule 10:

(10A) Subclause (10B) applies only to an access licence arising from an entitlement with respect to land in respect of which an interest was, immediately before 1 August 2009, registered under the *Real Property Act 1900* or under the *Corporations Act 2001* of the Commonwealth.

(10B) No dealing that requires the consent of the holder of a security interest may be registered in relation to an access licence until the expiry of the prescribed period unless, before the expiry of that period, the holder of the interest:

(a) has lodged with the Director-General a notice of the kind referred to in subclause (5) (d), or

(b) has notified the Director-General that the holder does not propose to seek registration of the interest in the Access Register.

29ZL Entitlements held by 2 or more co-holders

Pursuant to clause 1 of Schedule 9 to the Act, clause 23 of Schedule 10 to the Act is taken to have been replaced by the following clause:

23 Entitlements held by 2 or more co-holders

Two or more co-holders of a replacement access licence are taken to hold the access licence:

(a) if the Minister has a record of the shares in which the former entitlement was held immediately before the appointed day, in the same shares as the former entitlement was so held, or

(b) if the Minister has no such record, but within 2 months after sending a written request to the co-holders seeking information as to their shareholding the Director-General receives:

(i) a notice, signed by or on behalf of each of them, by which they agree as to the shares in which they hold the access licence, or

(ii) a notice, signed by any one of them, to the effect that legal proceedings have been commenced for the purpose of obtaining a declaration as to the

shares in which they hold the access licence,

in the agreed shares referred to in the notice under subparagraph (i), or in the shares determined pursuant to the legal proceedings referred to in the notice under subparagraph (ii), as the case may be, or

- (c) in any other case, as tenants in common with the entitlements conferred by the licence under section 56 apportioned equally between them.

Division 12 Replacement access licences for entitlements for the Peel Valley Regulated, Unregulated, Alluvium and Fractured Rock Water Sources (1 July 2010)

29ZM Application of Division

- (1) This Division applies to and in respect of each entitlement with respect to the water sources to which the *Water Sharing Plan for the Peel Valley Regulated, Unregulated, Alluvium and Fractured Rock Water Sources 2010* applies and to and in respect of each access licence arising from any such entitlement.
- (2) A reference in this Division to an entitlement listed in Schedule 4E to this Regulation includes a reference to an entitlement that is issued before 1 July 2010 under section 117J of the former 1912 Act or clause 24 of the *Water (Part 2—General) Regulation 1997* as a result of a transfer of water allocation or water rights and that arises from an entitlement listed in Schedule 4E.

29ZN Aquifer (general security) access licences

- (1) Pursuant to clause 1 of Schedule 9 to the Act, the following subclause is taken to be inserted after clause 4 (4) of Schedule 10 to the Act:
 - (5) This clause does not apply to an entitlement listed in Schedule 4E to the *Water Management (General) Regulation 2004*.
- (2) Pursuant to clause 1 of Schedule 9 to the Act, the following clause is taken to be inserted after clause 4 of Schedule 10 to the Act:

4A Aquifer (general security) access licences

A Part 2 or Part 5 entitlement listed in Schedule 4E to the *Water Management (General) Regulation 2004* is taken to have been replaced by an aquifer (general security) access licence.

- (3) Pursuant to clause 1 of Schedule 9 to the Act, the following subclause is taken to be inserted after clause 5 (4) of Schedule 10 to the Act:

(5) Subclause (1) does not apply to an entitlement listed in Schedule 4E to the *Water Management (General) Regulation 2004*.

29ZO Registration of security interests in replacement access licences

- (1) Pursuant to clause 1 of Schedule 9 to the Act, clause 19 of Schedule 10 to the Act is to be construed as if the reference in clause 19 (5) to the commencement of Part 2 of Schedule 10 to the Act were a reference to 1 July 2010.
- (2) Pursuant to clause 1 of Schedule 9 to the Act, the following subclauses are taken to be inserted after clause 19 (10):

(10A) Subclause (10B) applies only to an access licence arising from an entitlement with respect to land in respect of which an interest was, immediately before 1 July 2008, registered under the *Real Property Act 1900* or under the *Corporations Act 2001* of the Commonwealth.

(10B) No dealing that requires the consent of the holder of a security interest may be registered in relation to an access licence until the expiry of the prescribed period unless, before the expiry of that period, the holder of the interest:

- (a) has lodged with the Director-General a notice of the kind referred to in subclause (5) (d), or
- (b) has notified the Director-General that the holder does not propose to seek registration of the interest in the Access Register.

29ZP Entitlements held by 2 or more co-holders

Pursuant to clause 1 of Schedule 9 of the Act, clause 23 of Schedule 10 to the Act is taken to have been replaced by the following clause:

23 Entitlements held by 2 or more co-holders

Two or more co-holders of a replacement access licence are taken to hold the access licence:

- (a) if the Minister has a record of the shares in which the former entitlement was held immediately before the appointed day, in the same shares as the former entitlement was so held, or
- (b) if the Minister has no such record, but within 2 months after sending a written request to the co-holders seeking information as to their shareholding the Director-General receives:

- (i) a notice, signed by or on behalf of each of them, by which they agree as to the shares in which they hold the access licence, or
- (ii) a notice, signed by any one of them, to the effect that legal proceedings have been commenced for the purpose of obtaining a declaration as to the shares in which they hold the access licence,

in the agreed shares referred to in the notice under subparagraph (i), or in the shares determined pursuant to the legal proceedings referred to in the notice under subparagraph (ii), as the case may be, or

- (c) in any other case, as tenants in common with the entitlements conferred by the licence under section 56 apportioned equally between them.

Division 13 Replacement access licences for entitlements for certain Murrah-Wallaga, Richmond, Towamba and Tweed River Water Sources (17 December 2010)

Subdivision 1 Preliminary

29ZQ Definitions

In this Division:

Bermagui River Water Source means the water source of that name identified in the [Water Sharing Plan for the Murrah-Wallaga Area Unregulated and Alluvial Water Sources 2010](#).

confirmed history of water usage, in relation to eligible land, means information that indicates the volume of tidal pool water that has been used on the land, and the purposes for which that water has been used, at any time between 17 December 2000 and 17 December 2010, established to the satisfaction of the Minister.

Coraki Area Water Source means the water source of that name identified in the [Water Sharing Plan for the Richmond River Area Unregulated, Regulated and Alluvial Water Sources 2010](#).

eligible land means any land on which the landholder of the land has used tidal pool water at any time between 17 December 2000 and 17 December 2010.

Merimbula Lake Tributaries Water Source means the water source of that name identified in the [Water Sharing Plan for the Towamba River Unregulated and Alluvial Water Sources 2010](#).

Pambula Lake Tributaries Water Source means the water source of that name identified in the [Water Sharing Plan for the Towamba River Unregulated and Alluvial Water Sources 2010](#).

replacement access licence means an access licence that is taken to have arisen under this Subdivision.

tidal pool water means water taken from a tidal pool water source.

tidal pool water source means:

- (a) the Bermagui River Water Source, or
- (b) the Coraki Area Water Source, or
- (c) the Merimbula Lake Tributaries Water Source, or
- (d) the Pambula Lake Tributaries Water Source, or
- (e) the Towamba Estuary Tributaries Water Source, or
- (f) the Tweed Estuary Water Source, or
- (g) the Wapengo Lagoon Tributaries Water Source, or
- (h) the Wyrallah Area Water Source.

Towamba Estuary Tributaries Water Source means the water source of that name identified in the [Water Sharing Plan for the Towamba River Unregulated and Alluvial Water Sources 2010](#).

Tweed Estuary Water Source means the water source of that name identified in the [Tweed River Area Unregulated and Alluvial Water Sources 2010](#).

Wapengo Lagoon Tributaries Water Source means the water source of that name identified in the [Water Sharing Plan for the Murrah-Wallaga Area Unregulated and Alluvial Water Sources 2010](#).

Wyrallah Area Water Source means the water source of that name identified in the [Water Sharing Plan for the Richmond River Area Unregulated, Regulated and Alluvial Water Sources 2010](#).

Subdivision 2 Access licences for tidal pool water sources

29ZR Temporary exemption from requirements for certain access licences and approvals

- (1) All persons are exempt from:
 - (a) sections 60A (1) and (2), 60C (1)–(4) and 60D of the Act in relation to the taking of tidal pool water, and
 - (b) section 91A (1) of the Act in relation to the use of tidal pool water, and
 - (c) section 91B (1) of the Act in relation to:

(i) the use of any water supply work by which tidal pool water is taken (being a water supply work constructed before 17 December 2010), and

(ii) the maintenance and repair of any such work,

for the period between 17 December 2010 and 17 December 2012 (inclusive).

(2) Subclause (1) ceases to apply to a person in relation to land when the person is given notice under clause 29ZS of the terms and conditions of the person's replacement access licence for the land.

(3) The Minister may in a particular case by notice in writing to a landholder of eligible land extend the period of the exemption conferred by subclause (1) in its application to the landholder if the Minister is satisfied that the extension is necessary to enable the Minister to establish the landholder's confirmed history of water usage.

29ZS Replacement access licences arising from confirmed history of water usage

(1) A landholder of eligible land in respect of which there is a confirmed history of water usage is taken to hold an access licence (a **replacement access licence**), and such an access licence is taken to have arisen, on the following terms and conditions:

(a) terms identifying:

(i) the category or subcategory of the licence, as determined by clause 29ZT, and

(ii) the share component of the licence, as determined by clause 29ZU or 29ZV, as the case requires, and

(b) the mandatory conditions referable to an access licence of the category or subcategory referred to in paragraph (a) (i).

(2) A replacement access licence does not operate (and has no force or effect) until the Minister notifies the licence holder in writing of the terms and conditions of the licence referred to in subclause (1).

(3) For the purpose of establishing the confirmed history of water usage for any eligible land, the Minister may require the landholder to furnish information relevant to that purpose.

(4) The Minister is not required to issue a notice under subclause (2) if he or she is not satisfied that a confirmed history of water usage for eligible land has been established, whether because the landholder has failed to comply with a requirement under subclause (3) or otherwise.

(5) This Subdivision does not operate:

(a) to create a domestic and stock access licence (or an access licence of a subcategory of a domestic and stock access licence) in relation to land if:

- (i) the land has frontage to a tidal pool water source, or
 - (ii) the share component of the licence, as determined by clause 29ZU, would be zero or negative, or
- (b) to create an unregulated river access licence (or an access licence of a subcategory of an unregulated river access licence) if the share component of the licence, as determined by clause 29ZV, would be zero or negative.

Note—

Because it is an access licence, a replacement access licence can be suspended, cancelled or compulsorily acquired under Division 6 of Part 2 of Chapter 3 of the Act, and discretionary conditions can be imposed under section 66. The licence holder will need to apply for any necessary water use approvals and water supply work approvals if he or she intends to take or use water under the authority of a replacement access licence.

29ZT Categories of replacement access licence

A replacement access licence is to be:

- (a) to the extent to which the confirmed history of water usage for the land indicates that tidal pool water has been used for domestic consumption or stock watering:
 - (i) if the water has been used for both domestic consumption and stock watering, a domestic and stock access licence, or
 - (ii) if the water has been used for domestic consumption only, a domestic and stock [domestic] access licence, or
 - (iii) if the water has been used for stock watering only, a domestic and stock [stock] access licence, and
- (b) to the extent to which the confirmed history of water usage for the land indicates that tidal pool water has been used otherwise than for domestic consumption or stock watering:
 - (i) an unregulated river access licence, or
 - (ii) an access licence of any subcategory of an unregulated river access licence.

29ZU Share component for domestic and stock access licences

- (1) In relation to an entitlement or access licence in respect of the Tweed Estuary Water Source, the Wyrallah Area Water Source or the Coraki Area Water Source, the share component for a replacement access licence that is a domestic and stock access licence is to be as follows:
- (a) except as provided by paragraphs (b) and (c), 4 megalitres,
 - (b) in the case of a domestic and stock [domestic] access licence, 1 megalitre,

(c) in the case of a domestic and stock [stock] access licence, 3 megalitres,

subtracting from each such volume the volume of any entitlement under the former 1912 Act that authorised the taking of tidal pool water for domestic consumption or stock watering (or both).

(2) In relation to an entitlement or access licence in respect of the Merimbula Lake Tributaries Water Source, Pambula Lake Tributaries Water Source, Towamba Estuary Tributaries Water Source, the Bermagui River Water Source or the Wapengo Lagoon Tributaries Water Source, the share component for a replacement access licence that is a domestic and stock access licence is to be as follows:

(a) except as provided by paragraphs (b) and (c), 5.5 megalitres,

(b) in the case of a domestic and stock [domestic] access licence, 1 megalitre,

(c) in the case of a domestic and stock [stock] access licence, 4.5 megalitres,

subtracting from each such volume the volume of any entitlement under the former 1912 Act that authorised the taking of tidal pool water for domestic consumption or stock watering (or both).

29ZV Share component for unregulated river access licences

(1) The share component for a replacement access licence that is an unregulated river access licence is to be the amount (in megalitres) equivalent to the maximum average volume of tidal pool water taken annually and used on the eligible land concerned, otherwise than for domestic consumption or stock watering, between 2000 and 2010 (inclusive).

(2) The reference in subclause (1) to the maximum average volume of water is a reference to:

(a) if water was taken during only one of the years between 2000 and 2010, the volume of water taken during that year, or

(b) if water was taken during only 2 of the years between 2000 and 2010, one half of the sum of the volumes of water taken annually during those years, or

(c) if water was taken during 3 or more of the years between 2000 and 2010, one third of the sum of the 3 largest volumes of water taken annually during those years,

subtracting from each such volume the volume of any entitlement under the former 1912 Act that authorised the taking of tidal pool water, other than an entitlement that authorised the taking of tidal pool water for domestic consumption or stock watering (or both).

- (3) To the extent to which the confirmed history of water usage for the land indicates that tidal pool water has been used for purposes other than:
- (a) irrigation, or
 - (b) domestic consumption, or
 - (c) stock watering,
- the volume of water taken in any year is to be calculated (in megalitres) on the basis of that history.
- (4) To the extent to which the confirmed history of water usage for the land indicates that tidal pool water has been used for the purposes of irrigation, the volume of water taken in any year for those purposes is to be calculated (in megalitres):
- (a) in the case of water taken from the Tweed Estuary Water Source, the Wyrallah Area Water Source or the Coraki Area Water Source:
 - (i) if the confirmed history of water usage for the land indicates which crops specified in Table 1 to this clause were grown under irrigation on which parts of the land during that year, as the sum of the amounts obtained by multiplying the number of hectares of land on which each such crop was grown (as indicated by the confirmed history of water usage) by the factor specified in that Table in relation to that crop, or
 - (ii) in any other case, as the amount obtained by multiplying the number of hectares of the land on which crops specified in Table 1 to this clause were grown under irrigation during that year (as indicated by the confirmed history of water usage for the land) by the smallest factor specified in that Table in relation to those crops, and
 - (b) in the case of water taken from the Merimbula Lake Tributaries Water Source, the Pambula Lake Tributaries Water Source, the Towamba Estuary Tributaries Water Source, the Bermagui River Water Source or the Wapengo Lagoon Tributaries Water Source:
 - (i) if the confirmed history of water usage for the land indicates which crops specified in Table 2 were grown under irrigation on which parts of the land during that year, as the sum of the amounts obtained by multiplying the number of hectares of land on which each such crop was grown (as indicated by the confirmed history of water usage) by the factor specified in that Table in relation to that crop, or
 - (ii) in any other case, as the amount obtained by multiplying the number of hectares of the land on which crops specified in Table 2 were grown under irrigation during that year (as indicated by the confirmed history of water

usage for the land) by the smallest factor specified in that Table in relation to those crops.

- (5) Where more than one crop has been grown on the same land in the same year, the land may not be counted more than once for the purposes of subclause (4), but the higher or highest of the factors relevant to those crops is to be used.
- (6) For the purposes of this clause, a reference to a crop specified in Table 1 or 2 to this clause includes a reference to any other crop that the Minister determines to be an equivalent to that crop.

Table 1 Tweed Estuary Water Source, Wyrallah Area Water Source and Coraki Area Water Source

Crop under irrigation	Factor
Winter cereal	2.5
Summer cereal	2
Citrus	3.5
Vines	1.5
Winter oilseeds	3.5
Summer oilseeds	2
Perennial pasture (dairy)	6.5
Perennial pasture (non-dairy)	4.5
Annual pasture	3
Lucerne	4.5
Vegetables	6
Orchards	5.5
Nuts	5.5
Pulses	4
Olives	4
Sugar cane	8
Coffee	6.5
Tea tree	7
Bananas	6.5
Cut flowers	4.5

Turf	10
Inactive areas	1.5

Table 2 Merimbula Lake Tributaries Water Source, Pambula Lake Tributaries Water Source, Towamba Estuary Tributaries Water Source, Bermagui River Water Source or Wapengo Lagoon Tributaries Water Source

Crop under irrigation	Factor
Winter cereal	1
Summer cereal	2.5
Citrus	3.5
Vines	1.5
Summer oilseeds	3
Perennial pasture (dairy)	6.5
Perennial pasture (non-dairy)	4.5
Annual pasture	1.5
Lucerne	5
Vegetables	4.5
Orchards	5.5
Nuts	5.5
Pulses	2.5
Olives	3
Turf	8.5
Cut flowers	4.5
Inactive area	1

Example 1—

Suppose, in respect of any year, 30 hectares of a landholding were under irrigation, of which 10 hectares were used for growing lucerne, 10 hectares were used for annual pasture and 10 hectares were used for vegetables (as indicated by the confirmed history of water usage for the land). The factors for these crops (using Table 1) are 4.5 (for lucerne), 3 (for annual pasture) and 6 (for vegetables). The volume of water calculated for that year for the land would therefore be 135 megalitres (that is, 10 times 4.5, plus 10 times 3, plus 10 times 6: see subclause (4) (a) (i)).

Example 2—

Suppose, in respect of any year, 30 hectares of a landholding were under irrigation, of which some were used for

growing lucerne, some were used for annual pasture and some were used for vegetables (the specific areas not indicated by the confirmed history of water usage for the land). The factors for these crops (using Table 1) are 4.5 (for lucerne), 3 (for annual pasture) and 6 (for vegetables). The volume of water calculated for that year for the land would therefore be 90 megalitres (that is, 30 times 3: see subclause (4) (a) (ii)).

Example 3—

Suppose, in respect of any year, 30 hectares of a landholding were under irrigation, of which all 30 were used for growing summer cereals (in summer) and all 30 were used for growing winter cereals (in winter). The factors for these crops (using Table 1) are 2 (for summer cereals) and 2.5 (for winter cereals). The volume of water calculated for that year for the land would therefore be 75 megalitres (that is, 30 times 2.5: see subclauses (4) (a) (i) and (5)).

29ZW Conversion of share components of access licence

Clause 7 of Schedule 10 to the Act applies to and in respect of a replacement access licence in the same way as it applies to and in respect of an access licence arising under that Schedule.

Note—

This clause enables the share component of an access licence under this Subdivision to be converted from a specified quantity of water to any other manner (such as a unit share) in which a share component may be expressed under section 56 of the Act.

Subdivision 3 Security interests

29ZX Application of Subdivision

This Subdivision applies to and in respect of each entitlement with respect to:

- (a) the Bermagui River Water Source, or
- (b) the Coraki Area Water Source, or
- (c) the Merimbula Lake Tributaries Water Source, or
- (d) the Pambula Lake Tributaries Water Source, or
- (e) the Towamba Estuary Tributaries Water Source, or
- (f) the Tweed Estuary Water Source, or
- (g) the Wapengo Lagoon Tributaries Water Source, or
- (h) the Wyrallah Area Water Source,

and to and in respect of each access licence arising from any such entitlement.

29ZY Registration of security interests in replacement access licences

- (1) Pursuant to clause 1 of Schedule 9 to the Act, clause 19 of Schedule 10 to the Act is to be construed as if the reference in clause 19 (5) to the commencement of Part 2 of

Schedule 10 to the Act were a reference to 17 December 2010.

(2) Pursuant to clause 1 of Schedule 9 to the Act, the following subclauses are taken to be inserted after clause 19 (10) of Schedule 10 to the Act:

(10A) Subclause (10B) applies only to an access licence arising from an entitlement with respect to land in respect of which an interest was, immediately before 17 December 2010, registered under the *Real Property Act 1900* or under the *Corporations Act 2001* of the Commonwealth.

(10B) No dealing that requires the consent of the holder of a security interest may be registered in relation to an access licence until the expiry of the prescribed period unless, before the expiry of that period, the holder of the interest:

(a) has lodged with the Director-General a notice of the kind referred to in subclause (5) (d), or

(b) has notified the Director-General that the holder does not propose to seek registration of the interest in the Access Register.

29ZZ Entitlements held by 2 or more co-holders

Pursuant to clause 1 of Schedule 9 of the Act, clause 23 of Schedule 10 to the Act is taken to have been replaced by the following clause:

23 Entitlements held by 2 or more co-holders

Two or more co-holders of a replacement access licence are taken to hold the access licence:

(a) if the Minister has a record of the shares in which the former entitlement was held immediately before the appointed day, in the same shares as the former entitlement was so held, or

(b) if the Minister has no such record, but within 2 months after sending a written request to the co-holders seeking information as to their shareholding the Director-General receives:

(i) a notice, signed by or on behalf of each of them, by which they agree as to the shares in which they hold the access licence, or

(ii) a notice, signed by any one of them, to the effect that legal proceedings have been commenced for the purpose of obtaining a declaration as to the shares in which they hold the access licence,

in the agreed shares referred to in the notice under subparagraph (i), or in the shares determined pursuant to the legal proceedings referred to in the notice

under subparagraph (ii), as the case may be, or

- (c) in any other case, as tenants in common with the entitlements conferred by the licence under section 56 apportioned equally between them.

Division 14 Replacement access licences for entitlements for certain Bega and Brogo Water Sources (1 April 2011)

Subdivision 1 Preliminary

29ZZA Definitions

In this Division:

Bega River Estuary and Tributaries Water Source means the water source of that name identified in the [Water Sharing Plan for the Bega and Brogo Rivers Area Regulated, Unregulated and Alluvial Water Sources 2011](#).

confirmed history of water usage, in relation to eligible land, means information that indicates the volume of tidal pool water that has been used on the land, and the purposes for which that water has been used, at any time between 1 April 2001 and 1 April 2011, established to the satisfaction of the Minister.

eligible land means any land on which the landholder of the land has used tidal pool water at any time between 1 April 2001 and 1 April 2011.

replacement access licence means an access licence that is taken to have arisen under this Subdivision.

tidal pool water means water taken from a tidal pool water source.

tidal pool water source means the Bega River Estuary and Tributaries Water Source.

29ZZB Application of Division

- (1) This Division applies to and in respect of each entitlement with respect to the water sources to which the [Water Sharing Plan for the Bega and Brogo Rivers Area Regulated, Unregulated and Alluvial Water Sources 2011](#) applies and to and in respect of each access licence arising from any such entitlement.
- (2) A reference in this Division to an entitlement listed in Part 2 of Schedule 4F to this Regulation includes a reference to an entitlement that is issued before 1 April 2011 under section 117J of the former 1912 Act or clause 24 of the [Water \(Part 2—General\) Regulation 1997](#) as a result of a transfer of water allocation or water rights and that arises from an entitlement listed in Part 2 of Schedule 4F.

Subdivision 2 Access licences for tidal pool water sources

29ZZC Temporary exemption from requirements for certain access licences and approvals

- (1) All persons are exempt from:
 - (a) sections 60A (1) and (2), 60C (1)-(4) and 60D of the Act in relation to the taking of tidal pool water, and
 - (b) section 91A (1) of the Act in relation to the use of tidal pool water, and
 - (c) section 91B (1) of the Act in relation to:
 - (i) the use of any water supply work by which tidal pool water is taken (being a water supply work constructed before 1 April 2011), and
 - (ii) the maintenance and repair of any such work,for the period between 1 April 2011 and 1 April 2013 (inclusive).
- (2) Subclause (1) ceases to apply to a person in relation to land when the person is given notice under clause 29ZZD of the terms and conditions of the person's replacement access licence for the land.
- (3) The Minister may in a particular case by notice in writing to a landholder of eligible land extend the period of an exemption conferred by subclause (1) in its application to the landholder if the Minister is satisfied that the extension is necessary to enable the Minister to establish the landholder's confirmed history of water usage.

29ZZD Replacement access licences arising from confirmed history of water usage

- (1) A landholder of eligible land in respect of which there is a confirmed history of water usage is taken to hold an access licence (a **replacement access licence**), and such an access licence is taken to have arisen, on the following terms and conditions:
 - (a) terms identifying:
 - (i) the category or subcategory of the licence, as determined by clause 29ZZE, and
 - (ii) the share component of the licence, as determined by clause 29ZZF or 29ZZG, as the case requires, and
 - (b) the mandatory conditions referable to an access licence of the category or subcategory referred to in paragraph (a) (i).
- (2) A replacement access licence does not operate (and has no force or effect) until the Minister notifies the licence holder in writing of the terms and conditions of the licence referred to in subclause (1).
- (3) For the purpose of establishing the confirmed history of water usage for any eligible land, the Minister may require the landholder to furnish information relevant to that

purpose.

- (4) The Minister is not required to issue a notice under subclause (2) if he or she is not satisfied that a confirmed history of water usage for eligible land has been established, whether because the landholder has failed to comply with a requirement under subclause (3) or otherwise.
- (5) This Subdivision does not operate:
 - (a) to create a domestic and stock access licence (or an access licence of a subcategory of a domestic and stock access licence) in relation to land if:
 - (i) the land has frontage to a tidal pool water source, or
 - (ii) the share component of the licence, as determined by clause 29ZZF, would be zero or negative, or
 - (b) to create an unregulated river access licence (or an access licence of a subcategory of an unregulated river access licence) if the share component of the licence, as determined by clause 29ZZG, would be zero or negative.

Note—

Because it is an access licence, a replacement access licence can be suspended, cancelled or compulsorily acquired under Division 6 of Part 2 of Chapter 3 of the Act, and discretionary conditions can be imposed under section 66. The licence holder will need to apply for any necessary water use approvals and water supply work approvals if he or she intends to take or use water under the authority of a replacement access licence.

29ZZE Categories of replacement access licence

A replacement access licence is to be:

- (a) to the extent to which the confirmed history of water usage for the land indicates that tidal pool water has been used for domestic consumption or stock watering:
 - (i) if the water has been used for both domestic consumption and stock watering, a domestic and stock access licence, or
 - (ii) if the water has been used for domestic consumption only, a domestic and stock [domestic] access licence, or
 - (iii) if the water has been used for stock watering only, a domestic and stock [stock] access licence, and
- (b) to the extent to which the confirmed history of water usage for the land indicates that tidal pool water has been used otherwise than for domestic consumption or stock watering:
 - (i) an unregulated river access licence, or
 - (ii) an access licence of any subcategory of an unregulated river access licence.

29ZZF Share component for domestic and stock access licences

The share component for a replacement access licence that is a domestic and stock access licence is to be as follows:

- (a) except as provided by paragraphs (b) and (c), 5.5 megalitres,
- (b) in the case of a domestic and stock [domestic] access licence, 1 megalitre,
- (c) in the case of a domestic and stock [stock] access licence, 4.5 megalitres,

subtracting from each such volume the volume of any entitlement under the former 1912 Act that authorised the taking of tidal pool water for domestic consumption or stock watering (or both).

29ZZG Share component for unregulated river access licences

- (1) The share component for a replacement access licence that is an unregulated river access licence is to be the amount (in megalitres) equivalent to the maximum average volume of tidal pool water taken annually and used on the eligible land concerned, otherwise than for domestic consumption or stock watering, between 2001 and 2011 (inclusive).
- (2) The reference in subclause (1) to the maximum average volume of water is a reference to:
 - (a) if water was taken during only one of the years between 2001 and 2011, the volume of water taken during that year, or
 - (b) if water was taken during only 2 of the years between 2001 and 2011, one half of the sum of the volumes of water taken annually during those years, or
 - (c) if water was taken during 3 or more of the years between 2001 and 2011, one third of the sum of the 3 largest volumes of water taken annually during those years,

subtracting from each such volume the volume of any entitlement under the former 1912 Act that authorised the taking of tidal pool water, other than an entitlement that authorised the taking of tidal pool water for domestic consumption or stock watering (or both).

- (3) To the extent to which the confirmed history of water usage for the land indicates that tidal pool water has been used for purposes other than:
 - (a) irrigation, or
 - (b) domestic consumption, or
 - (c) stock watering,

the volume of water taken in any year is to be calculated (in megalitres) on the basis of that history.

- (4) To the extent to which the confirmed history of water usage for the land indicates that tidal pool water has been used for the purposes of irrigation, the volume of water taken in any year for those purposes is to be calculated (in megalitres):
 - (a) if the confirmed history of water usage for the land indicates which crops specified in the Table to this clause were grown under irrigation on which parts of the land during that year, as the sum of the amounts obtained by multiplying the number of hectares of land on which each such crop was grown (as indicated by the confirmed history of water usage) by the factor specified in that Table in relation to that crop, or
 - (b) in any other case, as the amount obtained by multiplying the number of hectares of the land on which crops specified in the Table to this clause were grown under irrigation during that year (as indicated by the confirmed history of water usage for the land) by the smallest factor specified in that Table in relation to those crops.
- (5) Where more than one crop has been grown on the same land in the same year, the land may not be counted more than once for the purposes of subclause (4), but the higher or highest of the factors relevant to those crops is to be used.
- (6) For the purposes of this clause, a reference to a crop specified in the Table to this clause includes a reference to any other crop that the Minister determines to be an equivalent to that crop.

Table

Crop under irrigation	Factor
Winter cereal	1
Summer cereal	2.5
Citrus	3.5
Vines	1.5
Summer oilseeds	3
Perennial pasture (dairy)	6.5
Perennial pasture (non-dairy)	4.5
Annual pasture	1.5
Lucerne	5
Vegetables	4.5

Orchards	5.5
Nuts	5.5
Pulses	2.5
Olives	3
Turf	8.5
Cut flowers	4.5
Inactive areas	1

Example 1—

Suppose, in respect of any year, 30 hectares of a landholding were under irrigation, of which 10 hectares were used for growing lucerne, 10 hectares were used for annual pasture and 10 hectares were used for vegetables (as indicated by the confirmed history of water usage for the land). The factors for these crops (using the Table above) are 5 (for lucerne), 1.5 (for annual pasture) and 4.5 (for vegetables). The volume of water calculated for that year for the land would therefore be 110 megalitres (that is, 10 times 5, plus 10 times 1.5, plus 10 times 4.5: see subclause (4) (a)).

Example 2—

Suppose, in respect of any year, 30 hectares of a landholding were under irrigation, of which some were used for growing lucerne, some were used for annual pasture and some were used for vegetables (the specific areas not indicated by the confirmed history of water usage for the land). The factors for these crops (using the Table above) are 5 (for lucerne), 1.5 (for annual pasture) and 4.5 (for vegetables). The volume of water calculated for that year for the land would therefore be 45 megalitres (that is, 30 times 1.5: see subclause (4) (b)).

Example 3—

Suppose, in respect of any year, 30 hectares of a landholding were under irrigation, of which all 30 were used for growing summer cereals (in summer) and all 30 were used for growing winter cereals (in winter). The factors for these crops (using the Table above) are 2.5 (for summer cereals) and 1 (for winter cereals). The volume of water calculated for that year for the land would therefore be 75 megalitres (that is, 30 times 2.5: see subclauses (4) (a) and (5)).

29ZZH Conversion of share components of access licence

Clause 7 of Schedule 10 to the Act applies to and in respect of a replacement access licence in the same way as it applies to and in respect of an access licence arising under that Schedule.

Note—

This clause enables the share component of an access licence under this Subdivision to be converted from a specified quantity of water to any other manner (such as a unit share) in which a share component may be expressed under section 56 of the Act.

Subdivision 3 General

29ZZI Supplementary water access licences

On 1 April 2011, each entitlement with respect to the water sources to which the *Water Sharing Plan for the Bega and Brogo Rivers Area Unregulated, Regulated and Alluvial Water Sources 2011* applies referred to in Column 1 of Part 1 of Schedule 4F is taken to have been replaced not only by the relevant access licence referred to in Schedule 11 to the Act but also by a supplementary water access licence with a share component equivalent to the volume of water (expressed in megalitres) specified in Column 2 of Schedule 4F with respect to that entitlement.

29ZZJ Regulated river (high security) access licences

(1) Pursuant to clause 1 of Schedule 9 to the Act, the following subclause is taken to be inserted after clause 4 (4) of Schedule 10 to the Act:

(5) This clause does not apply to an entitlement listed in Schedule 4E to the *Water Management (General) Regulation 2004*.

(2) Pursuant to clause 1 of Schedule 9 to the Act, the following clause is taken to be inserted after clause 4 of Schedule 10 to the Act:

4A Regulated river (high security) access licences

A Part 2 or Part 5 entitlement listed in Part 2 of Schedule 4F to the *Water Management (General) Regulation 2004* is taken to have been replaced by a regulated river (high security) access licence.

(3) Pursuant to clause 1 of Schedule 9 to the Act, the following subclause is taken to be inserted after clause 5 (4) of Schedule 10 to the Act:

(5) Subclause (1) does not apply to an entitlement listed in Schedule 4E to the *Water Management (General) Regulation 2004*.

29ZZK Registration of security interests in replacement access licences

(1) Pursuant to clause 1 of Schedule 9 to the Act, clause 19 of Schedule 10 to the Act is to be construed as if the reference in clause 19 (5) to the commencement of Part 2 of Schedule 10 to the Act were a reference to 1 April 2011.

(2) Pursuant to clause 1 of Schedule 9 to the Act, the following subclauses are taken to be inserted after clause 19 (10) of Schedule 10 to the Act:

(10A) Subclause (10B) applies only to an access licence arising from an entitlement with respect to land in respect of which an interest was, immediately before 1

April 2011, registered under the *Real Property Act 1900* or under the *Corporations Act 2001* of the Commonwealth.

(10B) No dealing that requires the consent of the holder of a security interest may be registered in relation to an access licence until the expiry of the prescribed period unless, before the expiry of that period, the holder of the interest:

(a) has lodged with the Director-General a notice of the kind referred to in subclause (5) (d), or

(b) has notified the Director-General that the holder does not propose to seek registration of the interest in the Access Register.

29ZZL Entitlements held by 2 or more co-holders

Pursuant to clause 1 of Schedule 9 of the Act, clause 23 of Schedule 10 to the Act is taken to have been replaced by the following clause:

23 Entitlements held by 2 or more co-holders

Two or more co-holders of a replacement access licence are taken to hold the access licence:

(a) if the Minister has a record of the shares in which the former entitlement was held immediately before the appointed day, in the same shares as the former entitlement was so held, or

(b) if the Minister has no such record, but within 2 months after sending a written request to the co-holders seeking information as to their shareholding the Director-General receives:

(i) a notice, signed by or on behalf of each of them, by which they agree as to the shares in which they hold the access licence, or

(ii) a notice, signed by any one of them, to the effect that legal proceedings have been commenced for the purpose of obtaining a declaration as to the shares in which they hold the access licence,

in the agreed shares referred to in the notice under subparagraph (i), or in the shares determined pursuant to the legal proceedings referred to in the notice under subparagraph (ii), as the case may be, or

(c) in any other case, as tenants in common with the entitlements conferred by the licence under section 56 apportioned equally between them.

Division 15 Replacement access licences for entitlements for certain

Greater Metropolitan Water Sources (1 July 2011)

Subdivision 1 Preliminary

29ZZN Definitions

In this Division:

confirmed history of water usage, in relation to eligible land, means information that indicates the volume of tidal pool water that has been used on the land, and the purposes for which that water has been used, at any time between 1 July 2001 and 1 July 2011, established to the satisfaction of the Minister.

eligible land means any land on which the landholder of the land has used tidal pool water at any time between 1 July 2001 and 1 July 2011.

Hawkesbury and Lower Nepean Rivers Water Source means the water source of that name identified in the [Water Sharing Plan for the Greater Metropolitan Region Unregulated River Water Sources 2011](#).

Illawarra Rivers Water Source means the water source of that name identified in the [Water Sharing Plan for the Greater Metropolitan Region Unregulated River Water Sources 2011](#).

Northern Sydney Rivers Water Source means the water source of that name identified in the [Water Sharing Plan for the Greater Metropolitan Region Unregulated River Water Sources 2011](#).

replacement access licence means an access licence that is taken to have arisen under this Subdivision.

Shoalhaven River Water Source means the water source of that name identified in the [Water Sharing Plan for the Greater Metropolitan Region Unregulated River Water Sources 2011](#).

Southern Sydney Rivers Water Source means the water source of that name identified in the [Water Sharing Plan for the Greater Metropolitan Region Unregulated River Water Sources 2011](#).

tidal pool water means water taken from a tidal pool water source.

tidal pool water source means:

- (a) the following management zones in the Shoalhaven River Water Source:
 - (i) the Lower Shoalhaven River Catchment Management Zone,
 - (ii) the Broughton Mill Creek Management Zone,

- (iii) the Jaspers Brush Creek and Tributaries Management Zone,
 - (iv) the Bomaderry Creek Management Zone, or
- (b) the following management zones in the Illawarra Rivers Water Source:
- (i) the Minnamurra River Management Zone,
 - (ii) the Minnamurra Coastal Management Zone,
 - (iii) the Lake Illawarra Management Zone,
 - (iv) the Macquarie Rivulet Management Zone,
 - (v) the Wollongong Coastal Management Zone, or
- (c) the following management zones in the Hawkesbury and Lower Nepean Rivers Water Source:
- (i) the Colo River Management Zone,
 - (ii) the Upper Hawkesbury River (Grose River to South Creek) Management Zone,
 - (iii) the Upper Hawkesbury River (South Creek to Cattai Creek) Management Zone,
 - (iv) the Upper Hawkesbury River (Cattai Creek to Colo River) Management Zone,
 - (v) the Lower Hawkesbury River Management Zone,
 - (vi) the Macdonald River Management Zone,
 - (vii) the Lower South Creek Management Zone,
 - (viii) the Cattai Creek Management Zone,
 - (ix) the Berowra Creek and Cowan Creek Management Zone,
 - (x) the Lower South Creek Management Zone,
 - (xi) the Grose River Management Zone,
 - (xii) the Lower Nepean River Management Zone,
- (d) the following management zones in the Southern Sydney Rivers Water Source:
- (i) the Lower Woronora River Management Zone,
 - (ii) the Hacking River Management Zone,
 - (iii) the Lower Georges River and Bunburry Curran Creek Management Zone,
 - (iv) the Cabramatta Creek Management Zone,

- (v) the Prospect Creek Management Zone,
 - (vi) the Cooks River and Botany Bay Management Zone,
 - (vii) the Southern Sydney Coastal Management Zone, or
- (e) the following management zones in the Northern Sydney Rivers Water Source:
- (i) the Lower Parramatta River Management Zone,
 - (ii) the Lane Cove River Management Zone,
 - (iii) the Middle Harbour Management Zone,
 - (iv) the Northern Sydney Coastal Management Zone.

Subdivision 2 Access licences for tidal pool water sources

29ZZO Temporary exemption from requirements for certain access licences and approvals

- (1) All persons are exempt from:
- (a) sections 60A (1) and (2), 60C (1)-(4) and 60D of the Act in relation to the taking of tidal pool water, and
 - (b) section 91A (1) of the Act in relation to the use of tidal pool water, and
 - (c) section 91B (1) of the Act in relation to:
 - (i) the use of any water supply work by which tidal pool water is taken (being a water supply work constructed before 1 July 2011), and
 - (ii) the maintenance and repair of any such work,for the period between 1 July 2011 and 1 July 2013 (inclusive).
- (2) Subclause (1) ceases to apply to a person in relation to land when the person is given notice under clause 29ZZP of the terms and conditions of the person's replacement access licence for the land.
- (3) The Minister may in a particular case by notice in writing to a landholder of eligible land extend the period of an exemption conferred by subclause (1) in its application to the landholder if the Minister is satisfied that the extension is necessary to enable the Minister to establish the landholder's confirmed history of water usage.

29ZZP Replacement access licences arising from confirmed history of water usage

- (1) A landholder of eligible land in respect of which there is a confirmed history of water usage is taken to hold an access licence (a **replacement access licence**), and such an access licence is taken to have arisen, on the following terms and conditions:

- (a) terms identifying:
 - (i) the category or subcategory of the licence, as determined by clause 29ZZQ, and
 - (ii) the share component of the licence, as determined by clause 29ZZR or 29ZZS, as the case requires, and
 - (b) the mandatory conditions referable to an access licence of the category or subcategory referred to in paragraph (a) (i).
- (2) A replacement access licence does not operate (and has no force or effect) until the Minister notifies the licence holder in writing of the terms and conditions of the licence referred to in subclause (1).
- (3) For the purpose of establishing the confirmed history of water usage for any eligible land, the Minister may require the landholder to furnish information relevant to that purpose.
- (4) The Minister is not required to issue a notice under subclause (2) if he or she is not satisfied that a confirmed history of water usage for eligible land has been established, whether because the landholder has failed to comply with a requirement under subclause (3) or otherwise.
- (5) This Subdivision does not operate:
- (a) to create a domestic and stock access licence (or an access licence of a subcategory of a domestic and stock access licence) in relation to land if:
 - (i) the land has frontage to a tidal pool water source, or
 - (ii) the share component of the licence, as determined by clause 29ZZR, would be zero or negative, or
 - (b) to create an unregulated river access licence (or an access licence of a subcategory of an unregulated river access licence) if the share component of the licence, as determined by clause 29ZZS, would be zero or negative.

Note—

Because it is an access licence, a replacement access licence can be suspended, cancelled or compulsorily acquired under Division 6 of Part 2 of Chapter 3 of the Act, and discretionary conditions can be imposed under section 66. The licence holder will need to apply for any necessary water use approvals and water supply work approvals if he or she intends to take or use water under the authority of a replacement access licence.

29ZZQ Categories of replacement access licence

A replacement access licence is to be:

- (a) to the extent to which the confirmed history of water usage for the land indicates that

tidal pool water has been used for domestic consumption or stock watering:

- (i) if the water has been used for both domestic consumption and stock watering, a domestic and stock access licence, or
 - (ii) if the water has been used for domestic consumption only, a domestic and stock [domestic] access licence, or
 - (iii) if the water has been used for stock watering only, a domestic and stock [stock] access licence, and
- (b) to the extent to which the confirmed history of water usage for the land indicates that tidal pool water has been used otherwise than for domestic consumption or stock watering:
- (i) an unregulated river access licence, or
 - (ii) an access licence of any subcategory of an unregulated river access licence.

29ZZR Share component for domestic and stock access licences

- (1) In relation to an entitlement or access licence in respect of a tidal pool water source in the Hawkesbury and Lower Nepean Rivers Water Source, the Southern Sydney Rivers Water Source or the Northern Sydney Rivers Water Source, the share component for a replacement access licence that is a domestic and stock access licence is to be as follows:
- (a) except as provided by paragraphs (b) and (c), 6.5 megalitres,
 - (b) in the case of a domestic and stock [domestic] access licence, 1 megalitre,
 - (c) in the case of a domestic and stock [stock] access licence, 5.5 megalitres,
- subtracting from each such volume the volume of any entitlement under the former 1912 Act that authorised the taking of tidal pool water for domestic consumption or stock watering (or both).
- (2) In relation to an entitlement or access licence in respect of the Shoalhaven River Water Source or the Illawarra Rivers Water Source, the share component for a replacement access licence that is a domestic and stock access licence is to be as follows:
- (a) except as provided by paragraphs (b) and (c), 5.5 megalitres,
 - (b) in the case of a domestic and stock [domestic] access licence, 1 megalitre,
 - (c) in the case of a domestic and stock [stock] access licence, 4.5 megalitres,
- subtracting from each such volume the volume of any entitlement under the former

1912 Act that authorised the taking of tidal pool water for domestic consumption or stock watering (or both).

29ZZS Share component for unregulated river access licences

- (1) The share component for a replacement access licence that is an unregulated river access licence is to be the amount (in megalitres) equivalent to the maximum average volume of tidal pool water taken annually and used on the eligible land concerned, otherwise than for domestic consumption or stock watering, between 2001 and 2011 (inclusive).
- (2) The reference in subclause (1) to the maximum average volume of water is a reference to:
 - (a) if water was taken during only one of the years between 2001 and 2011, the volume of water taken during that year, or
 - (b) if water was taken during only 2 of the years between 2001 and 2011, one half of the sum of the volumes of water taken annually during those years, or
 - (c) if water was taken during 3 or more of the years between 2001 and 2011, one third of the sum of the 3 largest volumes of water taken annually during those years,

subtracting from each such volume the volume of any entitlement under the former 1912 Act that authorised the taking of tidal pool water, other than an entitlement that authorised the taking of tidal pool water for domestic consumption or stock watering (or both).

- (3) To the extent to which the confirmed history of water usage for the land indicates that tidal pool water has been used for purposes other than:
 - (a) irrigation, or
 - (b) domestic consumption, or
 - (c) stock watering,the volume of water taken in any year is to be calculated (in megalitres) on the basis of that history.
- (4) To the extent to which the confirmed history of water usage for the land indicates that tidal pool water has been used for the purposes of irrigation, the volume of water taken in any year for those purposes is to be calculated (in megalitres):
 - (a) in the case of water taken from a tidal pool water source in the Shoalhaven River Source or the Illawarra Rivers Water Source:
 - (i) if the confirmed history of water usage for the land indicates which crops

specified in Table 1 to this clause were grown under irrigation on which parts of the land during that year, as the sum of the amounts obtained by multiplying the number of hectares of land on which each such crop was grown (as indicated by the confirmed history of water usage) by the factor specified in that Table in relation to that crop, or

- (ii) in any other case, as the amount obtained by multiplying the number of hectares of the land on which crops specified in Table 1 to this clause were grown under irrigation during that year (as indicated by the confirmed history of water usage for the land) by the smallest factor specified in that Table in relation to those crops, and

- (b) in the case of water taken from a tidal pool water source in the Hawkesbury and Lower Nepean Rivers Water Source, the Southern Sydney Rivers Water Source or the Northern Sydney Rivers Water Source:

- (i) if the confirmed history of water usage for the land indicates which crops specified in Table 2 to this clause were grown under irrigation on which parts of the land during that year, as the sum of the amounts obtained by multiplying the number of hectares of land on which each such crop was grown (as indicated by the confirmed history of water usage) by the factor specified in that Table in relation to that crop, or

- (ii) in any other case, as the amount obtained by multiplying the number of hectares of the land on which crops specified in Table 2 to this clause were grown under irrigation during that year (as indicated by the confirmed history of water usage for the land) by the smallest factor specified in that Table in relation to those crops.

- (5) Where more than one crop has been grown on the same land in the same year, the land may not be counted more than once for the purposes of subclause (4), but the higher or highest of the factors relevant to those crops is to be used.

- (6) For the purposes of this clause, a reference to a crop specified in Table 1 or Table 2 to this clause includes a reference to any other crop that the Minister determines to be an equivalent to that crop.

Table 1 Shoalhaven River Water Source and Illawarra Rivers Water Source

Crop under irrigation	Factor
Winter cereal	1
Summer cereal	2.5
Citrus	3.5
Vines	1.5

Summer oilseeds	3
Perennial pasture (dairy)	6.5
Perennial pasture (non-dairy)	4.5
Annual pasture	1.5
Lucerne	5
Vegetables	4.5
Orchards	5.5
Nuts	5.5
Pulses	2.5
Olives	3
Turf	8.5
Cut flowers	4.5
Inactive areas	1

Table 2 Hawkesbury and Lower Nepean Rivers Water Source, Southern Sydney Rivers Water Source and Northern Sydney Rivers Water Source

Crop under irrigation	Factor
Winter cereal	2.5
Summer cereal	3
Citrus	6
Vines	3
Perennial pasture (dairy)	7
Perennial pasture (non-dairy)	5
Annual pasture	3
Lucerne	6
Vegetables	7.5
Orchards	6
Nuts	6
Olives	5
Turf	11

Cut flowers	5
Inactive area	2.5

Example 1—

Suppose, in respect of any year, 30 hectares of a landholding were under irrigation, of which 10 hectares were used for growing lucerne, 10 hectares were used for annual pasture and 10 hectares were used for vegetables (as indicated by the confirmed history of water usage for the land). The factors for these crops (using Table 1) are 5 (for lucerne), 1.5 (for annual pasture) and 4.5 (for vegetables). The volume of water calculated for that year for the land would therefore be 110 megalitres (that is, 10 times 5, plus 10 times 1.5, plus 10 times 4.5: see subclause (4) (a)).

Example 2—

Suppose, in respect of any year, 30 hectares of a landholding were under irrigation, of which some were used for growing lucerne, some were used for annual pasture and some were used for vegetables (the specific areas not indicated by the confirmed history of water usage for the land). The factors for these crops (using Table 1) are 5 (for lucerne), 1.5 (for annual pasture) and 4.5 (for vegetables). The volume of water calculated for that year for the land would therefore be 45 megalitres (that is, 30 times 1.5: see subclause (4) (b)).

Example 3—

Suppose, in respect of any year, 30 hectares of a landholding were under irrigation, of which all 30 were used for growing summer cereals (in summer) and all 30 were used for growing winter cereals (in winter). The factors for these crops (using Table 1) are 2.5 (for summer cereals) and 1 (for winter cereals). The volume of water calculated for that year for the land would therefore be 75 megalitres (that is, 30 times 2.5: see subclauses (4) (a) and (5)).

29ZZT Conversion of share components of access licence

Clause 7 of Schedule 10 to the Act applies to and in respect of a replacement access licence in the same way as it applies to and in respect of an access licence arising under that Schedule.

Note—

This clause enables the share component of an access licence under this Subdivision to be converted from a specified quantity of water to any other manner (such as a unit share) in which a share component may be expressed under section 56 of the Act.

Subdivision 3 Security interests**29ZZU Application of Subdivision**

This Subdivision applies to and in respect of each entitlement with respect to water sources to which any of the following applies and to and in respect of each access licence arising from any such entitlement:

- (a) the *Water Sharing Plan for the Greater Metropolitan Region Unregulated River Water Sources 2011*,
- (a) the *Water Sharing Plan for the Greater Metropolitan Region Groundwater Sources*

2011.

29ZZV Registration of security interests in replacement access licences

- (1) Pursuant to clause 1 of Schedule 9 to the Act, clause 19 of Schedule 10 to the Act is to be construed as if the reference in clause 19 (5) to the commencement of Part 2 of Schedule 10 to the Act were a reference to 1 July 2011.
- (2) Pursuant to clause 1 of Schedule 9 to the Act, the following subclauses are taken to be inserted after clause 19 (10) of Schedule 10 to the Act:

(10A) Subclause (10B) applies only to an access licence arising from an entitlement with respect to land in respect of which an interest was, immediately before 1 July 2011, registered under the *Real Property Act 1900* or under the *Corporations Act 2001* of the Commonwealth.

(10B) No dealing that requires the consent of the holder of a security interest may be registered in relation to an access licence until the expiry of the prescribed period unless, before the expiry of that period, the holder of the interest:

(a) has lodged with the Director-General a notice of the kind referred to in subclause (5) (d), or

(b) has notified the Director-General that the holder does not propose to seek registration of the interest in the Access Register.

29ZZW Entitlements held by 2 or more co-holders

Pursuant to clause 1 of Schedule 9 of the Act, clause 23 of Schedule 10 to the Act is taken to have been replaced by the following clause:

23 Entitlements held by 2 or more co-holders

Two or more co-holders of a replacement access licence are taken to hold the access licence:

(a) if the Minister has a record of the shares in which the former entitlement was held immediately before the appointed day, in the same shares as the former entitlement was so held, or

(b) if the Minister has no such record, but within 2 months after sending a written request to the co-holders seeking information as to their shareholding the Director-General receives:

(i) a notice, signed by or on behalf of each of them, by which they agree as to the shares in which they hold the access licence, or

(ii) a notice, signed by any one of them, to the effect that legal proceedings have been commenced for the purpose of obtaining a declaration as to the shares in which they hold the access licence,

in the agreed shares referred to in the notice under subparagraph (i), or in the shares determined pursuant to the legal proceedings referred to in the notice under subparagraph (ii), as the case may be, or

(c) in any other case, as tenants in common with the entitlements conferred by the licence under section 56 apportioned equally between them.

Part 4 Approvals

Division 1 General

30 Definition of “aquifer interference activity”

The following activities are prescribed for the purposes of paragraph (d) of the definition of ***aquifer interference activity*** in the Dictionary to the Act:

- (a) the extraction of silica sands,
- (b) the extraction of road base material.

31 Applications generally

- (1) An application under Part 3 of Chapter 3 of the Act:
 - (a) must be in the approved form, and
 - (b) must, if required by the Minister, include or be accompanied by an assessment of the likely impact of the water use, work or activity concerned, and
 - (c) must be signed or otherwise authenticated by each party to the application, and
 - (d) must be accompanied by, or make provision for the payment of, the fee payable under section 114 of the Act in relation to the application, and
 - (e) must be lodged at, or sent by post to, an office of the Department.
- (2) An application is incomplete unless it includes, or is accompanied by, all information required by the approved form.
- (3) An assessment referred to in subclause (1) (b) must be prepared in accordance with guidelines approved by the Minister.
- (4) The guidelines referred to in subclause (3):
 - (a) are to be made available for public inspection, free of charge, during normal business hours:

- (i) at the head office of the Department, and
- (ii) at each regional office of the Department, and
- (b) are to be published on the Department's internet website.

32 Advertising of applications for approvals: section 92 (7)

- (1) The following classes of applications are to be advertised, as referred to in section 92 (7) of the Act:
 - (a) applications for water supply work approvals for:
 - (i) works for the taking of water from a river, or
 - (ii) bores for the taking of water, other than bores used solely for taking water in accordance with a person's basic landholder rights, or
 - (iii) works (such as weirs) that have the effect of impounding water in a water source, or
 - (iv) works (such as tanks and dams) that are constructed or used for the purpose of capturing rainwater run-off,
 - (b) applications for water use approvals for irrigation,
 - (c) applications whose advertising is required by any relevant management plan.
- (2) An application referred to in subclause (1) (a) does not have to be advertised (unless so required by a management plan referred to in subclause (1) (c)) if the water supply work concerned is to be used:
 - (a) for a period of not more than 3 months, and
 - (b) for one of the following purposes:
 - (i) road construction or road maintenance by a roads authority (within the meaning of the [Roads Act 1993](#)), or
 - (ii) drought relief, or
 - (iii) dust suppression, or
 - (iv) prospecting or fossicking for minerals or petroleum under the [Mining Act 1992](#) or the [Petroleum \(Onshore\) Act 1991](#), or
 - (v) hydrostatic testing of gas pipelines.
- (2A) An application referred to in subclause (1) (a) (i) does not have to be advertised (unless so required by a management plan referred to in subclause (1) (c)) if the water

supply work concerned is to be used solely for taking or using water pursuant to a replacement access licence arising under Division 11 of Part 3.

(2B) An application referred to in subclause (1) (b) does not have to be advertised (unless so required by a management plan referred to in subclause 1 (c)) if the land to which the application relates is land in respect of which a replacement access licence has arisen under Division 11 of Part 3.

(3) An application for an approval must be advertised by the Minister by means of a notice published:

- (a) in a local newspaper, and
- (b) in a newspaper circulating among such Aboriginal communities as could be affected by the granting of such an approval, and
- (c) on the Department's internet website.

(4) The notice must contain the following information:

- (a) the name of the applicant,
- (b) the type of approval to which the application relates,
- (c) particulars indicating the location to which the application relates,
- (d) in the case of a water supply work approval, the capacity of the work and the water source and stream from which the work is proposed to take water,
- (e) in the case of a water use approval, the purpose for which water is to be used under the approval,
- (f) the form in which any objection against the application should be made for the purposes of section 93 of the Act,
- (g) the address to which, and the time by which, any such objection should be made,
- (h) the name and contact details for the relevant Departmental officer.

33 Matters affecting consideration of applications: section 96

For the purposes of section 96 (a) of the Act, the matters to be taken into consideration by the Minister in considering whether or not to grant an aquifer interference approval include whether the amount of water taken in the course of carrying out the aquifer interference activity to which the approval relates will exceed the total extraction limit for the aquifer set out in any relevant management plan.

34 Procedure for making objection to granting of approval

For the purposes of section 93 (1) of the Act, an objection to the granting of an approval:

- (a) must be in writing, and
- (b) must be signed or otherwise authenticated by the objector, and
- (c) must contain the name and address of the objector, and
- (d) must be lodged at, or sent by post to, the address specified in the notice referred to in clause 32 (4) (g) within 28 days after the notice was first published, and
- (e) must specify the grounds of the objection.

35 Register of approvals

- (1) For the purposes of section 113 (2) of the Act, the register kept under that section may be kept in written or in electronic form.
- (2) For the purposes of section 113 (3) of the Act, the following places are prescribed as places at which the register kept under that section is to be made available for public inspection:
 - (a) the head office of the Department,
 - (b) each regional office of the Department.

36 Security deposits

- (1) An approval may be granted subject to a condition to the effect that, before commencing the construction of any work or the carrying out of any activity, the holder of the approval must provide the Minister with security for the cost of performing the holder's obligations under the approval in the event that the holder fails to perform those obligations.
- (2) The security is to be for such reasonable amount as is determined by the Minister and specified in the condition as to security.
- (3) The security may be provided, at the choice of the holder, by means of a deposit with the Minister or a guarantee satisfactory to the Minister.
- (4) Security provided by way of deposit may be paid out to meet the cost of performing the holder's obligations under the approval.
- (5) Any amount repaid to the applicant from a deposit is to be repaid together with any interest accrued as a consequence of its investment.

37 Access licences and approvals arising from former entitlements

A section 18 entitlement or section 20B entitlement that, immediately before 1 July 2004, was in force under the former 1912 Act is taken to have been replaced:

- (a) to the extent to which it entitles any person or body to use a specified water

management work, by a water management work approval held by that person or body in respect of that work (subject to such of the conditions of the entitlement, not inconsistent with any mandatory conditions referred to in clause 20 of Schedule 10 to the Act, as are applicable to an approval of that kind), and

- (b) to the extent to which it entitles any person or body to use water on any land, by a water use approval held by that person or body in respect of that land (subject to such of the conditions of the entitlement, not inconsistent with any mandatory conditions referred to in clause 20 of Schedule 10 to the Act, as are applicable to an approval of that kind).

Division 2 Exemptions

38 Exemption from requirement for water use approval

- (1) A person is exempt from section 91A (1) of the Act in relation to the use of water for any of the following purposes:
 - (a) the use of water for a purpose for which a development consent is in force under the *Environmental Planning and Assessment Act 1979*, other than the use of water for power generation by a major utility, or
 - (b) the use of water for road construction and road maintenance by a roads authority (within the meaning of the *Roads Act 1993*), or
 - (c) the use of water for drought relief, or
 - (d) the use of water for dust suppression, or
 - (e) the use of water taken from or by means of an excluded work, or
 - (f) the use of water for domestic consumption and stock watering, or
 - (g) the use of water for the purpose of prospecting or fossicking for minerals or petroleum under the *Mining Act 1992* or the *Petroleum (Onshore) Act 1991*, or
 - (h) the use of water for the purpose of operating a hydro-electric power station in connection with a water supply work owned by the Ministerial Corporation, or
 - (i) the use of water for hydrostatic testing of gas pipelines, or
 - (j) the use of water for Aboriginal cultural purposes, other than a use pursuant to an adaptive environmental water condition on an access licence (as referred to in section 8 (1) (b) of the Act).
- (2) A person who is engaged in an aquifer interference activity in connection with the mining or extraction of any material is exempt from the operation of section 342 (1) of the Act in relation to the using of water from an aquifer if the water is used in

accordance with an aquifer interference approval with respect to that activity.

39 Exemption from requirement for water supply work approval

- (1) A person is exempt from section 91B (1) of the Act in relation to:
 - (a) the construction of an excluded work, or
 - (b) the construction of a dam or water bore to be used solely for the purpose of exercising domestic and stock rights in relation to a water source to which Part 3 of Chapter 3 of the Act does not apply, or
 - (c) the construction of a water supply work to be used solely for the purpose of prospecting or fossicking for minerals or petroleum under the *Mining Act 1992* or the *Petroleum (Onshore) Act 1991*, or
 - (d) the construction of a water pipe for use solely for conveying water from one place to another, or
 - (e) the construction of a water reticulation work on land the subject of a water use approval.
- (2) Subclause (1) (c), (d) and (e) do not apply to a water supply work constructed on any of the following land:
 - (a) land declared to be critical habitat under Part 3 of the *Threatened Species Conservation Act 1995* or Division 3 of Part 7A of the *Fisheries Management Act 1994*, or
 - (b) land that is a heritage conservation area within the meaning of an environmental planning instrument that applies to the land under the *Environmental Planning and Assessment Act 1979*,
 - (c) land that is an Aboriginal place within the meaning of the *National Parks and Wildlife Act 1974*,
 - (d) land that is reserved for any purpose under the *National Parks and Wildlife Act 1974*,
 - (e) land the subject of a conservation agreement in force under section 69B of the *National Parks and Wildlife Act 1974*,
 - (f) land the subject of a property agreement in force under section 40 of the *Native Vegetation Conservation Act 1997*,
 - (g) land within a State forest within the meaning of the *Forestry Act 1916*,
 - (h) land to which *State Environmental Planning Policy No 14—Coastal Wetlands* applies,

- (i) land to which *State Environmental Planning Policy No 26—Littoral Rainforests* applies,
 - (j) waterfront land.
- (3) A person is exempt from section 91B (1) of the Act in relation to the use of:
- (a) any excluded work, or
 - (b) a dam or water bore used solely for the purpose of exercising domestic and stock rights in relation to a water source to which Part 3 of Chapter 3 of the Act does not apply, or
 - (c) any water supply work used solely for the purpose of prospecting or fossicking for minerals or petroleum under the *Mining Act 1992* or the *Petroleum (Onshore) Act 1991*, or
 - (d) any water pipe used solely for conveying water from one place to another, or
 - (e) any water reticulation work that is situated on land the subject of a water use approval, or
 - (f) any water storage work, water reticulation work or water impounding work that was in use before 1 July 2004 in relation to water taken pursuant to an entitlement or pursuant to (the previously repealed) section 7 (7) of the former 1912 Act, or
 - (g) any hydro-electric power station that is operated in connection with a water supply work owned by the Ministerial Corporation.
- (4) A person who is engaged in an aquifer interference activity in connection with the mining or extraction of any material is exempt from the operation of section 91B (1) of the Act in relation to the construction or use of a water management work for the purpose of taking and using water from an aquifer if the water is taken and used in accordance with an aquifer interference approval with respect to that activity.
- (5) In this clause, **water reticulation work** means a work (such as a water pipe or irrigation channel) that is constructed or used for the purpose of conveying water to the point at which it is to be used (including a reticulated system of such works and all associated pipes, sluices, valves and equipment), but does not include:
- (a) any work that receives water from a water supply work under the control or management of the Sydney Water Corporation, the Hunter Water Corporation or a local water utility, or
 - (b) any work that is also a flood work.

39A Exemption from requirement for controlled activity approval

- (1) Public authorities (other than Landcom) and local councils are exempt from section

91E (1) of the Act in relation to all controlled activities that they carry out in, on or under waterfront land.

- (2) Persons (excluding public authorities and local councils, but including Landcom) are exempt from section 91E (1) of the Act in relation to the following controlled activities that they carry out in, on or under waterfront land:
- (a) activities carried out in accordance with any lease, licence permit or other right in force under the *Mining Act 1992*, the *Crown Lands Act 1989* or the *Crown Lands (Continued Tenures) Act 1989*,
 - (b) activities comprising the excavation of the bed of a river, lake or estuary for the purpose of facilitating the use of a water supply work,
 - (c) activities carried out pursuant to section 52 (Domestic and stock rights) of the Act,
 - (d) activities carried out, in accordance with a harvestable rights order, in connection with the construction or use of a dam on land within the harvestable rights area constituted by the order,
 - (e) activities carried out in connection with the construction or use of a work to which Part 2 of the *Water Act 1912* applies in accordance with a licence issued under that Part in relation to that work,
 - (f) activities carried out in connection with the construction or use of a controlled work within the meaning of Part 8 of the *Water Act 1912* in accordance with an approval issued under that Part in relation to that work,
 - (g) activities carried out in connection with:
 - (i) the erection of a dwelling house or dual occupancy building, or
 - (ii) the making of alterations or additions to an existing dwelling house or dual occupancy building, or
 - (iii) the provision of ancillary facilities for an existing dwelling house or dual occupancy building,being activities that comprise exempt development or activities the subject of a development consent or complying development certificate issued under the *Environmental Planning and Assessment Act 1979*, but excluding any activity carried out in, on or over the bed of any river, lake or estuary,
 - (h) activities comprising nothing more than the removal of vegetation in circumstances that would otherwise be lawful,
 - (i) the carrying out of development in accordance with:
 - (i) *Development Control Plan No 33—Rouse Hill Regional Centre*, and

- (ii) the Master Plan referred to in section 1.10 of that development control plan, on the land bounded by Windsor Road, Commercial Road and Withers Road, Rouse Hill, comprising Lots 1-9, DP 270520, Lot 401, DP 1111687, Lots 304, 305, 307 and 309, DP 1107129, Lot 105, DP 1108407, and Lot 201, DP 1096167,
 - (j) the carrying out of development in accordance with the *Oran Park and Turner Road Waterfront Land Strategy 2009*, as published in the Gazette on 17 July 2009.
- (3) The exemptions conferred by subclauses (1) and (2) (a) are subject to a condition requiring the person by whom the relevant controlled activity is carried out to comply with any direction that the Minister may give to the person for the protection of:
- (a) the waterfront land on which the activity is carried out, or
 - (b) any river, lake or estuary to which that land has frontage.
- (4) To the extent to which they are regulated by Ministerial guidelines, the activities referred to in subclause (2) (b) and (c) must be carried out in accordance with those guidelines.
- (5) In this clause:

development has the same meaning as it has in the [Environmental Planning and Assessment Act 1979](#).

dual occupancy building means a building containing 2, but no more, dwellings within the meaning of the standard instrument prescribed by the [Standard Instrument \(Local Environmental Plans\) Order 2006](#).

dwelling house has the same meaning as it has in the standard instrument prescribed by the [Standard Instrument \(Local Environmental Plans\) Order 2006](#).

Ministerial guidelines means guidelines established by the Minister, by order published in the Gazette, for the purposes of this clause.

40 Exemption from operation of section 106

Section 106 of the Act does not apply to:

- (a) a water management work approval for a work used by a person referred to in clause 18 (1) (a), (b), (c) or (d) solely for taking water for a purpose for which the person is exempt by clause 18 from the requirement for an access licence, or
- (b) a water use approval for the use of water for such a purpose.

Division 3 Approvals for formerly unlicensed water bores in the Great Artesian Basin

40A Unlicensed water bores in the Great Artesian Basin

Any unlicensed water bore:

- (a) that was lawfully constructed before 1 July 2008, and
 - (b) that, immediately before 1 July 2008, was not the subject of a licence under Part 5 of the former 1912 Act, and
 - (c) that takes water from the Great Artesian Basin Groundwater Sources (identified in the [Water Sharing Plan for the NSW Great Artesian Basin Groundwater Sources 2008](#)), and
- is taken to be the subject of a water supply work approval granted on 1 July 2008.

40B (Renumbered as cl 21B)

Part 5 Fees and charges

41 Fees and charges

- (1) A charging authority may waive or reduce any fee or charge imposed under the Act.
- (2) In this clause, **charging authority**, in relation to a fee or charge, means the person or body (other than the Minister) that imposes the fee or charge.

Part 6 Irrigation corporations

Division 1 Inclusion of land within irrigation corporation's area of operations

42 Applications to include land within area of operations: section 128

- (1) An application under section 128 of the Act must be in the approved form.

Note—

Section 128 (2) of the Act requires an application to identify the land to be included in an irrigation corporation's area of operations.

- (2) An application under section 128 of the Act with respect to land that is more than 15 per cent of the irrigation corporation's existing area of operations must be advertised by the Minister by means of a notice published:
 - (a) in a local newspaper, and
 - (b) on the Department's internet website.
- (3) The notice must contain the following information:
 - (a) the name of the applicants,
 - (b) the name of the irrigation corporation within whose area of operations the

application seeks to include land,

- (c) the purpose of the application (that is, to seek the inclusion of the land to which the application relates within the irrigation corporation's area of operations),
- (d) the area of the land to which the application relates,
- (e) the general location of the land (by lot and deposited plan number or by such other description as formally identifies the land),
- (f) the address to which, and the time by which, objections to the application should be made for the purposes of section 129 of the Act.

43 Objections to inclusion of land within area of operations: section 129

For the purposes of section 129 of the Act, an objection to the inclusion of land within an irrigation corporation's area of operations:

- (a) must be in writing, and
- (b) must be signed or otherwise authenticated by the objector, and
- (c) must contain the name and address of the objector, and
- (d) must be lodged at, or sent by post to, the address specified in the notice, as referred to in clause 42 (3) (f), within 28 days after the notice was first published, and
- (e) must specify the grounds of the objection.

Division 2 Exclusion of land from irrigation corporation's area of operations

44 Applications to exclude land from area of operations: section 132

- (1) An application under section 132 of the Act must be in the approved form.

Note—

Section 132 (2) of the Act requires an application to identify the land to be excluded from an irrigation corporation's area of operations.

- (2) An application under section 132 of the Act with respect to land that is more than 15 per cent of the irrigation corporation's existing area of operations must be advertised by the Minister by means of a notice published:
 - (a) in a local newspaper, and
 - (b) on the Department's internet website.
- (3) The notice must contain the following information:
 - (a) the name of the applicants,

- (b) the name of the irrigation corporation from whose area of operations the application seeks to exclude land,
- (c) the purpose of the application (that is, to seek the exclusion of the land to which the application relates from the irrigation corporation's area of operations),
- (d) the area of the land to which the application relates,
- (e) the general location of the land (by lot and deposited plan number or by such other description as formally identifies the land),
- (f) the address to which, and the time by which, objections to the application should be made for the purposes of section 133 of the Act.

45 Objections to exclusion of land from area of operations: section 133

For the purposes of section 133 of the Act, an objection to the exclusion of land from an irrigation corporation's area of operations:

- (a) must be in writing, and
- (b) must be signed or otherwise authenticated by the objector, and
- (c) must contain the name and address of the objector, and
- (d) must be lodged at, or sent by post to, the address specified in the notice, as referred to in clause 44 (3) (f), within 28 days after the notice was first published, and
- (e) must specify the grounds of the objection.

Part 7 Elections

Note—

For consolidation purposes, this Part inserts such of the substantive provisions of the [Water Management \(Elections\) Regulation 2002](#) as are required to be retained (without altering those provisions in any way, except for updating cross-references). The [Water Management \(Elections\) Regulation 2002](#) is repealed by clause 108 of this Regulation.

Division 1 Definitions

46 Definitions

- (1) In this Part:

calling of the ballot for an election means the date on which a notice is first published for the election under clause 70.

calling of the election for an election means the date on which a notice is published for the election under clause 64.

close of enrolments for an election means the final time and date fixed by the

returning officer for the close of enrolments in the election.

close of exhibition of the roll for an election means the final time and date fixed by the returning officer for the exhibition of the roll in the election.

close of nominations for an election means the final time and date fixed by the returning officer for the close of nominations in the election.

close of the ballot for an election means the final time and date fixed by the returning officer for the close of the ballot for the election.

election means:

- (a) an election of members of a private irrigation board referred to in Part 2 of Chapter 4 of the Act, or
- (b) an election of directors of a private drainage board referred to in Part 3 of Chapter 4 of the Act, or
- (c) an election of members of a private water trust referred to in Part 4 of Chapter 4 of the Act.

final roll for an election means the roll prepared by the returning officer under Subdivision 2 of Division 6.

preliminary roll for an election means the roll prepared by the returning officer under clause 58.

returning officer means:

- (a) in the case of an election of members of a private irrigation board—the person appointed under clause 57 to be the returning officer for the election, and
- (b) in the case of an election of directors of a private drainage board—the person appointed under clause 56 to be the returning officer for the election, and
- (c) in the case of an election of members of a private water trust—the person appointed under clause 56 to be the returning officer for the election.

(2) In this Part, a reference to a Form is a reference to a Form set out in Schedule 5.

Division 2 Division of private irrigation districts into zones

47 Division of private irrigation districts into zones

- (1) For the purposes of the first election of members of a private irrigation board, the Minister may divide a private irrigation district into zones.
- (2) For the purposes of the second and any later election of members of a private

irrigation board, the private irrigation board may divide a private irrigation district into zones.

- (3) If a private irrigation district is divided into zones, the Minister or the board must:
- (a) subject to section 148 (3) of the Act, determine the number of members to be elected by the voters of each zone, and
 - (b) show the zones on the plan of the private irrigation district exhibited as referred to in section 143 (3) (c) of the Act.

Division 3 Who is eligible to be elected at an election?

48 Eligibility for election as a member of a private irrigation board

A person (including a corporation) is eligible to be elected as a member of a private irrigation board if the person is entitled to vote in the election.

49 Eligibility for election as director of a private drainage board

- (1) A person is eligible to be elected as director of a private drainage board if the person is entitled to vote in the election.
- (2) However, a person is ineligible for election if the person:
- (a) has not before nomination paid all moneys that were at any time before the end of the month preceding that in which nomination day falls, due by the person to the board, or
 - (b) has been convicted in New South Wales of a serious indictable offence or has been convicted elsewhere than in New South Wales of an offence that, if committed in New South Wales, would be a serious indictable offence.

50 Eligibility for election as member of a private water trust

- (1) A person is eligible to be elected as a member of a private water trust if the person is entitled to vote in the election.
- (2) However, a person who has been convicted of any serious indictable offence is ineligible to be elected as a member of a private water trust or to act as a member of a private water trust.

Division 4 Who is entitled to vote in an election?

51 Persons entitled to vote in election of members of a private irrigation board

- (1) A person is entitled to vote in an election of members of a private irrigation board if the person is an owner of land within the private irrigation district of that board.

- (2) Except as provided by subclauses (3) and (4), at any such election:
 - (a) the owner of a non-irrigated holding is entitled to one vote, and
 - (b) the owner of an irrigated holding is entitled to:
 - (i) 2 votes where the area irrigated does not exceed 80 hectares, or
 - (ii) 3 votes where the area irrigated exceeds 80 hectares.
- (3) At an election for the West Corrugan Private Domestic and Stock Water Supply and Irrigation District:
 - (a) the owner of a non-irrigated holding is entitled to one vote, and
 - (b) the owner of an irrigated holding is entitled to:
 - (i) 2 votes where the quantity of water allocated to the holding is up to 200 megalitres, or
 - (ii) 3 votes where the quantity of water allocated to the holding is over 200 megalitres.
- (4) At an election for the Narromine Private Domestic and Stock Water Supply and Irrigation District:
 - (a) the owner of a non-irrigated holding is entitled to one vote, and
 - (b) the owner of an irrigated holding is entitled to:
 - (i) 2 votes where the allocation is up to 150 megalitres, and
 - (ii) one vote for each 150 megalitres by which the allocation exceeds 150 megalitres,but only to a maximum of 10 votes.

52 Persons entitled to vote in election of directors of a private drainage board

- (1) A person is entitled to vote in an election of directors of a private drainage board if the person is the owner of land within the drainage district of that board.
- (2) At any such election:
 - (a) the owner of land not exceeding 20 hectares is entitled to one vote, and
 - (b) the owner of land exceeding 20 hectares but not exceeding 120 hectares is entitled to 2 votes, and
 - (c) the owner of land exceeding 120 hectares is entitled to 3 votes.
- (3) If the Crown is in the roll of voters the votes may be exercised by:

- (a) any director appointed to the board by the Minister, or
- (b) if a director has not been appointed to the board by the Minister, by a public servant authorised in writing for that purpose by the Ministerial Corporation.

53 Persons entitled to vote in election of members of a private water trust

- (1) A person is entitled to vote in an election of members of a private water trust if the person is the owner of land within the water supply district of the trust.
- (2) At an election of members of a private water trust placed in charge of irrigation works, or works for the prevention of floods or the control of floodwaters within the Murray Basin:
 - (a) the owner of an area of land not exceeding 20 hectares is entitled to one vote, and
 - (b) the owner of an area of land exceeding 20 hectares, but not exceeding 120 hectares, is entitled to 2 votes, and
 - (c) the owner of an area of land exceeding 120 hectares is entitled to 3 votes.
- (3) At an election of members of a private water trust in charge of water supplies for domestic and stock purposes:
 - (a) the owner of an area of land not exceeding 800 hectares is entitled to one vote, and
 - (b) the owner of an area of land exceeding 800 hectares, but not exceeding 4,000 hectares, is entitled to 2 votes, and
 - (c) the owner of an area of land exceeding 4,000 hectares is entitled to 3 votes.
- (4) A person who is entitled to vote under this clause may by instrument in writing authorise the trustees to place on the roll of voters the name of some other person instead of the person's own name. In such a case, the name of the other person is to be placed on the roll instead of the name of the person.
- (5) For the purposes of this clause, a person whose name is on the roll pursuant to an authority of the owner of a property is to be taken to be the owner of the area of land included in the property.

54 No other persons entitled to vote

A person is entitled to vote in an election only if:

- (a) the person has an entitlement set out in this Division, and
- (b) as at the close of enrolments, the person's name is included in the final roll for the

election.

55 Enrolment of representatives

- (1) If land is owned:
 - (a) by a corporation—the corporation is taken to be included in the final roll for an election only if the secretary of the corporation or some other nominee is included in that roll as the representative of the corporation, or
 - (b) by more than one trustee or legal personal representative (whether as administrators or executors) on behalf of the estate of a person—the trustees are, or the estate is, taken to be included in the final roll for an election only if a nominee of those trustees or legal personal representatives is so included in that roll as the representative of the trustees or estate.
- (2) Only one person may be nominated to vote in the election as a representative of the corporation, trustees or estate concerned.

Division 5 Who is the returning officer?

56 Returning officer for election of members of a private water trust or directors of a private drainage board

- (1) For the purpose of an election of members of a private water trust or directors of a private drainage board, the returning officer is the person appointed by the trust or board (as the case requires) to be the returning officer for the election.
- (2) Without limiting subclause (1), the secretary of a private drainage board may be appointed as the returning officer for an election.

57 Returning officer for election of members of a private irrigation board

- (1) For the purposes of the first election of members of a private irrigation board after the commencement of section 149 of the Act, the Minister is to appoint a returning officer.
- (2) For the purpose of any other election of members of a private irrigation board, the returning officer is to be appointed by the board.
- (3) Without limiting subclause (2), the secretary of a private irrigation board may be appointed as the returning officer for an election.

Division 6 Rolls

Subdivision 1 Preparation and exhibition of preliminary roll

58 Preparation of preliminary roll

- (1) The returning officer for an election must prepare and keep:

- (a) a preliminary roll of the persons who, in the opinion of the returning officer, are eligible to vote in the election, and
 - (b) an appropriately addressed label or an appropriately addressed envelope for each person whose name is included in that roll.
- (2) The preliminary roll:
- (a) must contain the names and last known addresses of each sole owner of land within the district, and
 - (b) if there is more than one owner of any such land—must contain the name and last known address of any one of them who was, by notice in writing given to the returning officer, last nominated for the purposes of this paragraph by all the owners of the land, and
 - (c) must describe the area of land held by each, and
 - (d) must contain the number of votes to which each is entitled, and
 - (e) must be certified by the returning officer in accordance with Form 1.
- (3) This clause does not apply to an election held as a consequence of an earlier election that has failed if a preliminary roll for the earlier election has already been prepared by the returning officer.

59 Exhibition of preliminary roll

The returning officer must cause copies of the preliminary roll to be exhibited for public inspection:

- (a) at the places where applications for enrolment and objections against enrolment may be lodged, and
- (b) for a period of at least 14 days.

Subdivision 2 Preparation of final roll

60 Applications for enrolment by persons not already enrolled

- (1) A person whose name does not appear on the preliminary roll for an election may apply for enrolment in the final roll for the election.
- (2) The application must be in Form 2 and must be lodged with the returning officer before the close of enrolments.
- (3) On receipt of the application, the returning officer:
 - (a) if satisfied that the applicant is entitled to vote, must accept the application and enter the name and address of the applicant in the final roll, or

- (b) if not so satisfied, must reject the application and inform the applicant in writing that the application has been rejected, or
- (c) if the application is not in the proper form or is incomplete, must return the application for correction or completion and consider the duly corrected or completed application in accordance with this clause.

61 Objections to enrolment

- (1) Before the close of enrolments, the returning officer and any person who is entitled to vote in an election may object to the inclusion of the name of any person in the final roll.
- (2) An objection:
 - (a) must be in Form 3, and
 - (b) must state the grounds on which it is made, and
 - (c) must be signed by the objector, and
 - (d) must be lodged with the returning officer.
- (3) The returning officer must send particulars of an objection to the person to whom the objection relates.
- (4) The person to whom an objection relates may lodge a written reply with the returning officer within 14 days after the date on which particulars of the objection were sent to that person.
- (5) The returning officer must consider each objection, and any reply received within that 14-day period, and may make such inquiries as the returning officer thinks fit.
- (6) The returning officer may accept or reject an objection.
- (7) If the returning officer accepts an objection, the returning officer must exclude from the final roll for the election the name of the person to whom the objection relates and must inform that person and the objector, in writing, that the person's name is so excluded.
- (8) If the returning officer rejects an objection, the returning officer must notify the person to whom the objection relates and the objector, in writing, that the returning officer has rejected the objection.
- (9) The returning officer may require a person who lodges an objection, or who replies to an objection, to verify the objection or reply by statutory declaration.
- (10) For the purpose of enabling the returning officer to make a decision to accept or reject an objection to the inclusion of the name of a person in the final roll, the

returning officer may require a person to furnish the returning officer with such information regarding the person objected to as the returning officer may specify.

62 Postponement of ballot not to affect final roll

The validity of the final roll for an election is not affected by the postponement of the close of the ballot by a notice published after the close of exhibition of the roll, and the roll remains the final roll for the election.

Division 7 Calling of the election

63 Final roll must be prepared before election called

- (1) The final roll in relation to an election must be prepared in accordance with Division 6 before the calling of an election.
- (2) This clause does not apply to an election held as a consequence of an earlier election that has failed if a final roll for the earlier election has already been prepared by the returning officer.

64 Notice of election

- (1) The returning officer must fix a time and place for an election and cause notice of that fact:
 - (a) to be posted to every person eligible to vote at the election, or
 - (b) to be published in a newspaper circulating generally throughout the relevant board or trust's district.
- (2) The notice:
 - (a) must state that an election is to be held for the purpose specified, and
 - (b) must call for nominations of candidates, and
 - (c) must specify the date (***the nomination day***) and time for the close of nominations, and
 - (d) must advise where nomination forms can be obtained, and
 - (e) must advise where nominations may be lodged, and
 - (f) must, in the case of a notice sent to eligible voters, contain a nomination form, and
 - (g) must advise when and where the final roll for the election will be available on public exhibition.
- (3) The time specified in the notice for the close of nominations must be at least 14 days after notice is given.

65 Postponement of nomination day

- (1) Despite clause 64 (3), the returning officer may postpone the nomination day for a period not exceeding 14 days by a notice in a form similar to, and published in the same manner as, a notice referred to in clause 64 (1).
- (2) The power conferred on the returning officer by this clause may be exercised more than once in respect of an election.

Division 8 Nominations

66 Eligibility for nomination

Any person is eligible for nomination as a candidate for election if the person is eligible, under Division 3, to be elected.

67 Nomination of candidates

- (1) A nomination of a candidate:
 - (a) must be in Form 4, and
 - (b) must be made by at least 2 persons (other than the candidate) who each are eligible to vote in the election, and
 - (c) must be endorsed with, or accompanied by, the consent of the nominee, and
 - (d) must be lodged with the returning officer before the close of nominations.
- (2) If the returning officer is of the opinion that an insufficient number of persons by whom a candidate has been nominated are eligible to nominate a candidate, the returning officer must, as soon as practicable, cause notice of that fact to be given to the candidate.
- (3) A candidate who has been nominated in an election may withdraw the nomination at any time before the close of nominations by notice in writing addressed to the returning officer.

68 Uncontested elections

If the number of persons who have been duly nominated as candidates by the close of nominations does not exceed the number of persons to be elected, each of those persons is taken to have been elected.

69 Contested elections

If the number of persons who have been duly nominated as candidates by the close of nominations exceeds the number of persons to be elected, a ballot must be held.

Division 9 Calling of the ballot

70 Notice of ballot

- (1) As soon as practicable after it becomes apparent to the returning officer that a ballot is required to be taken in respect of an election, the returning officer must cause notice that a ballot is to be taken:
 - (a) to be published in at least one newspaper circulating locally in the area to which the election relates, or
 - (b) to be sent by post to each person whose name is included in the final roll at the address shown on the roll.
- (2) The notice:
 - (a) must state that a ballot is to be taken, and
 - (b) must fix a time and date for the close of the ballot, and
 - (c) must, in the case of a notice in a newspaper, advise where copies of the final roll will be exhibited.
- (3) The notice must also state that it is compulsory for persons who wish to vote in the election to be enrolled in the final roll for the election.
- (4) The close of the ballot must not be earlier than 28 days after the calling of the ballot.

71 Postponement of ballot

- (1) The returning officer may postpone (for a period not exceeding 14 days) the close of the ballot by a notice published in the same way as the notice stating that a ballot is to be held.
- (2) The power conferred on the returning officer by this clause may be exercised more than once in respect of an election.

Division 10 The ballot

72 Printing of ballot-papers

- (1) As soon as practicable after the close of enrolments in an election, the returning officer:
 - (a) must determine the order in which the candidates' names are to be listed on a ballot-paper by means of a lot, and
 - (b) must cause sufficient ballot-papers to be printed to enable a ballot-paper to be sent to each person included in the final roll for the election.

- (2) A ballot-paper for an election must contain:
 - (a) the names of the candidates arranged in the order determined in accordance with subclause (1) (a), with a small square set opposite each name, and
 - (b) if the returning officer considers that the names of 2 or more of the candidates are so similar as to cause confusion, such other matter as the returning officer considers will distinguish between the candidates, and
 - (c) such directions as to the manner in which a vote is to be recorded and returned to the returning officer as the returning officer considers appropriate.
- (3) The directions to voters must include a direction that the voter must record a vote by placing a cross in the square set opposite the name of each candidate for whom he or she votes.

73 Distribution of ballot-papers

As soon as practicable after the printing of the ballot-papers for an election, the returning officer must send to each person included in the final roll for the election:

- (a) a ballot-paper that is initialled by the returning officer, and
- (b) an unsealed envelope (***the voter's envelope***) addressed to the returning officer and bearing on the back the words "NAME AND ADDRESS OF VOTER" and "SIGNATURE OF VOTER", together with appropriate spaces for the insertion of a name, address and signature, and
- (c) another unsealed envelope (***the posting envelope***) that:
 - (i) is large enough to accommodate the voter's envelope if that envelope is folded, and
 - (ii) is addressed to the returning officer, and
 - (iii) is reply-paid.

74 Duplicate ballot-papers

- (1) At any time before the close of the ballot, the returning officer may issue to a voter a duplicate ballot-paper and envelope if the voter satisfies the returning officer by statutory declaration:
 - (a) that the original ballot-paper has been spoiled, lost or destroyed, and
 - (b) that the voter has not already voted in the election to which the ballot-paper relates.
- (2) The returning officer must maintain a record of all duplicate ballot-papers issued under this clause.

75 Recording of votes

In order to vote in an election, a person:

- (a) must record a vote on the ballot-paper in accordance with the directions shown on it, and
- (b) must vote for no more than the number of persons to be elected, and
- (c) must place the completed ballot-paper (folded so that the vote cannot be seen) in the voter's envelope, and
- (d) must seal the voter's envelope, and
- (e) must complete the person's full name and address on, and must sign, the back of the voter's envelope, and
- (f) must seal the voter's envelope in the posting envelope, and
- (g) must return the envelopes to the returning officer so as to be received before the close of the ballot.

Division 11 The scrutiny

76 Receipt of ballot-papers

- (1) The returning officer must reject (without opening it) any voter's envelope purporting to contain a ballot-paper if the envelope is not received before the close of the ballot or is received unsealed.
- (2) The returning officer must examine the name on the back of the voter's envelope and, without opening the envelope:
 - (a) must accept the ballot-paper in the envelope for further scrutiny and draw a line through the name on the roll that corresponds to the name on the back of the envelope, if satisfied that a person of that name is included in the final roll for the election, or
 - (b) must reject the ballot-paper in the envelope, if not so satisfied or if a name, address or signature does not appear on the back of the envelope.
- (3) The returning officer may reject a ballot-paper without opening the voter's envelope if, after making such inquiries as the returning officer thinks fit:
 - (a) the returning officer is unable to identify the signature on the back of the envelope, or
 - (b) it appears to the returning officer that the signature on the back of the envelope is not the signature of the person whose name and address appear on the back of

the envelope.

77 Ascertaining result of ballot

The result of a ballot is to be ascertained by the returning officer as soon as practicable after the close of the ballot.

78 Poll clerks

- (1) The returning officer may appoint poll clerks if required.
- (2) A candidate must not be a poll clerk.

79 Scrutineers

- (1) Each voter in a ballot is entitled to request, by notice in writing given to the returning officer at any time after the close of enrolments for the ballot, the appointment of a person specified in the notice (who may, but need not, be the voter concerned) as a scrutineer for the purposes of the ballot.
- (2) The returning officer may appoint a maximum of 10 persons as scrutineers for a ballot.
- (3) The persons are to be appointed in the order in which the requests for their appointments were received by the returning officer in accordance with subclause (1).
- (4) A person must not be appointed as a scrutineer unless the person consents to the appointment.
- (5) A candidate must not be appointed as a scrutineer.
- (6) A scrutineer's functions include scrutinising the receipt of ballot-papers under clause 76.

80 Scrutiny of votes

- (1) The scrutiny of votes in a ballot is to be conducted as follows:
 - (a) the returning officer is to produce, unopened, the voter's envelopes containing the ballot-papers accepted for scrutiny,
 - (b) in the case of an election of members of a private irrigation board—the returning officer is to ascertain the zone to which the vote relates (where applicable) and place the voter's envelope with other such envelopes for that zone,
 - (c) the returning officer is then to open each such envelope, extract the ballot-paper and (without unfolding it) place it in an appropriate box or other container, with (in the case of an election of members of a private irrigation board) separate boxes or other containers for each zone (where applicable),

- (d) when the ballot-papers from all the voter's envelopes have been placed in the box or other container, the returning officer is then to open the box or other container and remove the ballot-papers,
 - (e) the returning officer is then to examine each ballot-paper and reject those that are informal,
 - (f) the returning officer is then to proceed to count the votes and ascertain the result of the election.
- (2) At the scrutiny of votes in a ballot, a ballot-paper must be rejected as informal if:
- (a) it is not initialled by the returning officer, or
 - (b) it has on it any mark or writing that the returning officer considers could enable any person to identify the voter who completed it, or
 - (c) it has not been completed in accordance with the directions shown on it.
- (3) A ballot-paper is not to be rejected as informal merely because of any mark or writing on it that is not authorised or required by this Regulation if, in the opinion of the returning officer, the voter's intention is clearly indicated on the ballot-paper.

81 Counting of votes

The result of a ballot for an election must be ascertained (zone by zone, where applicable) by the returning officer as follows:

- (a) if there is one person to be elected in the election—the candidate who received the highest number of votes is to be declared to be elected,
- (b) if there are 2 or more persons to be elected in the election—the candidates, not exceeding in number the number of persons to be elected, who received the highest number of votes are to be declared to be elected,
- (c) if there is an equality of votes—the returning officer is to determine by lot the candidate to be elected.

82 Notice of result of election

- (1) As soon as practicable after a candidate in an election has been elected, the returning officer must notify the Minister in writing of the name of the candidate elected.
- (2) As soon as practicable after declaration of a poll, the returning officer must issue to each person elected a notice in writing of the result of the election.

Division 12 General

83 Election of directors of private drainage boards or members of private water trusts

- (1) An election of directors of a private drainage board must be held:
 - (a) in the case of the first election held under this Regulation, on the third anniversary of the election of the board immediately before 1 April 2002, and
 - (b) every 3 years after that.
- (2) An election of the members of a private water trust must be held:
 - (a) in the case of the first election held under this Regulation, on the third anniversary of the election of the members of the trust immediately before 1 April 2002, and
 - (b) every 3 years after that.
- (3) Each person who, immediately before 1 April 2002, was a director of a private drainage board or a member of a private water trust is taken to have continued in office as a director of a private drainage board or a member of a private water trust for the residue of the term for which the person was elected.

84 Decisions of returning officer final

If the returning officer is permitted or required by the Act or this Regulation to make a decision on any matter relating to the taking of a ballot in any election, the decision of the returning officer on that matter is final.

85 Disposal of election papers

After the declaration of a ballot, the returning officer must keep all papers connected with the election for at least 12 months after the election.

86 Offences

A person must not:

- (a) vote, or attempt to vote, more than once in any election, or
- (b) vote, or attempt to vote, in any election in which the person is not entitled to vote, or
- (c) make a false or wilfully misleading statement (not being a statement verified by statutory declaration):
 - (i) to the returning officer in connection with any election, or
 - (ii) in any document that the person furnishes for the purposes of any election, or
- (d) apply for enrolment in respect of any election in respect of which the person is already enrolled.

Maximum penalty: 1 penalty unit.

Part 8 Private drainage boards

Note—

For consolidation purposes, this Part inserts such of the substantive provisions of the *Water Management (General) Regulation 2002* as are required to be retained (without altering those provisions in any way). The *Water Management (General) Regulation 2002* is repealed by clause 108 of this Regulation.

Division 1 Constitution and procedure

87 Quorum

The number of directors that constitute a quorum for a private drainage board is:

- (a) if the board consists of 3 directors—2, or
- (b) if the board consists of 4 or 5 directors—3, or
- (c) if the board consists of 6 or 7 directors—4.

Division 2 Finance

88 Rate book

- (1) For the purposes of section 209 of the Act, a rate book is to be in a form containing the following particulars:
 - (a) assessment number,
 - (b) name of ratepayer,
 - (c) additional charges for current year,
 - (d) payment received,
 - (e) receipt number,
 - (f) date of payment,
 - (g) current rates,
 - (h) arrears of rates carried forward,
 - (i) arrears,
 - (j) total,
 - (k) total due.
- (2) For the purposes of section 209 (2) of the Act, any particular relating to a rate may be altered.

- (3) For the purposes of section 209 (4) of the Act, an alteration or amendment in a rate book is to be made, signed and dated by the private drainage board's Secretary and countersigned by the chairperson.

89 Rates

Rate notices by which rates are levied under section 206 of the Act must be in a form approved by the Ministerial Corporation.

90 Keeping of books and accounts

A private drainage board is to keep proper books and accounts that show full, true and regular accountings of all money received and paid by the private drainage board and the purposes for which money has been received or paid.

91 Banking

Money received by a private drainage board must be paid into an authorised deposit-taking institution to the credit of an account in the name of the private drainage board.

Part 9 Private water trusts

Division 1 Constitution and procedure

92 Meetings of members of a private water trust

- (1) Ordinary meetings of members of a private water trust are to be held at any time that the members from time to time determine.
- (2) The chairperson of a private water trust, or a majority of the members of a private water trust, may at any time call a special meeting of members of a private water trust.
- (3) Seven days' notice of an ordinary meeting, and reasonable notice of a special meeting, must be given in writing to each member of a private water trust.
- (4) No business, other than the business stated in the notice of the meeting, is to be transacted at the special meeting.

93 Special general meetings

For the purposes of sections 224 (2), 225 (2) and 226 of the Act, the prescribed manner of giving notice is:

- (a) by personal delivery, or
- (b) by post, or
- (c) by facsimile transmission, or

- (d) by e-mail.

94 Quorum

The quorum for a meeting of a private water trust is:

- (a) if the trust comprises 3 members—2 members, or
- (b) if the trust comprises 5 members—3 members.

95 Chairperson

- (1) The chairperson is to preside at a meeting of members of a private water trust.
- (2) If the chairperson is not present, the members of a private water trust then present are to appoint one of their number to act as chairperson.

96 Voting

- (1) Any question arising at a meeting of members of a private water trust is to be decided by a majority of votes of the members present.
- (2) In the case of an equality of votes the chairperson has a casting vote.

97 Minutes

- (1) The members of a private water trust must cause minutes of the proceedings of each meeting to be kept.
- (2) The minute books are to be open for inspection by the members of a private water trust and any ratepayer within the water supply district at any reasonable time.

98 Special general meetings of voters

- (1) The chairperson is to preside at a special general meeting of voters.
- (2) In the absence of the chairperson an appointed member of the private water trust may preside at the meeting or, if there is no appointed member of the private water trust present, an elected member of the private water trust selected by the members of the private water trust present may preside.

Division 2 Finance

99 Rate book

- (1) On fixing rates under section 232 of the Act on land in a water supply district the members of a private water trust must enter the rates in a rate book.
- (2) The rate book is to be kept in a form approved by the Ministerial Corporation.

100 Correction of rate book

- (1) Any necessary corrections of the rate book must be made at a meeting of the members of a private water trust and be signed and dated by the Chairperson.
- (2) A correction affecting the amount of a rate must not be made after notice of the amount has been given to the person liable (except in the case of a correction arising from an appeal).

101 Payment of rates

- (1) Rates are payable by instalments if the members of a private water trust so decide.
- (2) A rate or an instalment of a rate is not recoverable until 30 days after notice of the amount due has been served on the ratepayer at the ratepayer's last known or usual address.

102 Appeals

- (1) An appeal by a landholder under section 232 (6) of the Act against the amount at which the landholder is rated must be lodged within 21 days after notice of the amount has been given to the landholder.
- (2) Notice of the appeal, in a form approved by the Ministerial Corporation, must be given to a Magistrate having jurisdiction in any part of the private water trust district and to the Secretary of the trust.

Division 3 Miscellaneous

103 Members of a private water trust's accounts

- (1) Money received by members of a private water trust in the operation of a private water trust must be paid into an authorised deposit-taking institution to the credit of an account in the name of the members of the private water trust.
- (2) All expenses incurred by members of a private water trust in the discharge of duties imposed on them by the Act are payable out of the funds at the disposal of the members of the private water trust under the Act.

Part 10 Hunter Valley flood mitigation works

104 Statement of particulars of program of works

The additional particulars to be set out in a statement under section 263 (3) of the Act are as follows:

- (a) an estimate of the cost to be incurred during the financial year to which the statement relates in respect of each work included in the program of flood works referred to in section 263 (1) of the Act,

- (b) an estimate of the amount of any compensation payable or likely to become payable during that financial year as a consequence of the undertaking of each such work,
- (c) an estimate of the cost of maintenance work in respect of works previously completed that the Minister considers should be carried out during that financial year,
- (d) an estimate of the amount of any compensation (other than compensation in respect of the works referred to in paragraph (a)) payable or to become payable by the Minister during that financial year,
- (e) an estimate of the amount of any payment to be made by the Minister during that financial year under section 261 (2) of the Act,
- (f) the percentage of the cost of the construction, carrying out and maintenance of any of the works referred to in paragraph (a), and of the amount of compensation payable or likely to become payable by the Minister as a consequence of the construction, carrying out and maintenance of such work, that a council will be liable to contribute under section 260 of the Act,
- (g) an estimate of the amount of any payments that a council will be required to make during that financial year under section 265 of the Act,
- (h) an estimate of the amount of any payment that is likely to be received during that financial year under section 261 of the Act from a public authority in respect of any work referred to in paragraph (a),
- (i) the amount (if any) of any payment made by the Hunter Catchment Management Trust under section 262 of the Act during the previous financial year that remained unexpended at the close of that year.

105 Statement of cost of maintenance and compensation

The additional particulars to be set out in a statement under section 266 (1) of the Act are as follows:

- (a) an estimate of the cost of any maintenance that the Minister considers should be undertaken during the financial year to which the statement relates in respect of each work referred to in section 265 of the Act,
- (b) an estimate of the amount of any compensation likely to become payable during that financial year by the Minister as a consequence of any such maintenance,
- (c) an estimate of the amount of compensation payable or likely to become payable during that financial year by the Minister as a consequence of any maintenance of each work referred to in paragraph (a) carried out during any previous financial year,
- (d) the percentage that, under section 260 of the Act, the Minister has determined that the council should contribute to the cost of any such construction and maintenance,

- (e) the amount (if any) of any payment made by the council under section 265 of the Act during any previous financial year that remained unexpended at the end of the immediately preceding financial year.

Part 11 Lowbidgee flood control and irrigation works

106 Payment of rates

- (1) A landholder in respect of a holding within the Lowbidgee district within the meaning of Part 3 of Chapter 5 of the Act is to be notified, by means of a notice of assessment, of:
 - (a) the rate fixed by the Minister for the current year, and
 - (b) the amount payable by the landholder, in accordance with that rate (subject to any variation by the Minister), for the year commencing on 1 July to which the notice relates.
- (2) The amount specified in the notice is to be paid to the Minister on or before the date for payment specified in the notice. That date must not be less than 28 days after the date of issue of the notice.
- (3) If a holding first becomes subject to a rate after 1 July in any year, the amount of the rate is to be apportioned, for the period from the date from which the holding becomes subject to the rate until the 30 June next following, on the basis of the proportion of the rate that that period bears to the whole year.

Part 12 Penalty notices for certain offences

107 Penalty notice offences

For the purposes of section 365 of the Act:

- (a) each offence created by a provision specified in Column 1 of Schedule 6 is declared to be a penalty notice offence, and
- (b) the penalty prescribed for such an offence is:
 - (i) in the case of a penalty payable by an individual—the penalty specified in Column 2 of Schedule 6 in relation to the offence, and
 - (ii) in the case of a penalty payable by a corporation—the penalty specified in Column 3 of Schedule 6 in relation to the offence.

Part 13 Miscellaneous

107A Exemption relating to taking over works—Anabranh Water

- (1) The private irrigation board Anabranh Water is exempt from section 159 (3) and (4)

of the Act until the end of 30 June 2010.

(2) In this clause:

Anabranch Water means the board of management for the Great Anabranch of the Darling River Private Water Supply and Irrigation District, constituted by a proclamation published in Gazette No 142 of 25 November 2005 at pages 9809–9810.

108 Transformation of water entitlements

- (1) For the purposes of sections 190A (4) and 237A (4) of the Act, a determination by a private irrigation board or the members of a private water trust of a landholder's water entitlement must specify the following:
- (a) the proportion of the share component of an access licence held by or on behalf of the board or trust that is available to the landholder, and
 - (b) the licence category of the landholder's proportion of the share component.
- (2) For the purposes of sections 190A (6) and 237A (6) of the Act, a **member of a person's immediate family** means:
- (a) a spouse or de facto partner or former spouse or de facto partner of the person,
 - (b) a child or step-child of the person,
 - (c) a grandchild or step-grandchild of the person,
 - (d) a parent or step-parent of the person,
 - (e) a grandparent or step-grandparent of the person,
 - (f) a brother, sister, step-brother or step-sister of the person.

108A Metering equipment installed by Ministerial Corporation

- (1) The Ministerial Corporation is the owner of metering equipment installed or replaced by the Ministerial Corporation on or after 4 March 2011.
- (2) The Ministerial Corporation may exercise the function of modifying metering equipment (whether or not it is the property of the Corporation) but is not to exercise that function to the exclusion of any other person unless the equipment is referred to in subclause (3).
- (3) The Ministerial Corporation may exercise the functions specified in section 372A (2) of the Act exclusively in relation to the following metering equipment:
- (a) metering equipment installed, modified or replaced by the Ministerial Corporation on or after 4 March 2011,

(b) metering equipment installed, modified or replaced by the Ministerial Corporation before 4 March 2011 pursuant to the Funding Deed dated 15 April 2009 between the Commonwealth of Australia and the New South Wales Government in relation to the Hawkesbury Nepean River Recovery Project.

(4) The provisions of this clause have effect despite anything contained in section 42 of the *Real Property Act 1900*.

109 Savings and transitional provisions

Schedule 7 has effect.

Schedule 1 Excluded works

(Clause 3)

- (1)** Dams solely for the control or prevention of soil erosion, provided no water is reticulated or pumped from such dams and the size of the structure is the minimum necessary to fulfil the erosion control function, and provided such dams are located on a minor stream referred to in section 53 (3) (b) of the Act. However, if such a dam is fenced off for erosion control purposes water may be reticulated to a stock drinking trough in an adjoining paddock without prejudicing the exempt status.
- (2)** Dams solely for flood detention and mitigation, provided no water is reticulated or pumped from such dams and provided such dams are located on a minor stream referred to in section 53 (3) (b) of the Act.
- (3)** Dams solely for the capture, containment and recirculation of drainage and/or effluent, consistent with best management practice or required by a public authority to prevent the contamination of a water source, provided such dams are located on a minor stream referred to in section 53 (3) (b) of the Act.
- (4)** Dams approved in writing by the Minister for specific environmental management purposes, provided such dams are located on a minor stream referred to in section 53 (3) (b) of the Act.
- (5)** Rainwater tanks collecting water from roofs only.
- (6)** Works impounding water which exceed the harvestable rights referred to in an order under section 54 of the Act and:
 - (a) were constructed before 1 January 1999, and
 - (b) are used only for domestic consumption and stock watering or do not result in the extraction of water, and
 - (c) are located on a minor stream referred to in section 53 (3) (b) of the Act, and
 - (d) from which water is being used only on the landholding on which the dam is located.
- (7)** Dams or excavations located on a river or lake constructed under section 7 of the *Water Act 1912* prior to 1 January 2001, provided such dams are used only for stock, domestic or stock and

domestic purposes, or for purposes which do not require extraction of water.

- (8) Works in the Western Division which are located on lakes shown in the legend of the 1:100 000 topographic maps issued by the Land Information Centre (formerly the Central Mapping Authority) applying at 1 January 1999 to that Division as “Lake Mainly Dry”.
- (9) Works in the Western Division constructed prior to 1 January 1999 impounding water on the areas of land shown in the legend of the maps referred to in paragraph (8) as land subject to flooding or inundation, or lakes shown as “perennial” or “intermittent”, where the water is used only for stock, domestic or stock and domestic purposes, or for purposes which do not require extraction of water.

Schedule 2 Minister’s plans to be amended

(Clause 7)

Water Sharing Plan for the Adelong Creek Water Source 2003

Water Sharing Plan for the Alstonville Plateau Groundwater Sources 2003

Water Sharing Plan for the Apsley River Water Source 2003

Water Sharing Plan for the Castlereagh River above Binnaway Water Source 2003

Water Sharing Plan for the Commissioners Waters Water Source 2003

Water Sharing Plan for the Coopers Creek Water Source 2003

Water Sharing Plan for the Dorrigo Plateau Surface Water Source and Dorrigo Basalt Groundwater Source 2003

Water Sharing Plan for the Gwydir Regulated River Water Source 2002

Water Sharing Plan for the Hunter Regulated River Water Source 2004

Water Sharing Plan for the Jiliby Jiliby Creek Water Source 2003

Water Sharing Plan for the Kangaroo River Water Source 2003

Water Sharing Plan for the Karuah River Water Source 2003

Water Sharing Plan for the Kulnura Mangrove Mountain Groundwater Sources 2003

Water Sharing Plan for the Lachlan Regulated River Water Source 2003

Water Sharing Plan for the Macquarie and Cudgegong Regulated Rivers Water Source 2003

Water Sharing Plan for the Mandagery Creek Water Source 2003

Water Sharing Plan for the Murray and Lower Darling Regulated Rivers Water Sources 2003

Water Sharing Plan for the Murrumbidgee Regulated River Water Source 2003

Water Sharing Plan for the Ourimbah Creek Water Source 2003

Water Sharing Plan for the Phillips Creek, Mooki River, Quirindi Creek and Warrah Creek Water Sources 2003

Water Sharing Plan for the Rocky Creek, Cobbadah, Upper Horton and Lower Horton Water Source 2003

Water Sharing Plan for the Stuarts Point Groundwater Source 2003

Water Sharing Plan for the Tarcutta Creek Water Source 2003

Water Sharing Plan for the Tenterfield Creek Water Source 2003

Water Sharing Plan for the Tomago Tomaree Stockton Groundwater Sources 2003

Water Sharing Plan for the Toorumbie Creek Water Source 2003

Water Sharing Plan for the Upper Billabong Water Source 2003

Water Sharing Plan for the Upper Brunswick River Water Source 2003

Water Sharing Plan for the Upper Namoi and Lower Namoi Regulated River Water Sources 2003

Water Sharing Plan for the Wandella Creek Water Source 2003

Water Sharing Plan for the Wybong Creek Water Source 2003

Schedule 3 Categories and subcategories of licences

(Clause 8 (2))

Column 1	Column 2
Category of access licence	Subcategory of access licence
Regulated river (high security)	Aboriginal commercial
	Aboriginal community development
	Aboriginal cultural
	Community and education
	Environmental
	Research
	Town water supply
	Aboriginal commercial
	Aboriginal community development
Regulated river (general security)	Aboriginal commercial
	Aboriginal community development
	Community and education
	Environmental
	Research
	Domestic and commercial
	Power generation
	Urban water
	Domestic
Stock	
Local water utility	Town water supply
	Aboriginal commercial
	Aboriginal community development
	Aboriginal cultural
	Community and education
	Environmental
	Research
	Town water supply
	Aboriginal commercial
Aboriginal community development	
Major utility	Aboriginal commercial
	Aboriginal community development
	Aboriginal cultural
	Community and education
	Environmental
	Research
	Town water supply
	Aboriginal commercial
	Aboriginal community development
Domestic and stock	Aboriginal commercial
	Aboriginal community development
	Aboriginal cultural
	Community and education
	Environmental
	Research
	Town water supply
	Aboriginal commercial
	Aboriginal community development
Unregulated river	Aboriginal commercial
	Aboriginal community development
	Aboriginal cultural
	Community and education
	Environmental
	Research
	Town water supply
	Aboriginal commercial
	Aboriginal community development
Aquifer	Aboriginal commercial
	Aboriginal community development

	Aboriginal cultural
	Community and education
	Environmental
	Research
	Town water supply
Supplementary water	Environmental
Regulated river (conveyance)	Environmental
Murrumbidgee Irrigation (conveyance)	Environmental
Coleambally Irrigation (conveyance)	Environmental
Floodplain harvesting	Environmental
Unregulated river (high flow)	Environmental

Schedule 4 Supplementary access licence share components

(Clauses 27 and 28)

Part 1 Murrumbidgee

Column 1	Column 2
Water Act entitlement	Share component volume—(megalitres)
40SA810H	1129
40SA967H	297
40SL21181H	795
40SL23730H	639.5
40SL29503H	639.5
40SL39533H	1510
40SL29207H	194
40SL34982H	649
40SL51045H	1672
40SA896H	3000
40GL000155	1322.5
40SA000596	37
40SA000696	672
40SA000758	957.5

40SA001470	46
40SA001484	852
40SA001485	280
40SA001957	706
40SA005502	286.5
40SA005508	1269.5
40SA005513	1269
40SA005532	196.5
40SA005534	102
40SA005538	280.5
40SA005539	113.5
40SA005568	196
40SA005571	11068.3
40SA005573	401.5
40SA005574	1202
40SA005576	9417.5
40SA005578	288
40SA005579	425.5
40SA005582	137.5
40SA005584	394
40SA005585	4003
40SA005589	1061
40SA005591	782.5
40SA005592	29.5
40SA005596	223.5
40SA005597	4419
40SA005601	89
40SA005603	6085
40SA005607	25
40SA005611	294
40SA005612	772.5

40SA005613	666
40SA005614	266.5
40SL005828	9.5
40SL008741	6
40SL013884	1.5
40SL016414	4
40SL017240	273.5
40SL018212	29.5
40SL019393	222.5
40SL020950	18
40SL021194	455
40SL023371	2
40SL023975	241
40SL024640	669.5
40SL025119	15
40SL025127	1
40SL027230	98.5
40SL027599	0.5
40SL027913	172.5
40SL028291	134
40SL028614	129.5
40SL029139	112.5
40SL029644	10.5
40SL029645	1.5
40SL029651	11.5
40SL029760	2
40SL029770	390
40SL030675	552
40SL031386	74
40SL031413	46.5
40SL034503	18.5

40SL035302	41
40SL036156	17
40SL036279	131
40SL036544	219
40SL038517	218
40SL038604	147.5
40SL038658	883.5
40SL038671	25
40SL040949	6
40SL040956	110.5
40SL041130	177.5
40SL041131	144.5
40SL041211	7.5
40SL042651	171
40SL043121	117.5
40SL043282	25.5
40SL043514	48
40SL044081	7.5
40SL044367	233
40SL044408	87.5
40SL045526	75.5
40SL046557	255.5
40SL046908	21
40SL047033	175.5
40SL047233	174
40SL047725	390
40SL048171	1.5
40SL048187	144.5
40SL048758	310
40SL048762	206
40SL049209	7.5

40SL049885	467
40SL050336	14.5
40SL050856	137
40SL051000	224
40SL051001	16
40SL051228	1152
40SL051371	102
40SL051460	5.5
40SL051844	10.5
40SL052075	14.5
40SL070000	186.5
40SL070004	68
40SL070046	180.5
40SL070053	167
40SL070054	16.5
40SL070081	2886
40SL070120	737
40SL070140	354.5
40SL070160	603
40SL070169	272
40SL070175	595
40SL070183	2491.5
40SL070186	93.5
40SL070204	7.5
40SL070219	29
40SL070882	10
40SL070273	1076
40SL070286	2.5
40SL070299	140
40SL070301	5
40SL070302	28

40SL070462	39.5
40SL070471	167.5
40SL070490	3
40SL070496	379
40SL070503	159.5
40SL070513	100
40SL070531	114
40SL070559	8.5
40SL070560	15.5
40SL070562	3
40SL070575	157
40SL070578	20.5
40SL070601	363.5
40SL070649	1049
40SL070670	2350
40SL070721	6143
40SL070728	108.5
40SL070730	7
40SL070733	116
40SL070748	106.5
40SL070749	41
40SL070780	257.5
40SL070784	847.5
40SL070796	37.5
40SL070797	0.5
40SL070810	2017
40SL070820	32
40SL070848	129
40SL070850	8
40SL070856	27
40SL070881	410

40SL070884	3
40SL070922	756
57SA001252	597.5
57SA001607	46.5
57SA007505	3220
57SA007508	96
57SA007509	17.5
57SA007511	1867
57SL039492	623
57SL040554	114
57SL040570	670
57SL040740	423.5
57SL041608	427
57SL041789	571
57SL042307	55.5
57SL042308	257
57SL042504	154
57SL044052	683.5
57SL045023	248.5
57SL046494	304.5
57SL047016	739
57SL047393	570.5
57SL047534	352.5
57SL048139	653.5
57SL049227	43
57SL049284	130
57SL049297	345
57SL049339	696.5
57SL050777	175.5
57SL051127	349
57SL051247	937.5

57SL080000	134
57SL080002	130
57SL080003	411
57SL080007	266
57SL080008	31
57SL080009	266.5
57SL080011	435.5
57SL080014	49
57SL080016	287.5
57SL080018	252
57SL080020	552.5
57SL080021	512
57SL080025	26
57SL080029	360.5
57SL080033	720
57SL080034	1450
40IC000004	25,995.5
40IC000005	25,649

Part 2 Murray

Column 1

Water Act entitlement

50GL0000218
50GL0000217
50IC0000002
50IT0000006
50IT0000007
50SA000475
50SA001328
50SA001407
50SA001462

Column 2

Share component volume—(megalitres)

5060
521
221704
705
722
33
223
313
66

50SA001516	6
50SA001616	71
50SA001881	976
50SA001882	383
50SA006534	108
50SA006545	142
50SA006556	72
50SA006625	30
50SA006580	154
50SA006582	439
50SA006587	205
50SA006599	20
50SA006606	216
50SL001956	17
50SL002807	418
50SL005692	336
50SL009493	299
50SL009721	88
50SL010115	53
50SL011344	35
50SL011650	47
50SL013889	40
50SL014403	45
50SL014977	27
50SL015231	4
50SL015243	195
50SL015571	8
50SL015946	3
50SL016321	1
50SL017280	165
50SL017870	56

50SL018749	165
50SL018883	155
50SL018934	4
50SL019363	65
50SL019964	37
50SL020150	101
50SL020490	23
50SL020553	81
50SL021217	64
50SL021578	23
50SL021625	14
50SL021787	37
50SL022068	77
50SL022992	2
50SL023124	18
50SL023685	36
50SL025418	113
50SL025600	40
50SL027029	8
50SL027147	82
50SL027292	3
50SL027372	111
50SL028828	32
50SL029108	10
50SL029205	27
50SL029515	7
50SL029626	29
50SL029804	39
50SL031197	44
50SL031274	90
50SL031770	29

50SL031783	269
50SL033071	279
50SL033164	124
50SL033368	179
50SL033369	374
50SL033836	98
50SL033967	25
50SL033968	38
50SL034118	37
50SL034254	51
50SL034519	2
50SL034631	170
50SL035071	147
50SL035904	35
50SL035961	48
50SL036309	180
50SL036757	14
50SL037050	2
50SL037491	28
50SL037503	258
50SL037540	156
50SL037902	183
50SL038046	8
50SL038048	24
50SL038230	12
50SL038516	3
50SL038520	3
50SL039358	201
50SL040128	68
50SL040804	33
50SL040918	80

50SL041183	14
50SL041185	249
50SL041292	25
50SL042972	156
50SL043090	5
50SL043997	4
50SL044004	276
50SL044005	399
50SL044275	42
50SL046385	27
50SL047353	15
50SL047354	92
50SL047390	111
50SL047543	93
50SL048149	172
50SL049246	368
50SL049259	10
50SL049270	38
50SL049422	107
50SL049834	140
50SL050449	112
50SL051028	49
50SL051029	43
50SL051048	105
50SL051158	250
50SL051220	104
50SL051625	27
50SL075094	71
50SL075112	65
50SL075137	20
50SL075151	166

50SL075201	287
50SL075226	66
50SL075429	61
50SL075226	66
50SL075248	171
50SL075265	438
50SL075275	352
50SL075292	15
50SL075321	1276
50SL075323	4
50SL075326	10
50SL075331	184
50SL075332	59
50SL075367	134
50SL075368	12
50SL075392	2
50SL075403	335
50SL075410	60
50SL075431	497
50SL075440	326
50SL075456	107
50SL075457	7
50SL075472	330
50SL075487	31
50SL075488	86
50SL075515	14
50SL075582	10
50SL075544	456
50SL075550	59
60IT000009	255
60SA008559	31

60SL034780	125
60SL043793	1
60SL045033	7
60SL085440	166
60SL048224	1239
60SL049934	83
60SL085024	161
60SL085118	92
60SL085129	56
60SL085247	99
60SL085276	186
60SL085302	11
60SL085425	50
50SL34922	54
50SL25758	15
50SL16515	75
50SL49742	49
50SL49743	49
50SL49803	21
50SL49249	59
50SL44218	149
50SL49988	25
50SL44392	149
50SL49800	75
50SL40717	149
50SL42147	156
50SL39082	50
50SL48504	161
50SL22045	174
50SL75000	31
50SL48526	149

50SL50973	149
50SL50974	149
50SL44243	61
50SL42471	149
50SL49239	74
50SL49252	40
50SL50153	149
50IC000002	221,704

Schedule 4AA Unrecorded 1 July 2004 entitlements

(Clause 29AA)

Licence No Licence No Licence No Licence No Licence No

10SL033072	20SL060147	30SL066374	50SA00625	80SA010623
10SL035223	20SL060513	30SL066452	50SA006542	80SA010628
20PT910084	20SL060581	30SL066727	50SL011087	80SL018204
20PT910123	20SL060609	30SL066945	50SL017870	80SL034094
20PT910294	20SL060862	40SA000896H	50SL022424	80SL042121
20PT910306	20SL060966	40SA001957	50SL036309	80SL051821
20PT910612	20SL061020	40SA005535	50SL044005	80SL051933
20PT910721	20SL061054	40SA005573	50SL048132	80SL051957
20PT910968	20SL061146	40SA005584	50SL075116	80SL095017
20PT911027	20SL061230	40SA005606	50SL075582	80SL095035
20PT911029	20SL061258	40SA005611	50SL075621	80SL095265
20PT911034	20SL061316	40SA005618	57SL040493	90SA000941
20PT911043	20SL061374	40SL025182H	57SL080016	90SA001402
20PT911081	20SL061425	40SL027337	60SA000231	90SA002166H
20PT911093	20SL061426	40SL029672	60SA008558	90SA011551
20PT911232	30PT921450	40SL029715	60SL033440	90SA011607
20PT911413	30PT921498	40SL029934	60SL048204	90SA011691
20SA001341	30PT921530	40SL038621	60SL085247	90SA011728
20SL008819	30PT921549	40SL039350	60SL085389	90SA011731H
20SL016631	30SA004518	40SL041734	60SL085425	90SA011735
20SL024780	30SL029974	40SL042441	60SL085440	90SL014317
20SL026834	30SL065349	40SL047735	70SA009598	90SL022298
20SL029791	30SL065399	40SL048186	70SL023078	90SL023520
20SL032124	30SL065433	40SL070133	70SL034363	90SL026132
20SL033466	30SL065527	40SL070608	70SL034701	90SL030623
20SL034204	30SL065696	40SL070739	70SL040102	90SL034239
20SL036681	30SL065801	40SL070764	70SL049476	90SL034936
20SL037512	30SL065804	40SL070882	70SL091057	90SL037329
20SL038338	30SL065806	40SL070917	80SA000790H	90SL037401
20SL040349	30SL065811	40SL070958	80SA000962	90SL040871
20SL041469	30SL065875	40SL070959	80SA000982	90SL041724
20SL043894	30SL065897	50SA000207	80SA002149	90SL042200
20SL043950	30SL065978	50SA001406	80SA010538	90SL048581
20SL045304	30SL066083	50SA001874	80SA010581	90SL051364
20SL050288	30SL066260	50SA001881	80SA010605	90SL100420
20SL050687				

Schedule 4A Replacement access licences for certain Part 5 entitlements (1 October 2006)

(Clause 29A)

Column 1	Column 2	Column 3
Part 5 entitlement	Aquifer access licence	Supplementary access licence
Lower Gwydir Groundwater Source		
90BL011171, 90BL150508, 90BL250343, 90BL253488	766	426

90BL119703, 90BL134721, 90BL134722, 90BL134723, 90BL136758, 90BL139305, 90BL248434, 90BL252051, 90BL252332	1250	868
90BL152823, 90BL152824, 90BL246126	546	306
90BL016165, 90BL249889	341	159
90BL133356, 90BL133359, 90BL143673, 90BL143674, 90BL150929, 90BL150930, 90BL252742	1056	732
90BL141404, 90BL249540, 90BL253195	487	305
90BL136369, 90BL136370, 90BL150147, 90BL150148, 90BL252853, 90BL253287	944	625
90BL130323	106	31
90BL150523, 90BL250034	289	4
90BL017250, 90BL118871, 90BL118872, 90BL118873	313	142
90BL127685, 90BL251449, 90BL251625, 90BL251765	1152	772
90BL011327, 90BL018746, 90BL116910, 90BL116911, 90BL138118, 90BL139617, 90BL139618, 90BL139619, 90BL151688, 90BL154435, 90BL249032, 90BL249033, 90BL249034	1175	782
90BL142685, 90BL247497, 90BL251065	639	366
90BL140975, 90BL246193, 90BL246194, 90BL249953	280	167
90BL136199, 90BL137066	144	39
90BL128022	76	
90BL021375, 90BL021376, 90BL021377, 90BL021461, 90BL021462, 90BL023099, 90BL023100, 90BL031284	756	225
90BL010749, 90BL133355, 90BL150506, 90BL150512, 90BL150513, 90BL251817	201	92
90BL022741, 90BL134986, 90BL139833, 90BL249123	470	299
90BL153384, 90BL249633, 90BL249866	461	272
90BL018099, 90BL022154, 90BL110341, 90BL110342, 90BL119361, 90BL119362, 90BL119363, 90BL132980	932	600

90BL138114, 90BL154762	329	188
90BL253041	53	
90BL021579, 90BL153751	84	
90BL140266, 90BL248430, 90BL248782, 90BL250663	473	307
90BL015719, 90BL137330, 90BL246553	416	240
90BL151156, 90BL151580, 90BL246763	61	
90BL136630, 90BL249543, 90BL249544	246	135
90BL012584, 90BL125386, 90BL137067, 90BL137068, 90BL137069, 90BL137070, 90BL152348, 90BL152441	1619	1141
90BL011261, 90BL016219, 90BL016220, 90BL017201, 90BL018745, 90BL023295, 90BL119575, 90BL119577, 90BL120223, 90BL120224, 90BL131856, 90BL136044, 90BL143029, 90BL143030, 90BL152179, 90BL152180, 90BL152575, 90BL252291	2207	1535
90BL145546, 90BL153305	509	327
90BL253014	470	292
90BL117836, 90BL119369, 90BL136672, 90BL248487, 90BL251066, 90BL251068	330	148
90BL126977, 90BL126978, 90BL248854	515	332
90BL152387	29	
90BL130296	67	
90BL150296	51	
90BL023305, 90BL030183, 90BL133983	82	
90BL023424, 90BL030547	62	
90BL124184	51	
90BL030190	19	
90BL030236	88*	11*
90BL116784	51	
90BL117059, 90BL248607	51	
90BL122422	40	
90BL134797	21	
90BL152309	31	

90BL138311	19	
90BL252478	52	
90BL133127	16	
90BL253535	53	
90BL128767	52	
90BL019997, 90BL144654	17	
90BL251981	45	
90BL120493, 90BL249364	69	10
90BL132643	48	
90BL123547	178	
90BL132983	64	
90BL012742, 90BL138117	162	
90BL134197	47	
90BL246805	51	
90BL031508	15	
90BL114651	27	
90BL114931	51	
90BL117361	19	
90BL122429	76	
90BL123551	52	
90BL253292	51	
90BL126671	19	
90BL127388	50	
90BL132736	33	
90BL253472	424	246
90BL136365	79	21
90BL136366	53	
90BL144146	53	
90BL144695	11	
90BL145088, 90BL145089, 90BL145090, 90BL145091	55	

90BL150375	53	
90BL150565	53	
90BL151684	2	
90BL151863	38	
90BL151934	793	483
90BL152275, 90BL152276	53	
90BL152350	53	
90BL250258	79	21
90BL152562	18	
90BL250365	134	
90BL154867	48	
90BL246661	19	
90BL247523	19	
90BL141178, 90BL250361	19	
90BL110941	19	
90BL118268	26	
90BL246005	19	
90BL246032	19	
90BL246066	19	
90BL246077	19	
90BL246178	51	
90BL246623	19	
90BL246700	19	
90BL140689	109	
90BL246843	40	
90BL141447	19	
90BL252829	19	
90BL247693	19	
90BL018185	60	
90BL022701	67	
90BL246156	8	

90BL017406, 90BL031080, 90BL031082, 90BL031083, 90BL031085, 90BL031089, 90BL031092, 90BL031093, 90BL031096, 90BL031097, 90BL031098, 90BL031099, 90BL031104, 90BL031106, 90BL031107, 90BL031109, 90BL031110, 90BL031112, 90BL132841, 90BL132843, 90BL132846, 90BL247831, 90BL247832, 90BL247833, 90BL247834, 90BL247835, 90BL247836, 90BL247837, 90BL247838, 90BL247839, 90BL247840, 90BL247841, 90BL247842, 90BL247843, 90BL247844, 90BL247845, 90BL247846, 90BL247847, 90BL247848, 90BL247849, 90BL247850, 90BL247941, 90BL247942, 90BL247943, 90BL247944, 90BL247945, 90BL247946, 90BL247949, 90BL247950, 90BL247951, 90BL247952, 90BL247953	197	
90BL008448	3	
90BL010897	54	
90BL011732	53	
90BL002596, 90BL012041	30	
90BL011178, 90BL015213	54	
90BL015563	51	
90BL016126	58	
90BL016151	54	
90BL013616, 90BL016437	78	
90BL017032	57	
90BL017460	79	
90BL017828	10	
90BL018923, 90BL018994	62	
90BL019374	53	
90BL019793, 90BL021928	66	
90BL118200	62	
90BL118686	97	
90BL124809, 90BL247703	15	
90BL136669, 90BL136670, 90BL248034	98	32
90BL132173	22	

90BL136762, 90BL155340, 90BL248045, 90BL248485, 90BL249906, 90BL252932	1246	799
90BL248123	19	
90BL248124	12	
90BL246643	6	
90BL246387	19	
90BL012110	21	
90BL020872, 90BL248125	181	80
90BL021368	50	
90BL016804, 90BL021748	157	
90BL248429	6	
90BL011218	51	
90BL252646	19	
90BL248547	19	
90BL250617	19	
90BL153464	19	
90BL248671	19	
90BL248910	12	
90BL152457	32	
90BL248734	19	
90BL248909	19	
90BL249250	19	
90BL249124	19	
90BL018395	69	
90BL153698	4	
90BL153750	8	
90BL008075, 90BL009831, 90BL015040, 90BL018298	50	
90BL017750, 90BL138098	318	195
90BL250251	193	103
90BL250289	53	
90BL009410, 90BL251556	259	

90BL015039	55	
90BL012899	79	
90BL247500	111*	
90BL010906	53	
90BL010310	5	
90BL010983	12	
90BL017366	1	
Lower Macquarie Groundwater Sources		
80BL241001	694	
80BL112845	5	
80BL243164	234	
80BL123514	204	
80BL130131	199	6
80BL133869	52	
80BL152474	20	
80BL153372	2	
80BL237935	1154	
80BL118157, 80BL236966	1281	
80BL124341, 80BL237079	1644	69
80BL126281	950	
80BL236608	2382	319
80BL150857	56	
80BL154393, 80BL236537, 80BL236856, 80BL242194	3196	507
80BL118944, 80BL237086	1229	
80BL136835	95	
80BL241217	471	
80BL022539	236	
80BL126280	70	
80BL012837	59	
80BL128713	7	

80BL236808, 80BL239468, 80BL241584	1710	
80BL236839	1168	
80BL236614	181	
80BL238828, 80BL241752	719	
80BL236237	1493	244
80BL110454	25	
80BL124000	144	23
80BL238097	1781	
80BL001839, 80BL236809	1424	
80BL236854	1867	
80BL236873, 80BL242967	1459	
80BL236581	1338	
80BL236612	1257	
80BL236748	3508	
80BL237035	439	
80BL236865	2635	
80BL236973	897	
80BL237354, 80BL239885	2015	
80BL237398	894	
80BL237399	867	
80BL237402	732	
80BL237388	781	
80BL237855	370	
80BL011910	183	
80BL241215	161	
80BL130988	68	13
80BL143018, 80BL143019	838	
80BL145561	157	
80BL155086, 80BL236187, 80BL236670, 80BL236904, 80BL237403	869	
80BL236669	64	18

80BL130514	35	
80BL006227, 80BL009151, 80BL236118	214	
80BL106306, 80BL106309, 80BL236364	785	67
80BL237000, 80BL237001	1017	
80BL241665	19	
80BL236648, 80BL237020, 80BL237050, 80BL237051, 80BL238099, 80BL238100	1473	
80BL236205, 80BL236421, 80BL236424, 80BL236618, 80BL236619	238	203
80BL236965	114	
80BL236425	70	63
80BL236728	361	
80BL239371	3	
80BL236448	63	
80BL236878, 80BL236879	1	
80BL237534	532	
80BL237537	204	
80BL236813	901	
80BL238962	81	32
80BL238347	1	
80BL007260, 80BL007268	153	
80BL007755	2	
80BL236389, 80BL237763	1540	553
80BL237012	1146	279
80BL236701	1078	
80BL236899	803	
80BL236408	533	
80BL238369	1	
Lower Murrumbidgee Groundwater Sources		
40BL019175	743	
40BL021814, 40BL021815, 40BL021816, 40BL135531	1681	270

40BL186334	1702	283
40BL022993, 40BL125453, 40BL135320	3028	554
40BL118869, 40BL130711, 40BL131200, 40BL131201, 40BL132712, 40BL186511, 40BL188282, 40BL188759, 40BL189195, 40BL189739	9399	1554
40BL105350	100	
40BL186703	1616	266
40BL108511, 40BL143642	1667	297
40BL108520, 40BL133075, 40BL138682	485	51
40BL109235, 40BL187467	1730	332
40BL145210, 40BL152623, 40BL187369	3131	601
40BL190820	1108	162
40BL106250	474	
40BL186295, 40BL190019	2405	
40BL111322	100	
40BL114593	1857	
40BL114799	559	34
40BL114819	100	
40BL117360	774	48
40BL188720	2514	483
40BL189097	162	
40BL117984	289	
40BL119019	92	
40BL119791	232	33
40BL121176	25	
40BL133531, 40BL189977	2949	567
40BL122644, 40BL188616	1605	229
40BL123468	148	12
40BL122337, 40BL124054, 40BL186466, 40BL186608, 40BL186915	4806	777
40BL022358, 40BL190200	100	

40BL124326, 40BL131357, 40BL137894, 40BL186274, 40BL186476, 40BL190506	6625	1273
40BL125107	176	
40BL126256	25	
40BL189070	100	
40BL126507, 40BL186298, 40BL186382	2221	427
40BL126722	100	
40BL130397	423	67
40BL130702, 40BL186908	1147	214
40BL130725	41	
40BL130772	724	94
40BL188655	566	
40BL131730	1416	204
40BL131866	263	16
40BL132958	900	129
40BL132975	352	57
40BL133530, 40BL142079	258	17
40BL133778	756	106
40BL133935, 40BL141189	5100	923
40BL188340	1673	271
40BL187335, 40BL190911	192	2
40BL190210	1505	289
40BL134886	1	
40BL135108, 40BL187225, 40BL188370	3272	517
40BL135676	241	15
40BL186882, 40BL190151	1702	317
40BL119217, 40BL137731	1105	167
40BL138140, 40BL140863, 40BL186212, 40BL186587	6743	1249
40BL139415, 40BL190704	1573	302
40BL140744	2475	455
40BL188417	895	152

40BL141879, 40BL187901	1294	44
40BL190268	2516	474
40BL145650	892	147
40BL154085	32	
40BL154434	233	24
40BL154638	1086	209
40BL155073	1467	270
40BL186019, 40BL186020, 40BL186190, 40BL186191, 40BL186192, 40BL186193, 40BL186324, 40BL186325, 40BL186560, 40BL186562	24682	4485
40BL186029	1361	207
40BL186032	818	136
40BL186037	655	120
40BL186083	870	143
40BL186142, 40BL186159	100	
40BL186218	424	70
40BL186219	1303	250
40BL186226	695	116
40BL119208, 40BL186128, 40BL186229, 40BL187100, 40BL187101, 40BL188059, 40BL188060, 40BL188118, 40BL190747	9636	1427
40BL186232	577	19
40BL186236	488	60
40BL186073, 40BL186074, 40BL186075, 40BL186238, 40BL189063	11222	1918
40BL151287, 40BL186720	1961	377
40BL152608	339	
40BL186022	882	169
40BL186050	459	80
40BL130929	465	89
40BL186285	279	
40BL186286	680	89

40BL186268, 40BL186688	2472	421
40BL186277	1347	147
40BL186322	1910	349
40BL186323	1219	230
40BL188392	237	
40BL186597, 40BL186599, 40BL188233, 40BL188234	6269	859
40BL186330	300	49
40BL186345	2039	320
40BL186440	1601	299
40BL186375	1642	286
40BL186490	15	
40BL189749	2064	394
40BL186503, 40BL186504, 40BL186505, 40BL186506, 40BL186507	6029	1029
40BL186464	993	144
40BL186432	3037	579
40BL186501, 40BL186510	2617	484
40BL188055, 40BL188056, 40BL188117	3563	535
40BL120604, 40BL189300	1605	298
40BL186486, 40BL186487, 40BL187595, 40BL187596, 40BL187668, 40BL188656	7182	997
40BL186460	1039	198
40BL186554	636	112
40BL186539	302	50
40BL186535	635	112
40BL187254	681	124
40BL186545	407	76
40BL186611	529	85
40BL186610	648	115
40BL186543	395	72
40BL186536	150	12

40BL186537	938	170
40BL186620	1655	304
40BL186580, 40BL188023	3543	599
40BL186639	586	76
40BL186496, 40BL187899, 40BL187900	746	47
40BL186656	100	
40BL186547	186	
40BL186604	925	
40BL186548	630	87
40BL186930	280	44
40BL186860	279	
40BL186859	532	62
40BL186518	102	1
40BL189801	508	57
40BL186469	463	88
40BL186637	362	45
40BL186878	295	27
40BL187224	32	
40BL187482	39	
40BL189576	1028	
40BL187581	375	68
40BL186261	18	
40BL186255	19	
40BL187705	657	99
40BL186230	744	103
40BL186527	4323	696
40BL186524	743	
40BL188334	979	173
40BL187261	384	49
40BL188347	19	
40BL188739	19	

40BL186467	1405	270
40BL130445, 40BL155088, 40BL186239, 40BL188523	4004	760
40BL190261	100	
40BL188361	111	
50BL150121	1301	179
50BL196121, 50BL197187	2093	193
50BL196102, 50BL196791	3120	
50BL196349	1333	217
50BL196431	574	48
50BL196448	1336	237
50BL196617	371	
50BL197344, 50BL197747	423	
50BL198114, 50BL198115, 50BL198117, 50BL198118, 50BL198119	10082	1800
50BL198150	1722	190
50BL198153, 50BL198156, 50BL198157	1925	250
50BL198183	635	88
50BL198188	1508	228
50BL198190	1091	209
50BL198191	738	105
50BL132855	743	
50BL122832, 50BL198243	1319	149
50BL138079	666	
50BL140942, 50BL198260	1857	
50BL133856, 50BL198146	1197	154
50BL141965	1464	209
50BL199344	30	

* See clause 29B (2A).

Schedule 4B Replacement access licences for Part 5 entitlements for

the Lower Murray (1 November 2006)

(Clause 29F)

Column 1	Column 2	Column 3
Part 5 entitlement	Aquifer access licence	Supplementary access licence
Lower Murray Groundwater Source		
50BL198095	202	211
50BL150528, 50BL197258	524	472
50BL153307	11	
50BL198145	15	
50BL196261	20	
50BL196002	553	310
50BL196097	537	398
50BL154858	429	302
50BL196078	717	174
50BL196131	30	9
50BL131283	178	197
50BL196024	392	353
50BL196075	810	543
50BL022353, 50BL132971	805	502
50BL150085	412	179
50BL198501	71	49
50BL117650	44	46
50BL130736	65	60
50BL143318	380	143
50BL196073	565	309
50BL196189	485	345
50BL196211	502	113
50BL138875	648	356
50BL198142	12	
50BL196070	591	227

50BL196015	1344	492
50BL131361	244	139
50BL108638, 50BL130547, 50BL198855	20	8
50BL130758	219	47
50BL196039	185	205
50BL142325	496	355
50BL122794, 50BL123446	404	231
50BL123472	59	66
50BL196143	219	108
50BL196185	402	166
50BL196255	265	70
50BL196054	584	380
50BL121799, 50BL123277, 50BL123278	1122	239
50BL115527	145	161
50BL196196	533	235
50BL196000	1065	781
50BL139387, 50BL150212	1628	567
50BL196190	494	165
50BL196108	280	68
50BL196184	575	249
50BL102662	361	325
50BL196176	77	83
50BL138088	103	28
50BL151265	714	294
50BL130806	518	221
50BL134537	328	141
50BL131197	202	187
50BL196005	813	374
50BL123553	226	150
50BL196087	79	40
50BL198754	19	

50BL150640	779	498
50BL196061	217	85
50BL196217	376	269
50BL196050	496	231
50BL196226	618	207
50BL140898	371	205
50BL124080	356	293
50BL127476	34	37
50BL196020	628	265
50BL150304, 50BL199267	630	380
50BL100391	102	25
50BL130723	1170	358
50BL196212, 50BL197449	706	465
50BL196194	365	310
50BL196058	156	89
50BL136097, 50BL196960	320	209
50BL124954	70	55
50BL141525	346	336
50BL130785	1123	518
50BL155180	865	628
50BL196220	687	281
50BL196151	872	438
50BL152586	397	96
50BL143639	253	208
50BL196066	392	76
50BL143638	319	79
50BL196105	335	211
50BL126358	20	12
50BL196055	1493	778
50BL196106	529	301
50BL196199	1105	829

50BL155477	253	212
50BL196227	236	223
50BL155371	669	409
50BL196146	513	247
50BL196259	20	
50BL122618	180	57
50BL196006	784	555
50BL196062	635	524
50BL196203	879	761
50BL030154	20	1
50BL133558	149	67
50BL196180	269	132
50BL196081	23	25
50BL196249	979	231
50BL196145	312	157
50BL196210	730	406
50BL133857	20	4
50BL141791	19	
50BL131017	20	
50BL136868, 50BL197037	4	
50BL196273	916	363
50BL196283	229	190
50BL196291	25	28
50BL196302	345	292
50BL196274	1302	522
50BL196297	842	630
50BL196308	10	
50BL196310	15	
50BL196318	20	
50BL196335	352	62
50BL196321	418	117

50BL196332	484	233
50BL196382	1434	400
50BL196379	568	202
50BL196353	15	
50BL196340	750	399
50BL196412	801	679
50BL196430	10	
50BL196463	458	132
50BL196447	764	630
50BL196445	523	391
50BL196419	71	37
50BL196434	620	316
50BL196442	1029	910
50BL196464	828	580
50BL196453	345	234
50BL196501	526	474
50BL196480	342	172
50BL196466	227	67
50BL196571	455	246
50BL196395	52	57
50BL196478	834	484
50BL196596	197	116
50BL196500	618	233
50BL196521, 50BL196522	513	453
50BL196625	196	135
50BL196545	391	172
50BL196525	545	389
50BL196507	500	430
50BL196656	208	230
50BL196659	252	279
50BL131210	138	77

50BL196572, 50BL196573	1762	1333
50BL196763	446	402
50BL196705	276	305
50BL196724	74	82
50BL196524	564	379
50BL196471	428	135
50BL196727	74	82
50BL196726	104	115
50BL196725	134	147
50BL196847	461	257
50BL196824	315	175
50BL196707	118	70
50BL196558	252	248
50BL196765	609	218
50BL196551	311	81
50BL196755	524	432
50BL196854	16	
50BL196708	299	326
50BL196856	144	106
50BL196954	237	263
50BL196857	648	283
50BL196870	258	188
50BL196879	513	453
50BL196905	1038	926
50BL196873	355	112
50BL196869	620	315
50BL196599	315	185
50BL196964	467	415
50BL196866	199	150
50BL196452	1236	1036
50BL197051	15	

50BL196935	30	33
50BL196042	901	716
50BL196992	149	109
50BL197023	315	206
50BL197231	18	
50BL197216	430	264
50BL197116	3	
50BL196624	20	
50BL197740	5	
50BL197139, 50BL199272	156	60
50BL198060	8	
50BL196306	106	94
50BL196014	378	197
50BL198087	1	
50BL197343	6	
50BL198130	19	
50BL198203	10	
50BL198204	10	
50BL198206	10	
50BL198210	19	
50BL198620	24	26
50BL198607	10	
50BL198567	212	101
50BL198582	1064	535
50BL198707	6	
50BL198752	261	169
50BL198820	4	
50BL198821	19	
50BL198822	19	
50BL198926	2	
50BL198680	577	111

50BL199133	20	
50BL124345	652	289
50BL199218	5	
50BL199246	16	
50BL199281,	134	86
50BL199318	199	95
50BL199266	20	
50BL199306	26	28
50BL199383	30	33
50BL196120	122	45
50BL199524	10	
50BL199538	10	
50BL199339	37	41
50BL199661	3	

Schedule 4C Replacement access licences for Part 5 entitlements for the Upper and Lower Namoi (1 November 2006)

(Clause 29K)

Column 1	Column 2	Column 3
Part 5 entitlement	Aquifer access licence	Supplementary access licence
Upper and Lower Namoi Groundwater Sources		
90BL102394, 90BL121003, 90BL128768, 90BL143626, 90BL248540	475	200
90BL017212	66	
90BL022433	94	29
90BL104826, 90BL121125, 90BL140871	84	
90BL251053, 90BL016125, 90BL247440, 90BL247938	182	68

90BL246469, 90BL021161, 90BL021386, 90BL021387, 90BL022687, 90BL105523, 90BL105942, 90BL112821, 90BL131035, 90BL246372, 90BL246471, 90BL133949, 90BL133950, 90BL141719, 90BL141720, 90BL112820, 90BL153764	4871	751
90BL029122, 90BL124129, 90BL133005, 90BL152835, 90BL141484	481	219
90BL249506, 90BL110926, 90BL130100, 90BL130101, 90BL131377, 90BL134095, 90BL248059	1248	305
90BL119321, 90BL252976, 90BL130448	393	150
90BL119728	27	
90BL250742, 90BL107946, 90BL108710, 90BL108711, 90BL115167, 90BL115377, 90BL115378, 90BL115379, 90BL115380, 90BL251165, 90BL152720, 90BL152721, 90BL108709, 90BL108714, 90BL108713	1786	352
90BL115132, 90BL154255	156	93
90BL115260	240	152
90BL249067, 90BL111364	189	103
90BL135959	282	136
90BL247379, 90BL111070, 90BL111071, 90BL118016	352	150
90BL030085	130	7
90BL124321, 90BL124322, 90BL124325, 90BL128451, 90BL133279, 90BL154412	1123	368
90BL249551, 90BL104241, 90BL111083, 90BL247668	358	117
90BL013042, 90BL112662, 90BL141674, 90BL248795	368	232
90BL022046, 90BL110402, 90BL110401	603	182
90BL110399, 90BL110405	527	173
90BL030519, 90BL138180, 90BL152375, 90BL152376	910	277
90BL108357, 90BL122327, 90BL120600, 90BL110312	871	324
90BL246550, 90BL018589, 90BL112938, 90BL247467	695	135

90BL252178, 90BL106985, 90BL106986, 90BL246172, 90BL119323, 90BL246775, 90BL020765, 90BL247061, 90BL152420, 90BL107313, 90BL018059, 90BL247589, 90BL248892	2937	971
90BL008087, 90BL127653	205	
90BL012058, 90BL108047, 90BL141736, 90BL105316, 90BL105317, 90BL111499	1003	145
90BL109274, 90BL154773	548	152
90BL023329, 90BL023330, 90BL112881, 90BL115502, 90BL126265, 90BL152640, 90BL023328	1171	319
90BL249732, 90BL108496, 90BL120440	513	187
90BL108678, 90BL110343, 90BL110745, 90BL124130, 90BL138715, 90BL155287	1033	241
90BL247428, 90BL247427, 90BL135867, 90BL135868, 90BL143882	547	153
90BL019539, 90BL019540, 90BL030356, 90BL030358	941	171
90BL249847, 90BL030490, 90BL103885, 90BL112796, 90BL112797, 90BL115008	737	76
90BL249470, 90BL114533, 90BL114534	311	29
90BL115295, 90BL123438, 90BL246582, 90BL017944	141	
90BL030464, 90BL128635	472	31
90BL018119, 90BL018120	86	
90BL021169, 90BL021168, 90BL015938, 90BL019121, 90BL152250	969	170
90BL132418, 90BL114614, 90BL114616, 90BL133318, 90BL114615, 90BL131855, 90BL132419	1043	221
90BL155228	53	29
90BL137267	428	183
90BL019253, 90BL133067, 90BL151581, 90BL151280	474	197
90BL251572, 90BL013118, 90BL126271, 90BL132191, 90BL137754, 90BL141779	559	141

90BL018794, 90BL022540, 90BL023711, 90BL030534, 90BL031290, 90BL110348, 90BL023712, 90BL030373, 90BL030311, 90BL023710	1601	506
90BL017153, 90BL151064	352	151
90BL106811, 90BL109392, 90BL112132, 90BL124109, 90BL138108	638	194
90BL030155, 90BL030157, 90BL150361, 90BL109103, 90BL150362	717	194
90BL247374, 90BL100753	316	
90BL016166, 90BL105505, 90BL105506, 90BL115792, 90BL112660, 90BL008376	1542	215
90BL110336, 90BL110338, 90BL107311, 90BL110337	960	295
90BL018630, 90BL018631, 90BL126269, 90BL126270	372	214
90BL133109, 90BL023795, 90BL103176, 90BL106394	796	165
90BL248023, 90BL111377	439	41
90BL117408	586	
90BL115686, 90BL152354	205	142
90BL022721, 90BL022722, 90BL124301, 90BL136098, 90BL124302, 90BL132938, 90BL022720	1045	249
90BL123495	5	17
90BL030635, 90BL246674, 90BL144220, 90BL014401	6	2
90BL137570	1	
90BL152486	141	164
90BL144181, 90BL144182, 90BL248557	200	193
90BL246124, 90BL145229	185	206
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90BL021182, 90BL030251, 90BL122145, 90BL011282, 90BL141650, 90BL151538	587	243
90BL249037, 90BL030064, 90BL124161, 90BL017544, 90BL133097, 90BL150806	333	157
90BL249649, 90BL250041, 90BL017295, 90BL107389, 90BL150797, 90BL151164	170	33
90BL246120, 90BL100492, 90BL246733	113	136
90BL249362, 90BL009168	86	
90BL249249, 90BL031324, 90BL130847, 90BL154597, 90BL246125, 90BL154580	274	177
90BL122973	20	
90BL112735, 90BL248440	51	
90BL249595, 90BL121541	125	
90BL252411, 90BL030578	55	35
90BL114789	3	
90BL018288, 90BL138105	611	89
90BL030145	7	10
90BL110521	45	
90BL030407, 90BL124928	95	
90BL131506, 90BL131507, 90BL131508, 90BL133332, 90BL247787	198	128
90BL100274, 90BL133557	100	
90BL030826	39	16
90BL250752, 90BL018055, 90BL018322, 90BL021890, 90BL110844, 90BL117429, 90BL150922, 90BL150923, 90BL153857	1113	115
90BL018554, 90BL018556, 90BL020969, 90BL020970, 90BL018555	449	
90BL030508, 90BL154960	179	89
90BL247876, 90BL109538	306	163
90BL030200	4	
90BL246069, 90BL133946	150	

90BL116833	14	
90BL133620	73	57
90BL118307, 90BL118322, 90BL118312	498	202
90BL017247, 90BL133177, 90BL248206	104	72
90BL252557, 90BL143209	30	32
90BL030472, 90BL135372	133	
90BL251526, 90BL106915, 90BL132666	75	
90BL143343, 90BL248057	175	3
90BL247420, 90BL142158	43	8
90BL152834	278	
90BL117609, 90BL246022	129	90
90BL142047, 90BL250573	166	
90BL247621, 90BL143569, 90BL246770	581	78
90BL018204	146	
90BL020343, 90BL251277	19	
90BL141780	175	
90BL105669, 90BL007302	325	194
90BL144520	93	
90BL252269, 90BL018000	8	
90BL119322, 90BL152421, 90BL031532	584	361
90BL120312, 90BL246152, 90BL150572	197	77
90BL030268, 90BL247874, 90BL152685	131	2
90BL112227, 90BL127977	233	115
90BL249552, 90BL120337	183	
90BL111986, 90BL111985	191	
90BL018874	116	
90BL102003, 90BL247228	36	
90BL018861, 90BL247268, 90BL018862, 90BL150317, 90BL152769, 90BL152780, 90BL018863	479	586
90BL249326, 90BL249327, 90BL119337	102	
90BL126105	120	28

90BL112818	53	
90BL020363	73	18
90BL016105	17	
90BL111305	65	
90BL119338, 90BL248865, 90BL248003	77	69
90BL111454	121	43
90BL019394, 90BL118050, 90BL131268	1054	211
90BL249441, 90BL137750	86	
90BL150420, 90BL154397	256	
90BL114639	200	138
90BL019256, 90BL153532, 90BL154506, 90BL154507, 90BL247614	373	215
90BL246618	161	55
90BL246435, 90BL123522	206	144
90BL017784, 90BL018591	1	
90BL139758	45	10
90BL150394	91	
90BL112773, 90BL152779	334	103
90BL023873, 90BL252421, 90BL023877, 90BL126540, 90BL249566, 90BL117538, 90BL248063	684	
90BL118266, 90BL124010	206	43
90BL247027	14	
90BL031421, 90BL130727, 90BL246031, 90BL155447	260	101
90BL018899, 90BL252849	52	
90BL247305	4	
90BL251709, 90BL141564	135	
90BL123434	23	
90BL131331, 90BL132411, 90BL126571, 90BL132412	1173	330
90BL018358, 90BL247620, 90BL143570, 90BL152818	518	183

90BL127369	31	
90BL125349, 90BL130199, 90BL134188, 90BL138648, 90BL155455, 90BL152504	777	223
90BL136608	25	
90BL138090	40	
90BL130180	25	
90BL140206	132	
90BL139477	82	
90BL152624	43	
90BL015614, 90BL017785	3	
90BL019383, 90BL020826, 90BL021025	80	
90BL151532	5	4
90BL151533	2	
90BL031253	6	
90BL152246	3	
90BL152502	3	
90BL249590, 90BL152658, 90BL249591	236	231
90BL152701	5	
90BL104355	5	7
90BL152784	63	
90BL108666	1	
90BL152916	5	
90BL152949	116	113
90BL110066	3	
90BL110350	5	1
90BL114864	5	
90BL117181	1	
90BL249193, 90BL154441	128	
90BL154536	70	
90BL154626	5	
90BL154715	38	

90BL154754	4	
90BL120941	3	
90BL154923	5	
90BL011724, 90BL155130	1	
90BL155127	4	
90BL155126	3	
90BL155149	3	
90BL155179	5	
90BL155184	3	
90BL155275	5	
90BL155351, 90BL008120	130	
90BL131265	18	
90BL131733	79	
90BL133173	1	
90BL246275, 90BL251057	3	
90BL246276	77	
90BL133711	3	
90BL246287	77	
90BL134294	3	
90BL246300	4	
90BL135792, 90BL135793	53	
90BL136108	3	
90BL246447	5	
90BL246551	3	
90BL138062	3	
90BL246630	3	
90BL145413, 90BL139331	2	14
90BL246680	123	
90BL139418	1	5
90BL140636	1	
90BL140994	35	

90BL141108	2	
90BL141308	5	
90BL141309	77	
90BL141889	5	
90BL141936	22	
90BL246907	4	
90BL142382	3	
90BL247055	5	
90BL247096	3	
90BL247210	3	
90BL247212	3	
90BL247213	5	
90BL247230	4	
90BL027910, 90BL249976, 90BL247386	3	
90BL145381	3	
90BL145441	5	3
90BL145505	3	
90BL150008	28	
90BL150027	11	
90BL150217	3	
90BL249154, 90BL150338, 90BL249014	93	76
90BL150370	4	
90BL150374	16	
90BL016633, 90BL150393	5	
90BL150395	48	
90BL151506	2	
90BL151531	4	
90BL247556	5	
90BL247588	1	
90BL247629	5	
90BL247630	5	

90BL247631	5	
90BL247653	5	
90BL247669	3	
90BL153519, 90BL248877	6	
90BL247730	3	
90BL247861	3	
90BL247031	72	19
90BL143611	67	
90BL128472, 90BL251167, 90BL248674, 90BL143370	67	32
90BL155466, 90BL253154	3	
90BL155354	3	
90BL142536	26	9
90BL249999, 90BL247555, 90BL125371	588	194
90BL154755	10	
90BL249278, 90BL019389, 90BL019825, 90BL130835, 90BL136876	631	517
90BL120507, 90BL155305, 90BL120508, 90BL120509, 90BL247935, 90BL154796	682	806
90BL137828, 90BL142154, 90BL142155	494	206
90BL018600, 90BL247272, 90BL154985	218	81
90BL132317, 90BL247790	146	62
90BL124003	153	109
90BL248022	5	
90BL248042	2	
90BL135570, 90BL248072	48	
90BL008093	80	
90BL248103	132	165
90BL022236, 90BL248143	16	
90BL248188	97	
90BL248156	212	53
90BL248300	4	

90BL248364	1	
90BL248577	4	
90BL143257	77	
90BL153474	164	90
90BL248668	3	
90BL248699	5	
90BL248701	5	
90BL247348, 90BL250148, 90BL253100	20	
90BL248778	5	
90BL136796	5	
90BL247857	82	
90BL248729	3	
90BL124967	19	
90BL249068	5	
90BL249064	4	
90BL249090	3	
90BL249166	3	
90BL249125	4	
90BL249155	9	
90BL143612	85	
90BL249188	56	16
90BL249271	7	
90BL249346	5	
90BL249116	10	
90BL247494	34	
90BL018404	49	
90BL249550	4	
90BL249570	4	
90BL141109, 90BL020371	3	
90BL247660	2	
90BL247903	2	

90BL022565	19	
90BL019557	77	
90BL016795	3	
90BL022947	3	
90BL008113	50	
90BL128706	127	
90BL249721	5	
90BL017388, 90BL116675, 90BL116677	682	36
90BL249914	1	
90BL015453	3	
90BL152813	5	
90BL253547, 90BL016254	1	
90BL008525, 90BL009100	8	
90BL023387	38	
90BL017843	14	
90BL020078	30	
90BL022953	51	
90BL009299	10	
90BL012870	13	
90BL015841	42	
90BL014633	42	
90BL007251	35	
90BL011825	1	
90BL251187, 90BL011602	54	
90BL110231	272	98
90BL115345	106	47
90BL250757, 90BL030208, 90BL008640, 90BL152123, 90BL131803	72	89
90BL115446	1	
90BL031477, 90BL031479, 90BL130935, 90BL132628	733	117
90BL115446	1	

Schedule 4D Replacement access licences for Part 5 entitlements for the Lower Lachlan (1 February 2008)

(Clause 29Q)

Column 1	Column 2	Column 3
Part 5 entitlement	Aquifer access licence	Supplementary access licence
Lower Lachlan Groundwater Source		
70BL130763	575	101
70BL229206	1767	154
70BL118496, 70BL228644	1534	324
70BL226918	1052	175
70BL031584, 70BL228456	4134	1004
70BL226099	1260	315
70BL226076	838	
70BL137921, 70BL228628	1287	221
70BL128745, 70BL228546	2487	464
70BL137025, 70BL226293	1887	584
70BL100865, 70BL100866, 70BL138402, 70BL141670, 70BL226209, 70BL226219, 70BL227321, 70BL227624, 70BL229256	11729	2494
70BL103115, 70BL230554	2167	321
70BL108630	386	17
70BL112398	132	
70BL227379	1890	202
70BL123429, 70BL226295, 70BL227254, 70BL229295	2870	618
70BL122412	162	198
70BL141672, 70BL227386, 70BL227838, 70BL227839	2886	1102
70BL227269	2701	517
70BL154191	31	2
70BL133639, 70BL228685	1058	242
70BL134782	31	

70BL227942	1202	748
70BL030418, 70BL030419, 70BL124020, 70BL124522, 70BL226607, 70BL229231, 70BL229232, 70BL229233, 70BL229235, 70BL229236	10528	2442
70BL030978, 70BL107112, 70BL117551, 70BL226126, 70BL228581, 70BL229184	5198	
70BL132733	1179	171
70BL228879	933	
70BL226160, 70BL227381, 70BL227433, 70BL227434, 70BL227435, 70BL228686, 70BL229275	14959	3223
70BL120905, 70BL226762, 70BL227608	4484	894
70BL226342, 70BL226746, 70BL229529, 70BL229530, 70BL229531	937	
70BL226343	1568	254
70BL229814	5	
70BL226392	1543	
70BL227662, 70BL227907, 70BL228965	3512	591
70BL004830, 70BL226333, 70BL227983	2087	541
70BL226401	1739	
70BL226626	323	50
70BL226430	923	3
70BL226575	90	105
70BL226859	873	1
70BL226874	344	
70BL226664	99	121
70BL151466	865	139
70BL226665	170	27
70BL226858	1209	470
70BL020879	180	
70BL226611	540	510
70BL227074, 70BL230527	1007	196
70BL226767	180	

70BL226496	50	8
70BL226756	450	300
70BL229117	805	695
70BL140791	987	201
70BL018891	90	
70BL226344, 70BL226745, 70BL229434, 70BL229435, 70BL229436	1350	
70BL228078	19	1
70BL012621	16	
70BL007052	68	
70BL007380	5	
70BL227318	270	42
70BL016333, 70BL020397	58	
70BL008792	30	
70BL229864	1	
70BL230192	123	7
70BL228537	49	
70BL226765	180	
70BL231127	1	
70BL006726, 70BL020619	5	
70BL226849	395	
70BL226850	353	443
70BL226851	808	

Schedule 4E Replacement access licences for Part 2 or Part 5 entitlements for the Peel Valley (1 July 2010)

(Clause 29ZN)

Licence No	Licence No	Licence No	Licence No
90BL021119	90BL248423	90BL133130	90BL247054
90BL030101	90BL111022	90BL246297	90BL247079
90BL142119	90BL111023	90BL246298	90BL247118
90BL030033	90BL251270	90BL246299	90BL247119

90BL030361	90BL252400	90BL248145	90BL247081
90BL030433	90BL115449	90BL135027	90BL143511
90BL030520	90BL115451	90BL246350	90BL143512
90BL030688	90BL115452	90BL135896	90BL247086
90BL246944	90BL118826	90BL136266	90BL247091
90BL030761	90BL118325	90BL247663	90BL247092
90BL030762	90BL250352	90BL016987	90BL012246
90BL030795	90BL154821	90BL016988	90BL012247
90BL030797	90BL120388	90BL016989	90BL247093
90BL030799	90BL120963	90BL019473	90BL247110
90BL248278	90BL133226	90BL246602	90BL144565
90BL100204	90BL247389	90BL246613	90BL247214
90BL100890	90BL120589	90BL012032	90BL248524
90BL151982	90BL154820	90BL138203	90BL247215
90BL153746	90BL246130	90BL246632	90BL247226
90BL153747	90BL154925	90BL017182	90BL248565
90BL153748	90BL246961	90BL246681	90BL248566
90BL250118	90BL250744	90BL139393	90BL248567
90BL152162	90BL250745	90BL139394	90BL247237
90BL021430	90BL123329	90BL246683	90BL247443
90BL021431	90BL123355	90BL247404	90BL248568
90BL103745	90BL126254	90BL139434	90BL248569
90BL103746	90BL126255	90BL246710	90BL248571
90BL152194	90BL154502	90BL246716	90BL145112
90BL152195	90BL154503	90BL246717	90BL249646
90BL152753	90BL016183	90BL246741	90BL249647
90BL104379	90BL124142	90BL246821	90BL145349
90BL014926	90BL248205	90BL246830	90BL150033
90BL019365	90BL126689	90BL246831	90BL150658
90BL019366	90BL151527	90BL249408	90BL150926
90BL019367	90BL247767	90BL246889	90BL150928

90BL019949	90BL249409	90BL246942	90BL247111
90BL020580	90BL131628	90BL142099	90BL247481
90BL105221	90BL131622	90BL246941	90BL247446
90BL105513	90BL131623	90BL142365	90BL247910
90BL247342	90BL131624	90BL143146	90BL137738
90BL107596	90BL131625	90BL247052	90BL009158
90BL249837	90BL131626	90BL247053	90BL152451
90BL153648	90BL131627	90BL247056	90BL248551
90BL251949	90BL246560	90BL010034	90BL249601
90BL152168	90BL120813	90BL010035	90BL253097
90BL031001	90BL126950	90BL010036	90BL251750
90BL031433	90BL126953	90BL246601	90BL249713
90BL248101	90BL247495	90BL006272	90BL249890
90BL115462	90BL021395	90BL011338	90BL251722
90BL115463	90BL020093	90BL122242	90BL155458
90BL247792	90BL248525	90BL012812	90BL250126
90BL012265	90BL011099	90BL247901	90BL250227
90BL017813	90BL012033	90BL248526	90BL150659
90BL137857	90BL015201	90BL248527	90BL251466
90BL151056	90BL004811	90BL253956	90BL115268
90BL141666	90BL004813	90BL254011	90BL007862
90BL141667	90BL248514	90BL009539	90BL008536
90BL141668	90BL018839	90BL248573	90BL031293
90BL139445	90BL013836	90BL248572	90SL006515
90BL151693	90BL248845	90BL248574	90SL009737
90BL013850	90BL253931	90BL100318	90SL043337
90BL131649	90BL010450	90BL100328	90SL043452
90BL152862	90BL012889	90BL150086	90SL044464
90BL248264	90BL012936	90BL152740	90SL047317
90BL030149	90BL248513	90BL249502	90SL050059
90BL030150	90BL014726	90BL254509	90SL051036

90BL246826	90BL013954	90BL253951	90BL120185
90BL030159	90BL013955	90BL016061	90BL020404
90BL029929	90BL013956	90BL016062	90BL252444
90BL030793	90BL013957	90BL248757	90BL130380
90BL031489	90BL011425	90BL248764	90BL020413
90BL254034	90BL011428	90BL248851	90BL017342
90BL031571	90BL013141	90BL017477	90BL255091
90BL109526	90BL017805	90BL249048	90BL008272
90BL105721	90BL249205	90BL249098	90BL249329
90BL108941	90BL015549	90BL249144	90BL247108
90BL019088	90BL012778	90BL248760	90BL247167
90BL107287	90BL012779	90BL248761	90BL249330
90BL009906	90BL020402	90BL014727	90BL247109
90BL249539	90BL247168	90BL249419	90BL009924
90BL121036	90BL009923	90BL249538	90BL154517

Schedule 4F Replacement access licences for Part 2 or Part 5 entitlements for the Bega and Brogo Rivers (1 April 2011)

(Clause 29ZZI)

Part 1

Water Act 1912 Licence	Proposed supp entitlement (ML)
10SL020520	25
10SL036179	44
10SL035213	45
10SL040086	101
10SL043612	62
10SL042616	79
10SL043866	121
10SL043040	9
10SL055527	85
10SL040362	94

10SL041578	58
10SL042178	172
10SL042978	45
10SL047151	40
10SL047190	9
10SL052114	24
10SL055798	247
10SL056749	40

Part 2

Licence No

10BL159574

Schedule 5 Forms

(Clause 46)

Form 1 Certificate

(*Water Management (General) Regulation 2004*, clause 58 (2) (e))

I certify that this roll contains the full names (*consecutively numbered and listed in alphabetical order*) and addresses of those persons who, in my opinion, are entitled to vote in the election in relation to which this roll has been prepared.

The first and last entries in the roll are as follows:

First Entry:

No:

Name:

Address:

Last Entry:

No:

Name:

Address:

Dated:

Signed:

Form 2 Application for enrolment

(*Water Management (General) Regulation 2004*, clause 60 (2))

Surname:

Given Names:

Postal Address:

Postcode:

Telephone No:

Address of property on which enrolment is based:

Local government area in which the property is situated:

I apply to be enrolled in the final roll for the following election and in any subsequent election (*specify the election to which the application relates*).

I am applying for enrolment:

(a) *as the sole owner of property,

(b) *as the representative of a corporation on behalf of which the property is owned,

(c) *as the representative of the trustees or legal personal representatives of a person or estate.

Particulars of *corporation/*trustee/*legal personal representative in respect of whom or which the applicant is the representative **(see paragraphs (b) and (c) above)*:

Name:

Postal Address:

I declare that *I have/*the person that I represent has, as at the calling of the election, the qualifications to vote.

I further declare that, to the best of my knowledge, the information contained in this application is true.

Dated:

Signed:

* *Delete whichever is inapplicable.*

Form 3 Objection to enrolment

(Water Management (General) Regulation 2004, clause 61 (2) (a))

I object to the inclusion in the final roll for the following election: (*specify the election to which the objection relates*) of the name of (*name in full*) of (*postal address*).

This objection is based on the following grounds: (*specify the grounds of the objection*)

Name of objector:

Postal Address:

Telephone No:

Dated:

Signed:

Form 4 Nomination of candidate

(Water Management (General) Regulation 2004, clause 67 (1) (a))

We nominate (*name in full*) of (*postal address*) as a candidate for the following election: (*specify the election to which the nomination relates and any zone in which the election is to be held*).

We declare that we are each entitled to vote in the election.

Name in full: Address: Signature:

1

2

3

4

5

6

Note—

This nomination must be completed by not fewer than 2 persons (other than the candidate), each of whom is qualified to vote under the [Water Management \(General\) Regulation 2004](#) in respect of the election.

I, (*name in full*) consent to being a candidate at the election to which this nomination relates.

Postal address:

Telephone No:
Date of birth:
Dated:
Signed:

Schedule 6 Penalty notice offences

(Clause 107)

Column 1	Column 2	Column 3
Provision of Act	Penalty for individual	Penalty for corporation
Section 60A (2)	\$750	\$1500
Section 60A (4)	\$750	\$1500
Section 60B	\$750	\$1500
Section 60C (2)	\$750	\$1500
Section 60C (4)	\$750	\$1500
Section 60D	\$750	\$1500
Section 91A (1)	\$750	\$1500
Section 91A (2)	\$750	\$1500
Section 91B (1)	\$750	\$1500
Section 91B (2)	\$750	\$1500
Section 91C (1)	\$750	\$1500
Section 91C (2)	\$750	\$1500
Section 91D (1)	\$750	\$1500
Section 91D (2)	\$750	\$1500
Section 91E (1)	\$750	\$1500
Section 91E (2)	\$750	\$1500
Section 91F (1)	\$750	\$1500
Section 91F (2)	\$750	\$1500
Section 91G	\$750	\$1500
Section 91H (1)	\$750	\$1500
Section 91H (2)	\$750	\$1500
Section 91I (2)	\$750	\$1500
Section 91J	\$750	\$1500
Section 91K (2)	\$750	\$1500

Section 120 (4)	\$750	\$1500
Section 256 (1)	\$750	\$1500
Section 318A	\$750	\$1500
Section 318B	\$750	\$1500
Section 336C (1)	\$750	\$1500
Section 340A (1)	\$750	\$1500
Section 342 (1)	\$750	\$1500
Section 342 (2)	\$750	\$1500
Section 343 (1)	\$750	\$1500
Section 345 (2)	\$750	\$1500
Section 346	\$750	\$1500

Schedule 7 Savings, transitional and other provisions

(Clause 109)

Part 1 Provisions relating to the [Water Management Amendment Act 2004](#)

1 Transfer of certain access licences

A purchaser of land may apply to the Minister to record in the Access Register a general dealing under section 71M of the Act transferring an access licence to the purchaser, but only if:

- (a) the purchase included an entitlement that was, on the appointed day, replaced by the licence to be transferred, and
- (b) settlement of the purchase took place before the appointed day, and
- (c) as at the appointed day:
 - (i) the purchaser's interest in the land had not been recorded on the folio of the Register kept under the [Real Property Act 1900](#) in relation to the land, or
 - (ii) the conveyance effecting the transfer of the land had not been registered in the General Register of Deeds kept under the [Conveyancing Act 1919](#),as the case may require.

2 Deemed term transfers

For the purpose of enabling a term transfer referred to in clause 10 (3) of Schedule 10 to

the Act to be recorded in the Access Register, the current occupier (within the meaning of clause 10 (1) of that Schedule) of the land concerned is to:

- (a) apply to the Director-General in the approved form for the recording of the transfer, and
- (b) provide the Director-General with evidence in the approved form of the current occupier's occupation (including its proposed duration) of the land.

Note—

A term transfer of water entitlements conferred by an access licence is a **general dealing** within the meaning of the Act. Section 71A (1) (b) of the Act requires all general dealings to be recorded in the General Division of the Access Register kept under the Act. Section 71B (1) provides that any matter required to be recorded in that Division has no effect until it is so recorded and takes effect on being recorded.

3 Entitlements held by co-owners in a replacement access licence

Two or more co-holders of a replacement access licence referred to in clause 23 (1) of Schedule 10 to the Act who wish to make an election of the kind referred to in clause 23 (2) of that Schedule but do not receive a request to do so under that subclause may apply under section 73 of the Act for the recording of an alteration in the way in which they hold the licence.

4 Murrumbidgee entitlements

This Regulation is taken to have been made with the following amendments to Schedule 4:

- (a) the share component volume in megalitres shown in Column 2 in relation to Water Act entitlement 40IC000005 at the end of Part 1 is "37,414" instead of "25,649",
- (b) the following matter appears in appropriate order in Columns 1 and 2, respectively, of Part 1:

40SL24994H	3,402
40SL34102H	6,773
40SL36994H	2,000

4A Duration of new approval

- (1) Unless it is sooner cancelled, a replacement approval has effect for:
 - (a) except as provided by paragraph (b):
 - (i) 3 years from the appointed day, or
 - (ii) for the balance of the period for which its former entitlement would (but for

Schedule 10 to the Act) have remained in force,

whichever is the longer, or

(b) if its former entitlement would (but for Schedule 10 to the Act) have remained in force for an indefinite period, 10 years.

(2) This clause has effect despite clause 21 (2) of Schedule 10 to the Act.

(3) In this clause, **replacement approval** has the same meaning as in Schedule 10 to the Act.

Part 2 Provisions relating to Water Management (General) Amendment (Miscellaneous) Regulation 2005

5 Definition

In this Part:

the amending Regulation means the *Water Management (General) Amendment (Miscellaneous) Regulation 2005*.

6 Approved forms

A form approved by the Director-General for the purposes of clause 11 (1) (a), 17 (1) (a), 31 (1) (a), 42 (1) or 44 (1) before the commencement of Schedule 1 [1] to the amending Regulation is taken, on and from that commencement, to have been approved by the Minister.

7 Action taken by Director-General

Anything done by the Director-General under clause 16 (2) (b), 31 (1) (b) or (3), 32 (3), 42 (2), 44 (2) or Schedule 1 (4) before the commencement of Schedule 1 [4] to the amending Regulation is taken (to the extent that it has continuing effect), on and from that commencement, to have been done by the Minister.

8 Saving relating to repealed Regulations

Any act, matter or thing that, immediately before the repeal of the *Water Management (Elections) Regulation 2002* or the *Water Management (General) Regulation 2002*, had effect under the Regulation concerned continues to have effect under this Regulation.

Part 3 Provisions relating to the repeal of the Rivers and Foreshores Improvement Act 1948

9 Definitions

In this Part:

Constructing Authority has the same meaning as it has in Part 3A of the former 1948 Act.

Part 3A permit means a permit under Part 3A of the former 1948 Act.

10 Conditions as to security under sec 22C

- (1) This clause applies to any Part 3A permit in respect of which security has been required to be given pursuant to section 22C (2) of the former 1948 Act.
- (2) The controlled activity approval that arises from a Part 3A permit to which this clause applies is taken to be subject to a condition having the same terms and conditions as those specified by the Constructing Authority under section 22C (2) of the former 1948 Act in respect of the permit.

11 Continued application of Part 3A to certain offences

- (1) Part 3A of the former 1948 Act continues to apply to and in respect of any alleged offence under section 22B of that Act as if that Act had not been repealed.
- (2) In particular:
 - (a) any order that, immediately before the commencement of this clause, was in force under section 22D or 22F of the former 1948 Act, and
 - (b) any direction that, immediately before the commencement of this clause, was in force under section 22G of the former 1948 Act,continues to have effect, and may be enforced under that Act, as if that Act had not been repealed.

12 General terms of approval for integrated development

Any general terms of approval given by the Constructing Authority for the purposes of Division 5 of Part 4 of the *Environmental Planning and Assessment Act 1979* (Special procedure for integrated development) in relation to an activity that, before the commencement of this clause, required a Part 3A permit continue to have effect in relation to that activity to the extent to which, after that commencement, it requires a controlled activity approval.

13 Exemption from requirement for Minister to give notice under cl 20 of Sch 10

Clause 20 of Schedule 10 to the Act does not require notice of the terms of a controlled activity approval to be given to the holder of the approval if the approval is due to expire within 2 years after the approval comes into being under clause 3 of that Schedule.

Part 4 Provisions relating to the [Water Management Amendment Act](#)

2008

14 Definition

In this Part, **the 2008 amending Act** means the *Water Management Amendment Act 2008*".

15 Directions under former Parts 1 and 2 of Chapter 7 of the Act

A direction that, immediately before 1 January 2009, was in force under any provision of Part 1 or 2 of Chapter 7 of the Act, as then in force, is taken to be a direction under the corresponding provision of Part 1 or 2 of Chapter 7 of the Act, as inserted by Schedule 2 [2] to the 2008 amending Act, and may be enforced accordingly.

16 Exercise of functions under new Parts 1 and 2 of Chapter 7

The matters in respect of which a function under Part 1 or 2 of Chapter 7 of the Act, as inserted by Schedule 2 [2] to the 2008 amending Act, may be exercised include matters arising before 1 January 2009.

17 Authorised officers

- (1) Any authorised officer who, immediately before 1 January 2009, was appointed for the purposes of a provision of Part 1 or 2 of Chapter 7 of the Act, as then in force, is taken to have been appointed for the corresponding provision of Part 1 or 2 of Chapter 7 of the Act, as inserted by Schedule 2 [2] to the 2008 amending Act.
- (2) Until its replacement under section 340 of the Act, an identification card or certificate of authority issued to an authorised officer before 1 January 2009 is taken to be the officer's evidence of authority for the purposes of that section.

18 Commencement of proceedings

Section 364 of the Act, as substituted by Schedule 1 [10] to the 2008 amending Act, extends to any offence that arose before 1 January 2009, but only if proceedings for the offence could have been commenced on that date had that section not been substituted.

19 Matters to be considered in imposing penalty

Section 364A of the Act, as inserted by Schedule 1 [10] to the 2008 amending Act, extends to any penalty to be imposed in respect of an offence committed before 1 January 2009.

20 Continuing offences

Section 365A of the Act, as inserted by Schedule 1 [11] to the 2008 amending Act, extends to any contravention arising on or after 1 January 2009 in respect of a requirement made by or under the Act or this Regulation before that date.

21 Evidentiary matters

Sections 367, 367A and 367B of the Act, as inserted by Schedule 3 [2] to the 2008 amending Act, extend to proceedings for offences arising before 1 January 2009, including proceedings commenced before that date.

Part 5 Provisions relating to the winding up of Poon Boon Water Trust

22 Definitions

In this Part:

assets means any legal or equitable estate or interest (whether present or future, whether vested or contingent and whether personal or assignable) in real or personal property of any description (including money) and includes securities, choses in action and documents.

liabilities means all liabilities, debts or obligations (whether present or future, whether vested or contingent and whether personal or assignable).

rights means any rights, powers or immunities (whether present or future, whether vested or contingent and whether personal or assignable).

Trust means the Poon Boon Water Trust, being the trust of that name constituted under Part 3 of the former 1912 Act.

23 Winding up of Trust

For the purposes of section 238 (4) of the Act, the Trust is to be wound up.

Note—

Under section 238 (5) of the Act, the Governor may abolish the Trust if satisfied that the winding up of the Trust has been completed.

24 Transfer of assets, rights and liabilities to Ministerial Corporation

- (1) For the purposes of the winding up of the Trust, the assets, rights and liabilities of the Trust are transferred to the Ministerial Corporation.
- (2) This clause does not apply to any money held by the Trust.
- (3) When any asset, right or liability is transferred by operation of this clause, the following provisions have effect with respect to the transfer:
 - (a) the assets of the Trust vest in the Ministerial Corporation by virtue of this clause and without the need for any conveyance, transfer, assignment or assurance,
 - (b) the rights and liabilities of the Trust become by virtue of this clause the rights and liabilities of the Ministerial Corporation,

- (c) all proceedings relating to the assets, rights or liabilities commenced before the transfer by or on behalf of, or against, the Trust and pending immediately before the transfer are taken to be proceedings pending by or against the Ministerial Corporation,
 - (d) any act, matter or thing done or omitted to be done in relation to the assets, rights or liabilities before the transfer by, to or in respect of the Trust is (to the extent to which that act, matter or thing has any force or effect) taken to have been done or omitted by, to or in respect of the Ministerial Corporation,
 - (e) a reference in any instrument to the Trust is (to the extent that it relates to those assets, rights or liabilities), to be read as, or as including, a reference to the Ministerial Corporation.
- (4) The operation of this clause is not to be regarded:
- (a) as a breach of contract or confidence or otherwise as a civil wrong, or
 - (b) as a breach of any contractual provision prohibiting, restricting or regulating the assignment or transfer of assets, rights or liabilities, or
 - (c) as giving rise to any remedy by a party to an instrument, or as causing or permitting the termination of any instrument, because of a change in the beneficial or legal ownership of any asset, right or liability, or
 - (d) as an event of default under any contract or other instrument.

25 Distribution of money held by the Trust to ratepayers

The Minister is to cause to be distributed on a pro rata basis any money held by the Trust (after payment of any liabilities of the Trust existing before it is wound up) to those persons who, immediately before the commencement of this Part, were ratepayers in respect of land within the water supply district of the Trust.

Part 6 Provision relating to the [Water Management Amendment Act 2010](#)

26 References to “adaptive environmental water”

On and from 4 April 2011, any reference in a management plan to “adaptive environmental water” is taken to be a reference to licensed environmental water (within the meaning of section 8 of the Act) that is committed by an adaptive environmental water condition under section 8B, 8C, 8D or 63B of the Act.

Part 7 Transitional provisions relating to prospecting and fossicking

exemption from requirement for access licence

27 Continuation of existing exemption

(1) A person who was exempted under former clause 18 (1) (e) immediately before 30 June 2011 in relation to the taking of water required for prospecting or fossicking pursuant to an authority is taken to continue to be exempted under former clause 18 (1) (e) in relation to such taking of water, until the authority is modified or ceases to be in force.

(2) In this clause:

authority means a lease, licence, mineral claim or environmental assessment permit under the *Mining Act 1992* or a petroleum title under the *Petroleum (Onshore) Act 1991*.

former clause 18 (1) (e) means clause 18 (1) (e) as in force immediately before 30 June 2011.

28 Certain prospecting and fossicking entitlements to continue under 1912 Act for transitional period

(1) This clause applies to an entitlement (a **relevant entitlement**) if:

(a) the appointed day in relation to the entitlement occurs at any time during the period commencing on 30 June 2011 and ending before 1 February 2012 (the **transitional period**), and

(b) immediately before that appointed day the entitlement authorised the taking of water for the purpose of prospecting or fossicking for minerals or petroleum under the *Mining Act 1992* or the *Petroleum (Onshore) Act 1991* (the **relevant purpose**).

(2) For the purposes of subclause (1), the **appointed day** in relation to a relevant entitlement is the day that would have been the appointed day (within the meaning of clause 3 (1) of this Regulation) in relation to the entitlement had this clause not applied to the entitlement.

(3) During the transitional period:

(a) Schedule 10 (Conversion of former entitlements to access licences and approvals) to the Act does not apply to a relevant entitlement to the extent that the entitlement relates to the relevant purpose, and

(b) the provisions of the former 1912 Act continue to apply in relation to the entitlement to the extent that the entitlement relates to the relevant purpose, unless the entitlement is cancelled, permanently lapses or otherwise ceases to be in force or have effect under that Act before the end of the transitional period, and

- (c) Parts 2 and 3 of Chapter 3 of the Act do not apply in relation to the entitlement to the extent that the entitlement relates to the relevant purpose and while it continues to be in force or have effect under the former 1912 Act.
- (4) On and from 1 February 2012, the following provisions will apply to any relevant entitlement to the extent it relates to the relevant purpose and is still in force or effect immediately before that day as if 1 February 2012 were the appointed day in relation to that entitlement:
 - (a) Parts 2 and 3 of Chapter 3 of the Act,
 - (b) Schedule 10 to the Act.
- (5) Nothing in this clause affects the application of the Act to a relevant entitlement to the extent that the entitlement relates to a purpose other than a relevant purpose.
- (6) For the purposes of clause 1 (4) of Schedule 9 to the Act, this clause has effect despite any provision to the contrary in Schedule 10 to the Act.