

Water Management (General) Regulation 2011

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New South Wales

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Notes—

- **Does not include amendments by**
Plumbing and Drainage Act 2011 No 59 (not commenced)

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Water Management (General) Regulation 2011



New South Wales

Part 1 Preliminary

1 Name of Regulation

This Regulation is the *Water Management (General) Regulation 2011*.

2 Commencement

This Regulation commences on 1 September 2011 and is required to be published on the NSW legislation website.

Note—

This Regulation replaces the *Water Management (General) Regulation 2004* and the *Water Management (Water Supply Authorities) Regulation 2004* which are repealed on 1 September 2011 by section 10 (2) of the *Subordinate Legislation Act 1989*.

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.

commercial activities means associated commercial activities within the meaning of section 66 (3A) of the Act.

Department means the Department of Trade and Investment, Regional Infrastructure

and Services.

Department's website means the website with the URL of www.water.nsw.gov.au or if no such website exists, the website of the Department.

domestic consumption has the same meaning as it has in section 52 of the Act.

entitlement has the same meaning as it has in Schedule 10 to the Act and includes any arrangement that, immediately before 1 July 2004, was in force between a local council and the Ministerial Corporation.

excluded work means a work referred to in Schedule 1.

exempt monitoring bore means a monitoring bore constructed in accordance with the *Minimum Construction Requirements for Water Bores in Australia* that is:

- (a) required by an order, or approved voluntary management proposal, under Part 3 of the *Contaminated Land Management Act 1997*, or
- (b) required by a development consent under Part 4, or the conditions of an approved project under Part 3A or an approval under Part 5.1, of the *Environmental Planning and Assessment Act 1979*, or required or undertaken as a result of an environmental assessment under Part 5 of that Act, or
- (c) required by a condition of an environment protection licence under the *Protection of the Environment Operations Act 1997*, or
- (d) required under the *Protection of the Environment Operations (Underground Petroleum Storage Systems) Regulation 2008*, or
- (e) constructed and operated only by the Ministerial Corporation.

information system means a system for generating, sending, receiving, storing or otherwise processing electronic communications.

Minimum Construction Requirements for Water Bores in Australia means the document entitled *Minimum Construction Requirements for Water Bores in Australia* published by the Land and Water Biodiversity Committee, as in force from time to time.

minor stream means:

- (a) any stream or part of a stream:
 - (i) the location of which is represented on any of the topographic maps listed in Part 2 of Schedule 2, and
 - (ii) that is a first or second order stream, or part of such a stream, as determined in accordance with the system set out in Part 1 of Schedule 2, and

- (iii) which does not maintain a permanent flow of water, being a visible flow which occurs on a continuous basis, or which would so occur if there were no artificial abstractions of water or obstruction of flows upstream, and
 - (iv) which does not at any time carry flows emanating from a third, fourth or higher order stream as determined in accordance with the system set out in Part 1 of Schedule 2, and
- (b) any stream or part of a stream the location of which is not represented on a topographic map listed in Part 2 of Schedule 2.

For the purposes of paragraphs (a) (i) and (b), the streams are shown as watercourses on the topographic maps according to the legend.

stock watering has the same meaning as it has 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 21 of Schedule 9 to this Regulation.

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.

water year means a year commencing 1 July.

(2) For the purposes of paragraph (c) of the definition of **river** in the Dictionary to the Act, the following are declared to be a river:

- (a) any watercourse, whether perennial or intermittent, comprising an artificial channel that has changed the course of the watercourse,
- (b) any tributary, branch or other watercourse into or from which a watercourse referred to in paragraph (a) flows,
- (c) Eagle Creek Cutting, from its offtake with the Murray River adjacent to Lot 20, DP 1135384, Easting: 240323, Northing: 6052845, UTM Zone 55 GDA, Parish of

Barham, County of Wakool, to its confluence with the Eagle Creek adjacent to Lot 2, DP 218060, Easting: 241231, Northing: 6053511, UTM Zone 55 GDA, Parish of Barham, County of Wakool,

- (d) Waddy Creek Cutting, from its offtake with the Murray River in Lot 1, DP 868793, Easting: 750976, Northing: 6080045, UTM Zone 54 GDA, Parish of Willakool, County of Wakool, to its confluence with the Waddy Creek in Lot 2, DP 868793, Easting: 751915, Northing: 6081546, UTM Zone 54 GDA, Parish of Mellool, County of Wakool.

- (3) Notes and examples in this Regulation do not form part of this Regulation.

Part 2 Access licences

Division 1 General

4 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,
 - (i) unregulated river (special additional high flow) access licence,
 - (j) salinity and water table management 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.

5 Specific purpose access licences

For the purposes of paragraph (e) of the definition of ***specific purpose access licence*** in the Dictionary to the Act, each of the following types of access licence is declared to be

a specific purpose access licence:

- (a) domestic and stock (conveyance) access licence,
- (b) salinity and water table management access licence.

6 Priorities between different categories of access licence

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

(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 any other access licences referred to in section 58 (1) (c) of the Act, and

(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.

7 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.

8 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 Department's website.

9 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 or lodged electronically as provided by clause 229.

(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.

10 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:

- (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.

11 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.

12 Dealings on default

A notice referred to in section 71X (1) (b) of the Act 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 section 71X, 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 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, and
- (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](#).

13 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.

14 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 (2) of the Act, the register of available water determinations may be kept in written or in electronic form.
- (3) For the purposes of section 84 (3) of the Act, the register of available water determinations is to be made available for public inspection at each office of the Department.
- (4) The Director-General may also make the register of available water determinations, or parts of the register, available on the Department's website.

15 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 remaining in a water allocation account at the end of a water year may be carried over to the next water year, but only to the extent that the relevant water management plan permits.
- (4) Subclause (3) is not limited or otherwise affected by any order in force under section 49A (1) of the Act.

16 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 or lodged electronically as provided by clause 229.
- (2) A claim is incomplete unless it includes, or is accompanied by, all information required by the approved form.

17 Access licences arising from former entitlements

Part 2 of Schedule 4 contains particular provisions relating to access licences arising from former entitlements.

Division 2 Exemptions

18 Exemption from requirement for access licence

- (1) A person is exempt from section 60A (1) and (2) of the Act in relation to the taking of water from a water source if the person:
 - (a) is specified in any provision of Part 1 of Schedule 5, and
 - (b) takes water for any of the purposes, and in the circumstances, specified in that provision.

- (2) A person exempted under this clause is also exempted from any mandatory conditions relating to access licences that are imposed on a water supply work approval.
- (3) An exemption conferred by this clause that requires a watering program to be approved by the Minister is subject to the condition that any person claiming the exemption must, if required to do so by an authorised officer, produce the approved watering program immediately or within the period, and at the place, specified by the officer.
- (4) An exemption conferred by subclause (1) with respect to approved watering for basic human water needs (within the meaning of clause 14 of Schedule 5) ceases to apply 4 months after the date on which the relevant approval was granted by the Minister or such later date as the Minister may approve of in writing.
- (5) An exemption conferred by this clause with respect to the taking of water for the purposes and in the circumstances specified in clause 15B of Schedule 5 (Emergency safety measures) is subject to the condition that the person claiming the exemption must comply with all applicable requirements (if any) of the Minister:
 - (a) that are published in the Gazette, or notified in writing to the person, for the purposes of this subclause, and
 - (b) that are for the purposes of implementing the water management principles in relation to the taking of water the subject of the exemption.

19 (Repealed)

20 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.

21 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.

Part 3 Approvals

Division 1 General

22 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 sand,
- (b) the extraction of road base material.

23 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) if the application is an application for a controlled activity approval (or the extension of such an approval), must be signed by the owner of the land on which the activity is to take place, and
 - (e) 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
 - (f) must be lodged at, or sent by post to, an office of the Department or lodged electronically as provided by clause 229.
- (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 requirements (if any) issued by the Minister.

24 Advertising of applications for approvals

- (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 6 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*),
 - (ii) drought relief,
 - (iii) dust suppression,
 - (iv) prospecting or fossicking for minerals or petroleum under the *Mining Act 1992* or the *Petroleum (Onshore) Act 1991*,
 - (v) any environmental purpose authorised by a plan approved by the Minister under section 8E (7) of the Act,
 - (vi) hydrostatic testing of gas pipelines.
- (3) 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:
- (a) is to be used solely for taking or using water pursuant to a replacement access licence arising under Division 9, 11, 12 or 13 of Part 2 of Schedule 4, and
 - (b) was in existence at the time the relevant replacement access licence came into force.
- (4) 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 9, 11, 12 or 13 of Part 2 of Schedule 4.

- (5) 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 website.
- (6) 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.

25 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 or in electronic form, 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, within 28 days after the notice was first published, be lodged at, or sent by post to, the address specified in the notice referred to in clause 24 (6) (g) or, if in electronic form, lodged electronically as provided by clause 229, and
- (e) must specify the grounds of the objection.

26 Matters affecting consideration of applications

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.

27 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 register kept under that section is to be made available for public inspection at each office of the Department.
- (3) The Director-General may also make the register, or parts of the register, available on the Department's website.

28 Security for fulfilment of obligations under approvals

- (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 way of a deposit with the Minister (**a security deposit**) or a guarantee satisfactory to the Minister.
- (4) The Minister may retain a security deposit until satisfied that the holder of the approval has fulfilled the holder's obligations under the approval.
- (5) A security deposit may be paid out, or a guarantee may be enforced, to meet the cost of performing the holder's obligations under the approval. Any balance of a security deposit remaining is to be refunded to, or at the direction of, the person who provided the security, together with any interest accrued on the deposit as a consequence of its investment.
- (6) Obligations under an approval that are required to be fulfilled after the period for which the approval remains in force do not cease merely because the approval ceases to be in force.
- (7) A security deposit may be retained and dealt with under this clause, and a guarantee may be enforced, even though the approval is no longer in force.
- (8) A person who has deposited an amount under this clause is entitled to a refund of the amount together with any interest accrued on the deposit as a consequence of its investment (less any amount paid out under this clause) if the person makes a written

request to the Minister that satisfies the Minister that all obligations under the approval have been fulfilled.

29 Approvals arising from former entitlements, and certain deemed approvals

Part 3 of Schedule 4 contains particular provisions relating to approvals arising from former entitlements, and approvals for formerly unlicensed water bores in the Great Artesian Basin.

Division 2 Exemptions

Subdivision 1 Preliminary

30 Definition

In this Division:

public authority does not include Landcom or the Superannuation Administration Corporation or any of their subsidiaries.

Subdivision 2 Exemption from requirement for water use approval

31 Exemption where the taking of the water is also exempt

- (1) A person who is exempt under clause 18 in relation to the taking of water for any of the purposes, and in the circumstances, specified in a provision of Part 1 of Schedule 5 is exempt from section 91A (1) of the Act in relation to the use of the water for that purpose or those purposes, and in those circumstances.
- (2) An exemption conferred by this clause that relates to an exemption under clause 18 that requires a watering program to be approved by the Minister is subject to the condition that any person claiming the exemption must, if required to do so by an authorised officer, produce the approved watering program immediately or within the period, and at the place, specified by the officer.
- (3) An exemption conferred by this clause in respect of an exemption under clause 18 with respect to approved watering for basic human water needs (within the meaning of clause 14 of Schedule 5) ceases to apply at the same time as the exemption ceases to apply under clause 18 (4).
- (4) An exemption conferred by this clause in respect of an exemption under clause 18 with respect to the taking of water for the purposes and in the circumstances specified in clause 15B of Schedule 5 (Emergency safety measures) is subject to the condition that the person claiming the exemption must comply with all applicable requirements (if any) of the Minister:
 - (a) that are published in the Gazette, or notified in writing to the person, for the purposes of this subclause, and

- (b) that are for the purposes of implementing the water management principles in relation to the use of water the subject of the exemption.

32 Water used for particular purposes

A person is exempt from section 91A (1) of the Act in relation to the use of water if the water is used 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,
- (b) the use of water for domestic consumption and stock watering,
- (c) the use of water by, or on behalf of, the holder of a specific purpose access licence for Aboriginal cultural purposes for any purpose for which water may be taken under the licence,
- (d) the use of water for an environmental purpose in accordance with a plan approved by the Minister under section 8E (7) of the Act.

33 Aquifer interference in connection with mining

A person who is engaged in an aquifer interference activity in connection with the mining or extraction of any material is exempt from section 91A (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.

Subdivision 3 Exemption from requirement for water supply work approval

34 Exemptions relating only to construction of water supply works

- (1) A person is exempt from section 91B (1) of the Act in relation to the construction of any of the following water supply works:
 - (a) a water supply work constructed for the purpose of prospecting or fossicking for minerals or petroleum under the [Mining Act 1992](#) or the [Petroleum \(Onshore\) Act 1991](#) and for no other purpose,
 - (b) the construction of a water pipe for use solely for conveying water from one place to another,
 - (c) the construction of a water reticulation work on land the subject of a water use approval.
- (2) Subclause (1) does 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*,
- (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 vegetation plan in force under Part 4 of the *Native Vegetation Act 2003*,
- (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 (other than waterfront land relating to a minor stream).

35 Exemptions relating only to use of water supply works

A person is exempt from section 91B (1) of the Act in relation to the use of any of the following water supply works if the work is used for any of the purposes, and in the circumstances, specified in relation to the work:

- (a) a water supply work used for the purpose of prospecting or fossicking for minerals or petroleum under the *Mining Act 1992* or the *Petroleum (Onshore) Act 1991*,
- (b) a water storage work, water reticulation work or water impounding work that was in use before 1 July 2004 to convey or impound water taken pursuant to:
 - (i) an entitlement, or
 - (ii) (the previously repealed) section 7 (7) of the former 1912 Act,that is used pursuant to that entitlement for a purpose permitted by that entitlement, or for a purpose permitted by section 7 (7),

- (c) a water reticulation work used for the purpose of conveying water to land:
 - (i) the subject of a water use approval, or
 - (ii) the use of water on which does not require a water use approval,
- (d) a hydro-electric power station that is operated in connection with a water supply work owned by State Water Corporation or the Ministerial Corporation, and is authorised by that Corporation to be so operated, but only if:
 - (i) the water taken by the work is used for the purpose of generating hydro-electric power, and
 - (ii) the water taken by the work is returned to the same water source from which it was taken, and
 - (iii) the returned water is of the same quality as it was when it was taken (in terms of chemical composition, temperature, sediment content and salinity).

36 Exemptions relating to both construction and use of water supply works

- (1) The following persons are exempt from section 91B (1) of the Act in relation to the construction or use of a water supply work if the work is constructed or used for any of the purposes, and in the circumstances, specified in relation to the work:
 - (a) any person who is a landholder, in relation to the construction of an excluded work referred to in item 1, 2, 3, 4, 6, 7 or 9 in Schedule 1 that is situated on the land, or the use of the work for any of the purposes, and in the circumstances, specified in Schedule 1 in respect of the work,
 - (b) any person who is a landholder, in relation to the construction or use of an excluded work referred to in item 5 or 8 in Schedule 1 that is situated on the land,
 - (c) any person, in relation to the construction of an exempt monitoring bore, or the use of that bore, for measuring water levels, water pressure or water quality,
 - (d) any person who is engaged in an aquifer interference activity in connection with the mining or extraction of any material, in relation to the construction or use of a water management work for the purpose of taking and using water from an aquifer in accordance with an aquifer interference approval with respect to that activity,
 - (e) the Ministerial Corporation, in relation to the construction or use of a water supply work used for approved watering for basic human water needs (within the meaning of clause 14 of Schedule 5),
 - (f) any person, in relation to the construction or use of a water supply work for the purposes only of complying with a direction given under the [State Emergency](#)

Service Act 1989 or the *State Emergency and Rescue Management Act 1989* in an emergency (within the meaning of the latter Act), but only if:

- (i) the person's compliance with the direction is in accordance with the Act under which it is given, and
 - (ii) the water supply work is removed within 3 months (or such longer period as is approved of in writing by the Minister) after it is constructed.
- (2) An exemption conferred by subclause (1) (e) is subject to a condition that any person claiming the exemption must, if required to do so by an authorised officer, produce the approved watering program required by the exemption, immediately or within the period, and at the place, specified by the officer.
- (3) An exemption conferred by subclause (1) (e) ceases to apply at the same time as the exemption under clause 18 (4) ceases to apply in respect of the taking of the water for approved watering for basic human water needs.
- (4) An exemption conferred by subclause (1) (f) is subject to the condition that the person claiming the exemption must comply with all applicable requirements (if any) of the Minister:
- (a) that are published in the Gazette, or notified in writing to the person, for the purposes of this subclause, and
 - (b) that are for the purposes of implementing the water management principles in relation to the construction or use of the water supply work the subject of the exemption.

Subdivision 4 Exemption from requirement for controlled activity approval

37 Condition applying to all exemptions under this Subdivision

An exemption conferred under this Subdivision is subject to the condition that the person by whom the relevant controlled activity is carried out must comply with applicable requirements (if any) of the Minister that are published in the Gazette, or notified in writing to the person, for the purposes of this clause and that are 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.

38 Controlled activities—public authorities

A public authority is exempt from section 91E (1) of the Act in relation to all controlled activities that it carries out in, on or under waterfront land.

39 Controlled activities—persons other than public authorities

A person (other than a public authority) is exempt from section 91E (1) of the Act in relation to controlled activities specified in Part 2 of Schedule 5 that are carried out in, on or under waterfront land.

40 Network operators

A network operator licensed or authorised under the *Water Industry Competition Act 2006* or the *Gas Supply Act 1996*, or a licensee under the *Pipelines Act 1967* (**a pipeline licensee**), is exempt from section 91E (1) of the Act in relation to the construction, modification, repair or maintenance of, or emergency work on:

- (a) in the case of a network operator, the network operator's water or gas infrastructure, and
- (b) in the case of a pipeline licensee, the pipeline the subject of the licence and its associated infrastructure,

being activities:

- (c) that are carried out in, on or under waterfront land relating to a river, estuary or lake (other than in or on the bed or banks of a river, the bed or shore of a lake, or the bed or land lying between the bed and the mean high water mark of an estuary), and
- (d) that do not cause any change in the course of the river, and
- (e) the environmental impact of which has been considered under section 111 of the *Environmental Planning and Assessment Act 1979* (or is exempt from the need for such consideration under section 110E of that Act).

Subdivision 5 Exemption from operation of section 106

41 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 2, 4, 5 or 6 of Schedule 5 solely for taking water for a purpose for which the person is exempted by clause 19 from the requirement for an access licence, or
- (b) a water use approval for the use of water for such a purpose.

Part 4 Irrigation corporations

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

operations

42 Applications to include land within area of operations

(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 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

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), or lodged electronically as provided by clause 229, 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

- (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 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

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), or lodged electronically as provided by clause 229, within 28 days after the notice was first published, and

(e) must specify the grounds of the objection.

Part 5 Elections

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 69.

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 or 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 6.

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 Eligibility to be elected

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 Entitlement to vote

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 if the area irrigated does not exceed 80 hectares, or
 - (ii) 3 votes if the area irrigated exceeds 80 hectares.
- (3) At an election for the West Corugan 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 if the quantity of water allocated to the holding does not exceed 200 megalitres, or
 - (ii) 3 votes if the quantity of water allocated to the holding exceeds 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 if the allocation does not exceed 150 megalitres, and
 - (ii) if the allocation exceeds 150 megalitres, 2 votes, and one additional 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 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 every 3 years.
- (2) An election of the members of a private water trust must be held every 3 years.

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 6 Private drainage boards

Division 1 Constitution and procedure

87 Quorum

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

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

Division 2 Finance

88 Rate book

- (1) For the purposes of section 209 (1) 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 7 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 as follows:

- (a) if the trust comprises 3 members—2 members,
- (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 8 Public works

104 Hunter Valley flood mitigation works—statement of particulars

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 local council will be liable to contribute under section 260 of the Act,
- (g) an estimate of the amount of any payments that a local 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-Central Rivers Catchment Management Authority under section 262 of the Act during the previous financial year that remained unexpended at the close of that year.

105 Hunter Valley flood mitigation works—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 a local council should contribute to the cost of any such construction and maintenance,
- (e) the amount (if any) of any payment made by a local council under section 265 of the

Act during any previous financial year that remained unexpended at the end of the immediately preceding financial year.

106 Lowbidgee flood control and irrigation works

- (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 the period bears to the whole year.

Part 9 Water supply authorities

Division 1 Preliminary

107 Definitions

In this Part:

authorised officer means:

- (a) an employee or other person acting on behalf of a water supply authority, or
- (b) a police officer.

dwelling means a room or suite of rooms occupied or used, or so constructed or adapted as to be capable of being occupied or used, as a separate residence.

Plumbing and Drainage Code of Practice means the code of practice entitled *New South Wales Code of Practice Plumbing and Drainage* produced by the Committee on Uniformity of Plumbing and Drainage Regulations in New South Wales, 3rd edition, as approved in Gazette No 84 of 30 June 2006, at page 5039.

plumbing fitting includes any pipe, apparatus or fixture used for plumbing work.

repair includes make good, replace, reconstruct, remove, alter, cleanse or clear.

sewerage service means that part of sewerage pipework, including all sanitary fixtures, up to its point of connection to a water supply authority's sewerage system.

water service means that part of water supply pipework from its point of connection to a water supply authority's water supply system up to and including its outlet valves.

water supply service pipe means a pipe connecting a water service to a water supply authority's water supply system, and includes the plumbing fittings connected to the pipe.

Division 2 Areas of operations and functions

108 Country Energy

- (1) Country Energy's area of operations is the area of land shown by distinctive marking on the map marked "*Area of Operations of Broken Hill Water Board*" deposited in the offices of the Department, being:
 - (a) land within the local government area of the Broken Hill City Council, and
 - (b) the Stephens Creek, Umberumberka Creek and Yancowinna Creek Special Areas referred to in Division 6, and
 - (c) the localities of Menindee and Sunset Strip, and
 - (d) the land over which the Menindee to Stephens Creek pipeline is situated.

Note—

Certain land along the route of the Menindee to Stephens Creek pipeline is supplied with water by that pipeline. Pursuant to sections 292 (2) and 311 of the Act, water service charges may be levied on that land even though it is not within the area of operations of Country Energy.

- (2) Country Energy has and may exercise all of the functions of a water supply authority.

109 Gosford City Council

- (1) Gosford City Council's area of operations is its local government area under the [Local Government Act 1993](#).
- (2) Gosford City Council has and may exercise all of the functions of a water supply authority.

110 Wyong Shire Council

- (1) Wyong Shire Council's area of operations is its local government area under the [Local Government Act 1993](#).
- (2) Wyong Shire Council has and may exercise all of the functions of a water supply authority.

111 Cobar Water Board

- (1) Cobar Water Board's area of operations is the area of land shown by distinctive marking on the map marked "*Area of Operations of Cobar Water Board*" deposited in the offices of the Department, being:
 - (a) the land on which the Cobar Storage Dam is situated (as shown on DP 755660), and
 - (b) the locality of Canbelego, and
 - (c) the land over which the Nyngan to Cobar pipeline is situated.

Note—

Certain land along the route of the Nyngan to Cobar pipeline is supplied with water by that pipeline. Pursuant to sections 292 (2) and 311 of the Act, water service charges may be levied on that land even though it is not within the area of operations of Cobar Water Board.

- (2) Cobar Water Board has and may exercise only the function of providing water services.

112 State Water Corporation—Fish River water supply scheme

- (1) State Water Corporation's area of operations (in relation to the Fish River water supply scheme) is the area of land shown by distinctive marking on the map marked "*Area of Operations of Fish River water supply scheme*" deposited in the offices of the Department, being all the land owned, occupied or used by State Water Corporation in relation to the Fish River water supply scheme (within the meaning of the [State Water Corporation Act 2004](#)) in the local government areas of Greater Lithgow City, Oberon and Blue Mountains City, and includes:
 - (a) all land on which the following works are situated:
 - (i) the concrete dam on the Fish River at Oberon,
 - (ii) Duckmaloi weir,
 - (iii) Rydal storage, and
 - (b) all land on, over, under or in which any water management works incidental or connected to those referred to in paragraph (a) (including tunnels, pipelines, service reservoirs, pumping stations and water treatment works) are situated from time to time, and
 - (c) all land on, over, under or in which any access roads and easements in relation to the works referred to in paragraph (a) or (b) are situated from time to time.

Note—

Certain land along the route of the pipelines referred to in paragraph (b) is supplied with water by those

pipelines. Pursuant to sections 292 (2) and 311 of the Act, water service charges may be levied on that land even though it is not within the area of operations of State Water Corporation (in relation to the Fish River water supply scheme).

- (2) State Water Corporation has and may exercise only the function of providing water services.

113 Upper Parramatta River Catchment Trust

- (1) The Upper Parramatta River Catchment Trust's area of operations is the Area shown bounded by a red line on the map numbered 45/1203 deposited in the offices of the Department at Parramatta, not including the area shown bounded by a red line on the map marked "*Upper Parramatta River Catchment Trust—Excluded Area*" deposited in that office.
- (2) The Upper Parramatta River Catchment Trust has and may exercise all the functions of a water supply authority other than functions relating to the supply of water, the provision of sewerage services and the disposal of trade waste and waste water.
- (3) The Upper Parramatta River Catchment Trust is exempt from clauses 115, 116 and 222-224.

114 Sydney Olympic Park Authority

- (1) The Sydney Olympic Park Authority's area of operations is the Sydney Olympic Park Development Area within the meaning of the [Sydney Olympic Park Authority Act 2001](#).
- (2) The Sydney Olympic Park Authority has and may exercise in its area of operations only such functions as relate to the Water Reclamation and Management Scheme at Sydney Olympic Park, including the collection and treatment of waste water and the distribution of treated waste water.
- (3) The provisions of this Regulation with respect to the distribution of water by a water supply authority apply equally to the distribution of treated waste water by the Sydney Olympic Park Authority.

115 Strategic business plans

- (1) A water supply authority may apply to the Minister for approval of a strategic business plan with respect to the exercise of its functions under the Act.
- (2) The Minister may approve the business plan in the form in which it has been submitted for approval, may approve the business plan with specified modifications or may refuse to approve the business plan.
- (3) A strategic business plan is not to be approved under this clause unless it complies with the requirements of *Strategic Business Plans for Water Supply & Sewerage Schemes: Guidelines for Preparation*, as in force from time to time, published by the

New South Wales Government.

116 Ministerial approval not required for certain works

- (1) All works, other than the following, are exempt from the requirement for the Minister's approval under section 292 (1) (a) of the Act:
 - (a) dams for the impounding or diversion of water for public use, including any associated works,
 - (b) dams that are, or when completed will be, prescribed dams for the purposes of the *Dams Safety Act 1978*,
 - (c) water treatment works,
 - (d) sewage works, including works for the treatment of raw sewage, effluent or biosolids and works for the discharge of raw sewage, effluent or biosolids from sewage works.
- (2) For those works for which an approval referred to in subclause (1) is required, approval may be given only if:
 - (a) all information that the Minister has required to be supplied, and all relevant documentation, has been furnished, and
 - (b) the Minister is satisfied that:
 - (i) all inspections of the proposed works, and of the site of the proposed works, that the Minister has required to be carried out for the purpose of dealing with the application have been carried out, and
 - (ii) the water supply authority is competent to construct, maintain and operate the proposed works.
- (3) The relevant documentation referred to in subclause (2) (a) comprises:
 - (a) the plans and specifications of the proposed works, and all other documents and data relating to the proposed works that are in the possession of the water supply authority, and
 - (b) such other documents as are necessary to satisfy the Minister of the matters referred to in subclause (2) (b).
- (4) An approval referred to in subclause (1) may be revoked if the Minister is satisfied that the water supply authority has failed:
 - (a) to comply with any requirement to furnish information or documentation, or
 - (b) to comply with any direction given by the Minister, or

(c) to accept any supervision that the Minister has required,

with respect to the construction, maintenance or operation of the works to which the approval relates.

Division 3 Water supply

Subdivision 1 Preliminary

117 Application

This Division applies to and in respect of water supplied by the following water supply authorities:

- (a) Country Energy,
- (b) Gosford City Council,
- (c) Wyong Shire Council,
- (d) Cobar Water Board,
- (e) State Water Corporation,
- (f) the Sydney Olympic Park Authority.

Subdivision 2 Water services

118 Installation and maintenance of water service by owner

- (1) An owner of land to which a water main is connected or available for connection must ensure that:
 - (a) the installation of any water service, and the connection of any such water service to the water supply authority's system, are done by the holder of a plumbing permit, and
 - (b) any such water service complies with the Plumbing and Drainage Code of Practice, and is kept in good order and condition and free from blockages or leakages.

Maximum penalty: 20 penalty units.

- (2) In subclause (1), **plumbing permit**, in relation to a water supply authority, means:
 - (a) a permit issued by the water supply authority under Subdivision 3 of Division 5, or
 - (b) in the case of Gosford City Council or Wyong Shire Council, an approval to carry out water supply work under Part 1 of Chapter 7 of the [Local Government Act 1993](#).

119 Water service not to be shared

- (1) A person must not operate or use a shared water service without the consent of a water supply authority.

Maximum penalty: 20 penalty units.

- (2) In this clause, **shared water service** means a water service that extends over, or supplies water to, 2 or more separately owned parcels of land.

- (3) For the purposes of subclause (2), the separate lots in a strata scheme under the [Strata Schemes \(Freehold Development\) Act 1973](#) or the [Strata Schemes \(Leasehold Development\) Act 1986](#) are taken to constitute a single parcel of land.

120 Fire-fighting services

- (1) A person must not:

- (a) install or maintain a fire-fighting service that does not comply with the Plumbing and Drainage Code of Practice, or
- (b) fail to comply with any direction given by a water supply authority as to the way in which the person must comply with the Plumbing and Drainage Code of Practice in relation to a fire-fighting service.

Maximum penalty: 20 penalty units.

- (2) A person must not use a fire-fighting service otherwise than for the following purposes:

- (a) the purpose of controlling or extinguishing a fire,
- (b) some other purpose approved by the relevant water supply authority.

Maximum penalty: 20 penalty units.

- (3) In this clause, **fire-fighting service** means such parts of a water service as are designed to be used for controlling and extinguishing fires.

121 Misuse and waste of water

- (1) A person must not:

- (a) cause or allow a plumbing fitting to be used, or
- (b) cause or allow a plumbing fitting to be out of repair, or
- (c) cause or allow anything else to be done,

so as to waste water supplied by a water supply authority.

- (2) A person must not cause or allow water supplied by a water supply authority to be used for the purpose of diluting anything whose discharge into a sewerage system requires a discharge approval under Subdivision 3 of Division 4.
- (3) A person must not cause or allow anything to be done so as to contaminate water within a water supply authority's water supply system.

Maximum penalty: 20 penalty units.

122 Water to be taken through approved stoptaps

Except with the consent of the relevant water supply authority, a person must not take water from a water main otherwise than by means of a water supply service pipe that is connected to the water main by means of a stoptap approved by the water supply authority.

Maximum penalty: 20 penalty units.

123 Information regarding supply

- (1) A water supply authority may direct an owner or occupier of land to furnish it with such information in that person's knowledge as is necessary to enable the water supply authority to assess the quantity of water supplied to the land.
- (2) It is an offence for a person to fail to comply with a direction under this clause.

Maximum penalty: 10 penalty units.

124 Consents may be conditional, and may be varied and revoked

A consent given by a water supply authority for the purposes of this Subdivision is to be in writing, may be given unconditionally or subject to conditions and may be varied or revoked by the water supply authority (by written notice served on the holder of the consent) at any time and for any reason.

Subdivision 3 Meters

125 Measurement of water supply

- (1) The supply of water from a water main to any land is to be measured by means of a meter provided by, or in some other manner approved by, the relevant water supply authority.
- (2) In the absence of evidence to the contrary, the quantity of water supplied from a water supply system is taken to be the quantity registered by such a meter.

126 Property in meters

Any meter or plumbing fitting provided by a water supply authority, and connected to or

forming part of a water supply service pipe, remains the property of the authority.

127 Access to meters

If a meter for any land is so installed or located that it cannot be conveniently read or examined, the owner of the land:

- (a) must cause the meter to be re-positioned, or
- (b) must take such other action as is necessary to enable the meter to be conveniently read or examined,

in accordance with the directions of the relevant water supply authority.

Maximum penalty: 10 penalty units.

128 Care of meters

- (1) An occupier of land, or an owner of unoccupied land, must keep protected from damage any meter and meter fittings that are connected to or form part of a water supply service pipe for the land.

Maximum penalty: 10 penalty units.

- (2) An occupier of land, or an owner of unoccupied land, is liable to a water supply authority for the cost of repairing any damage caused to a meter by a failure to comply with subclause (1).

129 Discontinuance of use of meters

An occupier of land, or an owner of unoccupied land, who intends to discontinue the use of a meter provided by a water supply authority must give it at least 14 days' written notice of that fact.

Maximum penalty: 10 penalty units.

130 Testing of meters

- (1) An owner or an occupier of land for which a meter has been installed may apply to the relevant water supply authority to have the meter tested.
- (2) An application to have a meter tested must be in a form approved by the water supply authority.
- (3) If, on being tested, a meter registers less than 3 per cent above the quantity of water passed through it, the person who required the test must pay such fee as the water supply authority determines for the expenses of the test.
- (4) If, on being tested, a meter registers 3 per cent or more above the quantity of water passed through it:

- (a) an adjustment proportionate to the percentage of error is to be made in the reading objected to and in any further reading up to the time of removal of the meter, and
 - (b) the water supply authority is to bear the expenses of the test.
- (5) No adjustment is to be made if a meter registers within 3 per cent of the quantity of water passed through it.
- (6) If, at any reading, a meter is registering inaccurately or has ceased to register, the water supply authority is entitled to adjust the charge for water supplied during the period to which the reading relates on the basis of a daily consumption equal to the average daily consumption during a corresponding previous period.
- (7) If there was no reading for a corresponding previous period, or if the water supply authority is of the opinion that an adjustment on the basis of such a period would not be reasonable, it may assess the quantity of water used or may adjust the charge on such other basis as may be mutually agreed on between it and the consumer.

131 Installation of meters

- (1) A water supply authority may install, and may charge hire for:
- (a) meters for measuring the quantity of water supplied, and
 - (b) pipes and apparatus for the conveyance, reception and storage of water.
- (2) Alternatively, a water supply authority may require a person requiring a supply of water:
- (a) to install the appropriate meters, pipes or apparatus in accordance with its requirements, and
 - (b) to maintain them in good working order.

Subdivision 4 Fire hydrants

132 Installation of fire hydrants

- (1) A water supply authority must install fire hydrants in its water mains at such convenient distances, and at such places, as are necessary for the ready supply of water to control and extinguish fires.
- (2) Subclause (1) does not apply:
- (a) so as to require fire hydrants to be installed in any water main that is less than 100 millimetres in diameter, or
 - (b) so as to require fire hydrants to be installed if the water supply system is not

sufficient for the operation of fire hydrants,

in which case the water supply authority may provide other means for the ready supply of water to control and extinguish fires.

- (3) A water supply authority may, at the request and expense of the owner or occupier of any building, install a fire hydrant for use for controlling or extinguishing fires in or in the vicinity of the building.
- (4) A water supply authority may remove any fire hydrant referred to in subclause (1) if it is satisfied on reasonable grounds that the hydrant is no longer needed.

133 Maintenance of fire hydrants

A water supply authority must ensure that all fire hydrants installed by it are maintained in effective working order.

134 Supply of water to fire hydrants

A water supply authority must at all times keep charged with water any water main or pipe supplying water to a fire hydrant installed by it, unless prevented from doing so:

- (a) by drought or other emergency, or
- (b) while necessary repairs to the water main, pipe or hydrant are being carried out.

135 Use of fire hydrants by authorised persons

Any person authorised to do so by the water supply authority may take water from a fire hydrant, without charge, for the purpose of controlling or extinguishing fires.

Subdivision 5 Water restrictions

136 Restrictions on use of water during periods of shortage

- (1) If a water supply authority considers it necessary to do so in order to conserve supplies of water in time of drought or other emergency, it may, by a notice under this clause, regulate or restrict any of the following:
 - (a) the purposes for which water may be used,
 - (b) the times when water may be used,
 - (c) the quantities of water that may be used,
 - (d) the means or methods by which water may be used.
- (2) A notice made by a water supply authority under this clause:
 - (a) may apply to the whole of its area of operations or to such part of that area as is

specified in the notice, and

(b) has effect despite the provisions of any contract relating to the supply of water by the authority.

(3) A notice made by a water supply authority under this clause:

(a) is to be published in a newspaper circulating in its area of operations, and

(b) takes effect on the date specified in the notice (being a date that is not earlier than the date on which the notice is published).

(4) A person must not use water contrary to a notice under this clause.

Maximum penalty: 20 penalty units.

(5) Nothing in this clause authorises the use of water contrary to any restriction or requirement imposed under the *Essential Services Act 1988*.

Division 4 Sewerage

Subdivision 1 Preliminary

137 Application

(1) This Division (other than Subdivision 3) applies to and in respect of the sewerage systems of the following water supply authorities:

(a) Country Energy,

(b) Gosford City Council,

(c) Wyong Shire Council.

(2) Subdivision 3 applies to and in respect of the sewerage systems of Country Energy.

Note—

Subdivision 3 deals with the discharge of matter into a water supply authority's sewerage system. The discharge of matter into a local council's sewerage system is dealt with not under that Subdivision but under Part 1 of Chapter 7 of the *Local Government Act 1993*.

Subdivision 2 Sewerage systems

138 Installation and maintenance of sewerage service by owner

(1) An owner of land to which a sewer main is connected or available for connection must ensure that:

(a) the installation of any sewerage service, and the connection of any such sewerage service to the sewer main, are done by the holder of a plumbing permit, and

- (b) any such sewerage service complies with the Plumbing and Drainage Code of Practice, and is kept in good order and condition and free from blockages or leakages.

Maximum penalty: 20 penalty units.

- (2) In subclause (1), **plumbing permit**, in relation to a water supply authority, means:
 - (a) a permit issued by the water supply authority under Subdivision 3 of Division 5, or
 - (b) in the case of Gosford City Council or Wyong Shire Council, an approval to carry out sewerage work under Part 1 of Chapter 7 of the [Local Government Act 1993](#).

139 Sewerage service not to be shared

- (1) A person must not:
 - (a) operate or use a shared sewerage service, or
 - (b) install, maintain or use a sewerage service for any land beyond the boundary of that land,

without the consent of the relevant water supply authority.

Maximum penalty: 20 penalty units.

- (2) In subclause (1) (a), **shared sewerage service** means a sewerage service that extends over, or receives sewage from, 2 or more separately owned parcels of land.
- (3) Subclause (1) (b) does not prohibit the extension of a sewerage service beyond the boundaries of land for the purpose only of connecting the service to the water supply authority's sewer main.
- (4) For the purposes of this clause, the separate lots in a strata scheme under the [Strata Schemes \(Freehold Development\) Act 1973](#) or the [Strata Schemes \(Leasehold Development\) Act 1986](#) are taken to constitute a single parcel of land.

140 Consents may be conditional, and may be varied and revoked

A consent given by a water supply authority for the purposes of this Subdivision is to be in writing, may be given unconditionally or subject to conditions and may be varied or revoked by the water supply authority (by written notice served on the holder of the consent) at any time and for any reason.

Subdivision 3 Discharges into sewerage systems

141 Definitions

In this Subdivision:

approved discharge policy, in relation to a water supply authority, means a policy with respect to the discharge of substances into the water supply authority's sewerage system that is approved by the Minister under clause 142.

discharge approval means an approval for the discharge of a substance into a water supply authority's sewerage system.

142 Discharge policies

- (1) A water supply authority may apply to the Minister for approval of a policy with respect to the discharge of substances into its sewerage system.
- (2) The Minister may approve a policy in the form in which it has been submitted for approval, may approve the policy with specified modifications or may refuse to approve the policy.
- (3) A policy is not to be approved under this clause unless it contains provisions with respect to each of the following matters:
 - (a) the classification of different categories of substances, including:
 - (i) categories of exempt substances for which no discharge approval is required, and
 - (ii) categories of prohibited substances for which no discharge approval is to be granted,
 - (b) the procedures to be followed by a water supply authority in dealing with an application for a discharge approval, including the matters to be taken into consideration by the water supply authority when dealing with such an application,
 - (c) the conditions to be met in relation to discharge approvals, including (in particular) conditions as to the concentration limits of substances to be discharged,
 - (d) the charging methods to be applied with respect to discharges,
 - (e) such other matters as the Minister may determine.
- (4) A water supply authority must not issue a discharge approval under this Subdivision otherwise than in accordance with a discharge policy approved under this clause.

143 Discharges require discharge approval

- (1) A person must not cause or allow anything (including stormwater) to be discharged, whether directly or indirectly, into a water supply authority's sewerage system otherwise than in accordance with a discharge approval.

Maximum penalty: 20 penalty units.

- (2) Subclause (1) does not apply to the discharge into a water supply authority's sewerage system of the following substances:
- (a) kitchen, laundry, bathroom and toilet waste from residential premises, and backwash from swimming pools situated on residential premises,
 - (b) bathroom and toilet waste from commercial and industrial premises,
 - (c) kitchen waste from individual caravan park sites,
 - (d) laundry waste from common caravan park facilities,
 - (e) any substance that is exempted from the requirements of subclause (1) by the water supply authority's approved discharge policy.
- (3) Subclause (2) does not authorise the discharge into a water supply authority's sewerage system, otherwise than in accordance with a discharge approval, of the contents of any human waste storage facility (within the meaning of the *Local Government Act 1993*).

144 Application for discharge approval

- (1) An application for a discharge approval:
- (a) must be made in a form approved by the water supply authority, and
 - (b) must be accompanied by:
 - (i) plans and specifications of any plumbing work to be done pursuant to the approval, and
 - (ii) plans and specifications of any apparatus to be used pursuant to the approval, and
 - (iii) details of the nature and quantity of the waste to be discharged pursuant to the approval, and the frequency or rate at which it is to be discharged, and
 - (iv) such other documentation as the water supply authority may require, and
 - (v) in the case of an application for a discharge approval with respect to land, the consent in writing of the owner of the land, and
 - (c) must be lodged personally or by post at an office of the water supply authority.
- (2) An applicant must pay the fee determined by a water supply authority for the issue of a discharge approval.

Note—

Section 344 of the Act provides that it is an offence to make a false or misleading application.

145 Conditions of discharge approvals

- (1) A water supply authority may grant a discharge approval subject to conditions.
- (2) Such a condition may do one or more of the following:
 - (a) it may require that the volume of substances discharged pursuant to the discharge approval be measured or determined by a meter or other device specified by the water supply authority,
 - (b) it may specify:
 - (i) the maximum aggregate daily quantity of substances to be discharged, and
 - (ii) the characteristics of the substances permitted to be discharged, and
 - (iii) the maximum permissible rate of discharge, and
 - (iv) the times during which the discharge is permitted, and
 - (v) the size and capacity of the drain for conveying substances into the water supply authority's sewerage system,
 - (c) it may require that specified measures be taken to ensure that any or all of the following requirements are complied with:
 - (i) that the aggregate daily quantity of substances discharged does not exceed a specified quantity,
 - (ii) that the rate of discharge of substances does not exceed a specified rate,
 - (iii) that the size and capacity of the drain for conveying substances into the water supply authority's sewerage system are in accordance with specified requirements as to size and capacity,
 - (iv) that substances are discharged only during specified times,
 - (v) that the volume of substances discharged is measured or determined by a specified meter or other device,
 - (vi) that specified modifications to works from which the substances arise, or to works for treating the substances, are carried out.
- (3) From time to time, a water supply authority:
 - (a) may vary or revoke the conditions of a discharge approval, or
 - (b) may impose further conditions on a discharge approval.
- (4) A person must not contravene a condition of a discharge approval.

Maximum penalty: 20 penalty units.

146 Duration of discharge approvals

- (1) Unless sooner suspended or cancelled, a discharge approval has effect:
 - (a) for such period as is specified in the approval, or
 - (b) if no such period is so specified, for 5 years,from the date on which it is granted.
- (2) A water supply authority may, on the application of the holder of a discharge approval, extend the period for which the approval has effect.

147 Renewal of discharge approvals

- (1) An application for renewal of a discharge approval:
 - (a) must be made in a form approved by the relevant water supply authority, and
 - (b) must be lodged personally or by post at an office of the relevant water supply authority.
- (2) An applicant must pay the fee determined by the relevant water supply authority for the renewal of a discharge approval.
- (3) Clauses 144, 145 and 146 apply to an application for the renewal of a discharge approval in the same way as they apply to an application for a discharge approval.

Note—

Section 344 of the Act provides that it is an offence to make a false or misleading application.

148 Suspension or cancellation of discharge approval

- (1) A water supply authority may, by written notice served on the holder of a discharge approval, suspend or cancel the approval if:
 - (a) the approval has been granted on the basis of false or misleading information, or
 - (b) the holder of the approval has contravened a condition of the approval, or
 - (c) the holder of the approval has contravened the Act, this Regulation or a direction under the Act or this Regulation.
- (2) The notice must set out the reason for the suspension or cancellation.
- (3) A water supply authority may suspend or cancel a discharge approval at the request of the holder of the approval.

Division 5 Plumbing fittings, plumbing work and plumbing permits

Subdivision 1 Preliminary

149 Application

This Division applies to plumbing work carried out in the area of operations of Country Energy.

150 Definitions

In this Part:

authorised plumbing fitting means a plumbing fitting that is authorised for use under clause 164 within the area of operations of the relevant water supply authority.

certificate of compliance means a certificate of the kind referred to in clause 154.

Note—

A certificate of compliance under this Division is not to be confused with a certificate of compliance granted under section 307 of the Act in relation to the carrying out of development within a water supply authority's area of operations.

plumbing permit means a permit issued under Subdivision 3.

plumbing work means work comprising or affecting:

- (a) a water service or its connection to a water supply authority's water supply system, or
- (b) a sewerage service or its connection to a water supply authority's sewerage system.

working day means a day that is not a Saturday, Sunday or public holiday.

Subdivision 2 Plumbing work

151 Permit required for plumbing work

- (1) A person must not do plumbing work otherwise than in accordance with a plumbing permit authorising the person to do the work.

Maximum penalty: 20 penalty units.

- (2) A person is not guilty of an offence against this clause if:

- (a) the work is done in an emergency:

- (i) to prevent waste of water, or

- (ii) to restore a water supply that has been shut off to prevent waste of water, or

- (iii) to free a choked pipe, or

(iv) to prevent damage to property, and

(b) the person applies for a plumbing permit for the work within 2 working days after the work is done.

(3) This clause does not apply to or in respect of plumbing work done by an employee of a water supply authority.

(4) A water supply authority may grant plumbing permits for the purposes of this clause in accordance with the Plumbing and Drainage Code of Practice.

152 Plumbing work to comply with specified standards

A person must not do plumbing work otherwise than in accordance with the Plumbing and Drainage Code of Practice.

Maximum penalty: 20 penalty units.

153 Plumbing work to use authorised plumbing fittings

A person must not use any plumbing fitting for plumbing work unless it is an authorised plumbing fitting.

Maximum penalty: 20 penalty units.

154 Certificate of compliance following completion of plumbing work

(1) A person who does plumbing work must, within 48 hours after completing the work:

(a) give a water supply authority a certificate of compliance duly completed and signed by the person, and

(b) give a copy of the certificate to the owner of the land on which the work was done or to which the work was connected.

Maximum penalty: 20 penalty units.

(2) A certificate of compliance must be in a form approved by the relevant water supply authority and must certify that the plumbing work to which it relates has been completed in accordance with the Plumbing and Drainage Code of Practice.

(3) A person must not, in a certificate of compliance, provide information that the person knows to be false or misleading in a material particular.

Maximum penalty: 20 penalty units.

(4) This clause does not apply to or in respect of plumbing work done by an employee of a water supply authority.

155 Notification of damage arising in the course of plumbing work

A person who, in the course of doing plumbing work, damages a work or other property of a water supply authority must immediately notify it of the damage.

Maximum penalty: 20 penalty units.

156 Rectification of defective plumbing work

- (1) A water supply authority may, by written notice served on a person who is doing plumbing work, direct the person:
 - (a) to repair, as specified in the notice, work done otherwise than in a professional manner, or
 - (b) to bring into conformity with the Plumbing and Drainage Code of Practice work done otherwise than in accordance with that Code, or
 - (c) to bring into conformity with the conditions imposed on a plumbing permit work done otherwise than in accordance with those conditions, or
 - (d) to repair or replace, as specified in the notice, a defective plumbing fitting used in any of the work done, or
 - (e) to bring into conformity with its approval any plumbing fitting that does not comply with the approval.

- (2) A person to whom such a direction is given must not fail to comply with the direction.

Maximum penalty: 20 penalty units.

- (3) If a direction is given to a person before a certificate of compliance is given for the work, the person must not continue with the work until the direction has been complied with.

Maximum penalty: 20 penalty units.

- (4) A direction is of no effect if it is issued more than 2 years after the work to which it relates has been completed.

157 Exemption from certain requirements

- (1) A water supply authority may exempt all persons, or any specified class of persons, from any or all of the following requirements of this Subdivision:
 - (a) the requirement to hold a plumbing permit authorising the doing of plumbing work,
 - (b) the requirement to complete a certificate of compliance with respect to plumbing work,

- (c) the requirement to use only authorised plumbing fittings for plumbing work.
- (2) An exemption under subclause (1) (a) or (b) may relate to plumbing work generally or to any specified kind or kinds of plumbing work.
- (3) An exemption under subclause (1) (c) may relate to plumbing fittings generally or to any specified kind or kinds of plumbing fitting.
- (4) A water supply authority may vary or revoke any exemption under this clause.
- (5) Notice of any exemption granted under this clause, or of any variation or revocation of such an exemption, may be given in such manner as a water supply authority considers appropriate.
- (6) A person in respect of whom an exemption under this clause ceases to have effect by reason only of the fact that the exemption is varied or revoked is not guilty of an offence in respect of any act or omission unless it is established that he or she was aware of that fact when the act or omission occurred.
- (7) A person is taken to be aware that an exemption has been varied or revoked if written notice of that fact is served on the person, either personally or by post.
- (8) Subclause (7) does not limit any other circumstances in which a person may be taken to be aware of the fact that an exemption has been revoked or varied.

158 Supply of plans

On completion of any sewerage work, the person doing the work must supply a plan of the work to the owner of the land (or the owner's agent) and to the relevant water supply authority.

Maximum penalty: 20 penalty units.

Subdivision 3 Plumbing permits

159 Application for plumbing permit

- (1) An application for a plumbing permit:
 - (a) must be made in a form approved by the relevant water supply authority, and
 - (b) must be lodged personally or by post at an office of the relevant water supply authority.

Note—

Section 344 of the Act provides that it is an offence to make a false or misleading application.

- (2) The application must be lodged at least 2 working days before the day on which the work to which the application relates is proposed to be done.

- (3) An applicant must pay the fee determined by the relevant water supply authority for the issue of a plumbing permit.

160 Refusal of plumbing permits

- (1) A water supply authority may refuse to grant a plumbing permit to a person who, in its opinion, has previously done plumbing work in contravention of the Act, this Regulation or a direction under the Act or this Regulation.
- (2) A water supply authority may also refuse to grant a plumbing permit to a person while any relevant information that was not supplied with the application and that has been requested by it from the applicant is outstanding.

161 Conditions of plumbing permits

- (1) A water supply authority may grant a plumbing permit subject to conditions.
- (2) From time to time, a water supply authority:
 - (a) may vary or revoke the conditions of a plumbing permit, or
 - (b) may impose further conditions on a plumbing permit.
- (3) A person must not contravene a condition of a plumbing permit.
Maximum penalty: 20 penalty units.

162 Duration of plumbing permits

Unless sooner suspended or cancelled, a plumbing permit has effect from the time it is granted until such time as it is expressed to expire.

163 Suspension or cancellation of plumbing permits

- (1) A water supply authority may, by written notice served on the holder of a plumbing permit, suspend or cancel the permit if:
 - (a) the permit was granted on the basis of false or misleading information, or
 - (b) the holder of the permit has contravened a condition of the permit, or
 - (c) the holder of the permit has contravened the Act, this Regulation or a direction under the Act or this Regulation.
- (2) The notice must set out the reason for the suspension or cancellation.
- (3) A water supply authority may suspend or cancel a plumbing permit:
 - (a) at the request of the holder of the permit, or
 - (b) in the case of a plumbing permit, at the request of the owner of the land on which

the work authorised by the permit is to be, or is being, done.

Subdivision 4 Authorisation of plumbing fittings

164 Authorisation of plumbing fittings

- (1) A water supply authority may authorise plumbing fittings for use in connection with plumbing work.
- (2) Before authorising a plumbing fitting of a particular kind, a water supply authority:
 - (a) may require:
 - (i) a fitting of that kind to be submitted to it for examination and testing, or
 - (ii) submission to it of a satisfactory result of tests of a fitting of that kind carried out by a person or body approved by it, and
 - (b) may require fittings of that kind to be manufactured under a system of quality assurance approved by it.
- (3) A water supply authority must not authorise a particular kind of plumbing fitting unless it is satisfied that it complies with the requirements of MP52—2005.
- (4) In this clause, **MP52—2005** means the document entitled *Manual of authorization procedures for plumbing and drainage products*, published by Standards Australia, seventh edition (2005).

Division 6 Special areas

Subdivision 1 Preliminary

165 Application

This Division applies to special areas in the area of operations of Country Energy.

166 Definitions

In this Part:

public land means:

- (a) land owned or vested in Country Energy, or
- (b) Crown land within the meaning of the [Crown Lands Act 1989](#).

restricted portion, in relation to the Stephens Creek and Umberumberka Creek Special Areas, means:

- (a) Stephens Creek Reservoir, and the area of land surrounding the reservoir, as shown by hatched edging on the map in Part 2 of Schedule 7, and

- (b) Imperial Lake, and the area of land surrounding the lake, as shown by hatched edging on the map in Part 3 of Schedule 7, and
- (c) Umberumberka Reservoir, and the area of land surrounding the reservoir, as shown by hatched edging on the map in Part 4 of Schedule 7.

rural portion, in relation to the Stephens Creek, Umberumberka Creek and Yancowinna Creek Special Areas, means such part of those areas as is situated outside the City of Broken Hill, and includes such part of the City of Broken Hill as comprises Willyama Common.

special area means any of the following areas:

- (a) Stephens Creek Special Area,
- (b) Umberumberka Creek Special Area,
- (c) Yancowinna Creek Special Area.

Stephens Creek Special Area means the area described in a proclamation under the former *Broken Hill Water and Sewerage Act 1938* published in Gazette No 8 of 19 January 1940 at page 181, being the land described as the Stephens Creek Special Area on the map in Part 1 of Schedule 7.

Umberumberka Creek Special Area means the area described in a proclamation under the former *Broken Hill Water and Sewerage Act 1938* published in Gazette No 8 of 19 January 1940 at page 181, being the land described as the Umberumberka Creek Special Area on the map in Part 1 of Schedule 7.

Yancowinna Creek Special Area means the area described in a proclamation under the former *Broken Hill Water and Sewerage Act 1938* published in Gazette No 8 of 19 January 1940 at page 181, being the land described as the Yancowinna Creek Special Area on the map in Part 1 of Schedule 7.

Subdivision 2 Special areas generally

167 Livestock farming

- (1) A person must not:
 - (a) erect, maintain or use any building or structure in connection with the raising of cattle, sheep, pigs or poultry, or
 - (b) engage in any intensive agricultural activity (such as an animal feedlot),on land in a special area.

Maximum penalty: 20 penalty units.

(2) This clause does not apply to anything that is done in accordance with:

- (a) the consent of Country Energy, or
- (b) a development consent in force under the *Environmental Planning and Assessment Act 1979*.

168 Sewage disposal

A person must not install, maintain or use any sewage collection, treatment or disposal system on land in a special area without the consent of Country Energy.

Maximum penalty: 20 penalty units.

169 Notification of waterborne infectious diseases

An owner or occupier of land in a special area who becomes aware that any person, animal or property in a special area is carrying, infected with or affected by any waterborne infectious disease must notify Country Energy of that fact within 24 hours after first becoming so aware.

Maximum penalty: 20 penalty units.

170 Slaughtering

- (1) A person must not slaughter a beast in any manner or under any circumstances or conditions so as to pollute, or cause a reasonable risk of polluting, the water supply in a special area.
- (2) A person who slaughters a beast in a special area must immediately:
 - (a) collect all blood, offal and refuse products, and
 - (b) deposit all blood, offal and refuse products in a receptacle made of metal or some other non-absorbent material, and
 - (c) remove all blood, offal and refuse products from the special area and dispose of them in a manner that avoids pollution of the water supply in that area.
- (3) A person who slaughters a beast in a special area must, as soon as practicable after doing so, thoroughly wash and clean the premises where the slaughter took place.

Maximum penalty: 20 penalty units.

171 Stock control

The owner or person in charge of any stock must ensure that the stock does not enter any public land in a special area.

Maximum penalty: 20 penalty units.

Subdivision 3 Rural portions of special areas

172 Application of Subdivision

This Subdivision applies to the rural portion of the Stephens Creek, Umberumberka Creek and Yancowinna Creek Special Areas.

173 Destruction or removal of timber

- (1) A person must not, without the consent of Country Energy, destroy, cut, damage or remove any tree or shrub in the rural portion of a special area.

Maximum penalty: 20 penalty units.

- (2) This clause does not apply to land that is privately owned, nor does it affect the rights conferred on the holder of a licence granted under the [Forestry Act 1916](#).

174 Waste and pollutants

- (1) A person must not bring into the rural portion of a special area, or use or leave in the rural portion of a special area, any waste or pollutant.

Maximum penalty: 20 penalty units.

- (2) In this clause:

pollutant means anything that causes pollution within the meaning of the [Protection of the Environment Operations Act 1997](#).

waste has the same meaning as it has in the [Protection of the Environment Operations Act 1997](#).

175 Erection and alteration of buildings and structures

A person must not:

- (a) erect any building or structure, or
- (b) carry out any work, or
- (c) alter or extend any existing building, structure or work,

in the rural portion of a special area without the consent of Country Energy.

Maximum penalty: 20 penalty units.

176 Pesticides and pest control

- (1) A person must not:

- (a) bring into, or use or keep in, the rural portion of a special area any pesticide, herbicide or other toxic material, or

- (b) take steps to control or eradicate by the use of pesticides, herbicides or other toxic materials any feral animal, animal pest or noxious weed in the rural portion of a special area, without the consent of Country Energy.

Maximum penalty: 20 penalty units.

- (2) In this clause:

herbicide means any substance that is capable of destroying plants or preventing the spread of plants.

noxious weed has the same meaning as it has in the [Noxious Weeds Act 1993](#).

pesticide has the same meaning as it has in the [Pesticides Act 1999](#).

Subdivision 4 Restricted portions of special areas

177 Application of Subdivision

This Subdivision applies to the restricted portion of the Stephens Creek and Umberumberka Creek Special Areas.

178 Entry

A person must not enter or remain in the restricted portion of a special area without the consent of Country Energy.

Maximum penalty: 10 penalty units.

179 Fishing

A person must not fish in any waters in the restricted portion of a special area without the consent of Country Energy.

Maximum penalty: 10 penalty units.

180 Fees and charges

- (1) Country Energy may from time to time determine the fees and charges payable in respect of the entry of persons and vehicles into the restricted portion of a special area, either for tours or for recreational purposes.

- (2) An authorised officer may refuse to allow a person to enter the restricted portion of a special area if the person fails to pay any such fee or charge.

181 Prohibited conduct

A person must not:

- (a) destroy, capture, injure or annoy an animal in the restricted portion of a special area,
or

- (b) interfere with an animal, or interfere with the habitat of an animal, in the restricted portion of a special area, or
- (c) bury a human or animal body in the restricted portion of a special area, or
- (d) swim or wash in any waters in the restricted portion of a special area, or
- (e) cause any animal, animal matter, plant or plant matter to enter or remain in any waters in the restricted portion of a special area, or
- (f) drive, row, sail or paddle any boat or other waterborne craft on any waters in the restricted portion of a special area, or
- (g) remove or damage a plant, shrub or tree growing in the restricted portion of a special area, or
- (h) drive or ride a vehicle or ride or lead an animal into or on the restricted portion of a special area, or
- (i) bring into or have in the person's possession in the restricted portion of a special area a firearm, imitation firearm or prohibited weapon (within the meaning of the [Firearms Act 1996](#) or the [Weapons Prohibition Act 1998](#)) unless the person is a police officer on duty, or
- (j) land an aircraft (including an ultra-light aircraft, hang-glider or balloon) on the restricted portion of a special area, or
- (k) sell or offer for sale any goods on or by any public road in the restricted portion of a special area,

without the consent of Country Energy.

Maximum penalty: 10 penalty units.

182 Gates not to be opened

A person must not:

- (a) remove anything that bars entry to public land in the restricted portion of a special area, or
- (b) open any gate to any public land in the restricted portion of a special area,

without the consent of Country Energy.

Maximum penalty: 10 penalty units.

183 Camping and picnicking

- (1) Country Energy may reserve any portion of public land in the restricted portion of a

special area for camping or picnicking by means of signs displayed on or adjacent to the portion.

- (2) Country Energy may impose conditions, including conditions requiring the payment of fees, subject to which a reserved portion of land may be used for camping or picnicking.
- (3) A person must not camp or picnic on public land in the restricted portion of a special area otherwise than:
 - (a) in a place reserved for that purpose, and
 - (b) in accordance with any conditions subject to which that place may be so used.

Maximum penalty: 10 penalty units.

- (4) In this clause, **camp** means reside temporarily, whether or not in a tent, caravan, cabin or other structure.

184 Fires

A person must not:

- (a) light a fire in the restricted portion of a special area otherwise than in a fireplace approved by Country Energy, or
- (b) do anything in the restricted portion of a special area that may cause fire to spread beyond such a fireplace.

Maximum penalty: 10 penalty units.

Subdivision 5 Miscellaneous

185 Consents may be conditional, and may be varied and revoked

A consent given by Country Energy for the purposes of this Division is to be in writing, may be given unconditionally or subject to conditions and may be varied or revoked by it (by written notice served on the holder of the consent) at any time and for any reason.

186 Investigation of suspected contraventions

- (1) An authorised officer who has reason to believe that a person in a special area has in his or her possession or control anything that, in the officer's opinion, has been, is being or is about to be used in connection with a contravention of this Division may request the person to do either or both of the following:
 - (a) to surrender any such thing to the authorised officer,
 - (b) to make available for inspection by the authorised officer any vehicle or receptacle in which the officer suspects any such thing to be concealed.

(2) If a person fails to comply with the request, the authorised officer may direct the person to leave the special area.

(3) A person to whom such a direction is given must immediately comply with the direction.

Maximum penalty: 20 penalty units.

187 Notice by public agencies

For the purposes of section 304 (1) of the Act, the notice to be given to Country Energy of the proposed exercise of a function by a public agency in relation to land in a special area:

(a) must be in writing, and

(b) must be sent by post to or lodged at any of its offices, and

(c) must contain a full description of the proposed function, including any associated activities, and a statement of the objectives of the proposed function, and

(d) must be given at least 28 days before the function is proposed to be exercised.

Division 7 Finance generally

Subdivision 1 Preliminary

188 Application

This Division applies to and in respect of the following water supply authorities and to and in respect of matters arising within the areas of operations of those authorities:

(a) Country Energy,

(b) Gosford City Council,

(c) Wyong Shire Council,

(d) Cobar Water Board,

(e) State Water Corporation,

(f) Upper Parramatta River Catchment Trust (except clauses 192, 196 and 205),

(g) the Sydney Olympic Park Authority.

189 Definitions

In this Part, **land** means:

(a) a parcel within the meaning of the *Strata Schemes (Freehold Development) Act 1973* or the *Strata Schemes (Leasehold Development) Act 1986*, or

- (b) an existing lot within the meaning of the *Conveyancing Act 1919*.

Subdivision 2 Service charges and other charges

190 Fees and charges other than service charges

The fees and charges (other than service charges) that a water supply authority may, under section 310 (2) of the Act, impose for goods supplied, or for services provided, are to be determined by resolution.

191 Classification of land

- (1) For the purposes of section 313 of the Act, a water supply authority may classify land for the purpose of levying service charges according to one or more of the following factors:
- (a) the purpose for which the land is actually being used,
 - (b) the intensity with which the land is being used for that purpose,
 - (c) the purposes for which the land is capable of being used,
 - (d) the nature and extent of any water supply, sewerage or drainage systems connected to, or available for connection to, the land.
- (2) Subclause (1) (c) and (d) do not apply with respect to the Upper Parramatta River Catchment Trust.

192 Basis of levying service charges

- (1) For the purposes of section 314 of the Act, a water supply authority may levy service charges according to one or more of the following bases:
- (a) on the basis of the availability of the service (the **access component**),
 - (b) on the basis of the usage of the service (the **usage component**).
- (2) The access component may vary according to any of the following:
- (a) the size of the water meter registering water supply to the land,
 - (b) the nominal size of the water supply service pipe supplying water to the land,
 - (c) the cost of providing the service, as assessed by the authority,
 - (d) the classification of the land, as determined by the authority under this Subdivision.
- (3) The usage component may vary:
- (a) in the case of a water service charge, according to the volume of water supplied

to the land concerned, or

(b) in the case of any other service charge, according to the degree of use of the service, as assessed by the authority.

(4) For the purposes of subclause (2) (b), the nominal size of a water supply service pipe supplying water to land is:

(a) the nominal size of the pipe at the point where it joins the water meter registering water supply to the land, or

(b) if there is no such water meter the nominal size of the pipe at the point where it joins the water supply authority's water main.

(5) In this clause, **nominal size** has the same meaning as **nominal size (DN)** has in the document entitled *AS/NZS 3500:2003 Plumbing and Drainage*, as in force from time to time, published by Standards Australia.

193 Basis of levying service charges—Upper Parramatta River Catchment Trust

For the purposes of section 314 of the Act, the Upper Parramatta River Catchment Trust may only levy service charges according to either or both of the following bases:

(a) a flat rate for all land of a particular classification,

(b) the area of the land on which the service charge is being levied.

194 Method of levying service charge on dwelling under company title

(1) For the purposes of this Regulation:

(a) a person who, because of the ownership of shares in a company, is entitled to occupy a dwelling in a building containing 2 or more such dwellings is taken to be the owner of the land comprising the dwelling, and

(b) the service charge for the dwelling is to be an amount that bears the same proportion to the service charge for the building as the number of shares in the company owned by the person bears to the total number of shares issued by the company.

(2) The secretary of such a company must notify the water supply authority of:

(a) the names and addresses of all owners of shares in the company and of the number of shares held by each owner, and

(b) changes in ownership of any shares in the company.

(3) A service charge is not payable by the company to the extent to which it is payable by the owners of shares in the company.

195 Determination of service charges

A determination by a water supply authority under section 315 (1) of the Act is to be made by resolution.

196 Approval of service charge determinations

- (1) Approval of a water supply authority's determination for any charging year under section 315 (1) of the Act is not to be granted unless:
 - (a) a strategic business plan for the water supply authority has been approved by the Minister under clause 115 within the last 4 years, and
 - (b) the water supply authority has furnished the Minister with a performance report with respect to the exercise of its functions under the Act during the charging year last ended.
- (2) The performance report referred to in subclause (1) (b) must comply with such requirements as the Minister may from time to time determine.

197 Payment of service charges and other charges

Payment to a water supply authority of a service charge or other charge:

- (a) is due within the time, and
- (b) may be made in any manner,

notified by the authority when giving notice of the service charge or other charge.

198 Payment by instalments

- (1) A water supply authority may notify a person liable to pay service charges levied, or other charges imposed, that payment of the service charges or other charges may be made to the authority by a stated number of instalments of specified amounts.
- (2) If there is a failure to make a payment in accordance with the notification, the total unpaid balance may be treated by the water supply authority as an overdue amount of service charges or other charges even if payment by instalments had commenced.

199 General power to defer or waive payment of service charges or other charges or fees

- (1) A water supply authority may, if of the opinion that reasonable cause has been shown:
 - (a) defer payment of a service charge, or any other charge or fee, on such conditions as it thinks fit, or
 - (b) waive such a payment or any part of it.

- (2) A water supply authority may establish an account from which to fund any such deferral or waiver.

200 Adjustment of service charge

- (1) If a service charge has been levied on land on the basis of a classification made by a water supply authority under this Subdivision and the water supply authority later decides that the classification was incorrect, it must adjust the service charge according to the correct classification.
- (2) If a service charge has been levied, or has been adjusted under subclause (1), on land on the basis of a classification made by a water supply authority under this Subdivision and the land later ceases to belong to that class, the water supply authority must adjust the service charge according to the new classification, on and from the date of the change of classification.
- (3) If the water supply authority has not acted under subclause (1) or (2) and an application for it to do so is made to the authority in writing stating the grounds of the application, the authority:
 - (a) may act under subclause (1) or (2) or may refuse to do so, and
 - (b) must give the applicant written notice of its decision.
- (4) If a service charge is adjusted under this clause, the water supply authority:
 - (a) must give written notice of the adjustment to the person liable to pay the service charge, and
 - (b) may recover any increase as if it were part of the service charge, even if an objection or appeal has been lodged but not determined, and
 - (c) must refund any amount by which a service charge already paid has been decreased, or credit the amount towards payment of any amount then payable by the person liable to pay the service charge to the authority.

201 Objection to levying of service charge

- (1) If a service charge is levied on land on the basis of a classification made by a water supply authority under this Subdivision, the person liable to pay the service charge may, within one month after being served with notice of the levying of the service charge, object to the service charge.
- (2) An objection under this clause may be made only on the ground that the classification of the land according to which the service charge was levied was incorrect.

202 Objection to adjustment of service charge

- (1) If an adjustment results in a service charge being increased, the person liable to pay

the amount of the increase may, within one month after being given notice of the increase, object to the adjustment.

- (2) An objection under this clause may be made only on the ground that the classification of the land according to which the service charge was adjusted was incorrect.

203 Objection to refusal to adjust service charge

- (1) If an application is made to a water supply authority for an adjustment of a service charge and the water supply authority:

- (a) refuses to adjust the service charge, or

- (b) refuses to adjust the service charge in the manner sought in the application,

the applicant may, within one month after being notified of the refusal, object to the refusal.

- (2) An objection under this clause may be made only on the ground that the refusal by the water supply authority was incorrect.

204 Objections generally

- (1) An objection is to be made by lodging with the water supply authority, or by serving on it by post, a written statement of the ground for the objection and the reasons why the objector believes the ground exists.

- (2) A water supply authority:

- (a) may allow, or disallow, an objection, and

- (b) must give the objector written notice of its decision on the objection.

Subdivision 3 Drainage areas

205 Notice of drainage area

- (1) On the declaration under section 308 (2) of the Act of a drainage area for a water supply authority, the water supply authority must deposit a map of the drainage area in its office.
- (2) The water supply authority must make the map available for inspection at reasonable times during its ordinary office hours.
- (3) The water supply authority must serve on each owner of land in the drainage area, personally or by post at the address of the owner last known to it, a notice to the effect that:
 - (a) the drainage area has been declared, and

- (b) a map of the drainage area may be inspected at a specified place or specified places, and
 - (c) drainage service charges are to be levied on land in the drainage area within a specified time, and
 - (d) an objection to inclusion of the owner's land in the drainage area may be lodged with the water supply authority, but only on the ground that surface or run-off water could not drain from the objector's land into the drainage area, and
 - (e) an objection must be in writing and must be lodged with the water supply authority before a specified date (being a date that is not earlier than 14 days after service of the notice), and
 - (f) an objection will be referred by the water supply authority to an adjudicator for determination, and
 - (g) an objector is not entitled to appear, or be represented, before the adjudicator unless the adjudicator so orders.
- (4) The water supply authority:
- (a) must appoint an independent person (that is, a person who is not subject to its direction or control) to be the adjudicator with respect to objections arising from the declaration of a particular drainage area, and
 - (b) must refer all duly lodged objections to the adjudicator, and
 - (c) must serve notice of the adjudicator's decision on each objection on the objector concerned, either personally or by sending it by post to the objector's address last known to the authority.

Subdivision 4 Flood plain and river management area

206 Notice of flood plain or river management area

- (1) The Upper Parramatta River Catchment Trust (***the Trust***) must keep in its office a map of any flood plain or river management area within its area of operations.
- (2) The Trust must make the map available for inspection at reasonable times during its ordinary office hours.
- (3) The Trust must publish in at least one newspaper circulating in the flood plain or river management area, as the case may be, a notice to the effect that:
 - (a) the land concerned has been declared to be a flood plain or a river management area, and
 - (b) a map of the flood plain or river management area may be inspected at a

specified place or specified places, and

- (c) flood mitigation service charges or river management service charges, as the case may be, are to be levied on the land in the flood plain or river management area within a specified time, and
- (d) an objection to the inclusion of an owners land in the flood plain or river management area may be lodged with the Trust but only on the ground:
 - (i) in the case of land within a flood plain—that the land does not benefit from the flood mitigation services proposed to be undertaken, or
 - (ii) in the case of the land within a river management area—that the surface run-off water from the land does not drain into other land within the area, and
- (e) an objection must be in writing and must be lodged with the Trust before a specified day (being a date that is not earlier than 14 days after the publication of the notice), and
- (f) an objection will be referred by the Trust to an adjudicator for determination, and
- (g) an objector is not entitled to appear, or be represented before the adjudicator without being required by the adjudicator to do so.

(4) The Trust must:

- (a) appoint a person (other than a person subject to the direction or control of the Trust) as an adjudicator on objections relating to the flood plain or river management area, and
- (b) refer all duly lodged objections to the adjudicator, and
- (c) serve personally or by post on each objector, at the address of the objector last known to the Trust, notice of the determination of the adjudicator on the objection.

Subdivision 5 Miscellaneous

207 Cutting off or restricting supply

A water supply authority may cut off or restrict the supply of water to land in any of the following circumstances:

- (a) if any service charges or other charges relating to the land are unpaid,
- (b) if the person requiring a supply of water:
 - (i) fails to do anything that, under the Act or this Regulation, is required to be done to prevent waste, misuse, undue consumption, backflow or contamination of the water supplied by the water supply authority, or

- (ii) fails to comply with a notice under clause 136 regulating or restricting the use of water, or
 - (iii) fails to comply with its conditions of supply, or
 - (iv) fails to comply with its requirements in relation to the installation, repair or alteration of a meter for measuring water, or
 - (v) fails to comply with its requirements in relation to the installation, repair or alteration of water or sewerage connections, plumbing fittings or appliances connected, or intended to be connected, directly or indirectly to a water main or sewer main,
- (c) if it is necessary to do so:
- (i) in order to repair or alter any connections, plumbing fittings or appliances referred to in paragraph (b) (v), or
 - (ii) in order to effect repairs or to clean a water main or sewer main, or
 - (iii) in order to conserve supplies in time of drought or other emergency, or
 - (iv) because of an accident.

208 Service of notices

- (1) A notice under the Act to a Government Department may be served on the Department Head.
- (2) A notice under the Act to a corporation constituted by or under an Act may be served:
 - (a) by leaving it at the corporation's registered office or principal place of business with a person who appears to be employed there and to be at least 16 years old, or
 - (b) in any manner authorised by or under the Act by which the corporation is constituted.
- (3) A notice under the Act to a person liable for payment of a service charge or other charge, or to a person who is owner or occupier of land or a building, may be served:
 - (a) personally, or
 - (b) by leaving it, at the person's residential or business address, with a person who appears to be employed or to reside there and to be at least 16 years old, or
 - (c) by sending it by post to the person's residential or business address last known to the water supply authority serving the notice, or
 - (d) by affixing it to a conspicuous part of the land or building.

- (4) A notice under the Act may be served on a person who appears to be absent from the State, and who has authorised service on an agent, by serving it on the agent of the person as if the agent were the person to be served.
- (5) If a notice relates to unoccupied land and the address of the owner is not known to the water supply authority serving the notice, it may be served by an advertisement that:
 - (a) is published in a newspaper circulating in its area, and
 - (b) states the name of the owner of the land, if known to it, and
 - (c) if the notice is notice of a service charge, states its amount, the period to which the charge relates and that a detailed notice of the service charge may be obtained at its offices, and
 - (d) states that the advertisement operates as service of the notice.
- (6) It is a sufficient description of the addressee of a notice to be served if the notice specifies “the owner”, “the occupier” or other appropriate description.

209 Recording of service charge

- (1) A water supply authority must keep records relating to each service charge as required by the Minister and must keep the records in a manner approved by the Minister.
- (2) An amendment of the records kept under this clause may be made:
 - (a) so as to insert the name of a person who claims to be, and is, entitled to be recorded as owner or occupier, or
 - (b) so as to insert the name of a person to whom an account for a service charge should have been rendered or who has, since the levying of a service charge, become liable to pay it, or
 - (c) so as to omit the name of a person whose name should not have been recorded, or
 - (d) so as to vary the amount of a service charge, whether as a result of an error in recording or notifying it, as a result of an adjustment or objection or as a result of an appeal, or
 - (e) so as to insert particulars of land that should have been the subject of a service charge, or
 - (f) so as to make such other corrections as will ensure conformity of the records with the Act.

- (3) A liability to make a payment as a result of an amendment accrues on the making of the amendment, but the payment is not overdue if made within one month after written notice of the amendment, and of the resulting liability, has been given to the person liable.

Division 8 Concessions for eligible pensioners and others

Subdivision 1 Preliminary

210 Application

This Division (Subdivision 5 excepted) applies to and in respect of the following water supply authorities:

- (a) Country Energy,
- (b) Cobar Water Board.

211 Definitions

- (1) In this Division:

eligible pensioner, in relation to a dwelling, means a person who occupies the dwelling as his or her sole or principal residence and:

- (a) who receives a pension, benefit or allowance under Chapter 2 of the *Social Security Act 1991* of the Commonwealth, or a service pension under Part III of the *Veterans' Entitlements Act 1986* of the Commonwealth, and who is the holder of a pensioner concession card issued by or on behalf of the Commonwealth, or
- (b) who receives a pension from the Commonwealth Department of Veterans' Affairs as:
 - (i) the widow or widower of a member of the Australian Defence or Peacekeeping Forces, or
 - (ii) the unmarried mother of a deceased unmarried member of either of those Forces, or
 - (iii) the widowed mother of a deceased unmarried member of either of those Forces,

and does not have income and assets that would prevent the person from being granted a pensioner concession card (assuming he or she was eligible for such a card), or

- (c) who receives a special rate of pension under section 24 of the *Veterans' Entitlements Act 1986* of the Commonwealth.

Gazetted amount means an amount specified by the Minister, by order published in the Gazette, for the purposes of this Division.

instalment, in relation to a service charge, means an instalment payable under clause 198 in respect of the charge.

nominal amount, in relation to the service charges payable for any land, means the lesser of the following amounts:

- (a) an amount equal to half of all service charges for that land for the current charging year,
- (b) an amount equal to:
 - (i) except as provided by subparagraph (ii), the whole of the Gazetted amount, or
 - (ii) if the only service charge payable for that land is a water service charge, half of the Gazetted amount.

service charge includes an instalment of a service charge.

water service charge includes a drainage service charge levied in conjunction with the water service charge.

- (2) In this Division, a reference to the time at which a service charge is levied is, in the case of an instalment of the service charge, a reference to the time at which the instalment is due for payment.

Subdivision 2 Reductions for pensioners

212 When entitlement arises

A water supply authority is to reduce a service charge under this Subdivision if:

- (a) an application for the reduction is made to it by an eligible pensioner, and
- (b) as at the day on which the service charge is levied or imposed, it is satisfied that the eligible pensioner is solely or jointly liable for payment of the charge, and
- (c) sufficient evidence is produced to it to enable the reduction to be calculated.

213 Reduction of total charges

An eligible pensioner who is liable for a service charge for any land for any charging year is required to pay, for all service charges payable for that land for that year, no more than an amount calculated by dividing the nominal amount in relation to those charges by the number of persons liable for those charges.

214 Reduction of instalments for charges

An eligible pensioner who is liable for an instalment of a service charge for any land for any charging year is required to pay, as an instalment for all service charges payable for that land for that year, no more than an amount calculated by:

- (a) dividing the nominal amount in relation to those charges by the number of persons liable for those charges, and
- (b) dividing the result of that division by the number of instalments payable in relation to those charges.

215 Application by person who becomes eligible pensioner after charge is levied

If a person becomes an eligible pensioner after the day on which a service charge is levied or imposed, the person is entitled to a reduction of the charge proportionate to the number of days remaining after the day on which the person becomes an eligible pensioner in the charging year for which the charge is levied or imposed.

Subdivision 3 Other reductions

216 Extension of reduction to avoid hardship

(1) If the Minister considers it proper to do so to avoid hardship, the Minister may, by order, direct that:

(a) a person specified in the order:

- (i) who occupies a dwelling as his or her sole or principal residence together with an eligible pensioner for whom the dwelling is his or her sole or principal residence, and
- (ii) who is jointly liable with that eligible pensioner or with that eligible pensioner and one or more other persons for a service charge for the land on which that dwelling is situated, and
- (iii) who would not otherwise be entitled to a reduction of the service charge under this Division, or

(b) any person belonging to a class of persons specified in the order, being persons referred to in paragraph (a),

is taken, for the purposes of this Division, to be or to have been an eligible pensioner.

(2) If the Minister considers it proper to do so to avoid hardship, the Minister may, by order, direct that:

(a) an eligible pensioner specified in the order who, although not liable, or although not liable jointly with one or more persons, to the whole of the service charges for

the land on which that dwelling is situated:

- (i) has paid the whole of those charges for such period as, in the opinion of the Minister, warrants the making of such an order, or
- (ii) is, in the opinion of the Minister, likely to pay the whole of those charges in such circumstances as, in the opinion of the Minister, warrant the making of such an order, or

(b) any person belonging to a class of persons specified in the order, being persons referred to in paragraph (a),

is taken, for the purposes of this Division, to be or to have been the person solely liable in respect of the land on which the dwelling is situated.

(3) An order under this clause takes effect on the day that it is made or on such earlier or later day as is specified in the order.

Subdivision 4 General provisions concerning reductions

217 Making of application

An application to a water supply authority under this Division must be made to it within the time, and in the manner, determined by the authority.

Note—

Section 344 of the Act provides that it is an offence to make a false or misleading application.

218 Refund of certain overpayments

If a person:

- (a) has paid in full a service charge for a charging year, and
- (b) would have been entitled to a reduction of the service charge if it had been paid by instalments, and
- (c) applies to the water supply authority for a refund of the amount of the reduction,

the water supply authority must make the refund or credit the amount towards payment of any amount then payable in relation to the land concerned by the person liable to pay the amount to the authority.

219 Exemption from liability

An eligible pensioner is not liable for a service charge beyond the amount of his or her liability as reduced in accordance with this Division.

220 Recovery of amount of reduction

A water supply authority is not entitled to repayment of an amount by which a service charge is reduced under this Division unless the reduction was made on the basis of a false statement in the application for the reduction.

Subdivision 5 Water supply authorities that are also local councils

221 Water supply authorities that are also local councils

- (1) This clause applies to and in respect of the following water supply authorities:
 - (a) Gosford City Council,
 - (b) Wyong Shire Council.
- (2) The provisions of the *Local Government Act 1993* (and the regulations under that Act) that apply to the reduction and postponement of rates and charges under that Act apply to the reduction and postponement of service charges and other charges under the *Water Management Act 2000*.
- (3) Subclause (2) does not extend to the requirement, under section 581 of the *Local Government Act 1993*, for councils to be reimbursed for a proportion of amounts written off under that Act.

Division 9 Miscellaneous

222 Supply of plans

On application by an owner or an owner's agent, a water supply authority must issue a plan showing the point of connection to its sewerage system of any land.

223 Information to accompany applications under section 305

For the purposes of section 305 (2) of the Act, an application for a certificate of compliance for development must be accompanied:

- (a) by information as to whether or not the development is the subject of development consent or a complying development certificate under the *Environmental Planning and Assessment Act 1979*, and
- (b) if it is so subject, by a copy of the development consent or complying development certificate.

224 Development that may be subject to section 306 requirements

For the purposes of section 306 (1) of the Act, the following kinds of development are prescribed as development to which that section applies:

- (a) the erection, enlargement or extension of a building or the placing or relocating of a

building on land,

(b) the subdivision of land,

(c) the change of use of land or of any building situated on the land.

225 Members of Cobar Water Board

For the purposes of clause 22 (2) (b) (ii) of Schedule 5 to the Act, Peak Gold Mines Pty Ltd is prescribed as a mining company that can nominate a member of the Cobar Water Board in place of Goldcorp Asia Pacific Pty Ltd.

Part 10 Miscellaneous

226 Management plans—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.
- (2) 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.
- (3) In this clause, **the relevant dam** means the dam from which water is released for delivery to the holder of an access licence.

227 Fees and charges

- (1) Subject to this Regulation, 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.

228 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 8 is declared to

be a penalty notice offence, and

- (b) the penalty prescribed for such an offence is:
 - (i) the amount specified in Column 2 of Schedule 8, or
 - (ii) if the person alleged to have committed the offence is a corporation, and if a greater amount is specified in Column 3 of Schedule 8, the amount specified in Column 3 of Schedule 8.

229 Electronic lodgment of certain applications, claims and objections

- (1) An application referred to in clause 9 or 23, a claim referred to in clause 16 or an objection referred to in clause 25, 43 or 45 may be lodged electronically only if:
 - (a) the information recorded in the application, claim or objection is capable, at any time, of being reproduced in a written form, and
 - (b) the application, claim or objection is lodged in an information system designated by the Minister for the purpose of receiving such an application, claim or objection.
- (2) Such an application, claim or objection that is lodged electronically is taken to be duly authenticated if:
 - (a) it identifies:
 - (i) in the case of an application, each party to the application, and
 - (ii) in the case of a claim, the claimant, and
 - (iii) in the case of an objection, the objector, and
 - (b) it indicates the belief of each party, or the claimant or the objector in the truth of the information contained in the application, claim or objection (as the case may be).

230 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,
 - (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.

231 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.

232 Repeal and savings

- (1) The *Water Management (Irrigation Corporations) Savings and Transitional Regulation 1995* is repealed.
- (2) Any act, matter or thing that had effect under either of the following Regulations, immediately before the repeal of the regulation concerned, continues to have effect under this Regulation:
 - (a) *Water Management (General) Regulation 2004*,
 - (b) *Water Management (Water Supply Authorities) Regulation 2004*.

Note—

Section 30 (2) (d) of the *Interpretation Act 1987* ensures that the repeal of a regulation does not affect the operation of any savings or transitional provision contained in the regulation.

Schedule 1 Excluded works

(Clause 3 (1), definition of "excluded work")

- 1** Dams solely for the control or prevention of soil erosion:
 - (a) from which no water is reticulated (unless, if the dam is fenced off for erosion control purposes, to a stock drinking trough in an adjoining paddock) or pumped, and
 - (b) the structural size of which is the minimum necessary to fulfil the erosion control function, and
 - (c) that are located on a minor stream.
- 2** Dams solely for flood detention and mitigation:
 - (a) from which no water is reticulated or pumped, and
 - (b) that are located on a minor stream.
- 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 (other than Landcom or the Superannuation Administration Corporation or any of their subsidiaries) to prevent the contamination of a water source, that are located on a minor stream.
- 4** Dams approved in writing by the Minister for specific environmental management purposes:
 - (a) that are located on a minor stream, and
 - (b) from which water is used solely for those environmental management purposes.
- 5** Rainwater tanks collecting water from roofs only.
- 6** Works impounding water that exceeds the harvestable rights referred to in an order under section 54 of the Act:
 - (a) that were constructed before 1 January 1999, and
 - (b) that are used solely for domestic consumption and stock watering or that do not result in the extraction of water, and
 - (c) that are located on a minor stream, 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](#) before 1 January 2001 that are used solely for stock, domestic or stock and domestic purposes, or for purposes which do not require extraction of water.
- 8** Works in the Western Division that 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 before 1 January 1999:

- (a) impounding water on the areas of land shown in the legend of the 1:100 000 topographic maps issued by the Land Information Centre applying at 1 January 1999 to that Division as land subject to flooding or inundation, or lakes shown as “perennial” or “intermittent”, and
- (b) from which water is used solely for stock, domestic or stock and domestic purposes, or for purposes which do not require extraction of water.

Schedule 2 Diagram and map references relating to streams

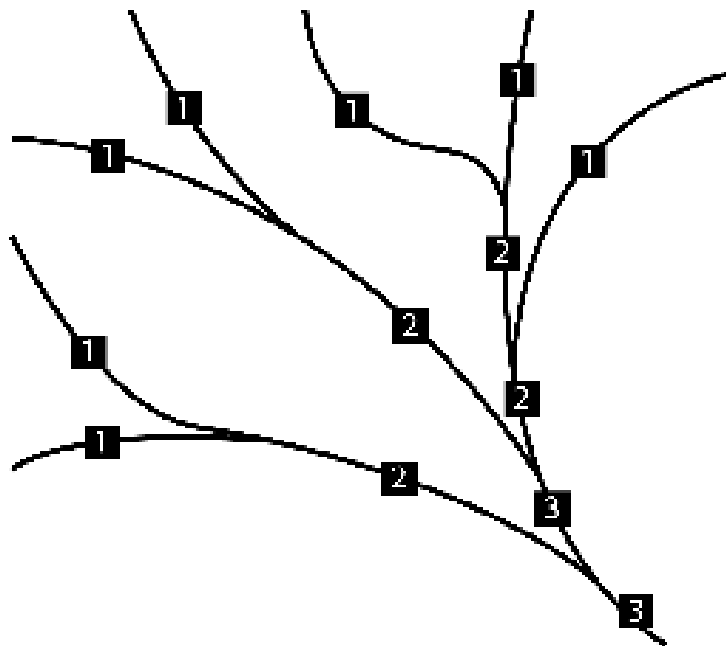
(Clause 3 (1), definition of “minor stream”)

Part 1 Schematic diagram of stream order of a watercourse

The method of determining the stream order of a watercourse shown on a topographic map is the Strahler system as shown below. The Strahler system is applied to the watercourses shown on the topographic maps as listed in Part 2.

The Strahler system:

- Starting at the top of a catchment, any watercourse which has no other watercourses flowing into it is classed as a first order stream (1).
- If two first order streams join, the stream becomes a second order stream (2).
- If a second order stream is joined by a first order stream, it remains a second order stream.
- If two second order streams join they form a third order stream (3).
- A third order stream does not become a fourth order stream until it is joined by another third order stream.



Part 2 References to topographic maps with stream locations

The topographic maps referred to in this Part are issued by the Land Information Centre (formerly the Central Mapping Authority).

Map Name	Map	Edition	Scale
ARUMPO	7430	1976	1:100000
BADEN PARK	7733	1973	1:100000
BANCANNIA	7236	1977	1:100000
BARNATO	7834	1978	1:100000
BERAWINNIA DOWNS	7639	1976	1:100000
BIDURA	7529	1977	1:100000
BOBADAH	8233	1975	1:100000
BONO	7432	1978	1:100000
BOOLABOOLKA	7532	1978	1:100000
BOOROONDARRA	7935	1978	1:100000
BOURKE	8037	1980	1:100000
BREWARRINA	8238	1980	1:100000
BRINDINGABBA	7839	1980	1:100000
BROKEN HILL	7134	1975	1:100000
BUCKALOW	7132	1977	1:100000
BUNDA	7434	1978	1:100000
BUNDEMAR	8534	1979	1:100000
BUNNERUNGEE	7230	1978	1:100000
BYROCK	8136	1980	1:100000
CALLINDRA	7635	1978	1:100000
CANBELEGO	8134	1978	1:100000
CLIFTON BORE	7438	1976	1:100000
COBAR	8035	1978	1:100000
COBHAM LAKE	7337	1977	1:100000
CONOBLE	7832	1976	1:100000
COOLABAH	8235	1979	1:100000
COOMBIE	7932	1975	1:100000

COONAMBLE	8536	1979	1:100000
CORONA	7135	1978	1:100000
CUMBORAH	8438	1979	1:100000
CUTHERO	7331	1977	1:100000
DARNICK	7632	1978	1:100000
DUNGLEAR	8538	1979	1:100000
DUNUMBRAL	8539	1979	1:100000
ENNGONIA	8039	1980	1:100000
FORDS BRIDGE	7938	1980	1:100000
FORT GREY	7139	1977	1:100000
FOWLERS GAP	7235	1978	1:100000
GERARA	8139	1980	1:100000
GINDOONO	8232	1975	1:100000
GLENARIFF	8236	1980	1:100000
GONGOLGON	8237	1980	1:100000
GOODOOGA	8339	1979	1:100000
GRASMERE	7435	1978	1:100000
GULARGAMBONE	8535	1979	1:100000
GUNDERBOOKA	8036	1980	1:100000
HATFIELD	7630	1977	1:100000
HAWKER GATE	7138	1977	1:100000
HERMIDALE	8234	1979	1:100000
INNESOWEN	7835	1978	1:100000
IVANHOE	7732	1973	1:100000
KANGO	7737	1980	1:100000
KAYRUNNERA	7436	1977	1:100000
KEEWONG	7933	1973	1:100000
KILFERA	7731	1976	1:100000
KILPARNEY	8132	1975	1:100000
LACHLAN DOWNS	8033	1975	1:100000
LAKE TANDOU	7332	1977	1:100000

LAKE VICTORIA	7130	1977	1:100000
LIGHTNING RIDGE	8439	1979	1:100000
LOUTH	7936	1978	1:100000
LOWER LILA	8038	1980	1:100000
MANARA	7633	1978	1:100000
MANFRED	7631	1977	1:100000
MENA MURTEE	7535	1978	1:100000
MENINDEE	7333	1978	1:100000
MIDDLE CAMP	7232	1977	1:100000
MILPARINKA	7238	1977	1:100000
MONOLON	7537	1976	1:100000
MOSSGIEL	7831	1973	1:100000
MOUNT ALLEN	8032	1975	1:100000
MOUNT ARROWSMITH	7237	1977	1:100000
MOUNT HARRIS	8435	1979	1:100000
MOUNT OXLEY	8137	1980	1:100000
MULURULU	7531	1976	1:100000
MURTEE	7634	1978	1:100000
NARRAN	8338	1979	1:100000
NARTOOKA	7433	1978	1:100000
NECKARBOO	7833	1973	1:100000
NELYAMBO	7735	1978	1:100000
NUCHEA	7335	1978	1:100000
NYMAGEE	8133	1975	1:100000
NYNGAN	8334	1979	1:100000
OLIVE DOWNS	7239	1977	1:100000
PAIKA	7629	1977	1:100000
PARA	7330	1978	1:100000
POONCARIE	7431	1975	1:100000
POPILTAH	7231	1977	1:100000
QUAMBONE	8436	1979	1:100000

REDAN	7233	1975	1:100000
SCOTIA	7131	1977	1:100000
SMITHVILLE	7137	1977	1:100000
SUSSEX	8135	1979	1:100000
TALTINGAN	7234	1975	1:100000
TALYEALYE	7739	1980	1:100000
TEILTA	7136	1977	1:100000
TERYAWYNIA	7533	1978	1:100000
THACKARINGA	7133	1975	1:100000
THE MEADOWS	7934	1976	1:100000
THOOLABOOL	7736	1978	1:100000
THURLOO DOWNS	7539	1976	1:100000
TIBOOBURRA	7339	1977	1:100000
TINCHELOOKA	7838	1980	1:100000
TONGO	7637	1976	1:100000
TONGOWOKO	7439	1976	1:100000
TOORALE	7937	1978	1:100000
TOPAR	7334	1978	1:100000
TURLEE	7530	1977	1:100000
URELLA	7538	1976	1:100000
URISINO	7638	1976	1:100000
UTAH LAKE	7837	1978	1:100000
WANAARING	7738	1980	1:100000
WARRAWEENA	8138	1980	1:100000
WARREN	8434	1979	1:100000
WEILMORINGLE	8239	1980	1:100000
WHITE CLIFFS	7536	1976	1:100000
WILCANNIA	7534	1978	1:100000
WILD DOG	7429	1978	1:100000
WILLANDRA	7931	1975	1:100000
WINBAR	7836	1978	1:100000

WONNAMINTA	7336	1977	1:100000
WOOLAKULKRA	7734	1978	1:100000
WRIGHTVILLE	8034	1978	1:100000
YANCANNIA	7437	1976	1:100000
YANTABANGEE	7636	1976	1:100000
YANTABULLA	7939	1980	1:100000
YANTARA	7338	1977	1:100000
ABERBALDIE	9135-1N	1973	1:25000
ABERDEEN	9033-1S	1978	1:25000
ABINGTON	9137-3N	1986	1:25000
ADJUNGBILLY	8527-1N	1989	1:25000
AFTERLEE	9440-1N	1976	1:25000
ALBION PARK	9028-1N	1986	1:25000
ALLYNBROOK	9233-3N	1984	1:25000
APPIN	9029-1S	1985	1:25000
APSLEY	9235-1N	1981	1:25000
ARALUEN	8826-1S	1981	1:25000
ARIAH	8229-4N	1974	1:25000
ARKSTONE	8829-4N	1975	1:25000
ARMIDALE	9236-4N	1981	1:25000
ATTUNGA	9036-2S	1981	1:25000
AUBURN	9031-1S	1974	1:25000
AVON RIVER	9029-3S	1984	1:25000
BACKWATER	9237-1N	1987	1:25000
BADJA	8825-4N	1972	1:25000
BALALA	9136-1N	1982	1:25000
BALD BLAIR	9237-1S	1973	1:25000
BALDERSLEIGH	9137-2N	1986	1:25000
BALDWIN	9036-3N	1981	1:25000
BALLENGARRA	9435-3N	1987	1:25000
BALLINA	9640-3N	1981	1:25000

BANDA BANDA	9335-1S	1999	1:25000
BANYABBA	9539-3N	1985	1:25000
BARE POINT	9538-2N	1981	1:25000
BARGO	9029-3N	1985	1:25000
BARRABA	9037-3S	1984	1:25000
BARRALLIER	8929-3N	1988	1:25000
BARRINGTON TOPS	9133-1N	1978	1:25000
BARRY	9134-1N	1972	1:25000
BARYULGIL	9439-4S	1985	1:25000
BATHURST	8831-3S	1984	1:25000
BATLOW	8526-4N	1977	1:25000
BEDULLUCK	8727-4N	1978	1:25000
BEGA	8824-1S	1973	1:25000
BELLBROOK	9436-3N	1984	1:25000
BELLINGEN	9437-2S	1979	1:25000
BELOWRA	8825-4S	1972	1:25000
BEMBOKA	8824-4S	1973	1:25000
BEN BULLEN	8931-4S	1974	1:25000
BEN LOMOND	9237-4N	1987	1:25000
BENDEMEER	9136-3S	1981	1:25000
BENDEThERA	8826-2S	1982	1:25000
BENDOURA	8826-4N	1981	1:25000
BERENDERRY	8934-3S	1981	1:25000
BERESFIELD	9232-3N	1990	1:25000
BERMAGUI	8925-3S	1972	1:25000
BERRIOYE	8936-1N	1981	1:25000
BERRY	9028-3N	1985	1:25000
BIG HILL	9336-4S	1987	1:25000
BIG SPRINGS	8327-2N	1976	1:25000
BILLYENA	8937-3S	1982	1:25000
BIMLOW	8930-2S	1979	1:25000

BINALONG	8628-4S	1990	1:25000
BINDOOK	8929-4S	1981	1:25000
BINGARA	9038-3N	1978	1:25000
BIRDWOOD	9335-2N	1980	1:25000
BLACK MOUNTAIN	9237-3N	1987	1:25000
BLACKVILLE	8934-4S	1979	1:25000
BLAXLANDS FLAT	9438-2S	1984	1:25000
BLOWERING	8527-2S	1988	1:25000
BOBBYS PLAINS	8627-3N	1979	1:25000
BOBIN	9334-1S	1980	1:25000
BODALLA	8925-4N	1987	1:25000
BOGEE	8932-3S	1974	1:25000
BOGGABRI	8936-4S	1981	1:25000
BOMBAH POINT	9332-1N	1976	1:25000
BOMBALA	8724-3S	1972	1:25000
BOMBAY	8827-3S	1979	1:25000
BONALBO	9440-4S	1977	1:25000
BONDI	9130-2S	1985	1:25000
BOOKOOKOORARA	9340-3N	1977	1:25000
BOONOO BOONOO	9340-3S	1977	1:25000
BOOYAMURNA	8834-2N	1987	1:25000
BORAMBIL	8933-4N	1981	1:25000
BORO	8827-4S	1980	1:25000
BOTANY BAY	9130-3S	1986	1:25000
BOTOBOLAR	8832-1N	1985	1:25000
BOWMAN	9234-2S	1983	1:25000
BRACKENDALE	9235-4S	1981	1:25000
BRAIDWOOD	8827-2S	1979	1:25000
BRANGA PLAINS	9235-3N	1972	1:25000
BRAYS CREEK	9541-3S	1985	1:25000
BREDBO	8726-3S	1981	1:25000

BREEZA	8935-2N	1979	1:25000
BRINDABELLA	8627-3S	1979	1:25000
BROCKLEHURST	8633-4S	1985	1:25000
BROGO	8824-1N	1973	1:25000
BROKEN BACK	9132-3N	1985	1:25000
BROKEN BAY	9130-1N	1985	1:25000
BROOKLANA	9437-2N	1978	1:25000
BROOMAN	8927-3S	1982	1:25000
BROOMBEE	8832-4S	1985	1:25000
BROOMS HEAD	9538-1N	1981	1:25000
BRUNGLE	8527-4S	1977	1:25000
BRUNSWICK HEADS	9640-4N	1981	1:25000
BUCCARUMBI	9438-3N	1984	1:25000
BUKALONG	8724-3N	1989	1:25000
BUKKULLA	9138-4N	1978	1:25000
BULAHDELAH	9333-3S	1984	1:25000
BULGA	9132-4S	1975	1:25000
BULLDOG ROCK	9339-1N	1974	1:25000
BULLI	9029-2N	1982	1:25000
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BUNDARRA	9137-4S	1986	1:25000
BUNDOOK	9334-3S	1986	1:25000
BUNGENDORE	8727-2N	1978	1:25000
BUNGONIA	8828-2N	1981	1:25000
BUNNAN	9033-4N	1978	1:25000
BURRAGA	8830-3S	1979	1:25000
BURRAGATE	8823-4N	1974	1:25000
BURRAGORANG	8929-1N	1981	1:25000
BURRIER	8928-2N	1982	1:25000
BURRINGBAR	9541-2S	1985	1:25000
BURRUMBELA	8826-2N	1982	1:25000

BYABARRA	9434-4N	1986	1:25000
BYLONG	8933-3S	1981	1:25000
BYRON BAY	9640-4S	1982	1:25000
CABRAMURRA	8526-2S	1977	1:25000
CADGEE	8825-1S	1971	1:25000
CAMBERWELL	9133-3S	1978	1:25000
CAMDEN	9029-4N	1985	1:25000
CAMELBACK	9439-3S	1985	1:25000
CAMPBELLTOWN	9029-1N	1984	1:25000
CANBERRA	8727-3N	1980	1:25000
CANDELO	8824-3N	1973	1:25000
CANGAI	9338-1N	1974	1:25000
CANYON LEIGH	8928-4N	1982	1:25000
CAOURA	8928-3N	1982	1:25000
CAPEEN	9440-4N	1977	1:25000
CAPERTEE	8831-1S	1985	1:25000
CAPTAINS FLAT	8726-1N	1979	1:25000
CARABOST	8426-4N	1976	1:25000
CARCOAR	8730-4N	1989	1:25000
CARNHAM	9439-3N	1985	1:25000
CAROONA	8935-2S	1979	1:25000
CARRABOLLA	9133-1S	1978	1:25000
CARRAI	9336-3N	1987	1:25000
CARROW BROOK	9133-2N	1978	1:25000
CASINO	9540-3N	1985	1:25000
CASSILIS	8833-1N	1986	1:25000
CATHCART	8724-2N	1988	1:25000
CATHERINE HILL BAY	9231-4S	1984	1:25000
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CESSNOCK	9132-2N	1984	1:25000
CHAE LUNDI	9337-1N	1974	1:25000

CHATSbury	8828-1N	1981	1:25000
CHERRY TREE HILL	9038-1N	1978	1:25000
CHICHESTER	9233-4S	1978	1:25000
CLARENCE TOWN	9232-1N	1985	1:25000
CLEARFIELD	9439-1S	1985	1:25000
CLEVEDON	9237-2N	1987	1:25000
CLOUDS CREEK	9437-4N	1978	1:25000
CLYBUCCA	9436-2S	1984	1:25000
COALDALE	9439-2S	1985	1:25000
COBARGO	8825-2S	1987	1:25000
COBARK	9234-3S	1983	1:25000
COBBADAH	9037-4S	1981	1:25000
COFFS HARBOUR	9537-3N	1985	1:25000
COLINTON	8726-3N	1979	1:25000
COLLINGULLIE	8327-4N	1989	1:25000
COLLY BLUE	8935-3S	1979	1:25000
COLO HEIGHTS	9031-3N	1975	1:25000
COMARA	9336-2N	1987	1:25000
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COOLAH	8834-3N	1987	1:25000
COOLANBILLA	8935-3N	1979	1:25000
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COOMA	8725-4S	1981	1:25000
COOMBADJHA	9339-2S	1974	1:25000
COOPERNOOK	9434-3N	1986	1:25000
COOPLA CURRIPA	9234-1N	1973	1:25000
COORONGOOBA	8932-2S	1974	1:25000
COPETON DAM	9038-2S	1978	1:25000
COPMANHURST	9438-1N	1984	1:25000
CORANG	8927-3N	1982	1:25000

COREINBOB	8427-4S	1988	1:25000
CORICUDGY	8932-2N	1974	1:25000
CORIN DAM	8626-1N	1979	1:25000
CORYAH	8937-4S	1982	1:25000
COTTER DAM	8627-2N	1979	1:25000
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CRAIGIE	8723-4N	1972	1:25000
CRAVEN	9233-1S	1972	1:25000
CRAWNEY PASS	9134-4N	1972	1:25000
CROOKHAVEN	9028-2S	1984	1:25000
CUDGEN	9641-3N	1985	1:25000
CULCAIRN	8326-4S	1976	1:25000
CULLEN BULLEN	8931-3N	1974	1:25000
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CUNJURONG POINT	9027-3N	1982	1:25000
CURLEWIS	8935-1N	1979	1:25000
CURRARONG	9027-1N	1984	1:25000
CURRICABARK	9234-4S	1972	1:25000
CURROWAN	8926-4N	1982	1:25000
DALMORTON	9338-2N	1974	1:25000
DARKWOOD	9437-3S	1979	1:25000
DAWSONS HILL	9133-3N	1978	1:25000
DELUNGRA	9038-1S	1978	1:25000
DENISON	8626-3S	1981	1:25000
DENMAN	9033-3S	1977	1:25000
DINOGA	9038-3S	1978	1:25000

DOORALONG	9131-1S	1984	1:25000
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DOYLES CREEK	9032-1N	1974	1:25000
DRAKE	9340-2S	1977	1:25000
DRUMMOND	9037-1S	1981	1:25000
DUMARESQ	9237-3S	1987	1:25000
DUNDEE	9238-1N	1978	1:25000
DUNDURRABIN	9437-4S	1978	1:25000
DUNGOG	9233-2S	1984	1:25000
DUNGOWAN	9135-4S	1973	1:25000
DUNOON	9540-1S	1985	1:25000
DURI	9035-1S	1979	1:25000
DURRAN DURRA	8827-2N	1979	1:25000
DURRAS	8926-1S	1982	1:25000
DURRIDGERE	8833-1S	1986	1:25000
EBOR	9337-2S	1974	1:25000
EDEN	8823-1N	1974	1:25000
EDITH	8830-2N	1979	1:25000
ELBOW VALLEY	9341-3S	1977	1:25000
ELDERSLIE	9132-1N	1975	1:25000
ELLANGOWAN	9539-4N	1985	1:25000
ELLERSTON	9134-2N	1982	1:25000
ELSMORE	9138-2N	1978	1:25000
EMBLEM	9035-2S	1979	1:25000
EMERALD HILL	8936-3S	1981	1:25000
EMMAVILLE	9239-3S	1981	1:25000
EMPIRE VALE	9640-3S	1981	1:25000
ENDRICK	8927-4S	1985	1:25000
ENMORE	9236-1S	1981	1:25000
ETTRICK	9440-1S	1977	1:25000
EULOMOGO	8633-3N	1985	1:25000

EULOWRIE	8937-1N	1982	1:25000
EUNGAI	9436-2N	1984	1:25000
FIVE DAY CREEK	9336-1S	1987	1:25000
FORSTER	9433-4S	1982	1:25000
FREEMANTLE	8731-2N	1987	1:25000
FULLERTON	8829-4S	1975	1:25000
GALLA GILLA	8934-2S	1981	1:25000
GANGAT	9333-4N	1984	1:25000
GENOA	8823-3S	1974	1:25000
GERROA	9028-2N	1985	1:25000
GIBBERAGEE	9539-4S	1985	1:25000
GIRO	9234-1S	1973	1:25000
GIRRAGULANG	8834-3S	1987	1:25000
GIRRALONG	9436-4N	1982	1:25000
GLASSTON	8934-2N	1981	1:25000
GLEN ALICE	8931-4N	1974	1:25000
GLEN ALLEN	8724-1S	1971	1:25000
GLEN ELGIN	9338-4N	1974	1:25000
GLEN GALLIC	9032-4N	1974	1:25000
GLEN INNES	9238-4S	1978	1:25000
GLENIRIE	9037-1N	1981	1:25000
GLENREAGH	9437-1N	1978	1:25000
GLENROCK	9134-1S	1972	1:25000
GLOUCESTER	9233-1N	1978	1:25000
GLOUCESTER TOPS	9233-4N	1978	1:25000
GOLSPIE	8829-3N	1975	1:25000
GOONOO GOONOO	9035-2N	1979	1:25000
GORAN	8935-4S	1979	1:25000
GOSFORD	9131-2S	1985	1:25000
GOSPERS MOUNTAIN	8931-1N	1974	1:25000
GOSTWYCK	9236-4S	1981	1:25000

GOULBURN	8828-3N	1981	1:25000
GOWAN	8731-1S	1987	1:25000
GRAFTON	9438-1S	1985	1:25000
GRANTS HEAD	9434-1N	1986	1:25000
GRATTAI	8937-4N	1981	1:25000
GREEN GULLY	9335-4N	1982	1:25000
GRESFORD	9233-3S	1984	1:25000
GRETA	9132-1S	1975	1:25000
GREVILLIA	9441-2S	1977	1:25000
GRIFFITH	8129-3N	1982	1:25000
GROWEE	8932-4S	1974	1:25000
GULGONG	8833-3N	1986	1:25000
GULLIGAL	8936-3N	1981	1:25000
GUM FLAT	9038-2N	1978	1:25000
GUNDAGAI	8527-4N	1990	1:25000
GUNDAHL	9438-4S	1984	1:25000
GUNDERMAN	9131-3S	1984	1:25000
GUNGAL	8933-2N	1981	1:25000
GUNNEDAH	8936-2S	1981	1:25000
GURNANG	8829-1N	1975	1:25000
GUY FAWKES RIVER	9338-2S	1974	1:25000
GUYRA	9237-4S	1973	1:25000
HALL	8727-4S	1980	1:25000
HALLIDAYS POINT	9433-4N	1982	1:25000
HAMPTON	8930-4S	1980	1:25000
HANING	9136-3N	1982	1:25000
HANWORTH	8929-3S	1988	1:25000
HARTLEY	8930-4N	1980	1:25000
HENRY RIVER	9338-3N	1974	1:25000
HENTY	8326-4N	1976	1:25000
HERNANI	9337-2N	1974	1:25000

HILL END	8731-1N	1987	1:25000
HILLGROVE	9236-1N	1981	1:25000
HILLTOP	8929-2N	1988	1:25000
HOBBS YARDS	8730-1S	1987	1:25000
HOGARTH RANGE	9440-2S	1977	1:25000
HOLBROOK	8326-1S	1976	1:25000
HOME FLAT	8326-2S	1977	1:25000
HOME RULE	8833-3S	1986	1:25000
HORNSBY	9130-4S	1986	1:25000
HORTON	8937-1S	1982	1:25000
HOSKINSTOWN	8727-2S	1978	1:25000
HOWES VALLEY	9032-2N	1974	1:25000
HUONBROOK	9540-1N	1985	1:25000
HURRICANE HILL	9138-1N	1978	1:25000
HUSKISSON	9027-4N	1985	1:25000
HYATTS FLAT	9336-1N	1987	1:25000
ILFORD	8832-2S	1985	1:25000
INDIANA	9138-2S	1978	1:25000
INGAR	9133-2S	1978	1:25000
INVERALOCHY	8828-3S	1980	1:25000
INVERELL	9138-3N	1978	1:25000
IRONBARK	9037-2N	1981	1:25000
ISIS RIVER	9134-4S	1972	1:25000
JACKADGERY	9438-4N	1984	1:25000
JAMISON	8930-2N	1979	1:25000
JENOLAN	8930-3N	1979	1:25000
JEOGLA	9336-4N	1971	1:25000
JERANGLE	8726-2N	1979	1:25000
JERRYS PLAINS	9033-2S	1977	1:25000
JILLIMATONG	8725-3N	1981	1:25000
JINGELLIC	8426-3S	1976	1:25000

KAIN	8826-4S	1981	1:25000
KANANGRA	8930-3S	1979	1:25000
KANDOS	8832-2N	1986	1:25000
KANGAROO FLAT	9335-4S	1982	1:25000
KANGAROO VALLEY	9028-4S	1985	1:25000
KAPUTAR	8937-3N	1982	1:25000
KARS SPRINGS	9034-3S	1981	1:25000
KARUAH	9232-1S	1976	1:25000
KATOOMBA	8930-1S	1980	1:25000
KELVIN	8936-2N	1981	1:25000
KEMPS PINNACLE	9335-1N	1999	1:25000
KEMPSEY	9435-1N	1987	1:25000
KENTUCKY	9136-2N	1981	1:25000
KERRABEE	8933-2S	1981	1:25000
KERRIKI	9334-4S	1980	1:25000
KERRS CREEK	8731-4N	1987	1:25000
KIAH	8823-1S	1974	1:25000
KIAMA	9028-1S	1984	1:25000
KILLOE	8933-4S	1981	1:25000
KINDARUN	9032-3N	1974	1:25000
KINGS GAP	9137-4N	1986	1:25000
KINGSDALE	8828-4S	1981	1:25000
KINGSTOWN	9136-4N	1981	1:25000
KIOLOA	8926-1N	1982	1:25000
KLORI	9036-2N	1981	1:25000
KNORRIT FLAT	9334-3N	1986	1:25000
KOKOMERICAN	9334-4N	1999	1:25000
KOOKABOOKRA	9337-4N	1974	1:25000
KOORINGAROO	8828-2S	1980	1:25000
KOREELAH	9341-2S	1977	1:25000
KOROGORO POINT	9535-4N	1987	1:25000

KRAWARREE	8826-3N	1982	1:25000
KULNURA	9131-4S	1984	1:25000
KUNDABUNG	9435-1S	1987	1:25000
KUNDERANG	9336-3S	1987	1:25000
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KYBEYAN	8725-2N	1981	1:25000
KYDRA	8725-2S	1981	1:25000
KYEAMBA	8427-3S	1988	1:25000
LACMALAC	8527-2N	1988	1:25000
LAGGAN	8829-3S	1976	1:25000
LAKE ALBERT	8327-1S	1990	1:25000
LAKE BATHURST	8827-4N	1979	1:25000
LAKE GEORGE	8727-1N	1978	1:25000
LANKEYS CREEK	8426-3N	1976	1:25000
LARNOOK	9540-4S	1985	1:25000
LAURIETON	9434-1S	1986	1:25000
LEADVILLE	8833-4N	1986	1:25000
LEETON	8128-1N	1983	1:25000
LINTON	9037-2S	1982	1:25000
LISMORE	9540-2N	1985	1:25000
LISTON	9340-4S	1977	1:25000
LITHGOW	8931-3S	1974	1:25000
LIVERPOOL	9030-2S	1983	1:25000
LORNE	9434-4S	1986	1:25000
LOWER PORTLAND	9031-2S	1975	1:25000
LUE	8832-1S	1985	1:25000
LYNDHURST	9337-3N	1974	1:25000
MACKSVILLE	9436-1S	1984	1:25000
MACLEAN	9539-3S	1983	1:25000
MAIDEN CREEK	9337-3S	1974	1:25000
MAITLAND	9232-4S	1976	1:25000

MALARA CREEK	9339-1S	1974	1:25000
MALLANGANEE	9440-3S	1977	1:25000
MANAR	8827-3N	1979	1:25000
MANDURAMA	8730-4S	1987	1:25000
MANGOPLAH	8327-2S	1976	1:25000
MANGROVE	9131-3N	1982	1:25000
MANILLA	9036-4S	1981	1:25000
MANOBALAI	9033-4S	1978	1:25000
MARENGO	9337-1S	1974	1:25000
MARKWELL	9333-3N	1976	1:25000
MAYBOLE	9238-3S	1978	1:25000
MEADOW FLAT	8831-2S	1988	1:25000
MERRIWA	8933-1S	1981	1:25000
MICHELAGO	8726-4S	1979	1:25000
MILLTHORPE	8731-3S	1987	1:25000
MILTON	8927-2N	1982	1:25000
MISSABOTTI	9436-1N	1984	1:25000
MITTAGONG	8929-2S	1976	1:25000
MOGO	8926-3N	1982	1:25000
MOLETON	9437-1S	1978	1:25000
MONA VALE	9130-1S	1986	1:25000
MONGA	8826-1N	1981	1:25000
MONUNDILLA	9032-4S	1974	1:25000
MOONAN BROOK	9134-2S	1984	1:25000
MOONBI	9135-4N	1973	1:25000
MOONEE BEACH	9537-4S	1985	1:25000
MORISSET	9131-1N	1985	1:25000
MORNA POINT	9332-3N	1976	1:25000
MORUBEN	9031-1N	1974	1:25000
MORUYA	8926-3S	1982	1:25000
MOSS VALE	8928-1N	1982	1:25000

MOUNT ADRAH	8427-1S	1989	1:25000
MOUNT ARMSTRONG	8829-1S	1975	1:25000
MOUNT CARRINGTON	9235-2S	1972	1:25000
MOUNT DAVID	8830-3N	1979	1:25000
MOUNT IMLAY	8823-4S	1974	1:25000
MOUNT MISERY	8933-3N	1981	1:25000
MOUNT MORGAN	8931-1S	1974	1:25000
MOUNT POMANY	8932-1S	1974	1:25000
MOUNT RODD	9038-4S	1978	1:25000
MOUNT SLOW	9238-2S	1978	1:25000
MOUNT TENNYSON	8723-4S	1972	1:25000
MOUNT WELLINGTON	9338-1S	1974	1:25000
MOUNT WILSON	8930-1N	1980	1:25000
MOUNT YENGO	9032-2S	1974	1:25000
MOUNTAIN CREEK	8326-3N	1977	1:25000
MOUNTAIN LAGOON	9031-3S	1975	1:25000
MUDGEES	8832-4N	1986	1:25000
MULLENGANDRA	8326-3S	1977	1:25000
MUMMULGUM	9440-2N	1977	1:25000
MUNDEROO	8426-2N	1976	1:25000
MUNDOWEY	9036-1S	1981	1:25000
MUNGHORN	8833-2S	1986	1:25000
MURRAH	8924-4N	1973	1:25000
MURRAMI	8129-2S	1984	1:25000
MURRAYS RUN	9131-4N	1985	1:25000
MURRUMBUCCA	8725-4N	1981	1:25000
MURRURUNDI	9034-2N	1981	1:25000
MURWILLUMBAH	9541-2N	1985	1:25000
MUSWELLBROOK	9033-2N	1977	1:25000
MYALL LAKE	9333-2S	1983	1:25000
MYALLA	8725-3S	1981	1:25000

NABIAC	9333-1N	1984	1:25000
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NALBAUGH	8723-1N	1972	1:25000
NANGUS	8427-1N	1987	1:25000
NAROOMA	8925-4S	1989	1:25000
NARRA NARRA	8326-2N	1977	1:25000
NARRABARBA	8823-2N	1974	1:25000
NARRAGAMBA	8833-4S	1986	1:25000
NATTAI	8929-1S	1981	1:25000
NELLIGEN	8926-4S	1982	1:25000
NERICON	8129-4S	1984	1:25000
NERRIGA	8927-4N	1985	1:25000
NERRIGUNDAH	8825-1N	1972	1:25000
NEST HILL	8326-1N	1987	1:25000
NEW VALLEY	9137-1N	1986	1:25000
NEWBRIDGE	8730-1N	1988	1:25000
NEWCASTLE	9232-2S	1990	1:25000
NIANGALA	9135-2N	1972	1:25000
NIMBIN	9540-4N	1985	1:25000
NIMMITABEL	8724-1N	1971	1:25000
NORTH SOLITARY IS	9538-2S	1981	1:25000
NOWENDOC	9234-4N	1973	1:25000
NOWRA	9028-3S	1985	1:25000
NULLAMANNA	9138-4S	1978	1:25000
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NYMBOIDA	9438-3S	1984	1:25000
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OBERNE	8427-2S	1987	1:25000
OBERON	8830-1S	1990	1:25000

OLINDA	8932-3N	1974	1:25000
OMALEAH	8934-3N	1981	1:25000
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ORANGE	8731-3N	1989	1:25000
OTFORD	9129-4S	1985	1:25000
OURNIE	8426-2S	1976	1:25000
PACIFIC PALMS	9433-3N	1981	1:25000
PADDYS FLAT	9340-1S	1977	1:25000
PAMBULA	8824-2S	1973	1:25000
PARKVILLE	9034-2S	1981	1:25000
PARNELL	9032-1S	1974	1:25000
PARRAMATTA RIVER	9130-3N	1986	1:25000
PARRY	8934-1S	1979	1:25000
PATERSON	9232-4N	1984	1:25000
PEEL	8831-3N	1987	1:25000
PENRITH	9030-3N	1985	1:25000
PEPPERCORN	8626-4N	1979	1:25000
PIALLAWAY	9035-4S	1979	1:25000
PICTON	9029-4S	1985	1:25000
PIEDMONT	9037-3N	1981	1:25000
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PLAGYAN	8937-2S	1982	1:25000
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PORT MACQUARIE	9435-2S	1986	1:25000
PORT STEPHENS	9332-4S	1976	1:25000
PORTLAND	8831-2N	1988	1:25000
POTTSVILLE	9641-3S	1985	1:25000
PRETTY GULLY	9340-2N	1977	1:25000
PROSPECT	9030-2N	1983	1:25000
PUEN BUEN	8825-3S	1972	1:25000

PUTTY	9032-3S	1974	1:25000
QUIPOLLY	9035-3S	1979	1:25000
QUIRINDI	9034-4N	1979	1:25000
QUORROBOLONG	9132-2S	1985	1:25000
RALEIGH	9537-3S	1985	1:25000
RALFES PEAK	9335-3S	1980	1:25000
RANGERS VALLEY	9238-4N	1978	1:25000
RAPPVILLE	9439-1N	1985	1:25000
RAVINE	8526-2N	1977	1:25000
RED RANGE	9238-2N	1978	1:25000
RED ROCK	9538-3S	1982	1:25000
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RIAMUKKA	9235-3S	1972	1:25000
RICHLANDS	8829-2N	1975	1:25000
RIVERSTONE	9030-1S	1982	1:25000
ROBERTSON	9028-4N	1986	1:25000
ROCK HILL	8931-2N	1974	1:25000
ROCKADOOIE	9339-3S	1974	1:25000
ROCKLEY	8830-4S	1976	1:25000
ROSEWOOD	8426-1S	1976	1:25000
ROUCHEL BROOK	9133-4S	1978	1:25000
ROWLEYS CREEK	9236-2S	1982	1:25000
RULES POINT	8626-4S	1979	1:25000
RYE PARK	8628-1N	1989	1:25000
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SANDON	9538-1S	1981	1:25000
SANDY FLAT	9339-4S	1974	1:25000
SANDY HOLLOW	9033-3N	1977	1:25000
SAPPHIRE	9138-1S	1978	1:25000
SARA RIVER	9338-3S	1974	1:25000
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SEAVIEW	9335-3N	1999	1:25000
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SHOOTERS HILL	8830-2S	1979	1:25000
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SIX BROTHERS	9031-4S	1974	1:25000
SNOWBALL	8826-3S	1982	1:25000
SOFALA	8831-4N	1985	1:25000
SOMERTON	9036-3S	1981	1:25000
SOUTH WEST ROCKS	9536-3S	1984	1:25000
SPIRABO	9339-3N	1974	1:25000
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ST ALBANS	9031-2N	1975	1:25000
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SUTTON	8727-1S	1978	1:25000
SWANSEA	9231-4N	1985	1:25000
SYDNEY HEADS	9130-2N	1987	1:25000
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TALOOBY	8932-4N	1974	1:25000
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TANTANGARA	8626-3N	1979	1:25000
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TAREELA	8937-2N	1982	1:25000
TARPOLY	9036-4N	1981	1:25000
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TEAPOT	8724-4N	1971	1:25000
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TEMI	9034-1S	1979	1:25000
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THALGARRAH	9237-2S	1987	1:25000
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THE LAGOON	8830-4N	1990	1:25000
THE ROCK	8327-3N	1976	1:25000
THERRIBRI	8936-4N	1981	1:25000
THUMB CREEK	9436-4S	1982	1:25000
TIA	9235-1S	1981	1:25000
TIANJARA	8927-1S	1985	1:25000
TIBBUC	9234-2N	1983	1:25000
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TIMOR	9134-3N	1983	1:25000
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TINGHA	9138-3S	1978	1:25000
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TOOMA	8526-3S	1977	1:25000
TORRYBURN	9137-3S	1986	1:25000
TOUGA	8928-3S	1982	1:25000

TOUKLEY	9231-3N	1984	1:25000
TOWARRI	9034-3N	1981	1:25000
TOWRANG	8828-1S	1981	1:25000
TUCABIA	9538-4S	1981	1:25000
TUGGERANONG	8727-3S	1980	1:25000
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TUMORRAMA	8527-1S	1990	1:25000
TUMUT	8527-3N	1976	1:25000
TUNGLEBUNG	9440-3N	1977	1:25000
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TUREE	8834-2S	1987	1:25000
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TYALGUM	9541-3N	1972	1:25000
TYNDALE	9538-4N	1981	1:25000
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URALLA	9136-1S	1982	1:25000
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WAGGA WAGGA	8327-1N	1976	1:25000
WALCHA	9236-3S	1981	1:25000
WALCHA ROAD	9136-2S	1981	1:25000
WALLABADAH	9034-1N	1979	1:25000
WALLSEND	9232-3S	1980	1:25000
WANDELLA	8825-2N	1972	1:25000
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WANTABADGERY	8427-4N	1988	1:25000
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WARDS MISTAKE	9337-4S	1974	1:25000
WARIALDA	9038-4N	1978	1:25000

WARRAGAMBA	9030-3S	1983	1:25000
WARRAH	9034-4S	1979	1:25000
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WASHPOOL	9339-2N	1974	1:25000
WATERLOO	9235-4N	1981	1:25000
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WATTLE FLAT	8831-4S	1985	1:25000
WAUCHOPE	9435-3S	1987	1:25000
WAVERLY	9134-3S	1983	1:25000
WEABONGA	9135-1S	1974	1:25000
WEE JASPER	8627-4N	1979	1:25000
WELSH	9036-1N	1981	1:25000
WENONAH HEAD	9536-4N	1984	1:25000
WERRIS CREEK	9035-3N	1979	1:25000
WESTBROOK	8426-1N	1976	1:25000
WHINSTONE	8726-2S	1981	1:25000
WHIPORIE	9439-2N	1983	1:25000
WHITTON	8128-4N	1983	1:25000
WIDDEN	8932-1N	1974	1:25000
WILBERFORCE	9030-1N	1982	1:25000
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WILLBRIGGIE	8129-3S	1984	1:25000
WILLI WILLI	9336-2S	1987	1:25000
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WILLIAMTOWN	9232-2N	1990	1:25000
WILLURI	8936-1S	1981	1:25000
WINDELLAMA	8827-1N	1979	1:25000
WINDEYER	8832-3N	1986	1:25000
WINDY	8934-1N	1979	1:25000
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WINGHAM	9334-2N	1986	1:25000
WINTERBOURNE	9236-2N	1982	1:25000
WINTON	9035-4N	1979	1:25000
WIRRABA	9031-4N	1974	1:25000
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WOLLAR	8833-2N	1986	1:25000
WOLLOMBI	9132-3S	1985	1:25000
WOLLONGONG	9029-2S	1985	1:25000
WOLUMLA	8824-2N	1989	1:25000
WONDALGA	8527-3S	1976	1:25000
WONDOBA	8935-4N	1979	1:25000
WOODBURN	9539-1N	1985	1:25000
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WOOLGOOLGA	9537-4N	1984	1:25000
WOLOMIN	9135-3N	1972	1:25000
WOOLOOMA	9133-4N	1978	1:25000
WOOMBAH	9539-2N	1985	1:25000
WOOTTON	9333-2N	1984	1:25000
WYLIE CREEK	9340-4N	1977	1:25000
WYNDHAM	8824-3S	1973	1:25000
WYONG	9131-2N	1984	1:25000
YALWAL	8928-2S	1982	1:25000
YAMBA	9539-2S	1985	1:25000
YAMBULLA	8723-2N	1973	1:25000
YANKEES GAP	8824-4N	1973	1:25000
YAOUK	8626-2N	1979	1:25000
YARARA	8426-4S	1976	1:25000
YARRAMAN	8934-4N	1979	1:25000
YARRANGOBILLY	8526-1S	1977	1:25000
YARRAS	9335-2S	1999	1:25000

YARROWITCH	9235-2N	1972	1:25000
YARROWYCK	9137-2S	1986	1:25000
YATES FLAT	9439-4N	1985	1:25000
YAVEN CREEK	8427-2N	1987	1:25000
YELLOW JACKET	9338-4S	1974	1:25000
YERONG CREEK	8327-3S	1976	1:25000
YERRANDERIE	8929-4N	1981	1:25000
YOWRIE	8825-3N	1972	1:25000
ABERCROMBIE	8730-S	1976	1:50000
ALBURY	8225-N	1978	1:50000
ALECTOWN	8532-S	1978	1:50000
ANNUELLO	7428-S	1978	1:50000
ARIAH PARK	8329-S	1974	1:50000
ASHFORD	9139-S	1980	1:50000
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BALLADORAN	8634-S	1976	1:50000
BALRANALD	7628-N	1978	1:50000
BARADINE	8736-S	1972	1:50000
BARHAM	7726-N	1976	1:50000
BARMEDMAN	8329-N	1974	1:50000
BELLATA	8838-S	1980	1:50000
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BENEREMBAH	8029-S	1974	1:50000
BEREMBED WEIR	8228-S	1982	1:50000
BERRIDALE	8625-S	1980	1:50000
BERRIGAN	8026-N	1973	1:50000
BIGGA	8729-N	1975	1:50000
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BINALONG	8628-N	1974	1:50000
BINNAWAY	8734-N	1976	1:50000
BLAYNEY	8730-N	1976	1:50000

BLIGHTY	7926-N	1976	1:50000
BOGAN GATE	8431-N	1978	1:50000
BOGGABILLA	8940-N	1979	1:50000
BOGOLONG HILLS	8228-N	1982	1:50000
BONSHAW	9139-N	1980	1:50000
BOOLIGAL	7830-S	1979	1:50000
BOOMI	8840-N	1980	1:50000
BOONA	8332-N	1978	1:50000
BOOROORBAN	7828-S	1978	1:50000
BOOROWA	8629-S	1974	1:50000
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BUGALDIE	8735-N	1977	1:50000
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BURREN JUNCTION	8637-N	1972	1:50000
BURRENDONG	8732-N	1977	1:50000
CAL LAL	7129-N	1983	1:50000
CALOONA	8740-S	1980	1:50000
CANONBA	8335-S	1979	1:50000
CANOWINDRA	8630-N	1977	1:50000
CARINDA	8437-S	1979	1:50000
CARRATHOOL	7929-S	1979	1:50000
COLEAMBALLY	8028-S	1974	1:50000
COLIGNAN	7328-N	1983	1:50000
COLLARENEBRI	8638-N	1980	1:50000
COLLIE	8534-N	1986	1:50000
COMBARA	8535-N	1986	1:50000
COME BY CHANCE	8537-S	1896	1:50000
CONARGO	7927-S	1977	1:50000
CONDOBOLIN	8331-N	1978	1:50000

COOLAC	8528-S	1973	1:50000
COOLAMON	8328-S	1974	1:50000
COONABARABRAN	8735-S	1977	1:50000
COONAMBLE	8536-S	1979	1:50000
COONONG	8127-N	1972	1:50000
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COWL COWL	7930-N	1979	1:50000
COWRA	8630-S	1977	1:50000
CROOKWELL	8729-S	1975	1:50000
CROPPA CREEK	8939-N	1978	1:50000
CUBBO	8736-N	1972	1:50000
CUDAL	8631-S	1977	1:50000
CULPATARO	7730-N	1979	1:50000
CUMNOCK	8632-S	1977	1:50000
CUNNINYEUK	7627-N	1982	1:50000
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DALTON	8728-N	1975	1:50000
DANDALOO	8433-S	1978	1:50000
DARLINGTON POINT	8028-N	1974	1:50000
DELEGATE	8623-N	1980	1:50000
DENILQUIN	7826-N	1978	1:50000
DOLGELLY	8840-S	1980	1:50000
DUNEDOO	8733-N	1975	1:50000
EDGEROI	8837-N	1981	1:50000
EMMAVILLE	9239-S	1981	1:50000
EPSOM DOWNS	7928-S	1978	1:50000
EUABALONG	8131-N	1979	1:50000
EUCHAREENA	8732-S	1977	1:50000
EUCUMBENE	8625-N	1980	1:50000
EULALIE	8639-N	1980	1:50000

EUSTON	7428-N	1978	1:50000
FAIRHOLME	8331-S	1978	1:50000
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FORBES	8531-S	1978	1:50000
GARAH	8839-N	1980	1:50000
GEERA	8337-N	1979	1:50000
GEURIE	8633-S	1975	1:50000
GILGANDRA	8634-N	1976	1:50000
GOGELDRIE WEIR	8128-N	1983	1:50000
GOOLGOWI	8030-S	1980	1:50000
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GOOLOOGONG	8530-N	1978	1:50000
GOONAL	8739-S	1980	1:50000
GRADGERY	8435-N	1986	1:50000
GRADULE	8740-N	1980	1:50000
GRAMAN	9039-S	1980	1:50000
GRAVESEND	8938-N	1978	1:50000
GRENFELL	8530-S	1978	1:50000
GULARGAMBONE	8535-S	1979	1:50000
GULGONG	8833-S	1976	1:50000
GUNBAR	7929-N	1978	1:50000
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GURLEY	8838-N	1980	1:50000
GWABEGAR	8636-N	1972	1:50000
HAY	7828-N	1979	1:50000
HILL END	8731-N	1977	1:50000
HILLSTON	8031-S	1979	1:50000
HOWLONG	8226-S	1972	1:50000
ILLILAWA	7829-S	1970	1:50000
JEMALONG	8431-S	1978	1:50000
JERILDERIE	8027-S	1972	1:50000

JUNEE	8428-S	1973	1:50000
KEELY	7726-S	1976	1:50000
KERANG	7626-N	1978	1:50000
KERRIWAH	8333-S	1978	1:50000
KHANCOBAN	8525-N	1980	1:50000
KIACATOO	8231-N	1979	1:50000
KOORAWATHA	8629-N	1974	1:50000
KYALITE	7528-S	1978	1:50000
LAKE CARGELLIGO	8131-S	1979	1:50000
LAKE WYANGAN	8129-N	1984	1:50000
LOCKHART	8227-N	1972	1:50000
LOWESDALE	8126-S	1973	1:50000
MARRA	8336-S	1987	1:50000
MARSDEN	8430-S	1978	1:50000
MATHOURA	7826-S	1976	1:50000
MAUDE	7729-S	1979	1:50000
MENDOORAN	8734-S	1976	1:50000
MILDURA	7329-N	1983	1:50000
MIMOSA	8328-N	1974	1:50000
MOAMA	7825-N	1982	1:50000
MOGIL MOGIL	8639-S	1980	1:50000
MOGRIGUY	8633-N	1975	1:50000
MOLE RIVER	9239-N	1980	1:50000
MOLONG	8631-N	1978	1:50000
MONAK	7329-S	1983	1:50000
MONIA GAP	8030-N	1980	1:50000
MORAGO	7827-S	1979	1:50000
MORANGARELL	8429-N	1973	1:50000
MOREE	8839-S	1980	1:50000
MOULAMEIN	7727-N	1978	1:50000
MOUNT CEMON	7930-S	1979	1:50000

MOUNT HARRIS	8435-S	1979	1:50000
MOUNT KOSCIUSKO	8525-S	1980	1:50000
MUDGEE	8832-N	1977	1:50000
MULLALEY	8835-N	1980	1:50000
MURRAWOMBIE	8335-N	1986	1:50000
NARADHAN	8130-N	1980	1:50000
NARRABRI	8837-S	1872	1:50000
NARROMINE	8533-N	1978	1:50000
NEVERTIRE	8434-S	1986	1:50000
NORTH STAR	8940-S	1979	1:50000
NUMBLA VALE	8624-N	1980	1:50000
NYNGAN	8334-N	1985	1:50000
OAKLANDS	8126-N	1972	1:50000
ONE EYE TANK	8031-N	1979	1:50000
ONE TREE	7829-N	1970	1:50000
OOLAMBAYAN	7928-N	1979	1:50000
OXLEY	7729-N	1978	1:50000
PALLAMALLAWA	8939-S	1978	1:50000
PARKES	8531-N	1978	1:50000
PEAK HILL	8532-N	1978	1:50000
PEREKERTEN	7628-S	1978	1:50000
PILLIGA	8637-S	1972	1:50000
PLEASANT HILLS	8227-S	1972	1:50000
QUABOTHOO	8436-N	1986	1:50000
QUAMBONE	8436-S	1979	1:50000
RANKINS SPRINGS	8130-S	1980	1:50000
ROCKY DAM	9039-N	1980	1:50000
ROWENA	8638-S	1980	1:50000
RYLSTONE	8832-S	1977	1:50000
SAPPA BULGA	8533-S	1978	1:50000
SEBASTOPOL	8428-N	1973	1:50000

SOFALA	8831-N	1976	1:50000
STEAM PLAINS	7927-N	1977	1:50000
STRATHMERTON	7926-S	1976	1:50000
SUGGAN BUGGAN	8524-S	1980	1:50000
SWAN HILL	7627-S	1982	1:50000
TABBITA	8029-N	1974	1:50000
TAHRONE	8536-N	1987	1:50000
TAMBAR SPRINGS	8835-S	1979	1:50000
TARWONG	7730-S	1979	1:50000
TCHELERY	7728-S	1979	1:50000
TELLERAGA	8738-N	1980	1:50000
TEMORA	8429-S	1973	1:50000
TENANDRA	8635-N	1976	1:50000
TERIDGERIE	8636-S	1972	1:50000
TERRY HIE HIE	8938-S	1978	1:50000
TEXAS	9140-S	1979	1:50000
THREDBO	8524-N	1980	1:50000
TOCUMWAL	8026-S	1973	1:50000
TOMBONG	8624-S	1980	1:50000
TOMS LAKE	7830-N	1978	1:50000
TOOGIMBIE	7728-N	1979	1:50000
TOOLEYBUC	7527-N	1978	1:50000
TOORAWEEAH	8635-S	1977	1:50000
TOTTENHAM	8333-N	1978	1:50000
TRANGIE	8433-N	1978	1:50000
TRUNDLE	8432-S	1978	1:50000
TULLAMORE	8432-N	1978	1:50000
TULLIBIGEAL	8231-S	1979	1:50000
UARBRY	8833-N	1976	1:50000
UNGARIE	8230-N	1979	1:50000
URANA	8127-S	1972	1:50000

WAKOOL	7727-S	1979	1:50000
WALBUNDRIE	8226-N	1972	1:50000
WALGETT	8537-N	1987	1:50000
WALLANGARRA	9240-S	1981	1:50000
WALLEROOBIE RANGE	8229-S	1982	1:50000
WAMBOYNE	8330-N	1978	1:50000
WANGANELLA	7827-N	1978	1:50000
WANOURIE	8437-N	1987	1:50000
WARREN	8434-N	1986	1:50000
WEE WAA	8737-N	1972	1:50000
WEEMELAH	8739-N	1980	1:50000
WEETALIBA	8834-N	1979	1:50000
WEETHALLE	8230-S	1980	1:50000
WEIMBY	7528-N	1978	1:50000
WELLINGTON	8632-N	1977	1:50000
WENTWORTH	7229-N	1983	1:50000
WILSON	8027-N	1972	1:50000
WIRRINYA	8430-N	1978	1:50000
WOMBOIN	8336-N	1986	1:50000
WYALONG	8330-S	1978	1:50000
YALGOGRIN RANGE	8229-N	1982	1:50000
YASS	8628-S	1974	1:50000
YELARBON	9040-N	1979	1:50000
YETMAN	9040-S	1979	1:50000
YOOGALI	8129-S	1984	1:50000
YOUNG	8529-S	1973	1:50000

Schedule 3 Categories and subcategories of licences

(Clause 4 (2))

Column 1

Category of access licence

Column 2

Subcategory of access licence

Regulated river (high security)	Aboriginal commercial Aboriginal community development Aboriginal cultural Community and education Environmental Research Town water supply
Regulated river (general security)	Aboriginal commercial Aboriginal community development Community and education Environmental Research
Local water utility	Domestic and commercial
Major utility	Power generation Urban water
Domestic and stock	Domestic Stock Town water supply
Unregulated river	Aboriginal commercial Aboriginal community development Aboriginal cultural Community and education Environmental Research Town water supply
Aquifer	Aboriginal commercial Aboriginal community development Aboriginal cultural Community and education Environmental Research

	Town water supply
Supplementary water	Environmental
	Storage
Regulated river (conveyance)	Environmental
Murrumbidgee Irrigation (conveyance)	Environmental
Coleambally Irrigation (conveyance)	Environmental
Floodplain harvesting	Environmental
Unregulated river (high flow)	Environmental

Schedule 4 Access licences and approvals arising from former entitlements, and certain deemed approvals—particular provisions

(Clauses 17, 24 and 29)

Part 1 Definitions

1 Definitions

In this Schedule:

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

general security entitlement means an entitlement that:

- (a) 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
- (b) pursuant to clause 4A of Schedule 10 to the Act (as taken to be inserted by clause 50 (2) of this Schedule), has been replaced by an 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.

Part 2 Particular provisions relating to access licences arising from

former entitlements

Division 1A Security interests in and co-holders of replacement access licences

1A Application of Division

- (1) This Division applies to and in respect of each entitlement with respect to each of the following water sources, and to each access licence arising from any such entitlement:
 - (a) the water sources to which the *Water Sharing Plan for the Castlereagh (below Binnaway) Unregulated and Alluvial Water Sources 2011* applies,
 - (b) the water sources to which the *Water Sharing Plan for the North Western Unregulated and Fractured Rock Water Sources 2011* applies,
 - (c) the water sources to which the *Water Sharing Plan for the NSW Great Artesian Basin Shallow Groundwater Sources 2011* applies,
 - (d) the water sources to which the *Water Sharing Plan for the Intersecting Streams Unregulated and Alluvial Water Sources 2011* applies.
- (2) A reference in this Division to the appointed day is a reference to the appointed day for the entitlement or access licence concerned.

1B 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 the appointed day.
- (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 the appointed day, 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.

1C 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 1 Replacement water access licences (1 July 2004)

2 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:

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 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.

3 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 2003*, as in force on 1 July 2004.

4 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 New South Wales Murray and Lower Darling Regulated Rivers Water Sources 2003*, as in force on 1 July 2004.

5 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:

S_1 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:

S_2 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.

S_1 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.

6 Macquarie and Cudgegong

- (1) On 1 July 2004, a section 18 entitlement or section 20B entitlement with respect to

the Macquarie and Cudgong 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 Cudgong.

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

- (2) On 1 July 2004, a general security entitlement with respect to the Macquarie and Cudgong 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:

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 Macquarie and Cudgong.

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

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

7 Murray

- (1) On 1 July 2004, each entitlement with respect to the Murray referred to in Column 1 of Subdivision 2 of Division 1 of Part 4 of this Schedule 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 that Subdivision 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 New South Wales Murray and Lower Darling Regulated Rivers Water Sources 2003*, as in force on 1 July 2004.
- (3) Each person who, as at 18 December 2009, 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.

8 Murrumbidgee

- (1) On 1 July 2004, each entitlement with respect to the Murrumbidgee referred to in Column 1 of Subdivision 1 of Division 1 of Part 4 of this Schedule 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 that Subdivision with respect to that entitlement.
- (2) On 27 July 2007, 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.
- (3) 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.

9 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.

10 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 Division 2 of Part 4 of this Schedule (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 2 Replacement access licences for certain Part 5 entitlements

(1 October 2006)

11 Application of Division

This Division applies to and in respect of each Part 5 entitlement referred to in Column 1 of Division 3 of Part 4 of this Schedule, and to and in respect of each access licence arising from any such entitlement, but not to any other entitlement or access licence.

12 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 Division 3 of Part 4 of this Schedule 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 Division, and
 - (b) if a volume is specified in Column 3 of that Division, by a supplementary water access licence with a share component of the volume so specified.
- (3) 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.
- (4) Subclause (3) is taken to have commenced on 1 October 2006.
- (5) The volumes specified in Columns 2 and 3 of Division 3 of Part 4 of this Schedule 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.

13 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 12 of this Schedule in relation to the water sources referred to in Division 3 of Part 4 of this Schedule.
- (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 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.

14 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 shareholder 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.

15 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 3 Replacement access licences for Part 5 entitlements for the Lower Murray (1 November 2006)

16 Application of Division

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

17 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 Division 4 of Part 4 of this Schedule 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 Division, and
 - (b) if a volume is specified in Column 3 of that Division, 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 Division 4 of Part 4 of this Schedule 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.

18 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 17 of this Schedule in relation to the water sources referred to in Division 4 of Part 4 of this Schedule.
- (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 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.

19 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.

20 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 4 Replacement access licences for Part 5 entitlements for the Upper and Lower Namoi (1 November 2006)

21 Application of Division

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

22 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 Division 5 of Part 4 of this Schedule 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 Division, and
 - (b) if a volume is specified in Column 3 of that Division, 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 Division 4 of Part 4 of this Schedule 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](#).

23 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 21 in relation to the water sources referred to in Division 4 of Part 4 of this Schedule.
- (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 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.

24 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.

25 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 5 Replacement supplementary water access licences for Part 2 entitlements for the Paterson (1 July 2007)

26 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 6 Replacement access licences for Part 5 entitlements for the Lower Lachlan (1 February 2008)

27 Application of Division

This Division applies to and in respect of each Part 5 entitlement referred to in Column 1 of Division 6 of Part 4 of this Schedule, and to and in respect of each access licence arising from any such entitlement, but not to any other entitlement or access licence.

28 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 Division 6 of Part 4 of this Schedule 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 Division, and
 - (b) if a volume is specified in Column 3 of that Division, 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 Division 6 of Part 4 of this Schedule 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*.

29 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 28 of this Schedule in relation to the water sources referred to in Division 6 of Part 4 of this Schedule.
- (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 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.

30 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.

31 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 7 Replacement access licences for entitlements for Bellinger River Area and Great Artesian Basin (1 July 2008)

32 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.

33 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.
- (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.

34 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 8 Replacement access licences for entitlements for the NSW Border Rivers (1 July 2009)

35 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.

36 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.

37 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.

38 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 9 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

39 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

40 Definitions

In this Subdivision:

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.

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.

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*).

41 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 42 of this Schedule 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.

42 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 43 of this Schedule, and
 - (ii) the share component of the licence, as determined by clause 44 or 45 of this Schedule, as the case requires,
- (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 44 of this Schedule, 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 45 of this Schedule, 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.

43 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.

44 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).

45 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)).

46 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

47 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.

48 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 Peel Valley Regulated, Unregulated, Alluvium and Fractured Rock Water Sources (1 July 2010)

49 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 referred to in Division 7 of Part 4 of this Schedule 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 referred to in Division 7 of Part 4 of this Schedule.

50 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 referred to in Division 7 of Part 4 of Schedule 4 to the *Water Management (General) Regulation 2011*.
- (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 referred to in Division 7 of Part 4 of Schedule 4 to the *Water Management (General) Regulation 2011* 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 referred to in Division 7 of Part 4 of Schedule 4 to the *Water Management (General) Regulation 2011*.

51 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.

52 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 11 Replacement access licences for entitlements for certain Murrah-Wallaga, Richmond, Towamba and Tweed River Water Sources (17 December 2010)

Subdivision 1 Preliminary

53 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 [Water Sharing Plan for 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

54 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 55 of this Schedule 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.

55 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 56 of this Schedule, and
 - (ii) the share component of the licence, as determined by clause 57 or 58 of this Schedule, as the case requires,
 - (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 57 of this Schedule, 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 58 of this Schedule, 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.

56 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.

57 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).

58 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)).

59 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

60 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.

61 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.

62 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 12 Replacement access licences for entitlements for certain Bega and Brogo Water Sources (1 April 2011)

Subdivision 1 Preliminary

63 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.

64 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 Subdivision 2 of Division 8 of Part 4 of this Schedule 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 Subdivision 2 of Division 8 of Part 4 of this Schedule.

Subdivision 2 Access licences for tidal pool water sources

65 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 66 of this Schedule 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.

66 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 67 of this Schedule, and
 - (ii) the share component of the licence, as determined by clause 68 or 69 of this Schedule, as the case requires,
 - (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 68 of this Schedule, 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 69 of this Schedule, 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.

67 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.

68 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).

69 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)).

70 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

71 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 Regulated, Unregulated and Alluvial Water Sources 2011* applies referred to in Column 1 of Subdivision 1 of Division 8 of Part 4 of this Schedule 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 Subdivision 1 of Division 8 of Part 4 of this Schedule with respect to that entitlement.

72 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 Subdivision 2 of Division 8 of Part 4 of Schedule 4 to the *Water Management (General) Regulation 2011*.

(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 Subdivision 2 of Division 8 of Part 4 of Schedule 4 to the *Water Management (General) Regulation 2011* 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 Subdivision 2 of Division 8 of Part 4 of Schedule 4 to the *Water Management (General) Regulation 2011*.

73 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.

74 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 Greater Metropolitan Water Sources (1 July 2011)

Subdivision 1 Preliminary

75 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

76 Temporary exemption from requirements for certain access licences and approvals

- (1) All persons are exempt from:
- (a) sections 60A (1) and (2), 60C (1) and (2) 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 77 of this Schedule 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.

77 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 78 of this Schedule, and
 - (ii) the share component of the licence, as determined by clause 79 or 80 of this Schedule, as the case requires,
 - (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 79 of this Schedule, 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 80 of this Schedule, 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.

78 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.

79 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).

80 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 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)).

81 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**82 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,

- (b) the *Water Sharing Plan for the Greater Metropolitan Region Groundwater Sources 2011*.

83 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.

84 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 certain entitlements for the Castlereagh (1 October 2011)

84A Application of Division

This Division applies to and in respect of the entitlements identified as licence numbers 80SL044829H and 80SL044904H with respect to water sources to which the [Water Sharing Plan for the Castlereagh \(below Binnaway\) Unregulated and Alluvial Water Sources 2011](#) applies.

84B Unregulated river (special additional high flow) 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 referred to in clause 84A of Schedule 4 to the [Water Management \(General\) Regulation 2011](#).

- (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 Unregulated river (special additional high flow) access licences

An entitlement referred to in clause 84A of Schedule 4 to the [Water Management \(General\) Regulation 2011](#) is taken to have been replaced by an unregulated river (special additional high flow) 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 referred to in clause 84A of

Schedule 4 to the [Water Management \(General\) Regulation 2011](#).

Division 15 Replacement access licences for certain entitlements for the Intersecting Streams (1 November 2011)

84C Application of Division

This Division applies to and in respect of the entitlements identified as licence numbers 85SL036285H and 85SL022275H with respect to water sources to which the [Water Sharing Plan for the Intersecting Streams Unregulated and Alluvial Water Sources 2011](#) applies.

84D Unregulated river (special additional high flow) 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 referred to in clause 84C of Schedule 4 to the [Water Management \(General\) Regulation 2011](#).

(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 Unregulated river (special additional high flow) access licences

An entitlement referred to in clause 84C of Schedule 4 to the [Water Management \(General\) Regulation 2011](#) is taken to have been replaced by an unregulated river (special additional high flow) 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 referred to in clause 84C of Schedule 4 to the [Water Management \(General\) Regulation 2011](#).

Division 16 Replacement access licences for certain entitlements for the NSW Murray Darling Basin Fractured Rock Groundwater Sources (16 January 2012)

84E Application of Division

This Division applies to and in respect of the entitlements identified as licence numbers 40BL187027, 40BL187028, 40BL187029, 40BL187030, 40BL187031, 40BL187032, 40BL187033, 40BL187034 and 40BL187036 with respect to water sources to which the [Water Sharing Plan for the NSW Murray Darling Basin Fractured Rock Groundwater](#)

Sources 2011 applies.

84F Salinity and water table management 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 referred to in clause 84E of Schedule 4 to the *Water Management (General) Regulation 2011*.

(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 Salinity and water table management access licences

An entitlement referred to in clause 84E of Schedule 4 to the *Water Management (General) Regulation 2011* is taken to have been replaced by a salinity and water table management 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 referred to in clause 84E of Schedule 4 to the *Water Management (General) Regulation 2011*.

Part 3 Particular provisions relating to approvals arising from former entitlements, and certain deemed approvals

Division 1 Approvals arising from certain former entitlements

85 Approvals arising from former entitlements under former 1912 Act

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 Approvals for certain water bores

86 Approvals for formerly unlicensed water bores in 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](#)),
- is taken to be the subject of a water supply work approval granted on 1 July 2008.

Division 3 Approvals arising from former entitlements and associated provisions

87 Application of Division

This Division applies to and in respect of the following entitlements, unless otherwise expressly provided:

- (a) the entitlement under the former 1912 Act identified as Authority No 50SA006634,
- (b) each of the following entitlements under the former 1912 Act with respect to the Eagle Creek System:

50SL026144	50SL046199	50SL030154	50SA006508
50SL075269	50SA006641	50SL075674	50SL046192
50SA001283	50SL075099	50SL038668	50SL048121
50SL020732	50SA006517	50SL049279	50SL046196
50SL026155	50SL048123	50SL036266	50SL075606
50SL029701	50SL075130	50SL075681	50SL075599
50SL011890	50SL075723	50SL029733	50SL075596
50SL031227	50SL075709	50SL075556	50SL075605
50SL050268	50SL030670	50SL075075	50SL075598
50SL075682	50SL075245	50SL037750	50SL075603
50SL048134	50SL046865	50SL075135	50SL075604

50SL075279	50SL075049	50SL040224	50SL075597
50SL075280	50SL075675	50SL030468	50SL075595
50SL075278	50SA006638	50SL048536	50SL075601
50SL030317	50SL010011	50SL030488	50SL075602
50SL030318	50SL031520	50SL075625	50SA000909
50SL046193	50SL030682	50SL030547	50SA006631
50SL048124	50SL031754	50SL035376	50SL035463
50SL046195	50SL029622	50SL075134	50SL075724
50SA006640	50SL030050	50SA006509	

- (c) each of the following entitlements under the former 1912 Act with respect to part of Bullatale Creek and part of Aluminy Creek:

50SL046388	50SL034226	50SL025392	50SL075677
50SL075257	50SL038127	50SL019921	50SL075678
50SL075258	50SL027003	50SL042729	50SL027820
50SL048507	50SL051137	50SL035975	
50SL048142	50SL075728	50SL052032	
50SL034208	50SL075727	50SL075337	

- (d) the entitlement under the former 1912 Act identified as Licence No 60SL085520,
(e) the entitlement under the former 1912 Act identified as Licence No 60SL038563.

88 Access licences and approvals arising from former entitlements

- (1) Despite any provision of Schedule 10 to the Act, nothing in that Schedule operates to replace an entitlement with an access licence.
- (2) However, an entitlement may be replaced by an approval in accordance with Schedule 10 to the Act.

89 Entitlements with no specified quantity of water to continue under former Acts

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

- (3) This clause does not apply to an entitlement referred to in clause 87 of Schedule 4 to the *Water Management (General) Regulation 2011*.

90 Water use approvals for joint schemes

(1) This clause applies to the following entitlements:

- (a) the entitlement referred to in clause 87 (a) of this Division,
- (b) entitlements under the former 1912 Act identified as 50SA001283, 50SA006640, 50SA006641, 50SA006517, 50SA006638, 50SA006509, 50SA006508, 50SA000909 and 50SA006631.

(2) Pursuant to clause 1 of Schedule 9 to the Act, clause 18 of Schedule 10 to the Act is to be construed, in its application to an entitlement to which this clause applies, as if clause 18 (1) were replaced by the following subclause:

- (1) An entitlement that, immediately before the appointed day, was in force under Division 4 of Part 2 of the 1912 Act is taken to have expired on that day and been replaced, to the extent to which it entitles a person or body to use water on the land to which it relates, by separate water use approvals for each person or body who is so entitled to use water under the entitlement immediately before the appointed day.

91 Nominated works

Pursuant to clause 1 of Schedule 9 to the Act, clause 26 of Schedule 10 to the Act is to be construed, in its application to a replacement water supply work approval arising from an entitlement referred to in clause 87 (c) of this Division, as if clause 26 (1) were replaced by the following subclauses:

- (1) Subject to subclause (1A), each work specified in a replacement water supply work approval is taken to have been nominated under section 71W in relation to each of the access licences numbered 7753, 7754 and 7755.
- (1A) Each work specified in a replacement water supply work approval arising from the entitlements under the former 1912 Act identified as 50SL046388, 50SL075257 and 50SL075258 is taken to have been nominated under section 71W in relation to each of the access licences numbered 21457, 7753, 7754 and 7755.

Part 4 Particulars referred to in Part 2

Division 1 Supplementary access licence share components

Subdivision 1 Murrumbidgee (clause 8)

Column 1

Water Act entitlement

Column 2

Share component volume—(megalitres)

40SA810H	1129
40SA967H	297
40SL21181H	795
40SL23730H	639.5
40SL24994H	3,402
40SL29503H	639.5
40SL34102H	6,773
40SL36994H	2,000
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	37,414

Subdivision 2 Murray (clause 7)

Column 1	Column 2
Water Act entitlement	Share component volume—(megalitres)
50GL0000218	5060
50GL000217	521
50IC0000002	221704
50IT0000006	705
50IT0000007	722
50SA000475	33
50SA001328	223
50SA001407	313
50SA001462	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

Division 2 Unrecorded 1 July 2004 entitlements (clause 10)

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

Division 3 Replacement access licences for certain Part 5 entitlements (1 October 2006) (clause 11)

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	163	83
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	167	
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	

Division 4 Replacement access licences for Part 5 entitlements for the Lower Murray (1 November 2006) (clause 16)

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	

Division 5 Replacement access licences for Part 5 entitlements for the Upper and Lower Namoi (1 November 2006) (clause 21)

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
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90BL137751	49	
90BL030342, 90BL130406, 90BL246729, 90BL246408, 90BL018300, 90BL130407, 90BL021052	1069	156
90BL247121, 90BL250297, 90BL133769	43	
90BL135543	3	
90BL135674, 90BL135675	17	7
90BL030218	43	
90BL142486	49	10
90BL112445, 90BL122842, 90BL134334, 90BL138109, 90BL117527	305	47
90BL121123, 90BL152506	324	135
90BL018325, 90BL021097, 90BL124037, 90BL246206, 90BL150537	1021	313
90BL108800	9	
90BL111271	244	118
90BL252567, 90BL030219	41	
90BL019054, 90BL019055	675	127
90BL123545, 90BL124587, 90BL020240	570	30
90BL112184, 90BL112183	387	270
90BL122262, 90BL127803, 90BL150502, 90BL155249	739	138
90BL250108, 90BL117884	202	140
90BL019385, 90BL116676, 90BL122605, 90BL151559	723	116
90BL019519, 90BL252271, 90BL019518, 90BL130854, 90BL130858, 90BL132544, 90BL248412, 90BL017276	350	434

90BL253459, 90BL030946, 90BL103929, 90BL114711, 90BL131770, 90BL246068, 90BL153042, 90BL153043	299	188
90BL118303, 90BL123424, 90BL246867, 90BL136673	414	281
90BL008005, 90BL248983	98	102
90BL031398	12	
90BL017232, 90BL017234, 90BL132070, 90BL017233	488	212
90BL018245, 90BL152260	94	42
90BL030944, 90BL109598, 90BL115248, 90BL246772, 90BL251058, 90BL140577	591	
90BL030870	47	
90BL114405	205	
90BL127828, 90BL022174	46	
90BL018089, 90BL031404	96	
90BL019469	26	
90BL031537, 90BL019898, 90BL007234, 90BL021576, 90BL021578, 90BL031535, 90BL031536, 90BL124012	285	
90BL013769	6	
90BL152591, 90BL030815, 90BL118298, 90BL120908, 90BL120980, 90BL246901, 90BL152592	449	251
90BL011138, 90BL122418, 90BL131359, 90BL151218	165	
90BL247426, 90BL018223	157	10
90BL139317, 90BL143836	137	
90BL143242, 90BL248193, 90BL122419	46	
90BL124542, 90BL124543, 90BL119788, 90BL151649	222	36
90BL019114, 90BL031236	184	
90BL116831	25	
90BL031333, 90BL246654	219	131
90BL111320	84	

90BL122396	97	
90BL020716, 90BL250492, 90BL020715, 90BL247409	407	53
90BL020096, 90BL020097, 90BL120389, 90BL123513	105	
90BL152422, 90BL152423, 90BL019017	592	108
90BL106718, 90BL115515	113	
90BL116749	437	263
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	

Division 6 Replacement access licences for Part 5 entitlements for the Lower Lachlan (1 February 2008) (clause 27)

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	

Division 7 Replacement access licences for Part 2 or Part 5

entitlements for the Peel Valley (1 July 2010) (clause 50)

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

Division 8 Replacement access licences for Part 2 or Part 5 entitlements for the Bega and Brogo Rivers (1 April 2011) (clauses 71 and 72)

Subdivision 1

Column 1

Water Act 1912 Licence

10SL020520

10SL036179

Column 2

Proposed supplementary entitlement (ML)

25

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

Subdivision 2

Licence No

10BL159574

Schedule 5 Exemptions

(Clauses 18 and 39)

Part 1 Access licence exemptions

1 Definition

In this Part:

public authority does not include Landcom or the Superannuation Administration Corporation or any of their subsidiaries.

2 Roads authorities

A roads authority (within the meaning of the [Roads Act 1993](#))—in relation to water required for road construction and road maintenance.

3 Transport authorities

(1) A transport authority—in relation to water required for the construction or maintenance of rail infrastructure facilities (within the meaning of the *Transport Administration Act 1988*) if the environmental impact of the construction or maintenance has been considered under section 111 of the *Environmental Planning and Assessment Act 1979* (or is exempt from the need for such consideration under section 110E of that Act).

(2) In this clause:

transport authority means the following within the meaning of the *Transport Administration Act 1988*:

- (a) RailCorp,
- (b) Transport Construction Authority,
- (c) Country Rail Infrastructure Authority,
- (d) ARTC,
- (e) the Director-General.

4 Drought relief

Any person lawfully engaged in the carriage of water for drought relief—in relation to water required for that purpose.

5 Dust suppression

Any public authority lawfully engaged in the use of water for dust suppression—in relation to water required for that purpose.

6 Hydrostatic testing

Any person lawfully engaged in the hydrostatic testing of a gas pipeline—in relation to water required for initial testing of that pipeline before it is put into service for the first time, up to a maximum of 7 megalitres.

7 Prospecting or fossicking

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:

- (a) 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

- (b) the taking of up to 3 megalitres of water required for all other such prospecting or fossicking in any water year.

8 Domestic electricity generation

Any landholder—in relation to water required for the purpose of generating electricity for domestic consumption on that land, but only if:

- (a) the water is returned to the same water source from which it was taken and within 50 metres of the point at which it was taken, and
- (b) the returned water is of the same quality as it was when it was taken (in terms of chemical composition, temperature, sediment content and salinity).

9 Water bore testing

Any person engaged in the testing of a water bore by means of a pump test required under, and carried out in accordance with an aquifer interference approval with respect to that activity, a water supply work approval for the water bore, or the conditions of an approved project under Part 3A or an approval under Part 5.1, of the *Environmental Planning and Assessment Act 1979*—in relation to water required for that purpose:

- (a) during the week following completion of the water bore's installation, or
- (b) during any other period for which such testing is required to be carried out by the relevant approval.

10 Exempt monitoring bores

Any person—in relation to the taking of water from or by means of an exempt monitoring bore for the purposes of measuring water levels, water pressure or water quality.

11 Hydro-electric power stations

Any person lawfully engaged in the operation of a hydro-electric power station in connection with a water supply work owned by State Water Corporation or the Ministerial Corporation (such operation being authorised by that Corporation)—in relation to water required for the purpose of generating hydro-electric power, but only if:

- (a) the water is returned to the same water source from which it was taken, and
- (b) the returned water is of the same quality as it was when it was taken (in terms of chemical composition, temperature, sediment content and salinity).

12 Excluded works

- (1) Any landholder—in relation to the taking of water from or by means of an excluded work referred to in item 1, 2, 3, 4, 6, 7 or 9 in Schedule 1 that is situated on the land, for the purposes and in the circumstances specified in Schedule 1 in respect of the

work.

- (2) Any landholder—in relation to the taking of water from or by means of an excluded work referred to in item 5 or 8 in Schedule 1 that is situated on the land.

13 Sugar cane plantings

Any person—in relation to the taking of water from an artificial channel if:

- (a) the water is taken for the purpose of watering to establish agricultural plantings of sugar cane (with a sugar cane plant taken to be established once it reaches a height of 50 centimetres), and
- (b) the volume of water taken does not, in any continuous 12 month period, exceed 0.05 of a megalitre per hectare of land on which sugar cane is being established, and
- (c) the channel was constructed for the primary purpose of draining water from land on which sugar cane is grown, and
- (d) the channel does not have banks that are above ground level, and
- (e) the channel is located in an area to which the [Water Sharing Plan for the Tweed River Area Unregulated and Alluvial Water Sources 2010](#) or the [Water Sharing Plan for the Richmond River Area Unregulated, Regulated and Alluvial Water Sources 2010](#) applies, and
- (f) any work used to take the water is not fixed to the land.

14 Approved watering for basic human water needs

The Ministerial Corporation—in relation to the taking of water for **approved watering for basic human water needs**, being watering:

- (a) that the Minister is satisfied:
 - (i) is in the public interest, and
 - (ii) is urgently required for basic human water needs, and
- (b) that is in accordance with a watering program that is approved by the Minister in writing and that addresses:
 - (i) the amount of water proposed to be taken, and
 - (ii) the water source from which the water will be taken.

15 Approved watering for environmental work construction

A public authority—in relation to the taking of up to 0.5 megalitres of water in any water year (or up to such lesser amount as the Minister may specify) for **approved watering**

for environmental work construction, being watering:

- (a) that the Minister is satisfied is for the purposes of constructing on waterfront land a water supply work that will have an environmental benefit, and
- (b) that is in accordance with a watering program that is approved by the Minister in writing and that addresses:
 - (i) the amount of water proposed to be taken, and
 - (ii) the water source from which the water will be taken.

Note—

The construction and 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.

15A Holders of certain approvals

- (1) The holder of an approval arising from the entitlement referred to in clause 87 (a) of Schedule 4—in relation to the taking of any water from Bungaree Creek or Bingera Creek (as described in the entitlement).
- (2) The holder of an approval arising from an entitlement referred to in clause 87 (b) of Schedule 4—in relation to the taking of any water from a river to which the entitlement relates (as described in the entitlement).

15B Emergency safety measures

Any person—in relation to the taking of water for the purposes only of complying with a direction given under the [State Emergency Service Act 1989](#) or the [State Emergency and Rescue Management Act 1989](#) in an emergency (within the meaning of the latter Act), but only if the person's compliance with the direction is in accordance with the Act under which it is given.

Part 2 Controlled activities exemptions

16 Activities under mining, crown lands or western lands legislation

Any activity carried out in accordance with any lease, licence, permit or other right in force under the [Mining Act 1992](#), the [Crown Lands Act 1989](#), the [Crown Lands \(Continued Tenures\) Act 1989](#) or the [Western Lands Act 1901](#) or a petroleum title in force under the [Petroleum \(Onshore\) Act 1991](#).

17 Activities on land of Maritime Authority or Port Corporation

Any activity:

- (a) carried out in accordance with any lease, licence, permit or other right in force in respect of land under the ownership or control of the Maritime Authority of NSW or a

Port Corporation (within the meaning of the *Ports and Maritime Administration Act 1995*), or

- (b) for which the Minister administering that Act is the consent authority under the *Sydney Regional Environmental Plan (Sydney Harbour Catchment) 2005*.

18 Activities under water supply works approval

Any activity comprising the excavation of the bed of a river, lake or estuary for the purpose of facilitating the use of a water supply work, being an activity that:

- (a) is detailed in the conditions of the water supply work approval for the water supply work, and
- (b) is carried out in accordance with those conditions.

19 Activities with respect to domestic and stock rights

Any of the following activities for the purpose of enabling a person to take, or facilitating a person's taking of, water pursuant to section 52 (Domestic and stock rights) of the Act:

- (a) the removal of alluvial material from the bed of a river to enable or facilitate the taking of water, if:
- (i) any excavation:
 - (A) is no deeper than 1 metre, and
 - (B) is no wider than 1/3 of the width of the river at that point or 6 metres (whichever is lesser), and
 - (C) is no longer than its width, and
 - (ii) the only alluvial material that is removed is material that has been deposited on the riverbed by the flow of water in the river such as sand, silt or gravel, and
 - (iii) no material is removed within 1 metre of the bank of the river, and
 - (iv) any alluvial material that has been removed is placed in the bed of the river, immediately upstream of the excavation,
- (b) any controlled activity in, on or under the bank of a river to enable or facilitate the installation of a pipe, if:
- (i) the pipe is above ground or in a trench that is the minimum size necessary to hold the pipe but is no more than 0.3 metres wide and 0.3 metres deep, and
 - (ii) any material that is removed is used to backfill the trench within 48 hours after its removal,

- (c) any controlled activity in, on or under waterfront land to enable or facilitate the installation of a water supply work that is a pump, if:
 - (i) the controlled activity is not on the bed or bank of a river, and
 - (ii) any material removed is the minimum amount necessary to establish a suitable pump site but is no more than 1 cubic metre, and
 - (iii) the area of land from which any material is removed is no greater than 4 square metres.

20 Activities in accordance with harvestable rights orders

Any activity 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.

21 Activities connected with construction of fencing, crossings or tracks

Any activity carried out in connection with the construction or use of fencing, or of a vehicular crossing or an access track, that does not impound water, being an activity carried out in, on or under waterfront land:

- (a) relating to a minor stream, and
- (b) within a rural zone (other than a rural village) under an environmental planning instrument.

22 Activities in connection with works under former 1912 Act

- (1) Any activity carried out in connection with the construction or use of a work to which Part 2 of the former 1912 Act applies in accordance with a licence issued under that Part in relation to that work, being an activity that:
 - (a) is detailed in the conditions of the licence, and
 - (b) is carried out in accordance with those conditions.
- (2) Any activity carried out in connection with the construction or use of a controlled work within the meaning of Part 8 of the former 1912 Act in accordance with an approval issued under that Part in relation to that work, being an activity that:
 - (a) is detailed in the conditions of the approval, and
 - (b) is carried out in accordance with those conditions.

23 Removal of vegetation

Any activity comprising nothing more than the removal of vegetation in circumstances that would otherwise be lawful.

24 Development at Rouse Hill Regional Centre

The carrying out of development in accordance with section 16 of Part E (Rouse Hill Regional Centre) of *Baulkham Hills Development Control Plan*, on the land to which that section applies (being land bounded by Windsor Road, Commercial Road and Withers Road, Rouse Hill).

25 Development on waterfront land at Oran Park or Turner Road

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.

26 Activities on waterfront land if river is concrete lined or in pipe

Any activity carried out on waterfront land relating to a river where the channel of the river is fully concrete lined or is a fully enclosed pipe channel.

27 Activities with respect to dwellings

(1) Any activity carried out in connection with the erection or demolition of, the making of alterations or additions to or the provision of ancillary facilities for, a dwelling house or dual occupancy building, being activities:

(a) that comprise exempt development or that are the subject of a development consent or complying development certificate in force under the *Environmental Planning and Assessment Act 1979*, and

(b) that are not carried out on or in:

(i) the bed or bank of any river, or

(ii) the bed or shore of any lake, or

(iii) the bed, or land lying between the bed and the mean high water mark, of any estuary.

(2) 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*.

28 Emergency safety measures

Any activity carried out for the purposes only of complying with a direction given under the *State Emergency Service Act 1989* or the *State Emergency and Rescue Management Act 1989* in an emergency (within the meaning of the latter Act), being compliance that is in accordance with the Act under which the direction is given.

Schedule 6 Forms

(Clause 46)

Form 1 Certificate

(*Water Management (General) Regulation 2011*, 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 2011*, 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 2011](#), 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 2011](#), 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 2011](#) 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:

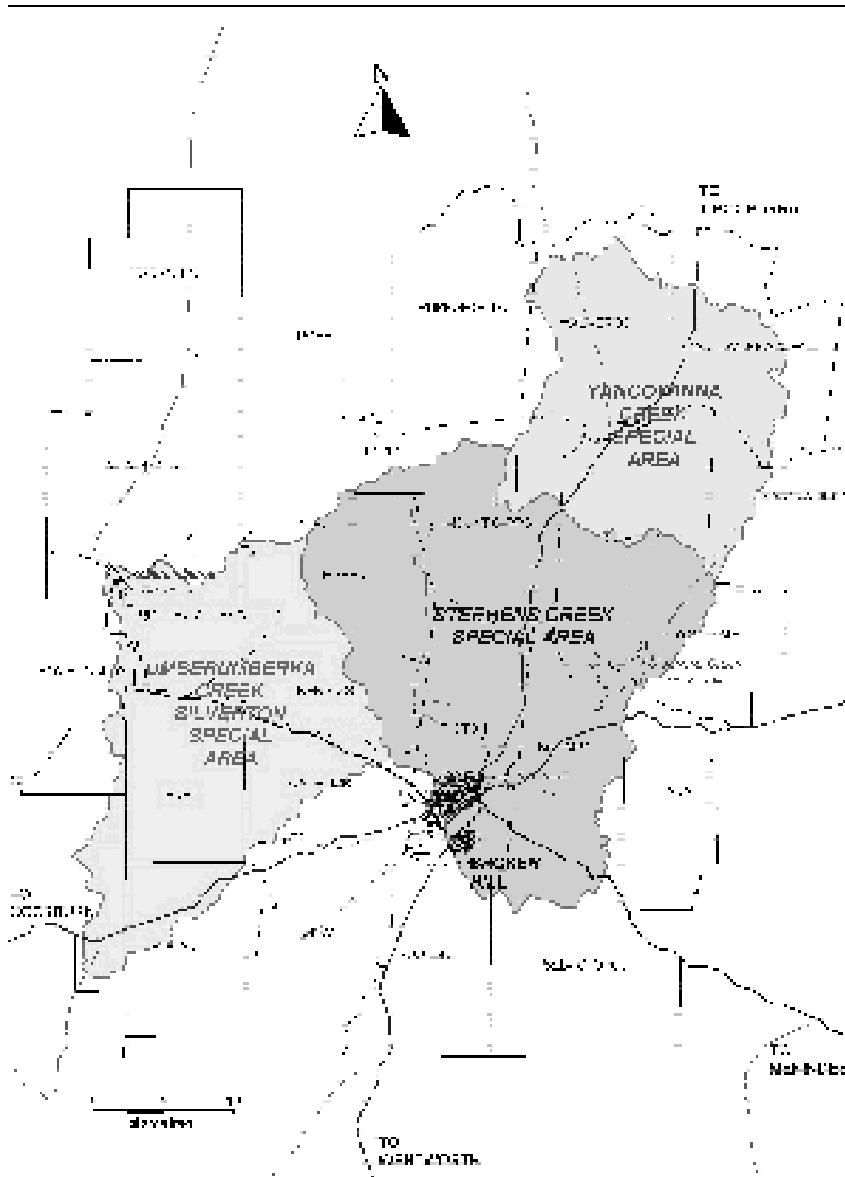
Signed:

Schedule 7 Special areas

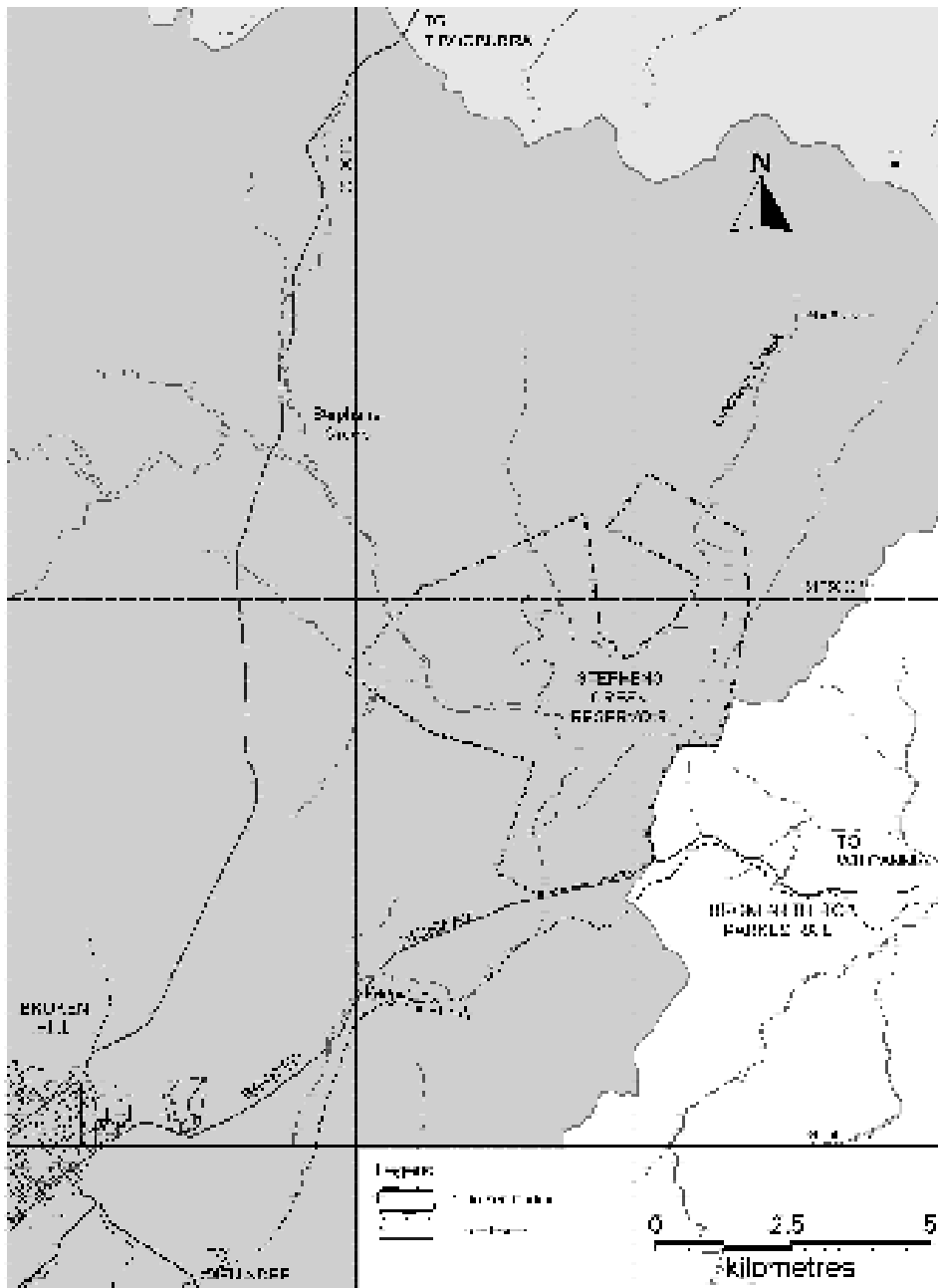
(Clause 166)

Part 1 Stephens Creek, Umberumberka Creek and Yancowinna Creek

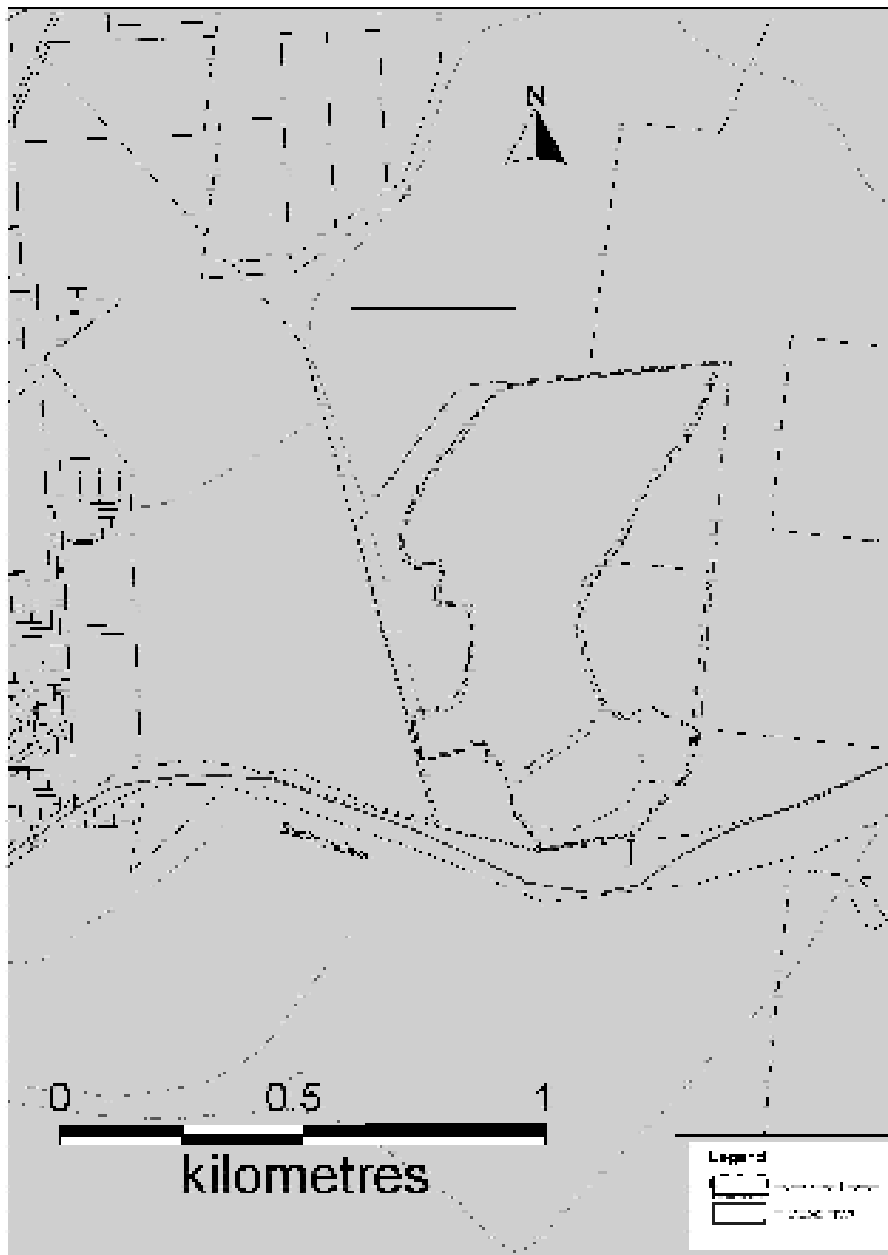
Special Areas



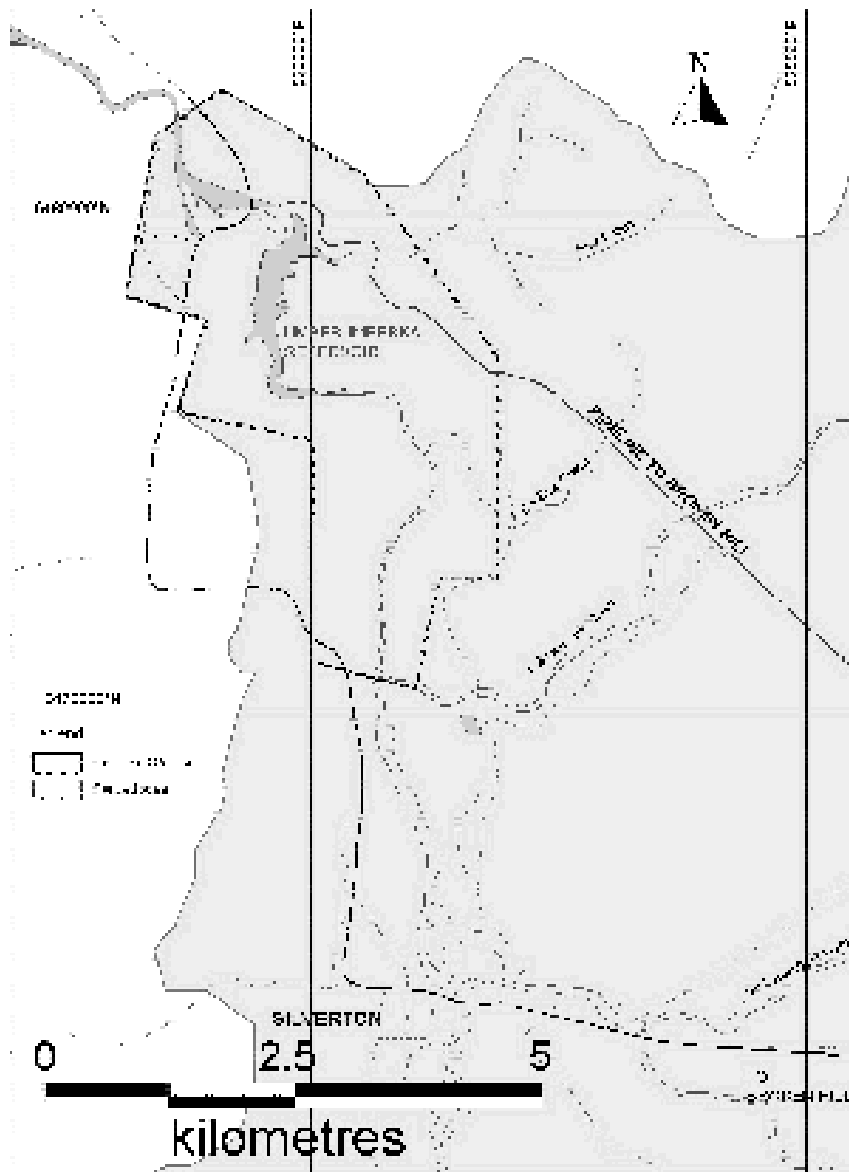
Part 2 Part restricted portion of Stephens Creek Special Area



Part 3 Part restricted portion of Stephens Creek Special Area



Part 4 Restricted portion of Umberumberka Creek Special Area



Schedule 8 Penalty notice offences

(Clause 228)

Part 1 Offences under [Water Management Act 2000](#)

Column 1	Column 2	Column 3
Provision of Act	Penalty for individual	Penalty for corporation
Section 60A (2)	\$750	\$1500
Section 60B	\$750	\$1500
Section 60C (2)	\$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

Part 2 Offences under **Water Management (General) Regulation 2011**

Column 1	Column 2	Column 3
Provision of Regulation	Penalty for individual	Penalty for corporation
Clause 118 (1)	\$500	
Clause 119 (1)	\$500	
Clause 120 (1) or (2)	\$500	
Clause 121 (1), (2) or (3)	\$500	
Clause 122	\$500	
Clause 127	\$200	
Clause 128 (1)	\$200	
Clause 136 (4)	\$200	
Clause 138 (1)	\$500	
Clause 139 (1)	\$500	
Clause 151 (1)	\$500	
Clause 152	\$500	
Clause 154 (1) or (3)	\$500	
Clause 156 (2) or (3)	\$700	
Clause 161 (3)	\$500	
Clause 178	\$200	
Clause 179	\$200	
Clause 181	\$200	
Clause 182	\$200	
Clause 183 (3)	\$200	
Clause 184	\$200	

Schedule 9 Savings, transitional and other provisions

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 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.

Note—

This Part continues the operation of certain provisions of Part 1 of Schedule 7 to the [Water Management \(General\) Regulation 2004](#) which is repealed on 1 September 2011 by section 10 of the [Subordinate Legislation Act 1989](#). The operation of the repealed Part is preserved by section 30 of the [Interpretation Act 1987](#).

Part 2 Provisions relating to the repeal of the Rivers and Foreshores Improvement Act 1948

5 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.

6 Conditions as to security under section 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.

7 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.

8 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.

9 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.

Note—

This Part continues the operation of Part 3 of Schedule 7 to the *Water Management (General) Regulation 2004* which is repealed on 1 September 2011 by section 10 of the *Subordinate Legislation Act 1989*. The operation of the repealed Part is preserved by section 30 of the *Interpretation Act 1987*.

Part 3 Provisions relating to the *Water Management Amendment Act 2008*

10 Definition

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

11 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.

12 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.

13 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.

14 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.

15 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.

16 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.

17 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.

Note—

This Part is a re-enactment of Part 4 of Schedule 7 to the *Water Management (General) Regulation 2004* which is repealed on 1 September 2011 by section 10 of the *Subordinate Legislation Act 1989*. The operation of the repealed Part is preserved by section 30 of the *Interpretation Act 1987*.

Part 4 Provision relating to the [Water Management Amendment Act 2010](#)

18 References to “adaptive environmental water”

Any reference in a management plan to “adaptive environmental water” continues to be 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.

Note—

This Part continues the operation of Part 6 of Schedule 7 to the *Water Management (General) Regulation 2004* which is repealed on 1 September 2011 by section 10 of the *Subordinate Legislation Act 1989*. The operation of the repealed Part is preserved by section 30 of the *Interpretation Act 1987*.

Part 5 Transitional provisions relating to prospecting and fossicking exemption from requirement for access licence

19 Continuation of existing exemption relating to mining and fossicking

- (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) of the *Water Management (General) Regulation 2004*, as in force immediately before 30 June 2011.

20 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 July 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 July 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 July 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.

Part 6 Provisions consequential on the repeal of certain Regulations

21 Continuation of Division 3 of Part 4 of *Irrigation Corporations Act 1994*

Division 3 of Part 4 of the *Irrigation Corporations Act 1994* continues to have effect despite its repeal by Schedule 7 to the *Water Management Act 2000*.

Note—

This clause is a re-enactment of clause 11 of the *Water Management (Irrigation Corporations) Savings and Transitional Regulation 1995* which is repealed on 1 September 2011 by section 10 of the *Subordinate Legislation Act 1989*. The operation of the repealed clause is preserved by section 30 of the *Interpretation Act 1987*.

22 Continuation of provisions concerning pre-1999 existing works

- (1) Clause 5 of the 2004 Regulation (Pre-1999 existing works) continues to apply as if that clause had not been repealed, in relation to an application for a water supply work approval for a pre-1999 existing work or an application for an access licence for water taken by means of a pre-1999 existing work (as referred to in that clause):
- (a) that is received by the Minister on or before 31 December 2011, and

(b) that is accompanied by information that indicates to the satisfaction of the Minister that the construction of the water supply work to which the application relates was completed before 1 January 1999.

(2) Clause 20 of the 2004 Regulation (Granting of access licences) continues to apply as if it had not been repealed:

(a) to an application for an access licence under clause 5 (5) of the 2004 Regulation that was made but not finally determined at the commencement of this Regulation, and

(b) to an application for an access licence under clause 5 (5) as continued in operation by subclause (1).

(3) In this clause:

pre-1999 existing works has the same meaning as it has in clause 5 of the 2004 Regulation.

2004 Regulation means the [Water Management \(General\) Regulation 2004](#) as in force immediately before its repeal.