



New South Wales

Water Management (General) Regulation 2025

under the

Water Management Act 2000

The following enacting formula will be included if this regulation is made—

Her Excellency the Governor, with the advice of the Executive Council, has made the following regulation under the *Water Management Act 2000*.

Minister for Water

Explanatory note

The object of this regulation is make further provision for matters relating to water management, including the following—

- (a) matters concerning water management planning, including water sharing plans,
- (b) access licences and dealings, including exemptions from requirements to hold access licences,
- (c) approvals for water management works, including exemptions from requirements to hold approvals,
- (d) metering and record-keeping requirements,
- (e) matters concerning irrigation corporations, private water corporations and private water trusts,
- (f) Hunter Valley flood mitigation works,
- (g) compliance and enforcement matters, including the valuing of water taken illegally,
- (h) fees and charges for specified matters,
- (i) offences for which penalty notices may be issued.

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Water Management (General) Regulation 2025

under the

Water Management Act 2000

Part 1 Preliminary

1 Name of regulation

This regulation is the *Water Management (General) Regulation 2025*.

2 Commencement

This regulation commences on 1 September 2025.

Note— This regulation replaces the *Water Management (General) Regulation 2018*, which is repealed on 1 September 2025 by the *Subordinate Legislation Act 1989*, section 10(2).

3 Definitions

The dictionary in Schedule 11 defines words used in this regulation.

Note— The *Interpretation Act 1987* contains definitions and other provisions that affect the interpretation and application of this regulation.

4 Definition of “minor stream”

(cl 3(1) and Sch 2 2018 Reg)

(1) In this regulation—

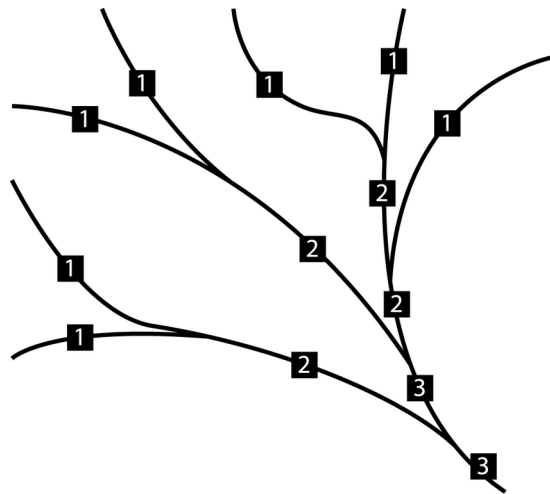
minor stream means—

- (a) a stream for which the location is specified in the hydro line spatial data and that has the following characteristics—
 - (i) is identified as a first or second order stream,
 - (ii) does not maintain a visible flow occurring on a continuous basis, or that would occur if there were no artificial extractions of water or obstruction, of flow upstream,
 - (iii) does not carry flows emanating from a third or higher order stream, or
 - (b) a stream for which the location is not specified in the hydro line spatial data.
- (2) A stream is specified in the hydro line spatial data if the stream is identified as a watercourse, however described, in accordance with the legend or terms of the hydro line spatial data.
- (3) The method of determining the stream order of a minor stream is the Strahler system.
- (4) The **Strahler system** is as follows—
- (a) a watercourse with no other watercourses flowing into it is classed as a first order stream,
 - (b) if 2 streams join of different orders, the resulting stream is the same order as the higher order of the 2 streams,

- (c) if 2 streams join of the same order, the resulting stream is the order higher than the order of the 2 streams.

Example— In the diagram below—

- (a) if 2 first order streams join, the stream becomes a second order stream (2), and
(b) if a second order stream is joined by a first order stream, it remains a second order stream, and
(c) if 2 second order streams join, they form a third order stream (3), and
(d) if a third order stream is joined by a first or second order stream, it remains a third order stream, and
(e) if 2 third order streams join, they form a fourth order stream.



- (5) In this section—

hydro line spatial data means the *Water Management (General) Regulation Hydro Line spatial data*, published on the Department's website.

stream includes part of a stream.

5 Definition of “river”

(cl 3(2) 2018 Reg)

For the Act, Dictionary, definition of **river**, paragraph (c), the waters described in Schedule 1 are declared to be rivers.

6 Definition of “floodplain”

(cl 252 2018 Reg)

- (1) For the Act, Dictionary, definition of **floodplain**, the lands described in Schedule 2, Part 3, are declared to be floodplains.
(2) For the Act, Schedule 9, clause 12, only floodplains designated under the 1912 Act, Part 8 that are described in Schedule 2, Part 2 are floodplains for the purposes of the Act.

Part 2 Water management planning

7 Management plans—additional matters

(cl 249 2018 Reg)

For the Act, section 17(e), a management plan may, in relation to a water management area or water source to which it applies, contain provisions about savings and transitional matters consequent on the making, amendment, repeal or consolidation of the management plan.

8 Water sharing planning provisions—withdrawal of water allocations from accounts

(cl 251(1)-(2) 2018 Reg)

(1) For the Act, section 21(c), the water sharing planning provisions of a management plan may deal with the withdrawal of water from a water allocation account in the following circumstances—

- (a) if 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) if the balance exceeds the maximum volume of water allocations that may be held in the account under the management plan for the water source to which the account relates,
- (c) for a water allocation account of a relevant licence—if the amount of uncontrolled flow taken under a relevant licence is more than the amount that is allowed to be taken—
 - (i) under the licence, or
 - (ii) under the order made under the Act, section 85A that authorises the taking of the uncontrolled flow,
- (d) for a water allocation account of a relevant licence—if during a water year, one or more available water determinations to credit the account are made when water is taken, or has been taken, under an order made under the Act, section 85A to authorise the taking of water from uncontrolled flows in the water year, but only if—
 - (i) the withdrawals occur in the year the water is taken, and
 - (ii) the total amount withdrawn is not more than the lesser of—
 - (A) the total amount of uncontrolled water taken in the year under the order, or
 - (B) the total amount credited to the account in the year in accordance with one or more available water determinations made during or after water has been taken by the licence holder under the order.

(2) In this section—

relevant dam means the dam from which water is released for delivery to the holder of an access licence.

relevant licence means—

- (a) a regulated river (general security) access licence, or
- (b) a regulated river (high security) access licence.

9 Water sharing planning provisions—additional matters

(cl 251(3) 2018 Reg)

For the Act, section 21(f), the water sharing planning provisions of a management plan for a water management area or water source may deal with the following—

- (a) the short-term delivery of water through the area,
- (b) without limiting paragraph (a), if delivery of water would result in unacceptably high delivery losses—the short-term delivery of water by—
 - (i) the grouping of water orders, and
 - (ii) the periodic release of water orders,
- (c) the return or delivery of water to a water source, including the circumstances in which the water is to be returned or delivered.

10 Water sharing planning provisions—carryovers exempt from plan suspensions

(cl 17(4) 2018 Reg)

For the Act, section 400(2), the operation of a management plan in relation to the carryover of water allocations in a water allocation account to the next water year is exempt from the Act, sections 49A(1) and 49B(1).

Part 3 Access licences

Division 1 Access licences generally

Subdivision 1 General

11 Categories of access licence

(cl 4 2018 Reg)

For the Act, section 57(1)(l), the following categories of access licence are prescribed—

- (a) Murrumbidgee irrigation (conveyance) access licence,
- (b) Coleambally irrigation (conveyance) access licence,
- (c) domestic and stock (conveyance) access licence,
- (d) unregulated river (high flow) access licence,
- (e) regulated river (general security—A class) access licence,
- (f) regulated river (general security—B class) access licence,
- (g) aquifer (general security) access licence,
- (h) unregulated river (special additional high flow) access licence,
- (i) salinity and water table management access licence,
- (j) aquifer (high security) access licence,
- (k) unregulated river (regulated supply—local water utility) access licence,
- (l) unregulated river (regulated supply) access licence,
- (m) unregulated river (A class) access licence,
- (n) unregulated river (B class) access licence,
- (o) unregulated river (C class) access licence,
- (p) major utility (Barnard) access licence,
- (q) Penrith Lakes Scheme (initial fill of the lakes that form part of the scheme) access licence,
- (r) unregulated river pumped hydro-electricity generation (construction and initial storage fill) access licence.

12 Subcategories of access licences

(cl 4(2) 2018 Reg)

For the Act, section 57(2), the subcategories specified in Schedule 3 are prescribed for each category of access licence specified opposite.

Note— An access licence of a subcategory of access licence is a specific purpose access licence. See the Act, Dictionary, definition of “**specific purpose access licence**”, paragraph (d).

13 Definition of “specific purpose access licences”

(cl 5 2018 Reg)

For the Act, Dictionary, definition of *specific purpose access licence*, paragraph (e), the following types of access licence are declared to be specific purpose access licences—

- (a) domestic and stock (conveyance) access licence,
- (b) salinity and water table management access licence,
- (c) unregulated river (regulated supply—local water utility) access licence,

- (d) unregulated river (regulated supply) access licence,
- (e) major utility (Barnard) access licence,
- (f) Penrith Lakes Scheme (initial fill of the lakes that form part of the Scheme) access licence,
- (g) unregulated river pumped hydro-electricity generation (construction and initial storage fill) access licence.

14 Priorities between different categories of access licence

(cl 6 2018 Reg)

- (1) For the Act, section 58(1)(c)—
 - (a) the following access licences have equal priority with each other and have priority over other access licences referred to in the Act, section 58(1)(c)—
 - (i) a regulated river (conveyance) access licence,
 - (ii) a Murrumbidgee irrigation (conveyance) access licence,
 - (iii) a Coleambally irrigation (conveyance) access licence, and
 - (b) all other access licences referred to in the Act, section 58(1)(c) have equal priority with each other.
- (2) A subcategory of access licence has equal priority with the access licence of which it is a subcategory and with all other subcategories of that licence.

15 Available water determinations

(cl 7 2018 Reg)

For the Act, section 59(2), an available water determination must be—

- (a) published on the Department's website, and
- (b) kept on the Department's website until the end of the water year to which the determination relates.

16 Register of available water determinations

(cl 16 2018 Reg)

- (1) For the Act, section 84(2), the following particulars must be recorded for each available water determination—
 - (a) the terms of the determination,
 - (b) the date on which the determination was made,
 - (c) the water source or part of the water source to which the determination applies,
 - (d) for a determination referred to in the Act, section 59(1)(a)—the categories or subcategories of access licence to which the determination applies,
 - (e) for a determination referred to in the Act, section 59(1)(b)—the individual access licences to which the determination applies.
- (2) The register—
 - (a) must be kept in electronic form, and
 - (b) must be able to be converted to hard copy, and
 - (c) may be made available on the Department's website.
- (3) For the Act, section 84(3), the register must be made available for public inspection in electronic form at each office of the Department.

17 Matters to be included in Access Register

(cl 11 2018 Reg)

- (1) For the Act, section 71A(1)(h), a memorandum of terms and conditions in relation to a licence or holding must be recorded in the General Division of the Access Register if the memorandum is or will be—
 - (a) given to the Minister by the holder, or prospective holder, of a security interest held over the licence or holding, and
 - (b) adopted by or incorporated in an instrument evidencing the existence of the security interest.
- (2) For the Act, section 71A(2)(b), an agreement that a specified person may, on behalf of the holders of an access licence, apply for an assignment dealing must be recorded in the Assignment Division of the Access Register if the agreement is given to the Minister in the approved form.

18 Matters to be included in Access Register—definition of “Ministerial action”

(cl 23M 2018 Reg)

For the Act, Dictionary, definition of *Ministerial action*, paragraph (i), the issue of a replacement floodplain harvesting access licence is prescribed.

19 Water allocation accounts

(cl 17(1)-(3) and (5) 2018 Reg)

- (1) For the Act, s 85(6), a water allocation account may be kept in the form of 2 or more sub-accounts.
- (2) Subject to subsection (3), water allocations must be recorded as a debit from an access licence’s water allocation account—
 - (a) when water is ordered in relation to a nominated water supply work, or extraction point, on the access licence if the relevant management plan provides that a debit occurs at that time, or
 - (b) otherwise—when water is taken by the access licence’s nominated water supply works.
- (3) If a water supply work or extraction point is nominated in relation to 2 or more access licences, water allocations taken by, or ordered in relation to, the work or extraction point must be recorded as a debit from one or more of the access licences’ water allocation accounts as follows—
 - (a) in accordance with priorities established by a management plan for the circumstances,
 - (b) if paragraph (a) does not apply, in accordance with a preference—
 - (i) nominated by the holder of the access licences, or
 - (ii) if the access licences are held by different people, as nominated jointly by the holders,
 - (c) as determined by the Minister if—
 - (i) paragraphs (a) and (b) do not apply, or
 - (ii) paragraph (a) does not apply and a nomination referred to in paragraph (b) cannot be implemented.

Note— The Act, section 21(c) provides water allocations remaining in a water allocation account at the end of the water year may be carried over to the next water year if permitted under a management plan.

20 Claims for compensation

(cl 19 2018 Reg)

For the Act, section 87(3), a claim must be made in the approved form.

21 Replacement access licences—exemption from notifying registration of security interests

(cl 23 2018 Reg)

- (1) This section applies to a person claiming a security interest in a replacement licence if the holder of the licence requests, by written notice to the Secretary, that the security interest be registered in the Access Register.
- (2) For the Act, section 400(2), the person is exempt from the requirement under the Act, Schedule 10, clause 19(5)(d) to lodge written notice with the Secretary as referred to in the clause.

Subdivision 2 Applications and conditions

22 Applications generally

(cl 9 2018 Reg)

- (1) For the Act, section 88(1)(a), an application under the Act, Chapter 3, Part 2 must be—
 - (a) in the approved form, and
 - (b) accompanied by the fee, if any, payable under the Act, section 114.
- (2) This section does not apply to an application for the recording of a matter in the Access Register under the Act, section 71A.

23 Applications for specific purpose access licences

(cl 10 2018 Reg)

- (1) For the Act, section 61(1)(a), an application may be made for the following categories and subcategories of specific purpose access licence—
 - (a) a category and subcategory of licence specified in the table to this section for the purpose, if any, specified for the licence in the table,
 - (b) an aquifer (Temporary dewatering for construction) access licence to extract water from—
 - (i) the Hawkesbury to Hunter Coastal Sands Groundwater Source to facilitate the construction of a desalination plant at Belmont, or
 - (ii) the Metropolitan Coastal Sands groundwater source to facilitate excavation required for the construction of a building, road or infrastructure to establish a mixed use development for the purposes of a health services facility, and associated commercial purposes, at Manly, or
 - (iii) the Sydney Basin Central Groundwater Source to facilitate construction for the Sydney Metro West Project or the Sydney Metro—Western Sydney Airport project, or
 - (iv) the Tweed River Area Coastal Floodplain Alluvial Groundwater Source to facilitate the construction of water, wastewater, stormwater or floodwater utility infrastructure at or near Murwillumbah,
 - (c) a local water utility access licence if—
 - (i) the application is made by Tamworth Regional Council, and
 - (ii) before the application is made, a notice of surrender of WAL 20953 is given under the Act, section 77, and

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- (iii) the notice of surrender specifies that the surrender of WAL 20953 does not take effect
 - (A) unless the licence is granted, and
 - (B) until immediately after the licence is amended to nominate a specified water supply work or extraction point for the licence,
 - (iv) the share component of the licence is the same as the share component of WAL 20953
 - (d) a major utility (Barnard) access licence,
 - (e) a Penrith Lakes Scheme (initial fill of the lakes that form part of the Scheme) access licence,
 - (f) a regulated river (high security) (Lake Albert filling) access licence to enable the use of no more than 1.8GL of water per water year to fill Lake Albert if the application is made by Wagga Wagga City Council,
 - (g) an unregulated river pumped hydro-electricity generation (construction and initial storage fill) access licence.
- (2) An application for a domestic and stock access licence, other than a domestic and stock (domestic) access licence, may be made if—
- (a) the application is made by a landholder who became the landholder no more than 1 year before making the application, and
 - (b) immediately before the applicant became the landholder, a domestic and stock access licence was in force in relation to the land (the **former licence**), and
 - (c) the domestic and stock access licence is for the same subcategory, if any, as the former licence, and
 - (d) the share component does not exceed the share component, if any, of the former licence, and
 - (e) the former licence has been, or should be, cancelled because it can no longer be used by the person who was formerly the landholder.
- (3) In this section—
- commercial activities** means associated commercial activities within the meaning of the Act, section 66(3A).
- health services facility** has the same meaning as in the standard instrument.

Category	Subcategory	Purpose
All categories	Aboriginal cultural	Aboriginal cultural purposes
Aquifer access licence	Town water supply	Supply water to communities for domestic consumption and commercial activities
Local water utility access licence	Domestic and commercial	Domestic consumption and commercial activities
Domestic and stock access licence	Domestic	Domestic consumption
Unregulated river access licence	Town water supply	Supply water to communities for domestic consumption and commercial activities
Regulated river (high security) access licence	Town water supply	Supply water to communities for domestic consumption and commercial activities

Category	Subcategory	Purpose
Unregulated river access licence	Snowy 2.0 project	—
Unregulated river access licence	McPhillamys Belubula River gold mine	Enable water to be taken for McPhillamys Gold Mine from the Belubula River above Carcoar Dam water source
Unregulated river access licence	Newcastle Racecourse	Enable water to be taken from the Newcastle water source for use on the Newcastle Racecourse and nearby playing fields

24 Service of notices relating to conditions after licence is granted

(cl 8 2018 Reg)

- (1) For the Act, section 67(6), a written notice may be served on or given to the holder of an access licence by sending it electronically to an email address given by the holder as the holder's address for the giving or service of documents of that kind.
- (2) Service in accordance with subsection (1) is effected when the notice is sent to the email address.

Subdivision 3 Dealings

25 Definition of "general dealing"

(cl 12(5) 2018 Reg)

For the Act, Dictionary, definition of *general dealing*, paragraph (j), the amendment of an access licence to nominate a specified extraction point from which water credited to the licence may be taken is a general dealing in an access licence.

26 Nomination of water supply works and extraction points

(cl 12(1)-(4) 2018 Reg)

- (1) For the Act, section 71W(4)(a)(ii), the only circumstance in which a nomination under the Act, section 71W(1)(b) is permitted is if the Minister is satisfied—
 - (a) the water supply work or extraction point the subject of the nomination is in a water source (the *other water source*) connected to a water source specified in the access licence (the *specified water source*), and
 - (b) the water credited to the access licence that may be taken using the water supply work or from the extraction point will be taken from the specified water source indirectly as an unavoidable result of water being taken from the other water source using the work or from the extraction point.
- (2) For the Act, section 71W(3), the Minister must be given written notice within 28 days after the nomination is made or withdrawn.

27 Dealings on default

(cl 13 2018 Reg)

For the Act, section 71X(1)(b), the notice must include the following information—

- (a) that the notice is given under the Act, section 71X,
- (b) the circumstances of the default under the contract or arrangement,
- (c) the steps that must be taken by the defaulter to rectify the default,
- (d) that the access licence or holding may be transferred if the steps are not taken within 30 days after receiving the notice.

28 Consent of security holder not required for certain dealings

(cl 22 2018 Reg)

For the Act, section 400(2), the following are exempt from the requirements of the Act, section 71L(1)(c)—

- (a) the grant of a single access licence arising from an application—
 - (i) under the Act, section 71U for an access licence to give effect to the transfer into the State of an interstate equivalent of an access licence, and
 - (ii) under the Act, section 71P for consolidation of the 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 the Act, section 71Q.

29 Appointment of co-holder of access licence to consent to dealings

(cl 18 2018 Reg)

For the Act, s 72A(2), an appointment, or a revocation of an appointment, of a co-holder of an access licence must be made in the approved form.

Subdivision 4 Surrender and cancellation

30 Circumstances in which Minister may refuse to accept surrender of access licence

(cl 14 2018 Reg)

For the Act, section 77(2B), the Minister may refuse to accept the surrender of an access licence if one or more of the following applies—

- (a) the licence is subject to a registered security interest or a registered caveat,
- (b) the holder of the access licence has failed to pay a fee, charge or civil penalty payable in relation to the licence,
- (c) for a licence for which a water supply work or extraction point is nominated under the Act, section 71W—the Minister is satisfied—
 - (i) the continued taking of water using the work or from the extraction point is not intended, and
 - (ii) water is still being taken, or is still capable of being taken, using the work or from the extraction point, and
 - (iii) work needed to stop the taking of water using the work or from the extraction point has not been completed or satisfactorily completed,
- (d) for a licence for which a water supply work or extraction point is nominated under the Act, section 71W—the Minister is satisfied—
 - (i) the continued taking of water using the work or from the extraction point is intended, and
 - (ii) water is still being taken, or is still capable of being taken, using the work or from the extraction point, and
 - (iii) if the licence is surrendered, the continued taking of water using the work or from the extraction point will not be authorised under the Act.

31 Cancellation of specific purpose access licences

(cl 15 2018 Reg)

For the Act, section 77A(3), the following criteria are prescribed—

- (a) for an access licence for the supply of water to a location in relation to an activity—whether the activity continues to be carried out at the location or to require a supply of water,
- (b) for an access licence for the supply of water to a town or community or to another location for domestic purposes—whether anyone resides in the town or community or at the location,
- (c) for an access licence for the supply of water to a location for stock purposes—whether there is stock at the location,
- (d) for an access licence for the supply of water for a purpose from a water source—whether the water previously supplied for the purpose from the water source is now supplied from another water source.

Division 2 Replacement floodplain harvesting access licences—the Act, s 57A

Subdivision 1 Preliminary

32 Definitions

(cl 23A 2018 Reg)

In this division—

bore licence means a bore licence under the 1912 Act, Part 5.

crop conversion rate means the conversion rate—

- (a) specified in the *Volumetric Conversion—the next stage*, Appendix 2, as in force from time to time and published on the Department’s website, and
- (b) expressed in units of a share component per hectare.

eligible floodplain landholder means a floodplain landholder who is eligible for a replacement floodplain harvesting access licence under section 33.

eligible water supply work means a water supply work specified in section 33(1).

floodplain landholder means the owner of land located on a floodplain who uses or used, or proposed to use, water from the floodplain.

long-term average annual extraction limit, for a water source, means the long-term average annual extraction limit specified in a Minister’s plan applying to the water source.

maximum crop area means the maximum area of land in hectares used by an owner of land for the growing of crops using irrigation.

relevant year means a year from 1993 to 1999 in which the greatest maximum crop area occurred on a landholder’s land.

33 Eligibility for replacement floodplain harvesting access licences

(cl 23B 2018 Reg)

- (1) The Minister must determine that a floodplain landholder is eligible for a replacement floodplain harvesting access licence if the Minister is satisfied that, on 3 July 2008, a water supply work capable of floodplain harvesting—
 - (a) was fully constructed on the floodplain landholder’s land and a relevant approval was in force that specified—
 - (i) the work, or
 - (ii) a related or connected work, or
 - (b) was fully constructed on the floodplain landholder’s land without a relevant approval and an approval under the 1912 Act, Part 8 was not required to construct the work, or

- (c) was fully or partially constructed, or proposed to be constructed, on the floodplain landholder's land and an application for a relevant approval that specified the work was made but not determined.
- (2) In determining whether or not a floodplain landholder is eligible, the Minister must consider relevant information provided by the floodplain landholder in relation to the water supply work.
- (3) However, the Minister may determine that a floodplain landholder is not eligible if—
 - (a) the floodplain landholder is, by written notice, given 28 days in which to make submissions about the proposed determination, and
 - (b) the Minister has considered the submissions, if any, received from the floodplain landholder within the 28 days.
- (4) If the Minister determines that a floodplain landholder is eligible for a replacement floodplain harvesting access licence, the Minister must determine the share component of the licence in accordance with Subdivision 2.
- (5) In this section—
 - related or connected work*** means a work related or connected to the water supply work specified in the relevant approval that is—
 - (a) constructed on the land specified in the approval, and
 - (b) located within the footprint of the work specified in the approval.
 - relevant approval*** means—
 - (a) an approval under the Act, Chapter 3, Part 3, or
 - (b) a licence or permit within the meaning of the 1912 Act—
 - (i) Part 2, or
 - (ii) Part 8, as in force immediately before the repeal of the part.

Subdivision 2 Determination of share component

34 Licences based on existing regulated and unregulated river access licences

(cl 23C 2018 Reg)

- (1) This section applies to an eligible floodplain landholder if, on 3 July 2008, one of the following licences was in force in relation to the land on which the floodplain landholder's eligible water supply work is located—
 - (a) a regulated river access licence without an unregulated river access licence,
 - (b) a regulated river access licence with an unregulated river access licence,
 - (c) a Barwon-Darling unregulated river access licence.
- (2) The Minister must determine the share component of a replacement floodplain harvesting access licence for the eligible floodplain landholder by using the 3 models referred to in Subdivision 3 that apply to the regulated river water source or the Barwon-Darling water source, as the case requires.
- (3) In determining the share component of a replacement floodplain harvesting access licence for a floodplain landholder eligible under subsection (1)(b), the Minister must deduct the share component of the unregulated river access licence from the proposed share component of the replacement floodplain harvesting access licence.
- (4) Despite subsection (3), the Minister—
 - (a) is not required to deduct the share component of the unregulated river access licence if satisfied there were no water supply works used in connection with the unregulated river access licence, and

- (b) may deduct a proportion of the share component of the unregulated river access licence that corresponds with the amount by which the volume of water taken under the unregulated river access licence is less than the maximum volume specified for the licence.
- (5) In this section—
 - Barwon-Darling unregulated river access licence** means an unregulated river access licence with a share component that specifies the Barwon-Darling water source.
 - Barwon-Darling water source** means the Barwon-Darling Unregulated River Water Source to which the *Water Sharing Plan for the Barwon-Darling Unregulated River Water Source 2012* applies.
 - regulated river access licence** means an access licence that entitles the holder to shares of water from a regulated river.
 - unregulated river access licence** means—
 - (a) an unregulated river access licence, or
 - (b) an entitlement that was replaced, on or after 3 July 2008, by an unregulated river access licence under the Act, Schedule 10.

35 Licences based on existing unregulated river access licences

(cl 23D 2018 Reg)

- (1) This section applies to an eligible floodplain landholder if—
 - (a) an entitlement or an entitlement and 1 or more bore licences was, on or after 1 July 1993 and on or before 30 June 1999, in force in relation to the land on which the floodplain landholder's eligible water supply work is located, and
 - (b) the entitlement was replaced by an unregulated river access licence under the Act, Schedule 10, and
 - (c) the bore licences, if any, were replaced by aquifer access licences under the Act, Schedule 10, and
 - (d) section 34 does not apply to the eligible floodplain landholder.
- (2) The Minister must determine the share component of a replacement floodplain harvesting access licence for the eligible floodplain landholder by—
 - (a) deducting the authorised area from the maximum crop area in the relevant year, and
 - (b) multiplying the result by the crop conversion rate for the crop grown in the relevant year, and
 - (c) deducting the greater of the following for the relevant year under the bore licences, expressed in megalitres—
 - (i) the metered groundwater usage,
 - (ii) the entitlement.
- (3) For subsection (2)(c), 1ML is taken to be 1 unit of a share component.
- (4) The share component of the replacement floodplain harvesting access licence is zero if the result under subsection (2) is less than or equal to zero.
- (5) In this section—
 - authorised area** means the area in hectares of the eligible floodplain landholder's land authorised to be irrigated under the entitlement referred to in subsection (1), immediately before the entitlement was replaced with an unregulated river access licence.

36 Licences related to existing aquifer access licences

(cl 23E 2018 Reg)

- (1) This section applies to an eligible floodplain landholder if—
 - (a) a bore licence was, on or after 1 July 1993 and on or before 30 June 1999, in force in relation to the land on which the eligible floodplain landholder's eligible water supply work is located, and
 - (b) the bore licence was replaced by an aquifer access licence under the Act, Schedule 10, and
 - (c) section 35 does not apply to the eligible floodplain landholder.
- (2) The Minister must determine the share component of a replacement floodplain harvesting access licence for the eligible floodplain holder by—
 - (a) multiplying the maximum crop area for the relevant year by the crop conversion rate for cotton, and
 - (b) deducting the greater of the following for the relevant year under the bore licence, expressed in megalitres—
 - (i) the metered groundwater usage,
 - (ii) the entitlement.
- (3) The share component of the replacement floodplain harvesting access licence is zero if the result under subsection (2) is less than or equal to zero.
- (4) For subsection (2)(b), 1ML is taken to be 1 unit of a share component.

37 Requirement to give notice before determining share components

(cl 23F 2018 Reg)

- (1) The Minister must comply with this section before making a final determination of the share component for a replacement floodplain harvesting access licence for an eligible floodplain landholder.
- (2) The Minister must—
 - (a) give the eligible floodplain landholder written notice of the proposed share component (the **first notice**), and
 - (b) consider submissions, if any, received from the eligible floodplain landholder in accordance with the first notice.
- (3) After considering the submissions, the Minister must decide whether or not to revise the proposed share component.
- (4) If the revised share component is less than the amount of the proposed share component specified in the first notice, the Minister must—
 - (a) give the eligible floodplain landholder further written notice of the proposed share component (the **further notice**), and
 - (b) consider the submissions, if any, received from the eligible floodplain landholder in accordance with the further notice.
- (5) A notice given to an eligible floodplain landholder under this section must include the following information—
 - (a) the amount of the proposed share component,
 - (b) that the eligible floodplain landholder may, within 28 days after receiving the notice, make submissions about the proposed share component,
 - (c) the method for making submissions,

- (d) for a further notice—reasons for the reduction of the amount of the proposed share component specified in the first notice.

Subdivision 3 Models for determination of share components

38 Types of models

(cl 23G 2018 Reg)

- (1) For the purpose of finally determining the share component for a replacement floodplain harvesting access licence for an eligible floodplain landholder, the Minister must, after considering all submissions received from the eligible floodplain landholder under section 37, adopt the following models for the water source—
 - (a) the current conditions model,
 - (b) the eligible water supply works scenario model,
 - (c) the plan limit compliance scenario model.
- (2) The Minister must publish, on the Department’s website, the following information in relation to each model referred to in this subdivision—
 - (a) a description of the model,
 - (b) the objectives for the model,
 - (c) the matters the model represents,
 - (d) the data the model relies on.

39 Current conditions model

(cl 23H 2018 Reg)

- (1) The current conditions model represents—
 - (a) the total number of water supply works, whether or not eligible water supply works, for the water source, and
 - (b) the estimated volume of water used by the water supply works for the water source.
- (2) The current conditions model is used to determine the percentage by which the estimated volume of water used by all water supply works for the water source—
 - (a) exceeds the long-term average annual extraction limit, and
 - (b) must be reduced to comply with the long-term average annual extraction limit.

40 Eligible water supply works scenario model

(cl 23I 2018 Reg)

- (1) The eligible water supply works scenario model represents—
 - (a) the total number of eligible water supply works, and
 - (b) the estimated volume of water used by the eligible water supply works for the water source.
- (2) The eligible water supply works scenario model is used to determine the estimated volume of water capable of being used by—
 - (a) a landholder’s eligible water supply work for the water source, and
 - (b) all eligible water supply works for the water source.

41 Plan limit compliance scenario model

(cl 23J 2018 Reg)

- (1) The plan limit compliance scenario model is based on—

- (a) the proposed share components of the replacement floodplain harvesting access licences for the water source, and
 - (b) the existing or proposed bulk access regime for the water source, and
 - (c) existing or proposed water sharing provisions of a Minister's plan for the water source that deal with the matters specified in the Act, section 21(a) and (c) in relation to floodplain harvesting.
- (2) If the long-term average annual extraction limit is exceeded, the plan limit compliance scenario model provides for an adjustment to proposed share components of replacement floodplain harvesting access licences for the water source.
- (3) The adjustment must be proportionately allocated to each eligible floodplain landholder who has an eligible water supply work for the water source.
- (4) The adjustment must be the lesser of—
 - (a) an adjustment required to bring the total average annual volume of water taken within the long-term average annual extraction limit, or
 - (b) an adjustment required to bring the floodplain harvesting part of the total average annual volume of water taken within the floodplain harvesting part of the long-term average annual extraction limit.

Subdivision 4 Issue of licences

42 Issue of replacement floodplain harvesting access licences

(cl 23K 2018 Reg)

- (1) A replacement floodplain harvesting access licence takes effect, and the eligible floodplain landholder is taken to hold the licence, only after the Minister gives written notice to the eligible floodplain landholder of—
 - (a) the category of the replacement floodplain harvesting access licence, and
 - (b) the final share component of the licence determined in accordance with Subdivision 2.
- (2) The categories of replacement floodplain harvesting access licence are—
 - (a) for an eligible floodplain landholder if, on or before 3 July 2008, a regulated river access licence was in force in relation to the land on which the eligible floodplain landholder's eligible water supply work is located—a floodplain harvesting (regulated river) access licence, or
 - (b) otherwise—a floodplain harvesting (unregulated river) access licence.
- (3) A water supply work is taken to have been nominated under the Act, section 71W in relation to an eligible floodplain landholder's replacement floodplain harvesting access licence if the work—
 - (a) is capable of floodplain harvesting, and
 - (b) is located on the eligible floodplain landholder's land, and
 - (c) is specified in a water supply work approval.

43 Circumstances in which replacement floodplain harvesting access licences are not issued

(cl 23L 2018 Reg)

Despite another provision of this division, a floodplain landholder is not eligible for a replacement floodplain harvesting access licence and does not hold a licence if—

- (a) the final share component for the licence is determined to be zero or less, or

- (b) the Minister, by notice published on the Department's website, declares that the process under this division for issuing replacement floodplain harvesting access licences for which the floodplain landholder may have been eligible is completed in relation to the relevant floodplain.

Division 3 Exemptions

44 Exemption from requirement for access licence

(cl 21(1) and (2) 2018 Reg)

- (1) For the Act, section 400(2), a person is exempt from the Act, section 60A(1) and (2) for the taking of water from a water source if the person—
 - (a) is specified in a section to Schedule 4, Part 2, and
 - (b) takes water in the circumstances, and in accordance with conditions, if any, specified in the section.
- (2) A person exempt under subsection (1) is also exempt from the mandatory conditions relating to access licences that are imposed on a water supply work approval.

Note— It is an offence under the Act, section 60A(1) and (2) to take water without an access licence.

Part 4 Approvals

Division 1 Approvals generally

Subdivision 1 General

45 Definition of “aquifer interference activities”

(cl 24 2018 Reg)

For the Act, Dictionary, definition of *aquifer interference activity*, paragraph (d), the following activities are prescribed—

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

46 Register of approvals

(cl 31 2018 Reg)

- (1) For the Act, section 113(2), the register—
 - (a) must be kept in electronic form, and
 - (b) must be able to be converted to hard copy, and
 - (c) may be made available on the Department’s website.
- (2) For the Act, section 113(3), the register must be made available for public inspection in electronic form at each office of the Department.
- (3) The register must include the class of each work approved under a water supply work approval in accordance with subsection (4).
- (4) Each work under a water supply work approval belongs to one of the following classes—
 - (a) for a work subject to an exemption under section 74(2)(c) or 87(2)(c)—decommissioned,
 - (b) for a work subject to an exemption under section 74(2)(d) or 87(2)(d)—constructed, basic landholder rights only,
 - (c) for a work subject to an exemption under section 74(2)(e) or 87(2)(e)—constructed, not taking water,
 - (d) for a work subject to an exemption under section 74(2)(f) or 87(2)(f)—constructed, approval holder declared not taking water,
 - (e) for any other work that is constructed—constructed,
 - (f) for any other work approved but not constructed—not constructed.
- (5) The register must also specify—
 - (a) the works under a water supply work approval that are controlling works as referred to in section 86,
 - (b) for all works under a water supply work approval that are classified as constructed that metering is required unless an exemption applies.

Subdivision 2 Applications for approvals

47 Applications generally

(cl 25 2018 Reg)

For the Act, section 92(2), an application for an approval must be—

- (a) in the approved form, and

- (b) accompanied by an assessment of the likely impact of the water use, work or activity, if the assessment is required by the Minister, and
- (c) accompanied by the fee payable under the Act, section 114.

48 Advertising of certain applications for approvals

(cl 26(1), (7), (8) 2018 Reg)

- (1) For the Act, section 92(7), applications for the following must be advertised—
 - (a) water supply work approvals for the following—
 - (i) works to take water from a river,
 - (ii) bores for the taking of water, other than bores used only to take water in accordance with a person's basic landholder rights,
 - (iii) works that have the effect of impounding water in a water source,
Example— weirs
 - (iv) works constructed or used to capture rainwater run-off,
Examples— tanks and dams
 - (b) water use approvals for irrigation, other than irrigation on land to which a replacement access licence applies,
 - (c) flood work approvals for non-complying flood works,
 - (d) flood work approvals for flood works located in or on a floodplain to which no management plan or converted floodplain management plan applies.
- (2) An application for an approval must be advertised by a notice published on one or more of the following—
 - (a) the Department's website,
 - (b) the website of Water NSW,
 - (c) the Regulator's website.
- (3) 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) for a water supply work approval—the capacity of the work and the water source and stream from which the work will take water,
 - (e) for a water use approval—the purpose for which water will be used under the approval,
 - (f) the form in which an objection against the application must be made,
 - (g) the address to which, and the time by which, an objection must be made,
 - (h) the name and contact details of a departmental officer.
- (4) In this section—

converted floodplain management plan means a floodplain management plan adopted under the 1912 Act, section 166A, that, by operation of the Act, Schedule 9, clause 13, is taken to be a Minister's plan in relation to floodplain management.

non-complying flood work means a flood work—

 - (a) located, or proposed to be constructed, in an area to which a converted floodplain management plan applies, and
 - (b) that, in the opinion of the Minister, does not comply with the converted floodplain management plan.

49 Advertising not required for certain water supply works

(cl 26(4) and (5) 2018 Reg)

- (1) Advertising of an application for a water supply work approval in accordance with section 48(1)(a) is not required for a water supply work used for—
 - (a) less than 6 months, and
 - (b) one or more of the following purposes—
 - (i) the construction or maintenance of roads by a roads authority,
 - (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) an environmental purpose authorised by a plan approved by the Minister under the Act, section 8E(7),
 - (vi) hydrostatic testing of gas pipelines.
- (2) Advertising of an application for a water supply work approval in accordance with section 48(1)(a)(i) is not required for a water supply work—
 - (a) used only to take or use water under a replacement access licence, and
 - (b) in existence when the replacement access licence came into force.

50 Advertising not required for works for floodplain harvesting

(cl 26(6A) 2018 Reg)

Advertising of an application for a water supply work approval in accordance with section 48(1) is not required for a water supply work if—

- (a) the water supply work is used to take water for floodplain harvesting by a landholder, and
- (b) the floodplain harvesting will be permitted under a replacement floodplain harvesting access licence.

51 Procedure for making objection to granting of approval

(cl 27 2018 Reg)

For the Act, section 93(1), an objection to the granting of an approval must, within 28 days after notice of the approval is advertised, be made in the approved form.

52 Matters affecting consideration of applications—

(cl 28 2018 Reg)

For the Act, section 96(a), the Minister must, in considering whether to grant an aquifer interference approval, consider whether the amount of water taken in carrying out the aquifer interference activity under the approval will be more than the total extraction limit set out in a management plan for the water source.

Subdivision 3 Conditions of approvals

53 Service of notices relating to conditions after approval is granted

(cl 8 2018 Reg)

- (1) For the Act, section 102(6), a written notice may be served on or given to the holder of an approval by sending it electronically to an email address provided by the holder as the holder's address for the giving or service of documents of that kind.
- (2) Service in accordance with subsection (1) is effected when the notice is sent to the email address.

Subdivision 4 Amendments of approvals

54 Amendment of approvals to create more approvals

(cl 29(1) 2018 Reg)

For the Act, section 107(1)(b), the Minister may amend an approval to create 2 or more approvals from 1 approval if—

- (a) a subdivision of the land specified in the approval as the land benefited by the approval results in—
 - (i) part of the land being held by the holder of the approval, and
 - (ii) another part of the land being held by a landholder who is not the holder of the approval, or
- (b) for an approval jointly held by 2 or more persons—each person requests the creation of 2 or more approvals from the approval, or
- (c) for a water supply work approval held by 1 person and nominated in a floodplain harvesting (regulated river) access licence or a floodplain harvesting (unregulated river) access licence—
 - (i) the person requests the creation of 2 or more approvals from the approval, and
 - (ii) the resulting approvals do not relate to additional uses, works, activities or land, and
 - (iii) each resulting approval includes a work nominated in a floodplain harvesting (regulated river) access licence or a floodplain harvesting (unregulated river) access licence.

55 Amendment of approval for corrections

(cl 29(2) 2018 Reg)

For the Act, section 107(1)(c), the Minister may amend an approval to correct an error or omission in a description in the approval of—

- (a) a location to which the approval relates, or
- (b) the management plan, water source or management zone to which the approval relates, or
- (c) a work to which the approval relates, or
- (d) the approval holder's name.

Subdivision 5 Surrender of approvals

56 Circumstances in which Minister may refuse to accept surrender of approval

(cl 30 2018 Reg)

For the Act, section 108(1A), the Minister may refuse to accept the surrender of an approval in the following circumstances—

- (a) for a water management work approval—
 - (i) the construction of a work to which the approval relates has commenced but has not been completed in accordance with the approval, and
 - (ii) the Minister is not satisfied that adequate arrangements have been made to ensure no more than minimal harm will be done to a water source or its dependent ecosystems if the approval is surrendered,
- (b) for a water management work approval—the Minister is satisfied—
 - (i) a work to which the approval relates is being used or is capable of being used, and

- (ii) the work will not be authorised under the Act if the approval is surrendered,
- (c) for a controlled activity approval—
 - (i) the carrying out of a controlled activity under the approval has commenced but has not been completed in accordance with the approval, and
 - (ii) the Minister is not satisfied that adequate arrangements have been made to ensure no more than minimal harm will be done to waterfront land if the approval is surrendered,
- (d) for a controlled activity approval—a maintenance period specified in the approval to enable the implementation of a rehabilitation plan or vegetation management plan has not expired,
- (e) for an aquifer interference approval—
 - (i) the carrying out of an aquifer interference activity under the approval has commenced but has not been completed in accordance with the approval, and
 - (ii) the Minister is not satisfied that adequate arrangements have been made to ensure no more than minimal harm will be done to the aquifer or its dependent ecosystems if the approval is surrendered.

Subdivision 6 Miscellaneous

57 Notification of construction or use of water supply work smaller than authorised

(cl 248A 2018 Reg)

- (1) This section applies to an approval holder who constructs or uses a water supply work smaller in capacity than the water supply work for which the approval holder has a water supply work approval.
- (2) For the Act, section 400(1)(e), the approval holder must notify the Minister in the approved form of the following—
 - (a) the capacity of the water supply work constructed or in use,
 - (b) the demolition of the work,
 - (c) the construction and capacity of works that replace the demolished work.
- (3) The notice must be given within 90 days of the demolition or construction of the work.

58 Security for fulfilment of obligations under approvals

(cl 32 2018 Reg)

- (1) For the Act, section 400(1)(c), the Minister may require and receive a security deposit from the holder of an approval—
 - (a) before the holder starts the construction of a work or starts carrying out an activity under the approval, and
 - (b) to pay for the reasonable costs of performing the holder's obligations under the approval.
- (2) The Minister may—
 - (a) retain the security deposit until satisfied that the holder of the approval has performed all obligations under the approval, and
 - (b) pay out the security deposit to cover the reasonable costs of performing the holder's obligations under the approval.

- (3) The Minister must repay the holder the amount of the security deposit and any interest accrued on the deposit as a result of its investment less the amount, if any, paid out under subclause (2)(b), if the Minister is satisfied all obligations under the approval have been met.
- (4) The Minister may be satisfied that all obligations under the approval have been met for the purposes of subsection (2) or (3)—
 - (a) at the Minister's discretion, or
 - (b) on the application, in the approved form, of the holder.
- (5) To avoid doubt, a security deposit may be retained and dealt with under this section after the expiry of the approval.
- (6) In this section—
security deposit means an amount of money paid or payable by the holder of an approval as security against a failure by the holder to perform the holder's obligations under the approval.

59 Exemption of certain land from being benefited by approval

(cl 44 2018 Reg)

- (1) For the Act, section 106(4), this section applies to a water management work approval if—
 - (a) the approval is for a work used by a relevant person, and
 - (b) the work is only used by the relevant person for taking water in the same circumstances for which the person is exempt under—
 - (i) section 44 from the requirement to hold a water access licence, or
 - (ii) section 60 from the requirement to hold a water use approval.
- (2) The Act, section 106 does not apply to a water management work approval to which this section applies.
- (3) In this section—
relevant person means the following—
 - (a) a roads authority,
 - (b) a person lawfully engaged in the carriage of water for drought relief,
 - (c) a public authority lawfully engaged in the use of water for dust suppression,
 - (d) a person lawfully engaged in the hydrostatic testing of a gas pipeline.**Note—** The Act, section 106 provides that an approval is taken to be held by, and for the benefit of, each successive landholder for the time being of the land specified in the approval as the land benefited by the approval.

Division 2 Exemptions from approvals—the Act, s 400(2)

60 Exemption from requirement to hold water use approvals

A person specified in a section under Schedule 4, Part 3 is exempt from the Act, section 91A(1) in relation to the use of water in the circumstances, and subject to the conditions, specified in the section.

61 Exemption from requirement to hold water supply work approvals

- (1) A person specified in a section under Schedule 4, Part 4, Division 2 or 3 is exempt from the Act, section 91B(1) in relation to the construction of a water supply work in the circumstances, and subject to the conditions, specified in the section.

- (2) A person specified in a section under Schedule 4, Part 4, Division 1 or 3 is exempt from the Act, section 91B(1) in relation to the use of a water supply work in the circumstances, and subject to the conditions, specified in the section.

62 Exemption from requirement to hold flood work approvals

A person specified in a section under Schedule 4, Part 5 is exempt from the Act, section 91D(1) in relation to the construction or use of a flood work in the circumstances, and subject to the conditions, specified in the section.

63 Exemption from requirement to hold controlled activity approvals

(cl 40, 41, 42, 43 2018 Reg)

- (1) A person is exempt from the Act, section 91E(1) in relation to the carrying out of a controlled activity specified in Schedule 4, Part 6 in the circumstances, and subject to the conditions, specified for the controlled activity.
- (2) A public authority, other than Landcom, the Superannuation Administration Corporation or their subsidiaries, is exempt from the Act, section 91E(1) in relation to carrying out controlled activities in all circumstances.
- (3) Without limiting subsections (1) and (2), a network operator or pipeline licensee is exempt from the Act, section 91E(1) in relation to the carrying out a controlled activity relating to a relevant activity of the operator or licensee if—
- (a) the relevant activity is carried out in, on or under waterfront land relating to a river, estuary or lake, other than in or on—
 - (i) the bed or banks of a river, or
 - (ii) the bed or shore of a lake, or
 - (iii) the bed or land lying between the bed and mean high water mark of an estuary, and
 - (b) the activity does not cause a change in the course of the river, and
 - (c) the operator or licensee, after considering the environmental impact of the activity under the *Environmental Planning and Assessment Act 1979*, section 5.5 as if the operator or licensee were the determining authority under that section, is satisfied the activity is not likely to significantly affect the environment.
- (4) For the Act, section 113D, the Minister may impose a condition on an exemption under this section if the purpose of the condition is to protect the following—
- (a) waterfront land,
 - (b) rivers, lakes and estuaries.
- (5) The Minister may impose, vary or revoke the condition by—
- (a) publishing a notice in the Gazette, or
 - (b) written notice to the exempt person.
- (6) A notice published or given under this section must specify the following—
- (a) the person required to comply with the condition,
 - (b) the land the condition applies to,
 - (c) the steps that must be taken by the person required to comply with the condition.
- (7) The condition takes effect on—
- (a) the date specified in the notice, or

- (b) if no date is specified—the day on which the notice is published or given to the person.
- (8) In this section—
 - network operator** means a network operator licensed or authorised under the—
 - (a) *Water Industry Competition Act 2006*, or
 - (b) *Gas Supply Act 1996*, or
 - (c) *Electricity Supply Act 1995*.
 - pipeline licensee** means a licensee under the *Pipelines Act 1967*.
 - relevant activity** of a network operator or pipeline licensee means the construction, modification, repair or maintenance of, or emergency work on—
 - (a) for a network operator—the operator’s water, gas or electricity infrastructure, and
 - (b) for a pipeline licensee—the pipeline the subject of the licence and its associated infrastructure.

64 Minister may exempt public authorities during drought

(cl 39A 2018 Reg)

- (1) For the Act, section 113B, a public authority may apply to the Minister for an exemption from section 91B(1) in relation to the construction or use of a water supply work, or both.
- (2) The Minister may exempt a public authority, in written notice to the authority, if—
 - (a) the public authority has made an application for the exemption, and
 - (b) the Minister is satisfied that—
 - (i) conditions of drought exist, and
 - (ii) the exemption is in the public interest.
- (3) An exemption remains in force for—
 - (a) the period specified in the exemption notice, or
 - (b) if no period is specified in the exemption notice—1 year after the day on which the exemption is granted.
- (4) The exemption is subject to the condition that the public authority give written notice to the Minister, within the relevant period, of the following—
 - (a) the plans for the water supply work, including whether or not the authority intends to continue to use the work after the exemption expires,
 - (b) if the authority intends to stop using the water supply work on or before the expiry of the exemption—
 - (i) the date on which the authority will stop using the work, and
 - (ii) the authority’s plans for the work after the authority stops using the work,
Examples— capping, decommissioning or removing the work
 - (c) if the authority intends to continue using the water supply work after the exemption expires—whether the authority intends to—
 - (i) apply to extend the period of the exemption, or
 - (ii) rely on another exemption, under the Act or this regulation, from the requirement to obtain an approval for the work, or
 - (iii) apply for a water supply work approval for the work.
- (5) The exemption is also subject to the condition that the public authority must—

- (a) maintain the work, or
 - (b) decommission the work if the work has no useful purpose.
- (6) The condition under subsection (5) continues to apply after the expiry of the exemption as a requirement on the public authority.
- (7) The Minister may, by written notice to a public authority, impose other conditions on the exemption, including conditions relating to the following—
 - (a) the location of the water supply work,
 - (b) the water source from which water will be taken by the water supply work,
 - (c) the construction standards with which the water supply work must comply,
 - (d) the maximum size of the water supply work,
 - (e) reporting requirements on completion of the construction of the water supply work.
- (8) The Minister may, by written notice to a public authority, vary or revoke an exemption or a condition imposed on an exemption.
- (9) The Minister may, by written notice to the public authority, extend the duration of the exemption for a period specified in the notice, if—
 - (a) the public authority has applied to the Minister for the extension, and
 - (b) the Minister is satisfied—
 - (i) conditions of drought continue to exist, and
 - (ii) the extension is in the public interest.
- (10) In this section—
 - public authority** does not include Landcom or the Superannuation Administration Corporation or their subsidiaries.
 - relevant period** means—
 - (a) the period specified in the exemption notice, or
 - (b) if no period is specified in the notice—no later than 3 months before the day on which the exemption expires.

Part 5 Metering and records

Division 1 Preliminary

65 Definitions

(cl 228, 240 2018 Reg)

(1) In this part—

approval holder, for an approved work, means the holder of the water supply work approval relating to the approved work.

approved work means a water supply work for which a water supply work approval has been granted.

AS 4747 means Australian Standard AS 4747—2013, *Meters for non-urban water supply*, as in force from time to time.

authority means the following—

- (a) a water supply work approval,
- (b) an access licence,
- (c) another entitlement under the 1912 Act.

declared floodplain means a floodplain declared under section 6(1).

faulty, in relation to metering equipment, means metering equipment that is not operating properly or is not operating.

mandatory floodplain harvesting condition means the mandatory condition imposed on a water supply work approval under section 80 or Division 3, Subdivision 2.

mandatory metering equipment condition—see section 66.

measurement period, for an approved work—see section 82.

metered work means a water supply work in connection with which metering equipment has been installed.

open channel means a channel or conduit used for conveying water that is not enclosed.

open channel metering equipment means metering equipment installed in connection with an open channel.

point-of-intake metering equipment, for a water supply work, means equipment that measures the flow of water as it enters the water supply work.

primary metering equipment means the point-of-intake metering equipment or storage metering equipment for a water supply work.

secondary metering device means a device or a type of device—

- (a) approved by the Minister, for which the notice of approval must be published on a website maintained by the Department, and
- (b) validated by a duly qualified person in accordance with the standards specified by the Minister for the device or type of device.

storage metering equipment, for a water supply work, means metering equipment that measures the surface level of water in the work.

storage metering equipment standards means the storage metering equipment standards approved by the Minister and published in the Gazette.

survey benchmark standard means a survey benchmark standard approved by the Minister and published in the Gazette.

(2) For this part, an authority applies to a work if—

- (a) the authority authorises the use of the work, or

- (b) the work is or may be used to take water permitted to be taken under the authority.

Division 2 Metering requirements for take of water other than floodplain harvesting

Subdivision 1 Mandatory metering equipment condition

66 Definition of “mandatory metering equipment condition”

In this subdivision, *mandatory metering equipment condition* means a condition imposed on—

- (a) a water supply work approval by the Act, section 101A(1), or
- (b) another authority under section 67, or
- (c) another authority under section 68.

67 Mandatory metering equipment condition on certain access licences

(cl 229(1) 2018 Reg)

For the Act, section 115, it is a mandatory condition of an access licence that metering equipment is installed, used and properly maintained in connection with a water supply work that is or may be used to take water under the licence if—

- (a) the work is exempt from the requirement for a water supply work approval because of the *Environmental Planning and Assessment Act 1979*, section 4.41 or 5.23 or because it is part of a transitional Part 3A project under that Act, or
- (b) the work is used for the purpose of prospecting or fossicking for minerals or petroleum under the *Mining Act 1992* or the *Petroleum (Onshore) Act 1991*.

68 Mandatory metering equipment condition on 1912 Act entitlements

(cl 229(2) and 245 2018 Reg)

For the Act, section 115A(b), it is a mandatory condition of a licence or other entitlement under the 1912 Act that metering equipment is installed, used and properly maintained in connection with a work that is or may be used to take water under the licence or entitlement.

69 Metering equipment standards

(cl 229 2018 Reg)

For the Act, section 101A(2) and this subdivision, the holder of an authority is taken to have complied with a particular aspect of the mandatory metering equipment condition if the holder has complied with the requirements set out in Schedule 5.

Subdivision 2 Exemptions from metering requirements

70 Definitions

(cl 231(1A) 2018 Reg)

- (1) In this subdivision—

100mm–499mm pump means a pump for surface water—

- (a) authorised to be constructed or used under an authority, and
- (b) for which the authority permits the pump to have a diameter of—
 - (i) not less than 100mm, or
 - (ii) not more than 499mm.

200mm or larger bore means a water bore with a diameter of 200mm or more authorised to be constructed or used under an authority.

- (2) For subsection (1), definition of **100mm–499mm pump**, the authority is taken to be expressed as permitting the actual size of the pump as constructed, instead of another size, if the holder of the authority has notified the Minister of the size of the pump as constructed under section 57.

71 Conversion of unit shares

For this subdivision and Schedule 7, 1 unit share, in relation to the share component of an access licence, is equal to 1ML.

72 Permanent exemptions from mandatory metering equipment condition

(cl 231 2018 Reg)

- (1) For the Act, sections 101A(3)(a) and 400(2), the mandatory metering equipment condition does not apply to a work specified in a section in Schedule 7, Part 1 in the circumstances, and subject to the conditions, specified in the section.
- (2) A permanent exemption does not apply to a water supply work being used to take groundwater under an exemption specified in Schedule 4, Part 2, section 18.

73 Temporary exemptions from mandatory metering equipment condition

(cl 230 2018 Reg)

- (1) For the Act, sections 101A(3)(a) and 400(2), the mandatory metering equipment condition does not apply to a work specified in a section to Schedule 7, Part 2 in the circumstances, and subject to the conditions, specified in the section.
- (2) Subsection (1) does not apply to—
- (a) a pump with a diameter that is 500mm or greater or that is the subject of an authority that applies to a work of that kind, or
 - (b) a water supply work if the work is being used to take groundwater under an exemption specified in Schedule 4, Part 2, section 18.

Note—

An exemption under this section does not prevent a person—

- (a) from having to comply with a direction given under the Act, section 326, or
- (b) from complying with a condition relating to metering equipment imposed under a provision of the Act other than section 101A.

74 Ministerial exemptions from mandatory metering equipment conditions

(cl 231(1)(a) and 233 2018 Reg)

- (1) For the Act, section 101A(3), the Minister may exempt a holder of an authority, or class of holders, from the application of the mandatory metering equipment condition in relation to a work.
- (2) The Minister must not grant the exemption unless the Minister is satisfied of 1 or more of the following—
- (a) it is not possible for water taken using the work to be measured by metering equipment,
 - (b) the work is not constructed,
 - (c) the work is decommissioned,
 - (d) the work is used solely for taking water in accordance with the holder's basic landholder rights,
 - (e) the work does not take water from a water source,

- (f) the approval holder has declared the work will not take water from a water source.
- (3) The Minister may grant an exemption—
 - (a) at the Minister's discretion for a holder or class of holders, or
 - (b) on the application, in the approved form, for a holder.
- (4) The Minister may grant the exemption subject to conditions or unconditionally.
- (5) The Minister may revoke or amend an exemption—
 - (a) for an approval holder by written notice to the approval holder, or
 - (b) at anytime for a class of holders.
- (6) The Minister must publish the following on the Department's website—
 - (a) an exemption that applies to a class of holders,
 - (b) the amendment or revocation of the exemption.

75 Mandatory conditions for Ministerial exemptions

For the Act, sections 115 and 115A, it is a mandatory condition of an authority to which an exemption under section 75 applies in relation to a work under the authority, that the holder of the authority—

- (a) for an exemption granted under section 74(2)(b), (c), (e), or (f)—must not take water using the work, or
- (b) for an exemption granted under section 74(2)(d)—must not take water using the work other than in accordance with the holder's basic landholder rights.

76 Permanent exemptions from metering equipment standards

(cl 230(5) 2018 Reg)

- (1) Each of the following works is exempt from the following metering equipment standards if the total share components of all access licences on which the work is nominated is more than 15ML but less than 100ML—
 - (a) Schedule 5, sections 2(1) and 4–7 if the work is a 200mm or larger bore,
 - (b) Schedule 5, sections 2(1), 4, 5(2), 6 and 7 if the work is—
 - (i) a 100mm–499mm pump, or
 - (ii) a water supply work, other than a pump, used to take water from a water source,
 - (c) Schedule 5, section 4(3) if the work is a water supply work used to take groundwater under an exemption specified in Schedule 4, Part 2, section 18.
- (2) A person who relies on an exemption under subsection (1)(c) must—
 - (a) record water taken using the work in the approved form and manner, and
 - (b) give a copy of the record to the Minister—
 - (i) not later than 28 days after the end of the water year in which the water was taken, or
 - (ii) by an earlier date notified by the Minister in writing to the person.

Division 3 Metering requirements for floodplain harvesting

Subdivision 1 General

77 Definitions

(cl 238AA 2018 Reg)

In this division—

approved storage work means a work used to store water that is authorised under a water supply work approval.

buffer zone area means an area on a landholding where water is held temporarily before being removed, whether for use or storage.

notified measurement period, for an approved work—see section 83.

point-of-intake work means a work used to take water from a water source.

storage work means a work used to store water.

78 Application of division

(cl 238A and 238I 2018 Reg)

- (1) This division applies to a water supply work approval under which an approved work is authorised to be constructed or used for the purpose of taking water, or storing water taken, under—
 - (a) a floodplain harvesting (regulated river) access licence, or
 - (b) a floodplain harvesting (unregulated river) access licence, or
 - (c) a regulated river access licence if the water taken by the approved work is overland flow water taken from a declared floodplain.
- (2) If there is an inconsistency between a condition imposed under this division and a provision of Schedule 5 for an approval to which this division applies, the condition imposed under this division prevails.

79 Definition of “mandatory floodplain harvesting condition”

In this division, **mandatory floodplain harvesting condition** means the condition imposed on a water supply work approval under section 80.

80 Mandatory floodplain harvesting condition

(cl 238B 2018 Reg)

- (1) For the Act, section 115, it is a mandatory condition of a water supply work approval to which this division applies that—
 - (a) point-of-intake metering equipment is installed, used and maintained in connection with a point-of-intake work that is authorised to be constructed or used to take water under the approval, and
 - (b) storage metering equipment is installed, used and maintain in connection with a storage work that is authorised to be constructed or used to store water under the approval.
- (2) Despite subsection (1)(a), point-of intake metering equipment is not required to be installed, used or maintained in connection with the point-of-intake work if—
 - (a) water taken by the work, before being used, is stored in an approved storage work, and
 - (b) the storage work is required to have storage metering equipment under subsection (1)(b).

- (3) Despite subsection (1)(b), storage metering equipment is not required to be installed, used or maintained in connection with the storage work if—
 - (a) the water stored by the work, before being used, is taken by a point-of-intake work, and
 - (b) the point-of-intake work is required to have point-of-intake metering equipment under subsection (1)(a).

81 Standards for mandatory floodplain harvesting condition

- (1) For the Act, section 115, the holder of an approval is taken to have complied with a particular aspect of the mandatory floodplain harvesting condition imposed by section 80 if the holder has complied with the requirements under Schedule 6.
- (2) For the Act, section 115, Schedule 6 is a mandatory condition of a water supply work approval if the work is subject to the mandatory condition under section 80.

Subdivision 2 Measurement period

82 Definition of “measurement period”

(cl 238EA 2018 Reg)

- (1) In this subdivision, *measurement period*, in relation to a water supply work approval, means a period—
 - (a) beginning when overland flow water is taken by 1 or more of the works under the water supply work approval for the approved work, and
 - (b) ending when—
 - (i) overland flow water is no longer being taken by the approved work or works, and
 - (ii) supply channel infrastructure used to direct or convey water to any of the approved works, and
 - (iii) all buffer zone areas related to the approved works are empty of water, other than water that cannot reasonably be transferred to any of the approved works.
- (2) The take of overland flow water includes when overland flow water is not able to be isolated from water taken by 1 or more of the works under—
 - (a) an access licence other than the following—
 - (i) a floodplain harvesting (regulated river) access licence,
 - (ii) a floodplain harvesting (unregulated river) access licence,
 - (iii) an unregulated river access licence if the overland flow water is taken from a declared floodplain,
 - (b) a basic landholder right,
 - (c) an exemption from holding an access licence.
- (3) The take of overland flow water does not include the take of overland flow water under an exemption from a requirement to hold an access licence.

83 Take of water prohibited outside measurement period

(cl 238E 2018 Reg)

- (1) For the Act, section 115, it is a mandatory condition of a water supply work approval to which this division applies that the approval holder must notify the Minister in the approved form of each measurement period for the water supply work approval (a *notified measurement period*).

- (2) For the Act, section 115, it is a mandatory condition of a water supply work to which this division applies that the approval holder must not take water from a water source outside a notified measurement period with a water supply work nominated for the purpose of taking water, or storing water taken, under the following—
- (a) a floodplain harvesting (regulated river) access licence,
 - (b) a floodplain harvesting (unregulated river) access licence,
 - (c) for the take of overland flow water only—an unregulated river access licence if the overland flow water is taken from a declared floodplain.

84 Take of unlicensed water during measurement period

(cl 238F 2018 Reg)

For the Act, section 115, it is a mandatory condition of a water supply work approval to which this division applies that the approval holder must not take water from a water source during a notified measurement period for a work under the approval if—

- (a) the taking of water would be under—
 - (i) a basic landholder right, or
 - (ii) an exemption from holding an access licence, and
- (b) during the measurement period, the approval holder removes water from an approved storage work, or buffer zone area, that is located on the same landholding as the approved work, and
- (c) the water being removed—
 - (i) has not been measured by point-of-intake metering equipment before its removal, or
 - (ii) is to be used in any way other than being stored in an approved storage work located on the landholding and subject to the mandatory floodplain harvesting condition.

85 Mandatory metering equipment condition applies to works removing water during measurement period

(cl 238FA 2018 Reg)

Despite any other provision of this regulation, the mandatory metering equipment condition applies in connection with a work under a water supply work approval to which this division applies if—

- (a) the work is used to remove water from an approved storage work or buffer zone area, and
- (b) the removal occurs during a notified measurement period for the approval, and
- (c) during the measurement period, the approval holder takes water from a water source that is not measured by point-of-intake metering equipment in connection with a work that is subject to the mandatory floodplain harvesting condition, and
- (d) after removal, the water is not stored in an approved storage work under the approval and that is subject to the mandatory floodplain harvesting condition.

86 Controlling works

(cl 238FB 2018 Reg)

- (1) This section extends to any water supply work approval despite section 78.
- (2) For the Act, section 115, subsections (4) and (5) are mandatory conditions imposed on a water supply work approval to which this section applies.

- (3) This section applies if an approval holder is taking water from a water source or removing water from an approved storage work on the landholding to which the approval applies during a measurement period for any approved work on the landholding.
- (4) The approval holder must use a work (a *controlling work*) to prevent water moving between 2 or more other approved works on the landholding if the approved works are each subject to a different approval.
- (5) The approval holder must notify the Minister in the approved form before using a controlling work for the purposes of this section.

Subdivision 3 Exemptions from metering requirements for floodplain harvesting

87 Ministerial exemptions from mandatory floodplain harvesting condition

(cl 238C and 238CA 2018 Reg)

- (1) For the Act, sections 101A(3)(b) and 400(2), the Minister may exempt an approval holder, or a class of approval holders, from the application of the mandatory floodplain harvesting condition in relation to a work under the approval.
- (2) The Minister may grant an exemption—
 - (a) at the Minister's discretion for a holder or class of holders, or
 - (b) on application, in the approved form, for a holder.
- (3) The Minister must not grant the exemption unless the Minister is satisfied of one of the following—
 - (a) it is not possible for water taken or stored using the approved work to be measured by—
 - (i) point-of-intake metering equipment, or
 - (ii) storage metering equipment,
 - (b) the work is not constructed,
 - (c) the work is decommissioned,
 - (d) the work is only used for taking water in accordance with the holder's basic landholder rights,
 - (e) the work does not take water from a water source,
 - (f) the approval holder has declared the work is not taking and will not take water from a water source.
- (4) An exemption may be granted unconditionally or subject to conditions.
- (5) The Minister may revoke or amend an exemption—
 - (a) for an approval holder by written notice to the approval holder, or
 - (b) at anytime for a class of holders.
- (6) The Minister must publish on the Department's website—
 - (a) an exemption that applies to a class of holders, and
 - (b) the amendment or revocation of the exemption.

88 Mandatory conditions for Ministerial exemptions

For the Act, section 115A, it is a mandatory condition of an approval to which an exemption under section 87 applies in relation to a work under the approval, that the approval holder must—

- (a) for an exemption granted under section 87(3)(b), (c) or (e)—not take water from a water source using the work, and
- (b) for an exemption granted under section 87(3)(d)—not take water from a water source using the work other than under a basic landholder right, and
- (c) for an exemption granted under section 87(3)(f)—
 - (i) not take water from a water source using the work, and
 - (ii) ensure the work cannot take water from a water source.

Division 4 Faulty metering equipment

89 Reporting faulty metering equipment—the Act, s 91IA

(cl 241 2018 Reg)

- (1) For the Act, section 91IA(b), notice that metering equipment is faulty must be given to the Minister in the approved form.
- (2) For the Act, section 400(2), a person is exempt from the Act, section 91IA if—
 - (a) telemetry equipment is the only part of the metering equipment that is faulty, and
 - (b) the person gives notice to the Minister in accordance with subsection (1) within 24 hours of becoming aware the telemetry equipment has been faulty for at least 72 hours.

90 Records when metering equipment faulty other than for floodplain harvesting—the Act, s 91I

(cl 242 2018 Reg)

- (1) For the Act, section 91I(3), a person who takes water from a water source using a metered work while its metering equipment is faulty must comply with this section unless the take of water is under—
 - (a) a floodplain harvesting (regulated river) access licence, or
 - (b) a floodplain harvesting (unregulated river) access licence, or
 - (c) an unregulated river access licence if the water taken is overland flow water from a declared floodplain.
- (2) The person must record the following information—
 - (a) the purposes for which the water is taken using the metered work,
 - (b) if a pump is used to take the water—
 - (i) the size of the pump, and
 - (ii) the maximum extraction rate of the pump, and
 - (iii) the dates and times during which the pump is operating,
 - (c) if the water taken using the metered work is used for irrigation—the area of land that is irrigated with the water,
 - (d) the last available reading of the metering equipment before it became faulty and the first available reading after it is repaired or otherwise no longer faulty,
 - (e) other information that the Minister, by written notice to the person, directs the person to record.
- (3) The person must, if directed by the Minister, use an alternative method specified by the Minister to determine the quantity of water taken.
- (4) The person must—
 - (a) record the information in the approved form and manner, and

- (b) give a copy of the information to the Minister no later than 28 days after the metering equipment is repaired or no longer faulty, and
 - (c) keep the information for at least 5 years.
- (5) If telemetry equipment is the only part of the metering equipment that is faulty, the person is not required to record the information unless the telemetry equipment has been faulty for at least 72 hours.

91 Records and use of secondary metering device when metering equipment faulty for floodplain harvesting—the Act, s 91I

(cl 238Q 2018 Reg)

- (1) For the Act, section 91I(3), a person who takes water under the following licences using a metered work while its metering equipment is faulty must comply with this section—
 - (a) a floodplain harvesting (regulated river) access licence,
 - (b) a floodplain harvesting (unregulated river) access licence,
 - (c) an unregulated river access licence if the water taken is overland flow water from a declared floodplain.
- (2) The person must—
 - (a) not use the metered work unless it has a secondary metering device installed, and
 - (b) provide the following records to the Minister—
 - (i) the last available reading of the primary metering equipment before the primary metering equipment became faulty,
 - (ii) the first available reading of the secondary metering device after the primary metering equipment became faulty.

92 Repair or replacement of faulty metering equipment—the Act, s 91I

(cl 243 2018 Reg)

- (1) For the Act, section 91I(3), a person who takes water by means of a metered work while its metering equipment is faulty must comply with this section.
- (2) The person must repair or replace the metering equipment, or cause it to be repaired or replaced (the ***repair or replacement period***)—
 - (a) within 21 days of becoming aware that the metering equipment is faulty, or
 - (b) within any further period permitted under this section.
- (3) If telemetry equipment is the only part of the metering equipment that is faulty, the person must repair or replace the telemetry equipment, or cause it to be repaired or replaced, within 24 hours of becoming aware that the telemetry equipment is faulty or within any further period permitted under this section.
- (4) Subsection (3) only applies if the telemetry equipment has been faulty for at least 72 hours after the person became aware of the fault.
- (5) The person must give the following information to the Minister in the approved form no later than 28 days after the faulty metering equipment is repaired or replaced—
 - (a) the date the metering equipment was repaired or replaced,
 - (b) a description of any repairs or replacement,
 - (c) evidence that the metering equipment has been repaired or replaced, which may include a statement from the person who repaired or replaced it,
 - (d) the name of the person who repaired or replaced it.

- (6) If the person becomes aware that the equipment cannot be repaired or replaced within the repair and replacement period, the person must—
 - (a) notify the Minister in the approved form and manner, and
 - (b) seek an extension of the period for repairs or replacement to be carried out.
- (7) An application for an extension must specify—
 - (a) the reasons why the repair or replacement is not able to be carried out within the repair or replacement period, and
 - (b) the date by which it is proposed to be repaired or replaced.
- (8) The Minister may, by written notice given to the person, extend the period for repair or replacement by the period specified in the notice.
- (9) A person may make more than 1 application to extend the repair or replacement period.

Division 5 Duly qualified persons

Subdivision 1 Preliminary

93 Definition

In this division—

certificate means a certificate in the approved form and manner.

94 Definition of “duly qualified person”

(cl 236(2) 2018 Reg)

- (1) For the Act, Dictionary, definition of ***duly qualified person***, a person specified in Schedule 8, Table 1, Column 1 is a duly qualified person if the person—
 - (a) has the qualifications, skills and experience specified opposite in Column 2, and
 - (b) has completed a registration course specified by the Minister and given notice in the approved form to the Minister of the completion of the course.
- (2) However, a person is a duly qualified person only for the purposes of carrying out the work specified in Schedule 8, Table 2, Column 1 if the person is a duly qualified person specified opposite in Column 2.
- (3) Subsection (1)(b) does not apply if the person holds a current certification as a certified meter installer issued by a registered training organisation before the commencement of the *Water Management (General) Amendment (Metering) Regulation 2025*.

Subdivision 2 Obligations of duly qualified persons—the Act, s 115B

95 Obligations apply to supervisors

(cl 237(6) 2018 Reg)

In this subdivision, a duly qualified person, in relation to work carried out by a duly qualified person who is a trainee, is a reference to the duly qualified person who supervised the work.

96 Notification of tampered metering equipment

(cl 237(4), (5) and cl238P 20018 Reg)

- (1) A duly qualified person who installs metering equipment or who carries out other work on metering equipment must notify the Minister in the approved form and

manner, if any, if the person knows or reasonably suspects the equipment has been tampered with.

- (2) The notification must be given to the Minister within 7 days after the duly qualified person becomes aware of, or forms the suspicion about, the tampering of the equipment.

Maximum penalty—20 penalty units.

97 Certification of open channel metering equipment design

(cl 237(1) 2018 Reg)

- (1) A duly qualified person who certifies the design of open channel metering equipment for Schedule 5, section 2(4) must give a certificate to the person who obtained the certification.

Maximum penalty—20 penalty units.

- (2) The duly qualified person must give the certificate—

- (a) in the approved form and manner, and
- (b) within 7 days after the certification.

Maximum penalty—20 penalty units.

98 Certification of validation of metering equipment

(cl 237(2) 2018 Reg)

- (1) A duly qualified person who validates metering equipment in accordance with Schedule 5, section 7 must give a certificate to the person for whom the validation is done certifying—

- (a) whether the metering equipment complies or not with the matters required to be checked in accordance with AS4747, and
- (b) if the metering equipment does not comply—
 - (i) the reasons for the non-compliance, and
 - (ii) the modifications required for compliance or that the equipment cannot be modified to enable compliance.

Maximum penalty—20 penalty units.

- (2) The duly qualified person must give the certificate—

- (a) in the approved form and manner, and
- (b) within 7 days after validation.

Maximum penalty—20 penalty units.

99 Certification of metering equipment accuracy under transitional arrangements

(cl 237(3) 2018 Reg)

- (1) A duly qualified person who checks metering equipment for accuracy under Schedule 5, section 9 must give the person for whom the check is done a certificate certifying whether the maximum permissible error of the metering equipment—

- (a) exceeds plus or minus 5% in the field, or
- (b) does not exceed plus or minus 5% in the field.

Maximum penalty—20 penalty units.

- (2) The duly qualified person must give the certificate—

- (a) in the approved form and manner, and
- (b) within 7 days after the check.

Maximum penalty—20 penalty units.

100 Floodplain harvesting—certification of inspections of water supply works

(cl 238M 2018 Reg)

- (1) A duly qualified person who performs an inspection of a water supply work under Schedule 6, section 1(2), must give a certificate to the approval holder for the water supply work confirming if water entering the work—
 - (a) is reasonably able to be measured by equipment that complies with the requirements of Schedule 5, or
 - (b) is not able to be measured by equipment that complies with the requirements under Schedule 5.
 - (2) A duly qualified person who performs an inspection of a water supply work under Schedule 6, section 1(3), must give a certificate to the approval holder for the water supply work confirming if the point-of-intake metering equipment for the water supply work—
 - (a) is installed in compliance with the requirements of Schedule 5, or
 - (b) is not installed in compliance with the requirements of Schedule 5.
 - (3) The duly qualified person must give the certificate—
 - (a) in the approved form and manner, and
 - (b) within 7 days after the inspection.
- Maximum penalty— 20 penalty units.

101 Floodplain harvesting—certification of validation

(cl 238N 2018 Reg)

- (1) A duly qualified person who validates storage metering equipment for a water supply work in accordance with the storage metering equipment standards must give a certificate to the person for whom the validation is undertaken—
 - (a) confirming if the equipment complies or does not comply with the matters required to be checked in accordance with the storage metering equipment standards, and
 - (b) if the matters checked do not comply with the storage metering equipment standards—
 - (i) specifying the reasons the equipment does not comply and the modifications required for compliance, or
 - (ii) stating the equipment is not able to be modified to enable compliance.
 - (2) A duly qualified person who validates point-of-intake metering equipment for a water supply work in accordance with Schedule 5, section 7 must give a certificate to the person for whom the validation is undertaken—
 - (a) confirming the equipment complies or does not comply with the matters required to be checked in accordance with AS 4747, and
 - (b) if the matters checked do not comply with AS 4747—
 - (i) specifying the reasons the equipment does not comply and the modifications required for compliance, or
 - (ii) stating the equipment is not able to be modified to enable compliance.
 - (3) The duly qualified person must give the certificate—
 - (a) in the approved form and manner, and
 - (b) within 7 days after the validation.
- Maximum penalty— 20 penalty units.

102 Floodplain harvesting—certification of accuracy

(cl 238O 2018 Reg)

- (1) A duly qualified person who checks point-of-intake metering equipment for a water supply work for accuracy under Schedule 5, section 9 must give a certificate to the person for whom the check is undertaken certifying whether or not the maximum permissible error of the metering equipment exceeds plus or minus 5% in the field.
- (2) A duly qualified person who checks storage metering equipment for a water supply work for accuracy under Schedule 5, section 9 must give a certificate to the person for whom the check is undertaken certifying whether or not the maximum permissible error of the metering equipment exceeds plus or minus 10mm in the field.
- (3) The duly qualified person must give the certificate—
 - (a) in the approved form and manner, and
 - (b) within 7 days after the certification.Maximum penalty— 20 penalty units.

103 Floodplain harvesting—certificate of survey benchmarks

(cl 238NA 2018 Reg)

- (1) A duly qualified person who certifies the location of a survey benchmark, in relation to a water supply work, in accordance with a survey benchmark standard must give a certificate to the person for whom the certification is undertaken—
 - (a) confirming the benchmark complies or does not comply with the matters required to be checked in accordance with the survey benchmark standard, and
 - (b) if the matters checked do not comply with the survey benchmark standard—
 - (i) specifying the reasons the benchmark does not comply and the modifications required for compliance, or
 - (ii) stating the benchmark is not able to be modified to enable compliance.
- (2) The duly qualified person must give the certificate—
 - (a) in the approved form and manner, and
 - (b) within 7 days after the certification.Maximum penalty— 20 penalty units.

Division 6 Records and reports

104 Definition

In this division—

approved telemetry specifications means the telemetry specifications set out in the approved data logging and telemetry specifications.

no take notice—see section 107.

105 Records when using metered works with telemetry

(cl 244((1), (2), (2A), (2B), (2C) 2018 Reg)

- (1) This section applies to an authority under which a work used to take water is used in connection with metering equipment that—
 - (a) complies with Schedule 5, and
 - (b) has telemetry capacity that transmits data relating to water measured by the meter in accordance with the approved telemetry specifications.

- (2) For the Act, sections 115 and 115A(b), the provisions of this section are mandatory condition imposed on an authority to which this section applies.
- (3) The holder of an authority to which this section applies must—
 - (a) record in the approved form and manner when water is taken using the work under—
 - (i) a basic landholder right, or
 - (ii) an exemption from holding an access licence, and
 - (b) if the authority is subject to a condition that the holder must confirm specified matters before water is taken in accordance with the authority—record, in the approved form and manner, the means by which the holder confirmed the matters, and
 - (c) record the information referred to in paragraphs (a) and (b) not later than 24 hours after any day during which the water is taken.
- (4) Subsection 3(b) does not apply in relation to water taken from a regulated river.
- (5) The holder of an authority must give to the Minister, in an approved way—
 - (a) if water was taken during the named month—the records made under this section for the water taken, or
 - (b) if no water was taken during the named month—a statement indicating that no water was taken during the named month.
- (6) The records must be given to the Minister no more than 14 days after the end of each named month.

Note— The *Interpretation Act 1987* defines **named month** as January, February, March, April, May, June, July, August, September, October, November or December.
- (7) The holder does not breach this section for a named month if—
 - (a) the holder has given the Minister a no take notice for the named month, and
 - (b) the holder did not take water using the work during the named month.
- (8) This section does not apply to an authority in relation to a water supply work that is used to take water under one of the following licences—
 - (a) a floodplain harvesting (regulated river) access licence,
 - (b) a floodplain harvesting (unregulated river) access licence,
 - (c) an unregulated river access licence if the work is used solely for the taking of overland flow water from a declared floodplain.

106 Records when using metered works with no telemetry

(cl 244A (2) and (4) 2018 Reg)

- (1) This section applies to an authority under which a work is used to take water in conjunction with metering equipment that—
 - (a) complies with Schedule 5, and
 - (b) does not have telemetry capacity to transmit data relating to water measured by the meter in accordance with the approved telemetry specifications.
- (2) For the Act, sections 115 and 115A(b), the provisions of this section are mandatory condition imposed on an authority to which this section applies.
- (3) The holder of an authority to which this section applies must give to the Minister, in an approved way—
 - (a) a report containing the meter readings of the metering equipment at the beginning and end of the named month, and

- (b) give the report not more than 14 days after the end of each named month.
Note— The *Interpretation Act 1987* defines **named month** as January, February, March, April, May, June, July, August, September, October, November or December.
- (4) The holder does not breach the condition for a named month if—
 - (a) the holder has given the Minister a no take notice for the named month, and
 - (b) the holder did not take water using the work during the named month.
- (5) This section does not apply to the following—
 - (a) an authority in relation to a water supply work that is used to take water under one of the following licences—
 - (i) floodplain harvesting (regulated river) access licence,
 - (ii) floodplain harvesting (unregulated river) access licence,
 - (iii) unregulated river access licence when used for taking overland flow water,
 - (b) an authority in relation to a water supply work that is used solely to take water under—
 - (i) a basic landholder right, or
 - (ii) an exemption from an access licence.

107 No take notice

(cl 244(2C)-(2F), 244A(3), (3A), (3B) and (3C) 2018 Reg)

- (1) For the Act, sections 115 and 115A(b), the provisions of this section are a mandatory condition imposed on an authority to which sections 105 and 106 apply.
- (2) The holder may notify (a **no take notice**) the Minister, in an approved way—
 - (a) that the holder does not intend to cause or permit water to be taken as referred to in section 105(3)(a) or 107(1) during a period, including a named month and not exceeding more than 6 months, and
 - (b) at least 14 days before the beginning of the period.
- (3) To avoid doubt, a no take notice may apply for more than 1 named month.
- (4) A no take notice ceases to have effect if the holder causes or permits the water to be taken as referred to section 105(3)(a) or 106(1) during the period.
- (5) If a holder has given a no take notice and the period has expired or the notice ceases to have effect during a named month, the holder must give to the Minister in the approved way—
 - (a) a statement that the holder did not cause or permit the work to take water as referred to in 105(3)(a) or 106(1) to be taken—
 - (i) during the period if the period has expired, or
 - (ii) during the previous named months in the period if the notice has ceased to have effect during a named month, and
 - (b) within 14 days of the period ending or the cessation taking effect.

108 Records when using unmetered works

(cl 250 2018 Reg)

- (1) For the Act, sections 115 and 115A, the provisions of this section are a mandatory condition imposed on an authority to which this section applies.
- (2) This section applies to an authority under which a work is used without metering equipment to take water.

- (3) The holder of an authority to which this section applies must, in relation to a water supply work used to take water—
 - (a) record water taken using the work, and
 - (b) separately record when water is taken using the work—
 - (i) under a basic landholder right, or
 - (ii) an exemption from holding an access licence, and
 - (c) for an authority subject to a condition that the holder must confirm specified matters before water is taken—record the means by which the holder confirmed the specified matters if the take is from anything other than a regulated river.
- (4) The records must be—
 - (a) made not later than 24 hours after the day during which water is taken, and
 - (b) made in an approved form and manner, and
 - (c) kept for a period of 5 years, and
 - (d) given to the Minister in an approved form and manner no later than 28 days after the end of the water year in which the water was taken or matters confirmed.
- (5) If the holder has not taken any water using the work during a water year, the holder must—
 - (a) record this fact in the approved form and way, and
 - (b) give the record to the Minister within 28 days after the end of the water year.
- (6) This section does not apply to a water supply work—
 - (a) used to take water under one of the following licences—
 - (i) a floodplain harvesting (regulated river) access licence,
 - (ii) a floodplain harvesting (unregulated river) access licence,
 - (iii) an unregulated river access licence if the water is overland flow water taken from a declared floodplain, or
 - (b) used solely to take water under—
 - (i) a basic landholder right, or
 - (ii) an exemption from an access licence.

109 Metering records and reports relating to non-urban metering—the Act, s 91J

(cl 238(1) 2018 Reg)

The following metering records must be kept for a period of 5 years by a person who is subject to a mandatory metering equipment condition—

- (a) a copy of a record made under section 76(2)(b),
- (b) a certificate provided under section 102 or 103 by a duly qualified person,
- (c) a copy of a record made under section 105,
- (d) a copy of a report made under section 106,
- (e) a copy of a report given to the Minister under Schedule 5, section 8 or 9,
- (f) a copy of a written certification given to the Minister under Schedule 5, section 9(2)(b).

110 Metering records relating to floodplain harvesting—the Act, s 91J

(cl 238S 2018 Reg)

- (1) The holder of a water supply work approval subject to the mandatory floodplain harvesting condition must keep the following metering records for a period of 5 years—
 - (a) a certificate provided under this division by a duly qualified person in relation to the following—
 - (i) point-of-intake metering equipment,
 - (ii) storage metering equipment,
 - (iii) a survey benchmark,
 - (iv) a storage curve document,
 - (v) a secondary metering device,
 - (b) a copy of a record made in accordance with sections 111(1) and (2),
 - (c) a copy of a report given to the Minister under Schedule 5, section 8 or 9,
 - (d) a copy of a written certification given to the Minister under Schedule 5, section 9(2)(b).
- (2) For the Act, section 115, it is a condition of an approval subject to the mandatory floodplain harvesting condition that the approval holder must give the Minister a copy of a certificate referred to in subsection (1)(a) within 28 days of receiving the certificate.

111 Records and reports relating to measurement period

(cl 238G 2018 Reg)

- (1) The approval holder must record, in the approved form, the amount of water—
 - (a) taken and stored using the approved works during each 24-hour period throughout the measurement period for the works, and
 - (b) added to the approved works taken under the authority of an access licence referred to in section 82(2).
- (2) The approval holder must give to the Minister, in the approved form, a copy of records kept under subsection (1)—
 - (a) on a fortnightly basis during the measurement period for the works, and
 - (b) made between the last fortnightly report and the end of the measurement period, not later than 14 days after the end of the measurement period.
- (3) The approval holder must also record, in the approved form, the following information if water is used during a measurement period—
 - (a) the location for which the water was used,
 - (b) the volume of water used,
 - (c) the metered works used in connection with the water.
- (4) The approval holder must give to the Minister, in the approved form, a copy of records kept under subsection (3) within 24 hours of the water being used during the measurement period.

112 Meter reading records and reports for secondary metering devices

(cl 238R 2018 Reg)

For the Act, section 115, an approval holder who uses a secondary metering device due to a fault with the primary metering equipment must comply with the following requirements—

- (a) the approval holder must record the reading of the secondary metering device—
 - (i) if the primary metering equipment is faulty at the start of the measurement period—within 24 hours of the start of the measurement period, or
 - (ii) if the primary metering equipment becomes faulty during the measurement period—within 24 hours of becoming aware the primary metering equipment is faulty,
- (b) the approval holder must record the reading of the secondary metering device within 24 hours of the end of the measurement period,
- (c) the approval holder must give records under this section, in the approved form, to the Minister not later than 14 days after the end of the measurement period,
- (d) the approval holder must keep a record made under this section for 5 years after the end of the measurement period.

113 Copies of certificates from duly qualified persons to Minister

(cl 238(2) and (3) 2018 Reg)

For the Act, sections 115 and 115A(b), it is a mandatory condition of an authority to which the mandatory metering equipment condition applies, that the holder must give to the Minister a copy of a certificate provided by a duly qualified person to the holder under section 97 or 98 within 28 days of receiving the certificate.

Division 7 Miscellaneous

114 Metering equipment installed by Ministerial Corporation

(cl 258 2018 Reg)

- (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 must not exercise that function to the exclusion of another person unless the equipment is referred to in subsection (3).
- (3) The Ministerial Corporation may exercise the functions specified in the Act, section 372A(2) exclusively in relation to the following metering equipment—
 - (a) metering equipment installed or replaced by the Ministerial Corporation on or after March 2011,
 - (b) metering equipment installed, modified or replaced by the Ministerial Corporation before 4 March 2011 under the Funding Deed dated 15 April 2009 between the Commonwealth of Australia and NSW in relation to the Hawkesbury Nepean River Recovery Project.

115 Mandatory conditions imposed on entitlements under 1912 Act

(cl 245 2018 Reg)

A mandatory condition imposed on a licence or an entitlement under the 1912 Act by this part is taken to have been imposed on the licence or other entitlement under that Act.

Part 6 Irrigation corporations

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

116 Definition

In this division—

local newspaper in relation to an area means—

- (a) a local newspaper published in the area, or
- (b) if there is no local newspaper published in the area—a newspaper circulating in the area.

117 Applications for inclusion of land in area of operations

(cl 51 2018 Reg)

- (1) For the Act, section 128(3), an application must be in the approved form.
- (2) An application for the inclusion of land with an area of more than 15% of the irrigation corporation's existing area of operations must be advertised, by the Minister, by written notice published—
 - (a) in a local newspaper, if there is a local newspaper, and
 - (b) on the Department's website.
- (3) The notice must contain the following information—
 - (a) the name of the applicant,
 - (b) the name of the irrigation corporation in whose area of operations the land is proposed to be included,
 - (c) the purpose of the application,
 - (d) the area of the land proposed to be included in the area of operations,
 - (e) the general location of the land,
Example— by lot and deposited plan number
 - (f) the time by which objections to the application must be made,
 - (g) a postal or email address, or both, to which objections may be sent.

118 Objections to inclusion of land in area of operations

(cl 52 2018 Reg)

For the Act, section 129(2), a written objection to the inclusion of land in an irrigation corporation's area of operations must—

- (a) be made within 28 days after notice of the proposed inclusion of land is published on the Department's website, and
- (b) be sent to the postal or email address specified for objections in the notice, and
- (c) include the name and address of the objector, and
- (d) specify the grounds of the objection.

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

119 Applications to exclude land from area of operations

(cl 53 2018 Reg)

- (1) For the Act, section 132(3), an application must be made in the approved form.

- (2) An application to exclude land with an area of more than 15% of the irrigation corporation's existing area of operations must be advertised, by the Minister, by written notice published—
 - (a) in a local newspaper, if there is a local newspaper, and
 - (b) on the Department's website.
- (3) The notice must contain the following information—
 - (a) the name of the applicant,
 - (b) the name of the irrigation corporation from whose area of operations the land is proposed to be excluded,
 - (c) the purpose of the application,
 - (d) the area of the land proposed to be excluded from the area of operations,
 - (e) the general location of the land,
Example— by lot and deposited plan number
 - (f) the time by which objections to the application must be made,
 - (g) a postal or email address, or both, to which objections may be sent.

120 Objections to exclusion of land from area of operations

(cl 54 2018 Reg)

For the Act, section 133(2), an objection to an exclusion of land from an irrigation corporation's area of operations must—

- (a) be made in writing within 28 days after notice of the proposed inclusion of land is published on the Department's website, and
- (b) be sent to the postal or email address specified for objections in the notice, and
- (c) include the name and address of the objector, and
- (d) specify the grounds of the objection.

Part 7 Private water corporations and private water trusts

Division 1 General

121 Definition

In this part—

entity stakeholder means—

- (a) a member of a private water entity, or
- (b) a landholder to whom the entity provides services, or
- (c) a person with whom the entity enters into an agreement under the Act, section 151 or 231.

122 Fees

For the following provisions of the Act, a fee of \$150 is prescribed—

- (a) section 141(2)(d),
- (b) section 159(2)(d),
- (c) section 239(2)(d),
- (d) section 239D(2)(d).

123 Directors

- (1) For the Act, sections 144(5) and 223(7), a person ceases to be a director of a private water entity if the person—
 - (a) dies, or
 - (b) resigns, or
 - (c) is absent, without leave, from 3 consecutive meetings of the entity, or
 - (d) becomes personally insolvent, or
 - (e) becomes a mentally incapacitated person, or
 - (f) is convicted in New South Wales of an offence that is punishable by imprisonment for 12 months or more, or
 - (g) is convicted in another jurisdiction of an offence that, if committed in New South Wales, would be an offence punishable by 12 months or more,
 - (h) is convicted, in any jurisdiction, of an offence involving fraud.
- (2) In this section—

director, of a private water entity, means—

 - (a) a board member of a private water corporation, or
 - (b) a trustee of a private water trust.

124 Rules may require security

- (1) For the Act, sections 145(2)(n) and 225(2)(o), the rules of a private water entity may require an entity stakeholder to provide security for the payment of rates and charges to the entity, other than a charge under the Act, section 170.
- (2) The rules may require only the following kinds of security—
 - (a) a charge over an access licence,
 - (b) a guarantee by an authorised deposit-taking institution,
 - (c) a deposit lodged with the entity,

- (d) a charge over a member's water entitlement,
 - (e) another kind of security agreed between the entity and the entity stakeholder.
- (3) The rules must not require the entity stakeholder to provide security of a value greater than the higher of the following—
 - (a) 5 times the value of the rates and charges levied by the private water entity on the entity stakeholder in the immediately preceding water year,
 - (b) 5 times the prescribed amount.
- (4) The rules may permit the forfeiture of security only if—
 - (a) the amount for which the security is provided is unpaid for at least 6 months from the date it becomes payable, and
 - (b) the entity gives the entity stakeholder written notice (a ***forfeiture notice***) of, and reasons for, the intention to forfeit the security, and
 - (c) the entity considers submissions made within the submission period for the forfeiture notice by or on behalf of the entity stakeholder, and
 - (d) the entity gives the entity stakeholder the option of entering into a payment plan as an alternative to forfeiture, and
 - (e) the entity stakeholder declines the option of entering into, or does not comply with, the payment plan.

- (5) In this section—

forfeiture, of security, includes the enforcement or realisation of the security.

prescribed amount means the average of the value of the rates and charges levied by the private water entity per entity stakeholder for each of the immediately preceding 5 water years.

Example— For security required to be provided in a water year, the prescribed amount is the average of 5 amounts, being the amounts, one for each of the immediately preceding 5 water years, determined by dividing the value of the rates and charges levied by the entity in the water year by the number of entity stakeholders of the entity in the water year.

submission period, for a forfeiture notice, means the following period after the giving of the notice—

- (a) a period of 21 days, or
- (b) if a longer period is specified in the notice—the longer period.

125 Rules about dealings

For the Act, sections 145(2)(n) and 225(2)(o), the rules of a private water entity may make provision about dealings under the Act, Chapter 3, Part 2, Division 4.

126 Notification of rules

For the Act, sections 145(4) and 225(4), a private water entity must notify each entity stakeholder of changes to its rules, or replaced rules—

- (a) in writing, and
- (b) within 2 business days after the change or replacement.

127 Works plans

- (1) For the Act, sections 153(2) and 233(2), a works plan must include the following—
 - (a) a map or diagram of the private water entity's entity works,
 - (b) if the entity is the holder of—
 - (i) an access licence—the access licence number, or

- (ii) a water management work approval or an activity approval—the approval number,
- (c) a statement of an address—
 - (i) at which a copy of the works plan is kept, and
 - (ii) from which a copy of the works plan may be obtained by an entity stakeholder.
- (2) For the Act, sections 153(5) and 233(5), a copy of a works plan must be—
 - (a) kept at the address referred to in subsection (1)(c), and
 - (b) provided to an entity stakeholder within 5 business days of the stakeholder requesting a copy of the works plan.
- (3) In this section—
entity works means—
 - (a) corporation works, or
 - (b) trust works.

128 Water entitlements

- (1) For the Act, sections 154(3)(e) and 234(3)(e), previous determinations of water entitlements for all members of the private water entity are prescribed.
- (2) For the Act, sections 154(5) and 234(5), a determination of a member's water entitlement must specify the following—
 - (a) the matters considered by the private water entity in making the determination,
 - (b) the proportion of the share component of an access licence held by or on behalf of the entity that is available to the member,
 - (c) the licence category of the member's proportion of the share component.
- (3) For the Act, sections 154(6) and 234(6), a determination may be varied or redetermined to correct an error, but only on a further application made by a member of the private water entity within 2 years of the determination.
- (4) To avoid doubt, a ***member*** of a private water entity referred to in subsection (3) means a person who, at the time of the further application, is—
 - (a) a current member, and
 - (b) not merely a former member.
- (5) For the Act, sections 154(7) and 234(7), a ***member of a person's immediate family*** means—
 - (a) a spouse or de facto partner, or a former spouse or de facto partner, of the person, or
 - (b) a child or step-child of the person, or
 - (c) a grandchild or step-grandchild of the person, or
 - (d) a parent or step-parent of the person, or
 - (e) a grandparent or step-grandparent of the person, or
 - (f) a brother, sister, step-brother or step-sister of the person.

129 Notification of sale of land

For the Act, sections 161(2) and 239B(2), a member of a private water entity must notify the entity of the sale of land—

- (a) by giving the entity written notice before the sale of the member's intention to sell the land, or
- (b) by giving the entity written notice within 21 days of the sale of the following—
 - (i) the date of the sale,
 - (ii) the identity of the purchaser,
 - (iii) whether the member informed the purchaser the land was land to which the entity provides, or is able to provide, water supply or drainage services.

130 Rates and charges

For the Act, sections 163(6) and 239E(6), a private water entity must give written notice of its rates and charges for a year—

- (a) within 21 days of fixing the rates and charges, and
- (b) if interest is payable on unpaid rates and charges—by specifying—
 - (i) the basis on which interest is calculated, and
 - (ii) when the interest becomes payable.

131 Qualifications for appointment as auditor

For the Act, sections 166(5) and 239H(5), each of the following persons is qualified for appointment as an auditor—

- (a) a registered company auditor within the meaning of the *Corporations Act 2001* of the Commonwealth,
- (b) a Certified Practising Accountant member of CPA Australia, New South Wales Division,
- (c) a member of Chartered Accountants Australia and New Zealand who holds a Certificate of Public Practice issued by the organisation,
- (d) a member of the Institute of Public Accountants who holds a Professional Practice Certificate issued by the organisation.

132 Liquidators

For the Act, sections 177(3) and 239P(3), the liquidator of a private water entity must not be a member of, or have a direct or indirect pecuniary interest in, the entity.

Division 2 Private water corporations—additional provisions

133 Charges for water illegally taken and damage to works

- (1) For the Act, section 170(4)(a), the value of the water must be, subject to this section, determined in accordance with the former clause 20.
- (2) For subsection (1), a reference in the former clause 20 to a water source is deemed to be a reference to a water source from which water is taken by a water management work owned by, or under the control and management of, the corporation.
- (3) For the Act, section 170(9), a private water corporation must not exercise powers under the Act, section 170 unless—
 - (a) the corporation's satisfaction of the following, as the case requires, is based on evidence tabled at a meeting of the corporation or its board—
 - (i) that a person has knowingly taken water as referred to in the Act, section 170(1),

- (ii) that a person has destroyed, damaged or interfered with a work that is owned by, or is under the control or management of, the corporation as referred to in the Act, section 170(2), and
 - Note—** Under the Act, section 170(1) and (2), the private water corporation must be satisfied of these things on the balance of probabilities.
 - (b) the corporation has given at least 21 days notice of the intention to exercise the power, and reasonable particulars of the proposed exercise of the power, to the Minister, and
 - (c) for the imposition of a charge for the taking of water—the Minister has notified the private water corporation that the Minister is not aware that a person has taken or intends to take a compliance or enforcement action, and
 - (d) the corporation's rules specify how the powers may be exercised, and
 - (e) the exercise of the powers is in accordance with the rules.
- (4) For the Act, section 145(2)(n), the rules of a private water corporation may provide for the matter mentioned in subclause (3)(d).
- (5) In this section—
- former clause 20** means the *Water Management (General) Regulation 2018*, clause 20 as in force immediately before the commencement of the *Water Management (General) Amendment (Miscellaneous) Regulation 2024*.
- Note—** The *Water Management (General) Amendment (Miscellaneous) Regulation 2024* commenced on 20 September 2024.
- compliance or enforcement action** means action of the following kind in relation to the taking of the water—
- (a) the commencement of criminal proceedings,
 - (b) the issue of a penalty notice,
 - (c) the imposition of a charge or a decision to debit a water allocation under the Act, section 60G,
 - (d) the commencement of proceedings under the Act, section 336 for an order to remedy or restrain a breach of the Act or the regulations,
 - (e) the acceptance of an undertaking under the Act, Chapter 7, Part 1, Division 8.

134 Appointment of authorised officers

For the Act, section 171(1), an appointment of an authorised officer of a private water corporation must—

- (a) specify the powers the officer may exercise, and
- (b) state that the officer may exercise the powers only in relation to water management works shown on the corporation's works plan.

Part 8 Public works

135 Hunter Valley flood mitigation works—statement of particulars

(cl 113 2018 Reg)

For the Act, section 263(3)(d), an estimate of the following must be set out in a statement—

- (a) the amount of compensation payable, or likely to become payable, during the financial year as a consequence of carrying out each work under the *Public Works and Procurement Act 1912*,
- (b) the percentage of the cost of constructing and maintaining each work included in the program of flood works that a local council will be liable to contribute under the Act, section 260,
- (c) the amount of payments to be made by the Minister during the financial year in relation to protective works under the Act, section 261,
- (d) the amount of payments likely to be received from a public authority during the financial year in relation to protective works under the Act, section 261,
- (e) the amount of payments made under the Act, section 262 by Local Land Services during a previous financial year that remained unexpended at the end of the previous financial year,
- (f) the amount of payments a local council will be required to make towards maintenance during a financial year under the Act, section 265.

136 Hunter Valley flood mitigation works—statement of cost of maintenance and compensation

(cl 114 2018 Reg)

For the Act, section 266(1)(b), an estimate of the following must be set out in a statement—

- (a) the cost of maintenance the Minister considers should be carried out during the financial year in relation to each flood work,
- (b) the amount of compensation likely to become payable during the financial year by the Minister as a consequence of the maintenance,
- (c) the amount of compensation payable, or likely to become payable, during the financial year by the Minister as a consequence of the maintenance of each flood work carried out in a previous financial year,
- (d) the percentage that, under the Act, section 260, the Minister has determined a local council must contribute to the cost of construction and maintenance,
- (e) the amount of payments made under the Act, section 265 by a local council during a previous financial year that remained unexpended at the end of the previous financial year.

Part 9 Enforcement and compliance

137 Compliance audits

(cl 258A 2018 Reg)

- (1) This section applies to the holder of an access licence or an approval who has been directed by the Minister to undertake a compliance audit to the satisfaction of the Minister.
- (2) For the Act, sections 326A and 400(1)(e), the holder must prepare a report on the results of the compliance audit (a ***compliance audit report***) that includes the following—
 - (a) an assessment of whether the holder has complied with the compliance requirements,
 - (b) an assessment of how the holder has complied with the compliance requirements,
 - (c) an assessment of the risks of non-compliance with the compliance requirements,
 - (d) recommendations to remedy non-compliance or risks of non-compliance identified in the compliance audit,
 - (e) references to all documents and information considered by the holder and the compliance auditor, if not the holder, in carrying out the compliance audit.

Note— See the *Crimes Act 1900*, Part 5A dealing with offences for providing false and misleading information to the Minister.

- (3) The holder must submit a compliance audit report within the time specified by the Minister in the direction.
- (4) The Minister may require the holder to give the Minister the information used in preparing the compliance audit report within 5 years after the report is submitted to the Minister.
- (5) The holder must pay all the costs associated with the compliance audit and the compliance audit report.
- (6) The following persons are qualified to carry out compliance audits—
 - (a) if required by the direction—
 - (i) the holder of the access licence or the approval, or
 - (ii) a duly qualified person, but only in relation to the work for which the person is duly qualified, or
 - (iii) a person who holds a qualification issued by an Australian university, and who has at least 10 years experience, in a field of engineering or environmental science sufficient to enable the person to assess compliance with legal requirements under the Act, as they relate to the holder's activities,
 - (b) a person qualified as an auditor for the Australian and New Zealand Standard entitled AS/NZS ISO 14001:2016, *Environmental management systems—Requirements with guidance for use*, as in force from time to time.
- (7) In this section—

compliance requirement means a requirement, specified in the direction, that is—

 - (a) a condition on the holder's access licence or approval, or
 - (b) another requirement applying to the holder under the Act or this regulation.

138 Determining value of water illegally taken

(cl 20, 20A 2018 Reg)

- (1) The value of water illegally taken from a water source (**relevant water source**) must be determined in accordance with this section.
- (2) If there are 20 or more relevant dealings during the relevant water year that are within the relevant water source, the value of the illegally taken water is determined by multiplying the VWAP of the relevant dealings by the volume of the illegally taken water.
- (3) If subsection (2) does not apply, but there are 20 or more relevant dealings during the relevant water year that are within or between water sources to which the water sharing plan that applies to the relevant water source also applies, the value of the illegally taken water is determined by multiplying the VWAP of the relevant dealings by the volume of the illegally taken water.
- (4) If subsection (2) and (3) do not apply, but there are 20 or more relevant dealings during the relevant water year that are within or between water sources in the same water region as the relevant water source, the value of the illegally taken water is determined by multiplying the VWAP of the relevant dealings by the volume of the illegally taken water.
- (5) If subsections (2)–(4) do not apply, the value of the illegally taken water is the gross margin value for the water region for the relevant water source, multiplied by the volume of the illegally taken water.
- (6) For subsection (3), if the relevant water source is a groundwater source, the 20 or more relevant dealings must be only within or between groundwater sources.
- (7) For subsection (3) and (4), the 20 or more relevant dealings must be only within or between—
 - (a) if the relevant water source is a regulated water source—regulated water sources, or
 - (b) if the relevant water source is an unregulated water source—unregulated water sources.
- (8) A reference in this division to the volume of water is taken to be the volume of the water as expressed in ML.
- (9) In this section—

eligible dealing means the following dealings, other than in relation to a supplementary water access licence or an unregulated river (C class) access licence—

 - (a) an assignment of water allocations to or from the water allocation account for an access licence in accordance with the Act, section 71T,
 - (b) the debiting of water allocations from the water allocation account for an access licence, in accordance with the Act, section 71V, to give effect to an interstate assignment of water allocations by an assignor who resides, or is otherwise located, in New South Wales.

eligible dealing unit price means the amount per ML paid by the assignee for an eligible dealing.

gross margin value, for a water region, means the amount specified for the water region in Schedule 9, Part 2.

illegally taken means taken in contravention of the Act, Chapter 3, Part 2, Division 1A.

relevant dealing, in relation to a water year, means an eligible dealing within the water year with an eligible dealing unit price that is—

- (a) \$2 or more per ML, and
- (b) less than the sum of the following—
 - (i) the average eligible dealing unit price of all eligible dealings in the water year,
 - (ii) three times the standard deviation of the eligible dealing unit price of all eligible dealings in the water year.

relevant water year, in relation to illegally taken water, means the water year in which the water is illegally taken.

VWAP, in relation to relevant dealings, means the volume-weighted average price of the relevant dealings as determined by—

- (a) calculating the aggregate amount paid by the assignees in relation to the dealings, and
- (b) dividing the result by the aggregate volume of the water allocations the subject of the dealings.

water region, for a water source, means—

- (a) for a groundwater source for subsection (4)—the water region specified in Schedule 9, Part 1, column 2 for the water sharing plan that applies to the water source, and
- (b) otherwise—the water region specified in Schedule 9, Part 1, column 3 for the water sharing plan that applies to the water source.

139 Penalty notices

(Sch 7 2018 Reg)

- (1) For the Act, section 365—
 - (a) each offence created by a provision specified in Schedule 10 is an offence for which a penalty notice may be issued, and
 - (b) the amount payable for the penalty notice is the amount specified opposite the provision.
- (2) If the provision is qualified by words that restrict its operation to limited kinds of offences or to offences committed in limited circumstances, the penalty notice may be issued only for—
 - (a) the limited kind of offence, or
 - (b) an offence committed in the limited circumstances.

Part 10 Miscellaneous

140 Waiver or reduction of fees and charges

(cl 254 2018 Reg)

- (1) For the Act, section 400(1)(b), a charging authority may waive or reduce a fee or charge imposed under the Act.
- (2) In this section—
charging authority, in relation to a fee or charge, means the person or body, other than the Minister or water supply authority, that imposes the fee or charge.

141 Liability for rates and charges levied after transfer of estate or interest

(cl 255 2018 Reg)

For the Act, section 361, the prescribed notice is a written notice containing the following information—

- (a) a statement that the document is notice of a disposal of an estate or interest in land,
- (b) details of the land for which rates or charges have been, or may be, levied,
- (c) the date on which the estate or interest in land was disposed of,
- (d) the name and address of the person disposing of the estate or interest,
- (e) the name and address of the person to whom the estate or interest was transferred.

142 Electronic lodgment of certain applications, claims and objections

(cl 256 2018 Reg)

- (1) An application referred to in section 22 or 47, a claim referred to in section 20 or an objection referred to in section 51, 118, 120 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) An application, claim or objection that is lodged electronically is taken to be duly authenticated if it identifies—
 - (a) for an application—each applicant, or
 - (b) for a claim—the claimant, or
 - (c) for an objection—the objector.
- (3) In this section—
information system means a system for generating, sending, receiving, storing or otherwise processing electronic communications.

143 Savings

An act, matter or thing that, immediately before the repeal of the *Water Management (General) Regulation 2018*, had effect under that regulation continues to have effect under this regulation.

Schedule 1 Definition of “river”

section 5

- 1** A watercourse, whether perennial or intermittent, comprising an artificial channel that has changed the course of the watercourse.
- 2** A tributary, branch or other watercourse into or from which a watercourse referred to in section 1 flows.
- 3** Eagle Creek Cutting, UTM Zone 55 GDA, Parish of Barham, County of Wakool—
 - (a) from its offtake from the Murray River adjacent to Lot 20, DP 1135384, Easting: 240323, Northing: 6052845, and
 - (b) to its confluence with Eagle Creek adjacent to Lot 2, DP 218060, Easting: 241231, Northing: 6053511.
- 4** Waddy Creek Cutting, County of Wakool—
 - (a) from its offtake from the Murray River in Lot 1, DP 868793, Easting: 750976, Northing: 6080045, UTM Zone 54 GDA, Parish of Willakool, and
 - (b) to its confluence with Waddy Creek in Lot 2, DP 868793, Easting: 751915, Northing: 6081546, UTM Zone 54 GDA, Parish of Mellool.

Schedule 2 Definition of “floodplain”

section 6

Part 1 Lands declared to be floodplains

- 1 The land shown edged in heavy black on the map in section 20 is declared to be the Barwon-Darling Valley Floodplain.
- 2 The land shown shaded grey, including the parts of the shaded area marked as road, rail, river or creek, on the map in section 21 is declared to be the Border Rivers Valley Floodplain.
- 3 The land shown edged in heavy black on the map section 22 is declared to be the Gwydir Valley Floodplain.
- 4 The land shown shaded grey, including the parts of the shaded area marked as road, rail, river or creek, on the map in section 23 is declared to be the Lower Namoi Valley Floodplain.
- 5 The land shown shaded grey, including the parts of the shaded area marked as road, rail, river or creek, on the map in section 24 is declared to be the Macquarie Valley Floodplain.
- 6 The land shown shaded grey, including the parts of the shaded area marked as road, rail, river or creek, on the map in section 25 is declared to be the Murrumbidgee Valley Floodplain.
- 7 The land shown edged in grey or blue, including the parts of the shared area marked as road, rail, river or creek, on the map in section 26 is declared to be the Upper Namoi Valley Floodplain.

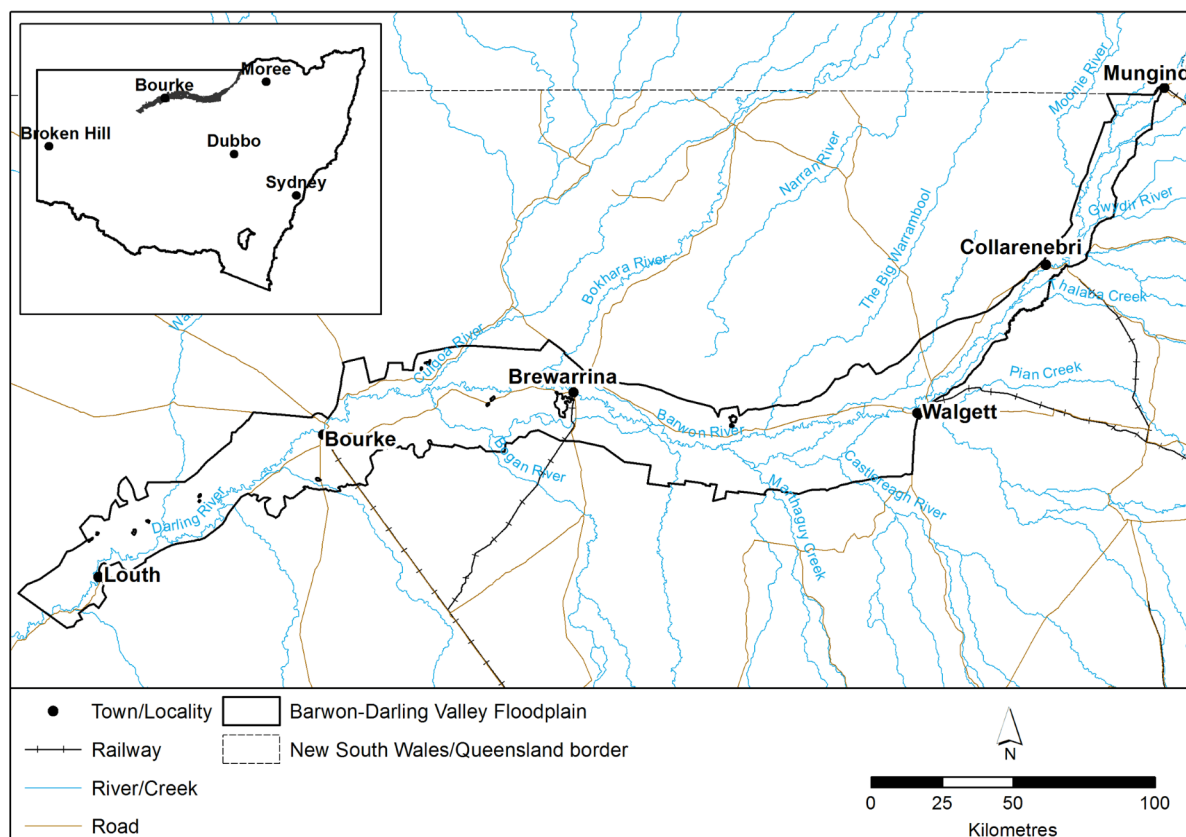
Part 2 Designated floodplains under 1912 Act

- 8 The Belubula Floodplain, as shown on the map published in Government Gazette No 139 of 28 September 1984 at page 4847.
- 9 The Billabong Creek Floodplain (Walbundrie to the junction of Wangamong Creek with Billabong Creek), as shown on the map published in Government Gazette No 93 of 21 July 2006 at page 5774.
- 10 The Edward/Wakool Rivers Murray Valley Floodplain, as shown on the map published in Government Gazette No 139 of 28 September 1984 at page 4848 and as modified by the notice published in Government Gazette No 45 of 15 April 2005 at page 1400.
- 11 The Hillston Floodplain, as shown on the map published in Government Gazette No 157 of 16 December 2005 at page 11033.
- 12 The Lachlan River Floodplain (Gooloogong to Condobolin), as shown on the map published in Government Gazette No 105 of 19 July 1985 at page 3709 and as modified by the map published in Government Gazette No 8 of 28 January 2011 at page 262.
- 13 The Lachlan River (Gooloogong to Jemalong Gap) Floodplain, as shown on the map published in Government Gazette No 8 of 28 January 2011 at page 263.

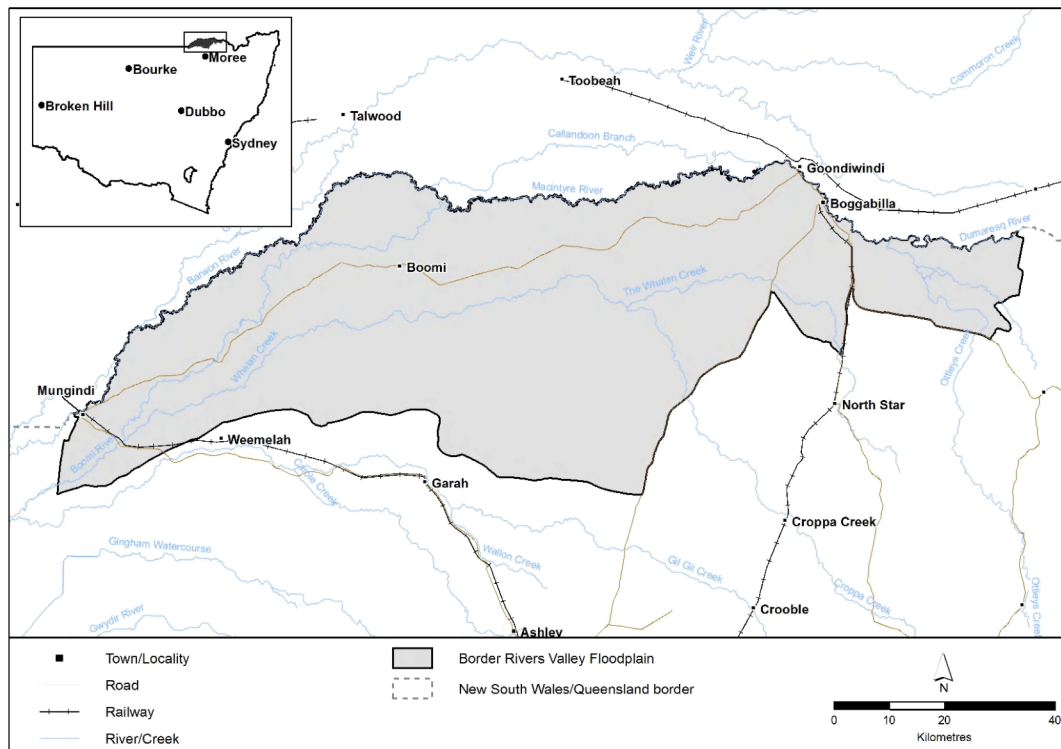
- 14 The Lachlan River (Jemalong Gap to Condobolin) Floodplain, as shown on the map published in Government Gazette No 21 of 24 February 2012 at page 541.
- 15 The Lower Edward – Wakool (Stage 4) Floodplain, as set out in the schedule to the notice published in Government Gazette No 45 of 15 April 2005 at page 1400.
- 16 The Tuppall Bullatale Floodplain, as shown on the map published in Government Gazette No 75 of 9 June 2006 at page 4015.
- 17 The Stage 1: Edward and Wakool Rivers (Deniliquin to Moama–Moulamein Railway) Floodplain, as shown on the map published in Government Gazette No 8 of 28 January 2011 at page 268.
- 18 The Stage 3: Edward and Niemur Rivers (Moama–Moulamein Railway to Liewah and Mallan) Floodplain, as shown on the map published in Government Gazette No 8 of 28 January 2011 at page 272.
- 19 The Stage 2: Wakool River (Moama–Moulamein Railway to Gee Gee Bridge) Floodplain, as shown on the map published in Government Gazette No 8 of 28 January 2011 at page 270.

Part 3 Maps of declared floodplains

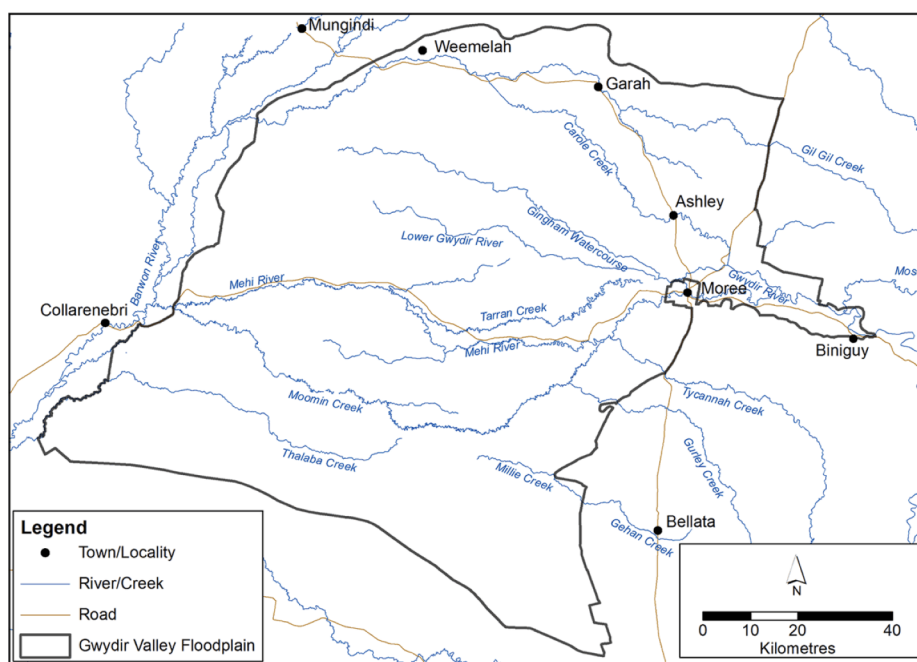
20 Barwon-Darling Valley Floodplain



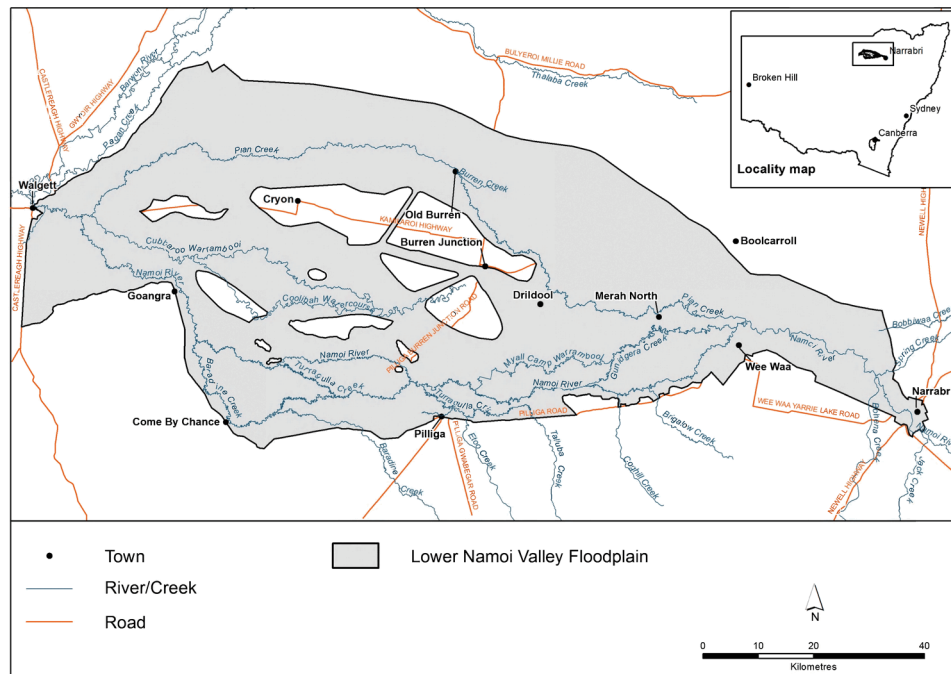
21 Border Rivers Valley Floodplain



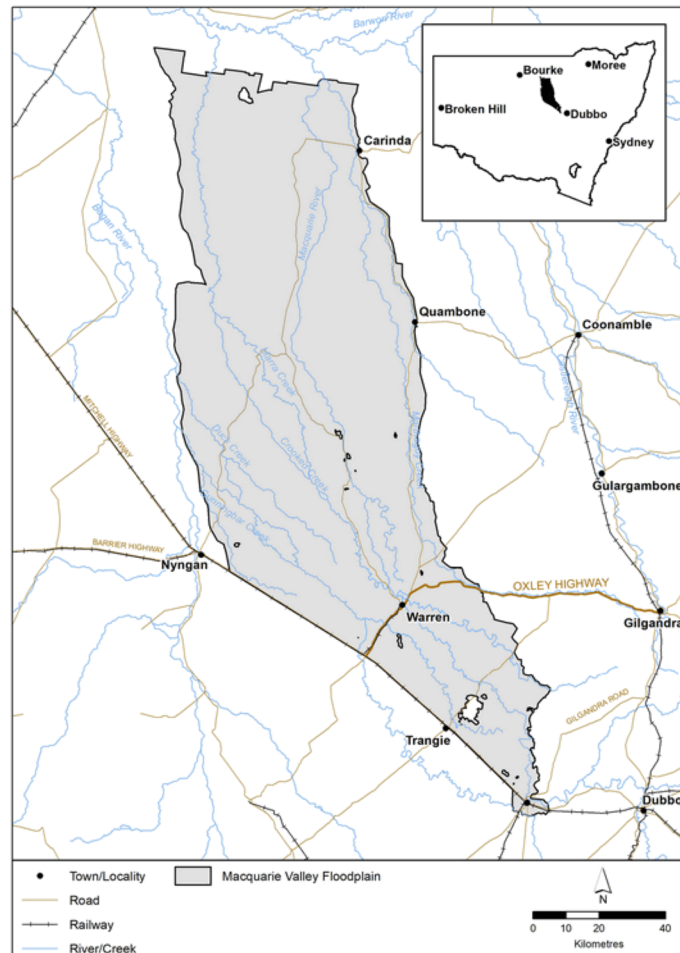
22 Gwydir Valley Floodplain



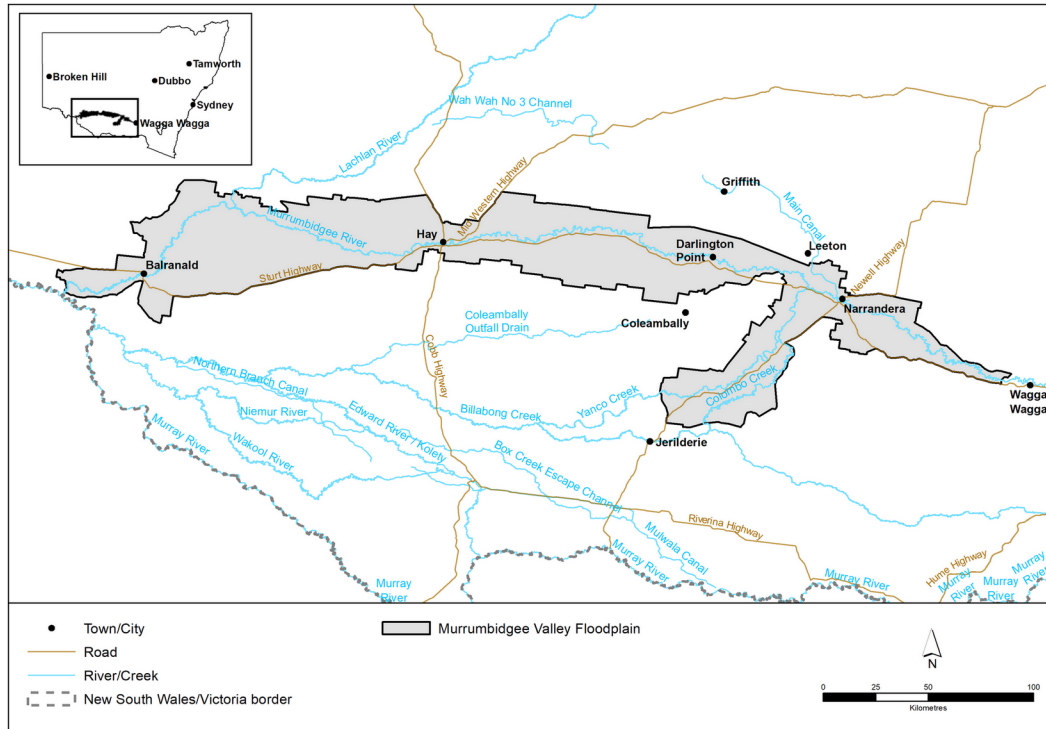
23 Lower Namoi Valley Floodplain



24 Macquarie Valley Floodplain



25 Murrumbidgee Valley Floodplain



Schedule 3 Prescribed subcategories of access licences

section 12

Categories of access licence	Subcategories of access licence
Aquifer	Aboriginal commercial Aboriginal community development Aboriginal cultural Community and education Environmental Research Temporary dewatering for construction Town water supply
Coleambally Irrigation (conveyance)	Environmental
Domestic and stock	Domestic Stock Town water supply
Local water utility	Domestic and commercial
Major utility	Power generation Urban water
Murrumbidgee Irrigation (conveyance)	Environmental
Regulated river (conveyance)	Environmental
Regulated river (general security)	Aboriginal commercial Aboriginal community development Community and education Environmental Research
Regulated river (high security)	Aboriginal commercial Aboriginal community development Aboriginal cultural Community and education Environmental Lake Albert filling Research Town water supply
Supplementary water	Aboriginal environmental

public consultation draft

Water Management (General) Regulation 2025 [NSW]
Schedule 3 Prescribed subcategories of access licences

Categories of access licence	Subcategories of access licence
Unregulated river	Environmental
	Lowbidgee
	Storage
	Aboriginal commercial
	Aboriginal community development
	Aboriginal cultural
	Community and education
	Environmental
	Mamre Road precinct and Western Sydney Aerotropolis stormwater management
	McPhillamys Belubula River gold mine
Unregulated river (high flow)	Newcastle Racecourse
	Research
	Snowy 2.0 project
	Town water supply
	Environmental

Schedule 4 Access licence and approval exemptions

sections 44 and 60–63 and Schedule 11, definition for “excluded work”

Part 1 Preliminary

1 Definitions

In this schedule—

complying development certificate has the same meaning as in the *Environmental Planning and Assessment Act 1979*.

dwelling house has the same meaning as in the standard instrument.

emergency direction means a direction given under—

- (a) the *State Emergency Service Act 1989*, or
- (b) the *State Emergency and Rescue Management Act 1989*.

emergency event means the following—

- (a) a sudden natural event, including a storm, flood, tree fall, bush fire, land slip or coastal inundation,
- (b) a sudden ingress of water, into an excavation site, that is not—
 - (i) foreseen, or
 - (ii) a result of inadequate planning or assessment or the use of unsuitable materials or methods,
- (c) an accident,
- (d) an actual or imminent failure of infrastructure or equipment, including a rupture or breakage of piping infrastructure caused by natural ground movements,
- (e) an unlawful act resulting in damage, including vandalism, arson or pollution.

emergency works means works carried out urgently, as a direct result of an emergency event, to remove groundwater or overland flow water to reduce a significant risk to the following—

- (a) public health and safety,
- (b) the environment, including groundwater systems,
- (c) infrastructure or the construction of infrastructure.

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

Part 2 Access licence exemptions—persons and circumstances

Note— This regulation, section 44 provides that a person specified in a section to this part is exempt from the Act, section 60A(1) and (2) in the circumstances, and subject to the conditions, specified in the section.

2 Public authorities for dust suppression

(cl 5, Sch 4 2018 Reg)

A public authority lawfully engaged in the use of water for dust suppression is exempt in relation to taking water required for dust suppression if the public authority is satisfied there is no significant adverse impact on water sources, and their dependent ecosystems, from the use of the water for the dust suppression.

3 Public authorities for environmental work construction on waterfront land

(cl 15, Sch 4 2018 Reg)

- (1) A public authority is exempt in relation to taking no more than 0.5ML, or an amount specified by the Minister, of water in a water year if the Minister is satisfied the water will be used to construct, on waterfront land, a water supply work that will have an environmental benefit
- (2) For the Act, section 88AA(2)(a), the Minister must not specify an amount that is 0.5ML or more.
- (3) For the Act, section 88AA(2)(c), the taking of water must be in accordance with a watering program approved in writing by the Minister.
- (4) The Minister must not approve a watering program unless it addresses—
 - (a) the amount of water proposed to be taken, and
 - (b) the water source from which the water will be taken,
 - (c) the kind of work by which the water will be taken.

4 Ministerial Corporation for taking water for basic human water needs—the Act, s 88AA(2)

(cl 14, cl 21(3) and (4), Sch 4 2018 Reg)

- (1) The Ministerial Corporation is exempt in relation to taking water if the Minister approves after being satisfied it is in the public interest and urgently required for basic human water needs.
- (2) The taking of water must be in accordance with a watering program approved in writing by the Minister.
- (3) The Minister must not approve a watering program unless it addresses—
 - (a) the amount of water proposed to be taken, and
 - (b) the water source from which the water will be taken.
- (4) The exemption does not apply—
 - (a) 4 months after the date on which the taking of water was approved by the Minister, or
 - (b) a later date approved by the Minister in writing.

5 Roads authorities

(cl 2, Sch 4 2018 Reg)

A roads authority is exempt in relation to taking water required for road construction and road maintenance if the roads authority is satisfied there is no significant adverse impact on water sources, and their dependent ecosystems, from the use of the water for the construction and maintenance.

6 Transport authorities

(cl 3, Sch 4 2018 Reg)

- (1) A transport authority is exempt in relation to taking water required for the construction or maintenance of rail infrastructure facilities (the *activity*) if the transport authority, after considering the environmental impact of the activity under the *Environmental Planning and Assessment Act 1979*, section 5.5, as if the transport authority were the determining authority under that section, is satisfied the activity is not likely to significantly affect the environment.
- (2) In this section—

rail infrastructure facility has the same meaning as in the *Transport Administration Act 1988*.

transport authority means the following, each within the meaning of the *Transport Administration Act 1988*—

- (a) ARTC,
- (b) TAHE,
- (c) the Transport Secretary,
- (d) Transport for NSW.

7 Landholder taking water from or using excluded works

(cl 12, Sch 4 2018 Reg)

A landholder is exempt in relation to taking water from, or using, an excluded work situated on the landholder's land and only in the circumstances, if any, specified in this schedule, Part 7 for the work.

8 Landholder taking rainfall run-off from tailwater drain

(cl 17C, Sch 4 2018 Reg)

- (1) A landholder is exempt in relation to taking water from a tailwater drain for the purpose of collecting rainfall run-off from an irrigated field that is located on land held by the landholder.
- (2) The exemption under this section does not apply during a period in which a work on the land, other than a tailwater drain, takes overland flow water.

Note— Rainfall run-off is a type of overland flow water. See the Act, section 4A.

9 Landholder taking water for domestic electricity generation

(cl 8, Sch 4 2018 Reg)

A landholder is exempt in relation to taking water required for generating electricity for domestic consumption on land held by the landholder, if—

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

10 Landholder taking water for fire fighting and related activities

(cl 17D, Sch 4 2018 Reg)

- (1) A landholder is exempt in relation to taking water, but only if—
 - (a) the water is taken from—
 - (i) the landholder's land, or
 - (ii) a water source abutting the landholder's land, and
 - (b) the water is used on the landholder's land or adjacent land for the following activities—
 - (i) controlling, suppressing or extinguishing fire,
 - (ii) protecting persons, animals or property under threat from a fire,
 - (iii) fire fighting training carried out by or under the authority of a fire fighting authority,
 - (iv) controlled burning carried out by or under the authority of a fire fighting authority,
 - (v) testing or maintenance of fire fighting equipment.

- (2) The amount of water taken in a water year under this section must be reasonably proportionate to the fire or the threat of fire.
- (3) The amount of water taken in a water year under this section and stored must not be more than 100,000L.
- (4) In this section—
fire fighting authority has the same meaning as in the *Rural Fires Act 1997*.

11 Drought relief

(cl 4, Sch 4 2018 Reg)

A person lawfully engaged in the carriage of water for drought relief is exempt in relation to taking water required for drought relief for one or both of the following purposes—

- (a) domestic consumption,
- (b) stock watering.

12 Emergency directions

(cl 21(5), cl 17, Sch 4 2018 Reg)

- (1) A person is exempt in relation to taking water for the sole purpose of complying with an emergency direction.
- (2) For the Act, section 88AA(3), the person must comply with conditions imposed by the Minister if the conditions are—
 - (a) published in the Gazette, or notified in writing to the person, by the Minister for this section, and
 - (b) for the purposes of implementing the water management principles in relation to the taking of water the subject of the exemption.

13 Groundwater or overland flow water for emergency works

(cl 21(7), cl 17B, Sch 4 2018 Reg)

- (1) A person is exempt in relation to taking groundwater or overland flow water for the purpose of carrying out emergency works.
- (2) This section does not apply to water taken for one or more of the following purposes (a ***secondary purpose***)—
 - (a) domestic consumption,
 - (b) supply to another person,
 - (c) another use from which a commercial benefit is, or may be, obtained.
- (3) Water taken for a secondary purpose is considered to be taken at the time of the use for the secondary purpose.
- (4) The person must, before or as soon as reasonably practicable after commencing the emergency works, give the Regulator the following information—
 - (a) the person's name and contact details,
 - (b) the name and contact details of other persons or bodies, if any, intending to carry out the works,
 - (c) the address of the site of the works,
 - (d) the nature of the emergency event resulting in the need to carry out the works,
 - (e) the significant risk to be reduced by the works.

- (5) The person must, within 14 days after completing the emergency works, give the Regulator the following further information—

- (a) the date of completion of the works,
- (b) the volume of groundwater or overland flow water extracted while carrying out the works or, if the volume of groundwater or overland flow water extracted while carrying out the works cannot be measured, an estimate of the volume.

Note— Information may be given to the Regulator by using the contact telephone number or email address on the Regulator's website at www.nrar.nsw.gov.au.

14 Hydrostatic testing

(cl 6, Sch 4 2018 Reg)

A person lawfully engaged in the hydrostatic testing of a gas pipeline is exempt in relation to the taking of a maximum of 7ML of water required for initial testing of the pipeline before the pipeline is put into service for the first time.

15 Hydro-electric power stations

(cl 11, Sch 4 2018 Reg)

- (1) This section applies to a person lawfully engaged in the operation of a hydro-electric power station in connection with a water supply work owned, and authorised to be operated, by Water NSW or the Ministerial Corporation.
- (2) A person to which this section applies is exempt in relation to the taking of water required for the purpose of generating hydro-electric power 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 when it was taken in relation to the chemical composition, temperature, sediment content and salinity of the water.

16 Interchange of water in pumped hydro-electricity generation schemes

(cl 11A, Sch 4 2018 Reg)

- (1) A person lawfully engaged in the operation of a pumped hydro-electricity generation scheme is exempt in relation to taking water moved between storages in the scheme.
- (2) This section applies only to water originally taken from a water source under an access licence, or a basic landholder right, for the purposes of operating the scheme.

17 Sugar cane plantings

(cl 13, Sch 4 2018 Reg)

- (1) A person is exempt in relation to taking water from an artificial channel if—
 - (a) the water is taken for the purpose of watering to establish agricultural plantings of sugar cane, and
 - (b) the volume of water taken does not, in a continuous 12-month period, exceed 0.05ML/ha 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 one of the following applies—
 - (i) the *Water Sharing Plan for the Clarence River Unregulated and Alluvial Water Sources 2016*,
 - (ii) the *Water Sharing Plan for the Brunswick Unregulated and Alluvial Water Sources 2016*,

- (iii) the *Water Sharing Plan for the Tweed River Area Unregulated and Alluvial Water Sources 2023*,
 - (iv) the *Water Sharing Plan for the Richmond River Area Unregulated, Regulated and Alluvial Water Sources 2023*, and
- (f) a work used to take the water is not fixed to the land.
- (2) For subsection (1)(a), a sugar cane plant is taken to be established once it reaches a height of 50cm.

18 Taking groundwater for excavation

(cl 17A, Sch 4 2018 Reg)

- (1) This section applies to water taken only from the following groundwater sources—
 - (a) Botany Sands Groundwater Source under the *Water Sharing Plan for the Greater Metropolitan Region Groundwater Sources 2023*,
 - (b) a groundwater source specified by the Minister by order published in the Gazette in accordance with the Act, section 88AA(4).
- (2) The holder of a water supply work approval is exempt in relation to taking more than 3ML of groundwater from the groundwater sources in a water year using the water supply work to which the approval relates if—
 - (a) the water supply work approval is subject to a condition that limits the amount of water that may be taken using the water supply work during a water year, and
 - (b) the taking of groundwater is for excavation that is required for construction of a building, road or infrastructure, other than in connection with carrying out mining operations or prospecting operations, and
 - (c) the taking of groundwater is carried out in accordance with the conditions of the water supply work approval.
- (3) An exemption under this section ceases to have effect—
 - (a) 6 months after the date on which the Minister makes a declaration under the Act, section 65 in relation to the groundwater source, or
 - (b) at the end of 30 June 2025.
- (4) In this section—
 - building** has the same meaning as in the *Environmental Planning and Assessment Act 1979*.
 - mining operations** has the same meaning as in the *Mining Act 1992*.
 - prospecting operations** has the same meaning as in the *Mining Act 1992*.

19 Aquifer interference activities

(cl 21(6), cl 7, Sch 4 2018 Reg)

- (1) A person lawfully engaged in an aquifer interference activity carried out in connection with an authorised project is exempt in relation to taking groundwater from a groundwater source—
 - (a) for a purpose other than consumption or supply, and
 - (b) for an amount per water year that when added to the total volume taken by all aquifer interference activities carried out in connection with the authorised project for the water year totals no more than a volume of 3ML for the water year.
- Note—** Once the 3ML limit is reached for an authorised project, no further claim may be made for the exemption, whether by the same or a different person. See this

schedule, section 18 for a related exemption for the taking of more than 3ML of groundwater for excavation.

- (2) Without limiting subsection (1), the exemption applies to groundwater taken in relation to the aquifer interference activity for the purpose of lawfully carrying out one or more of the following activities—
 - (a) exploration for minerals, including coal, or petroleum,
 - (b) quarrying, excavation, dredging or exploration for stone, aggregate, sand or gravel,
 - (c) excavation required for the construction of a building, road or infrastructure,
 - (d) creation of an artificial lake that intersects with groundwater,
 - (e) remediation of groundwater contamination,
 - (f) investigation of groundwater resources or geotechnical investigation,
 - (g) testing of water quality from monitoring bores,
 - (h) conducting pumping tests to investigate bore capacity or the capacity or connectivity of groundwater systems,
 - (i) operation of ground source heating or cooling systems.
- (3) The exemption does not apply to groundwater taken in the course of or incidental to mining for minerals, including coal, or petroleum under the *Mining Act 1992* or the *Petroleum (Onshore) Act 1991*.
- (4) The person must—
 - (a) record, in the approved form and no later than 24 hours after the water is taken, the amount of water taken under the exemption, and
 - (b) keep the record for at least 5 years, and
 - (c) give the record to the Minister—
 - (i) no later than 28 days after the end of the water year in which the water is taken, or
 - (ii) by another date specified by the Minister by written notice to the person.
- (5) In this section—

authorised project means an activity—

 - (a) the subject of a consent, approval or other lawful authority conferred by or under an Act, or
 - (b) to which the *Environmental Planning and Assessment Act 1979*, Division 5.1 applies, or
 - (c) that is exempt development.

building has the same meaning as in the *Environmental Planning and Assessment Act 1979*.

mineral has the same meaning as in the *Mining Act 1992*.

petroleum has the same meaning as in the *Petroleum (Onshore) Act 1991*.

20 Approvals relating to 1912 Act entitlements

(cl 16, Sch 4 2018 Reg)

- (1) The holder of an approval arising from the entitlement under the 1912 Act identified as Authority No 50SA006634 is exempt in relation to taking water from Bungaree Creek or Bingera Creek, as described in the entitlement.

public consultation draft

Water Management (General) Regulation 2025 [NSW]
Schedule 4 Access licence and approval exemptions

- (2) The holder of an approval specified in the table to this section arising from the 1912 Act entitlement specified opposite in the table is exempt in relation to taking water from a river to which the entitlement relates, as described in the entitlement.

Approval	1912 Act entitlement
50CA509538	50SL010011
50CA509539	50SL011890
50CA509540	50SL020732
50CA509541	50SL026144
50CA509542	50SL026155
50CA509543	50SL029622
50CA509544	50SL029701
50CA509545	50SL029733
50CA509546	50SL030050
50CA509547	50SL030154
50CA509548	50SL030317
50CA509549	50SL030318
50CA509550	50SL030670
50CA509551	50SL030682
50CA509552	50SL031227
50CA509553	50SL031520
50CA509554	50SL031754
50CA509555	50SL036266
50CA509556	50SL046193
50CA509557	50SL046195
50CA509558	50SL046199
50CA509560	50SL048123
50CA509561	50SL048124
50CA509562	50SL048134
50CA509563	50SL049279
50CA509564	50SL050268
50CA509565	50SL075049
50CA509566	50SL075075
50CA509567	50SL075099
50CA509568	50SL075130
50CA509569	50SL075245
50CA509570	50SL075269
50CA509571	50SL075278
50CA509572	50SL075279

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Approval	1912 Act entitlement
50CA509573	50SL075280
50CA509574	50SL075556
50CA509575	50SL075674
50CA509577	50SL075681
50CA509578	50SL075682
50CA509579	50SL075709
50CA509581	50SL075595
50CA509582	50SL075596
50CA509583	50SL075597
50CA509584	50SL075598
50CA509587	50SL075602
50CA509588	50SL075603
50CA509589	50SL075604
50CA509590	50SL075605
50CA509591	50SL030468
50CA509592	50SL030488
50CA509593	50SL030547
50CA509595	50SL035376
50CA509596	50SL040224
50CA509597	50SL046192
50CA509598	50SL046196
50CA509599	50SL048121
50CA509604	50SL035463
50CA509605	50SL075274
50WA508023	50SA000909
50WA508024	50SA001283
50WA508025	50SA006508
50WA508026	50SA006509
50WA508027	50SA006517
50WA508028	50SA006631
50WA508029	50SA006638
50WA508030	50SA006640
50WA508031	50SA006641
50WA508121	50SL037750
50WA509576	50SL075675
50WA509580	50SL075723
50WA509586	50SL075601

Approval	1912 Act entitlement
50WA509559	50SL046865
50WA509601	50SL075134
50WA509602	50SL075135
50WA509603	50SL075625
50CA509606	50SL038668
50WA510256	50SA006634

Part 3 Water use approval exemptions

Note— This regulation, section 60 provides that a person specified in a section to this part is exempt from the requirement to hold a water use approval under the Act, section 91A(1) in the circumstances, and subject to the conditions, specified in the section.

21 Exemption where taking of water also exempt

(cl 34 2018 Reg)

A person who is exempt under this regulation, section 43 for the taking of water in the circumstances, and in accordance with the conditions, specified in this schedule, Part 2, is exempt in relation to the use of the water in the same circumstances and subject to the same conditions.

22 Exemption for use of water for particular purposes

(cl 35 2018 Reg)

- (1) A person is exempt in relation to the use of water for one or more of the following purposes—
 - (a) a purpose authorised under a development consent,
 - (b) domestic consumption or stock watering,
 - (c) a purpose for which water may be taken under a specific purpose access licence for Aboriginal cultural purposes,
 - (d) an environmental purpose in accordance with a plan approved by the Minister under the Act, section 8E(7),
 - (e) a purpose for which water may be taken under a local water utility (domestic and commercial) access licence,
 - (f) a purpose for which water may be taken under the following licences—
 - (i) an unregulated river (high security) (town water supply) access licence,
 - (ii) a regulated river (high security) (town water supply) access licence,
 - (iii) an aquifer (town water supply) access licence.
- (2) An exemption under this section does not authorise the use of water for a purpose involving application of the water to land.

23 Aquifer interference in connection with mining

(cl 36 2018 Reg)

A person engaged in an aquifer interference activity in connection with the mining or extraction of material is exempt in relation to the use of water from an aquifer in accordance with an aquifer interference approval for the activity.

Part 4 Water supply work approval exemptions

Note— This regulation, section 61 provides that a person specified in a section to this part is exempt from the requirement to hold a water supply work approval under the Act, section 91B(1) in the circumstances, and subject to the conditions, specified in the section.

Division 1 Exempt for use of water supply works

24 Prospecting or fossicking

(cl 38(a) 2018 Reg)

A person is exempt in relation to the use of a water supply work to prospect or fossick for minerals or petroleum under the *Mining Act 1992* or the *Petroleum (Onshore) Act 1991*.

25 Conveying or impounding water by certain water supply works

(cl 38(b) 2018 Reg)

- (1) This section applies to the following water supply works—
 - (a) a water storage work,
 - (b) a water reticulation work,
 - (c) water impounding work.
- (2) A person is exempt in relation to the use of the water supply work to which this section applies to convey or impound water taken—
 - (a) before 1 July 2004 under an entitlement or the 1912 Act, section 7(7), as in force immediately before its repeal, and
 - (b) for a purpose permitted by the entitlement or the 1912 Act, section 7(7).

26 Conveying water to land by water reticulation work

(cl 38(a) 2018 Reg)

A person is exempt in relation to the use of a water reticulation work to convey water to land.

27 Hydro-electric power stations

(cl 38(d) 2018 Reg)

A person is exempt in relation to the use of a water supply work owned, and authorised to be operated by the person, Water NSW or the Ministerial Corporation, in connection with the use of a hydro-electric power station if—

- (a) the water taken by the work is used for the purpose of generating hydro-electric power, and
- (b) the water taken by the work is returned to the same water source from which it was taken, and
- (c) the returned water is of the same quality as when it was taken in relation to chemical composition, temperature, sediment, content and salinity.

28 Landholder for fire fighting or related activities

A landholder is exempt in relation to the use of a mobile water tank or pump in taking water under this schedule, section 10.

29 Landholder for use of tailwater drains

(cl 39B 2018 Reg)

A landholder is exempt in relation to the use of a tailwater drain to collect rainfall run-off from an irrigated field on land held by the landholder.

30 Water tankers by public authorities

(cl 38(e) 2018 Reg)

- (1) A person is exempt in relation to the use of a water tanker to take or convey water, by or on behalf of a public authority, for dust suppression activities.
- (2) This section only applies if the public authority is satisfied—
 - (a) the use of the water tanker will not have a significant adverse impact on water sources and their dependent ecosystems, and
 - (b) that the taking of water will not have a significant adverse impact on basic landholder rights or land referred to in this schedule, section 31(2)(a)–(f).
- (3) In this section—

water tanker means a motor vehicle comprising one or more water pumps and tanks, used for the purpose of conveying water.

Division 2 Exempt for construction of water supply works

31 Certain water supply works not on Aboriginal places or environmentally sensitive areas

(cl 37 2018 Reg)

- (1) A person is exempt in relation to the construction of the following water supply works—
 - (a) a water supply work constructed only for prospecting or fossicking for minerals or petroleum under the *Mining Act 1992* or the *Petroleum (Onshore) Act 1991*,
 - (b) a water pipe only for conveying water from one place to another,
 - (c) a water reticulation work on land the subject of a water use approval.
- (2) Subsection (1) does not apply to the part of a water supply work constructed on the following land—
 - (a) land in an Aboriginal place within the meaning of the *National Parks and Wildlife Act 1974*,
 - (b) land in a conservation area within the meaning of the *National Parks and Wildlife Act 1974*
 - (c) land reserved under the *National Parks and Wildlife Act 1974*,
 - (d) land in a critical habitat within the meaning of the *Fisheries Management Act 1994*, Part 7A
 - (e) land in a declared area of outstanding biodiversity value within the meaning of the *Biodiversity Conservation Act 2016*.
 - (f) land in a coastal wetlands and littoral rainforests area within the meaning *Coastal Management Act 2016*, section 6,
 - (g) land in a heritage conservation area identified by an environmental planning instrument applying to the land under the *Environmental Planning and Assessment Act 1979*,
 - (h) land in a State forest, other than land in a plantation, within the meaning of the *Forestry Act 2012*,
 - (i) land subject to a property vegetation plan within the meaning of the *Native Vegetation Act 2003*,
 - (j) waterfront land, other than waterfront land relating to a minor stream.

Division 3 Exempt for construction or use of water supply works

32 Ministerial Corporation

(cls 39(1)(e) and 39(4) 2018 Reg)

The Ministerial Corporation is exempt in relation to the construction or use of a water supply work for taking water under this schedule, section 4.

Note— This schedule, section 4 permits the Ministerial Corporation to take water for approved basic human water needs for a certain amount of time.

33 Landholder for excluded works

(cl 39(1)(a) and (b) 2018 Reg)

A landholder is exempt in relation to the construction or use of an excluded work situated on the landholder's land but only in the circumstances, if any, specified in Part 7 for the work.

34 Aquifer interference activities

(cl 39(1)(d) 2018 Reg)

A person is exempt in relation to the construction or use of a water management work—

- (a) if the person is engaged in aquifer interference activities in connection with the mining or extraction of material (the *activity*), and
- (b) the purpose for the construction and use of the water management work is for the take and use of water from an aquifer in accordance with an aquifer interference approval for the activity.

35 Emergency directions

(cl 39(1)(f) and 39(5) 2018 Reg)

- (1) A person is exempt in relation to the construction or use of a water supply work for the purposes of complying with an emergency direction if—
 - (a) the person complies with the direction in accordance with the Act under which the direction is given, and
 - (b) the water supply work is removed—
 - (i) within 3 months after the work is constructed, or
 - (ii) by a later date approved by the Minister by written notice to the person.
- (2) For the Act, section 88AA(3), the person must comply with conditions imposed by the Minister if the conditions are—
 - (a) published in the Gazette, or notified in writing to the person, by the Minister for the purposes of this section, and
 - (b) for the purposes of implementing the water management principles in relation to the take of water the subject of the exemption.

36 Emergency works

(cls 39(1)(h) and 39(6) 2018 reg)

- (1) A person is exempt in relation to the construction or use of a water supply work to carry out emergency works if the person complies with subsection (2).
- (2) The person must give—
 - (a) before or as soon as reasonably possible after commencing the emergency works, the Regulator the following information—
 - (i) the person's name and contact details,

- (ii) if applicable—the name and contact details of any other person by whom, or body by which, the works are to be carried out,
 - (iii) the address of the site of the works,
 - (iv) the nature of the emergency event resulting in the need to carry out the works,
 - (v) the significant risk to be reduced by the works, and
- (b) within 14 days after completing the emergency works, the Regulator the following further information—
 - (i) the date of completion of the works,
 - (ii) the volume of groundwater or overland flow water extracted while carrying out the works,
 - (iii) if it is not possible to measure the volume of groundwater or overland flow water extracted while carrying out the works—an estimate of the volume.

37 Monitoring bores

(cl 39(1)(c) and (2) 2018 Reg)

- (1) A person is exempt in relation to the construction of an exempt monitoring bore, or the use of the exempt monitoring bore, for measuring the following—
 - (a) water levels,
 - (b) water pressure,
 - (c) water quality.
- (2) The exemption is subject to a condition that the person must give Water NSW—
 - (a) a report on the completion of the construction of the exempt monitoring bore no later than 60 days after the completion, or
 - (b) if an event or activity occurs requiring the preparation of a report under the *Minimum Construction Requirements for Water Bores in Australia*—the report no later than 60 days after the event or activity.

- (3) In this section—

approved State significant infrastructure has the same meaning as in the *Environmental Planning and Assessment Act 1979*, Division 5.2.

approved voluntary management proposal has the same meaning as in the *Contaminated Land Management Act 1997*.

environment protection licence has the same meaning as in the *Protection of the Environment Operations Act 1997*.

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—
 - (i) an order issued under the *Contaminated Land Management Act 1997*, Part 3, or
 - (ii) an approved voluntary management proposal, or
- (b) required by the conditions of one or more of the following—
 - (i) a development consent,
 - (ii) an approval to carry out a transitional Part 3A project within the meaning of the *Environmental Planning and Assessment (Savings, Transitional and Other Provisions) Regulation 2017*, Schedule 2,
 - (iii) an approved State significant infrastructure, or

- (c) required by, or undertaken as a result of, an environmental assessment under the *Environmental Planning and Assessment Act 1979*, Division 5.1, or
- (d) required by a condition of an environment protection licence, or
- (e) required under the *Protection of the Environment Operations (Underground Petroleum Storage Systems) Regulation 2014*, or
- (f) constructed and operated only by the Ministerial Corporation.

Minimum Construction Requirements for Water Bores in Australia means the Minimum Construction Requirements for Water Bores in Australia, ISBN 978-0-646-81881-8, published by the National Uniform Drillers Licensing Committee, 2020.

38 Soil erosion

(cl 39(1)(g) 2018 Reg)

A person is exempt in relation to the construction or use of a water supply work to control or prevent soil erosion in relation to a project within the meaning of the *Soil Conservation Act 1938*, section 10.

Part 5 Flood work approval exemptions

Note— This regulation, section 62 provides that a person specified in a section to this part is exempt from the requirement to hold a flood work approval under the Act, section 91D(1) in the circumstances, and subject to the conditions, specified in the section.

39 Definitions

(cl 45 2018 Reg)

In this part—

designated high risk flood area means—

- (a) a flood way specified in a floodplain management plan, or
- (b) an area of a floodplain in a zone identified as management zone A or D under a management plan applying to the floodplain.

determining authority has the same meaning as in the *Environmental Planning and Assessment Act 1979*, Division 5.1.

floodplain plan or study means a floodplain risk management plan or floodplain risk management study developed and implemented by a local council in accordance with—

- (a) the *Flood risk management manual: The policy and manual for the management of flood liable land*, ISBN 978-1-923076-17-4, published by the NSW Government on 30 June 2023, or
- (b) another manual notified under the *Local Government Act 1993*, section 733(5)(a).

unmanaged designated high risk flood area means a designated high risk flood area to which a floodplain plan or study does not apply.

40 Rail authorities for railways

(cl 49(1) 2018 Reg)

The following entities, constituted under the *Transport Administration Act 1988*, are exempt in relation to the construction or use of a flood work for the purposes of a railway—

- (a) NSW Trains,
- (b) Sydney Trains,
- (c) the Residual Transport Corporation.

41 Roads authorities for public roads

(cl 49(2) 2018 Reg)

A roads authority is exempt in relation to the construction or use of a flood work for the purposes of a public road within the meaning of the *Roads Act 1993*.

42 Determining authorities for works permitted under EPA Act

(cl 47(1) 2018 Reg)

A determining authority is exempt in relation to the construction or use of a flood work if—

- (a) the construction or use is permitted under the *Environmental Planning and Assessment Act 1979*, and

Example— The construction or use could be permitted under a development consent or an approval under the *Environmental Planning and Assessment Act 1979*, Division 5.1, or otherwise.

- (b) the work is located in or on an area other than an unmanaged designated high risk flood area.

43 Landholder for works approved under EPA Act

(cl 47(2) 2018 Reg)

A person is exempt in relation to the construction or use of a flood work if the following applies—

- (a) the person is not a determining authority,
- (b) the construction or use of the work is carried out under—
 - (i) a development consent, or
 - (ii) an approval under the *Environmental Planning and Assessment Act 1979*, Division 5.1,
- (c) the work is located on a landholding owned or occupied by the person—
 - (i) that is located in or on an area other than an unmanaged designated high risk flood area, and
 - (ii) that has a total area of 0.2ha or less.

44 Landholder for ring embankments around dwelling houses and other

(cl 48 2018 Reg)

- (1) A landholder is exempt in relation to the construction or use of a flood work on the landholder's land in the following circumstances—

- (a) the flood work consists of one or more ring embankments for a dwelling house, shed or storage silo,
- (b) the flood work is not located in a designated high risk flood area,
- (c) the area enclosed by the flood work is not more than the lesser of—
 - (i) 2ha, or
 - (ii) 10% of the area of the land.

- (2) In this section—

ring embankment, for a dwelling house, shed or storage silo, means—

- (a) an embankment that encloses the dwelling house, shed or storage silo, or
- (b) a partial embankment that, together with the slope of the land, encloses the dwelling house, shed or storage silo.

45 Earthworks above ground

(cl 50 2018 Reg)

A person is exempt in relation to the construction or use of a flood work consisting of earthworks, including farm tracks and check banks, located—

- (a) above the natural surface of the ground but less than 150mm above the ground in or on which the work is constructed or located, and
- (b) in an area other than a designated high risk flood area.

46 Emergency directions

(cl 46 2018 Reg)

- (1) A person is exempt in relation to the construction or use of a flood work in compliance with an emergency direction.
- (2) This exemption expires—
 - (a) 3 months after the date on which the direction is given, or
 - (b) on a later date approved by the Minister by written notice to the person.

Part 6 Controlled activity approval exemptions

Note— This regulation, section 63(1) provides that a person is exempt from the requirement to hold a controlled activity approval under the Act, section 91E(1), in relation to the carrying out of a controlled activity specified in a section to this part in the circumstances, and subject to the conditions, specified in the section. The exemption may also be subject to other conditions imposed by the Minister in accordance with this regulation, section 63(4). Section 63 includes additional exemptions for public authorities, network operators and pipeline licensees.

47 Activities under mining or crown land legislation

(cl 18 Sch 4 2018 Reg)

A controlled activity carried out in accordance with—

- (a) a lease, licence, permit or other right in force under the *Mining Act 1992* or the *Crown Land Management Act 2016*, or
- (b) a petroleum title in force under the *Petroleum (Onshore) Act 1991*.

48 Activities on Transport for NSW or port authority land

(cl 19 sc4 2018 Reg)

- (1) A controlled activity carried out in accordance with a lease, licence, permit or other right in force in relation to land under the ownership or control of—
 - (a) Transport for NSW, or
 - (b) the Port Authority of New South Wales, or
 - (c) a port operator if the operator, after considering the environmental impact of the activity in accordance with the *Environmental Planning and Assessment Act 1979*, section 5.5 as if the operator were the determining authority under that section, is satisfied the activity is not likely to significantly affect the environment.
- (2) A controlled activity for which the Minister administering the *Ports and Maritime Administration Act 1995* is the consent authority under *State Environmental Planning Policy (Biodiversity and Conservation) 2021*, Chapter 6.
- (3) In this section—
Port Authority of New South Wales has the same meaning as in the *Ports and Maritime Administration Act 1995*.

port operator has the same meaning as in the *Ports and Maritime Administration Act 1995*.

Transport for NSW has the same meaning as in the *Transport Administration Act 1988*.

49 State or Commonwealth bodies

(cl 37 Sch 4 2018 Reg)

- (1) A controlled activity carried out by a relevant body if—
 - (a) the activity does not cause a change in the course of a river, and
 - (b) the body, after considering the environmental impact of the activity in accordance with the *Environmental Planning and Assessment Act 1979*, section 5.5 as if the body were the determining authority under that section, is satisfied the activity is not likely to significantly affect the environment.
- (2) In this section—

relevant body means a body, whether incorporated or unincorporated—

 - (a) established or continued for a public purpose, and
 - (b) wholly owned by the State or the Commonwealth.

50 Activities under water supply works approvals

(cl 20 Sch 4 2018 Reg)

A controlled 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 if the activity is—

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

51 Activities in connection with domestic and stock rights

(cl 21 Sch 4 2018 Reg)

The following controlled activities carried out to enable a person to take water under the Act, section 52—

- (a) the removal of alluvial material from the bed of a river if—
 - (i) excavation is—
 - (A) no deeper than 1m, and
 - (B) no wider than the lesser of one-third of the width of the river at that point or 6m, and
 - (C) no longer than the width of the river, and
 - (ii) the only alluvial material removed is material deposited on the bed of the river by the flow of water in the river, and
Example— sand, silt or gravel
 - (iii) no material is removed within 1m of the bank of the river, and
 - (iv) the alluvial material removed is placed in the bed of the river, immediately upstream of the excavation,
- (b) a controlled activity in, on or under the bank of a river to enable 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 no more than 0.3m wide and 0.3m deep, and

- (ii) the material removed is used to backfill the trench within 48 hours after digging the trench,
- (c) a controlled activity to enable 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) the material removed is—
 - (A) the minimum amount necessary to establish a suitable pump site, and
 - (B) no more than 1m³, and
 - (iii) the area of land from which material is removed is no more than 4m².

52 Activities in accordance with a harvestable rights order

(cl 22 Sch 4 2018 Reg)

A controlled activity carried out—

- (a) in accordance with a harvestable rights order, and
- (b) in connection with the construction or use of a dam on land in the harvestable rights area constituted by the order.

53 Activities connected with 1912 Act works

(cl 24 Sch 4 2018 Reg)

- (1) A controlled activity carried out in connection with the construction or use of a work to which the 1912 Act, Part 2 applies under a licence issued under the part for the work.
- (2) A controlled activity carried out in connection with the construction or use of a controlled work, within the meaning of the 1912 Act, Part 8, under an approval issued under the part for the work.
- (3) This section applies only to a controlled activity—
 - (a) set out in the conditions of the licence or approval, and
 - (b) carried out in accordance with the conditions.

54 Removal of vegetation

(cl 25 Sch 4 2018 Reg)

A controlled activity authorised under the Act or another Act or law comprising only the removal of vegetation, other than large woody debris, if the activity does not include the removal or disturbance of soil or other extractive materials.

55 Exempt development, complying development and controlled activities with development consent on certain waterfront land

(cl 36 Sch 4 2018 Reg)

- (1) A controlled activity, on relevant waterfront land, that is—
 - (a) development authorised under a development consent or a complying development certificate, or
 - (b) exempt development.
- (2) In this section—

relevant waterfront land means land—

 - (a) adjoining a lake or estuary, and
 - (b) identified on maps published on the Department's website as at the commencement of this regulation with the following titles—

- (i) Botany Bark and Georges River area,
- (ii) Brisbane Water area,
- (iii) Hunter River area,
- (iv) Lake Macquarie area,
- (v) Lack Mulwala area,
- (vi) Port Hacking area,
- (vii) Port Jackson (Sydney Harbour) area
- (viii) Port Stephens area,
- (ix) Tuggerah Lakes area,
- (x) Wallis Lakes area.

56 Activities relating to certain dwellings

(cl 29 Sch 4 2018 Reg)

- (1) A controlled activity—
 - (a) that is exempt development or authorised by a development consent or complying development certificate, and
 - (b) carried out in connection with the erection, renovation or demolition of a dwelling house or dual occupancy.
- (2) This section does not apply to a controlled activity carried out on or in—
 - (a) the bed or bank of a river, or
 - (b) the bed or shore of a lake, or
 - (c) the bed, or land lying between the bed and the mean high water mark, of an estuary.
- (3) In this section—
 - dual occupancy*** has the same meaning as in the standard instrument.
 - renovation*** includes the making of alterations, additions, or provision of ancillary facilities.

57 Development at Rouse Hill Regional Centre

(cl 26 Sch 4 2018 Reg)

A controlled activity that is the carrying out of development in accordance with the *The Hills Development Control Plan 2012*, Part D, section 6 for the Rouse Hill Regional Centre on land at Windsor Road, Commercial Road and Withers Road, Rouse Hill.

58 Development at Oran Park or Turner Road

(cl 27 Sch 4 2018 Reg)

A controlled activity that is the carrying out of development in accordance with the *Oran Park and Turner Road Waterfront Land Strategy 2009*, published in Government Gazette No 105 of 17 July 2009.

59 Activities connected with construction of fencing, crossings or tracks

(cl 23 Sch 4 2018 Reg)

- A controlled activity carried out—
- (a) in connection with the construction or use of fencing, or of a vehicular crossing or an access track, that does not impound water, and
 - (b) relating to a minor stream in a rural zone, other than Zone RU5 Village, under an environmental planning instrument.

60 Emergency directions

(cl 30 Sch 4 2018 Reg)

A controlled activity carried out only to comply with an emergency direction.

61 Emergency works

(cl 42A 2018 Reg)

- (1) A controlled activity carried out for emergency works in accordance with the conditions under subsections (2) and (3).

Note— Public authorities are exempt under this schedule, section 48 from the Act, section 91E(1), for all controlled activities.

- (2) The person must before or as soon as practicable after commencing the emergency works, give the Regulator the following information—

- (a) the person's name and contact details,
- (b) the name and contact details of other persons or bodies that will carry out the works,
- (c) the address of the site of the works,
- (d) the nature of the emergency event resulting in the need to carry out the works,
- (e) the significant risk to be reduced by the works.

- (3) The person must, within 14 days after completing the emergency works, give the Regulator the following information—

- (a) the date of completion of the works,
- (b) the volume of groundwater or overland flow water extracted while carrying out the works or, if the volume of groundwater or overland flow water extracted while carrying out the works cannot be measured, an estimate of the volume.

Note— Information may be given to the Regulator by using the contact telephone number or email address on the Regulator's website at www.nrar.nsw.gov.au.

62 Controlled activities on certain waterfront land

(cl 31 Sch 4 2018 Reg)

- (1) A controlled activity separated from certain waterfront land by a lawfully constructed—

- (a) public road, or
- (b) sealed hard stand space, or
Example— car park or building
- (c) levee bank—
 - (i) in an urban area, and
 - (ii) the subject of a development consent, and
 - (iii) located in a designated high risk flood area.

- (2) In this section—

certain waterfront land means—

- (a) the highest bank of a river, or
- (b) the shore of the land, or
- (c) the mean high water mark of an estuary.

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

(cl 28 Sch 4 2018 Reg)

A controlled activity relating to a river where the channel of the river is—

- (a) fully concrete lined, or
- (b) a fully enclosed pipe channel.

64 Pontoons, jetties and moorings

(cl 32 Sch 4 2018 Reg)

A controlled activity carried out in connection with the construction of a pontoon, jetty or mooring pole relating to a lake or estuary if the activity does not involve the following—

- (a) the removal of material from the land,
- (b) the depositing of material on the land, other than material necessary for the construction of the pontoon, jetty or mooring,
- (c) works that change the profile of the waterfront land adjoining the lake or estuary.

65 Maintenance of existing lawful works

(cl 33 Sch 4 2018 Reg)

A controlled activity necessary for the preservation, repair or upkeep of a building or structure lawfully constructed, other than the following—

- (a) an agricultural drain,
- (b) additions or enhancements to, or the expansion of, the building or structure.

Note— For repair work and the removal of woody debris after a storm—see this schedule, section 66.

66 Repair and restoration work after storms

(cl 34 Sch 4 2018 Reg)

(1) The following controlled activities after a storm—

- (a) repair work on a building or structure, including an access track, watercourse crossing, water supply works or essential services infrastructure, damaged by the storm if the work does not—
 - (i) involve the replacement of a structural component of a building or structure that cannot otherwise be repaired under this schedule, and
 - (ii) include enhancements to, or the expansion of, the building or structure beyond its condition immediately before the storm damage occurred.

Note— For the repair and maintenance of certain buildings and structures on waterfront land—see this schedule, section 65.

- (b) the removal of detritus, including woody debris, from relevant waterfront land—
 - (i) for detritus that was deposited on the waterfront land as a result of the storm, and
 - (ii) if the removal occurs within 6 months after the deposit.

(2) In this section—

relevant waterfront land means waterfront land, other than the following—

- (a) the bed of a river and the land lying between the bed of the river and the highest bank of the river,

- (b) the bed of a lake and the land lying between the bed of the lake and the shore of the lake,
- (c) the bed of an estuary and the land lying between the bed of the estuary and the mean high water mark of the estuary,

67 Compliance with enforcement action

(cl 35 Sch 4 2018 Reg)

A controlled activity required to be carried out to comply with a direction, request or order under the Act or another Act or law if the direction, request or order is made by—

- (a) a court, or
- (b) the Minister or an authorised officer, or
- (c) a person if the Minister approves the carrying out of the activity without a controlled activity approval.

Part 7 Excluded works

68 Dam for control or prevention of soil erosion

(cl 1 Sch 1 2018 reg)

A dam—

- (a) that is constructed and used for the control or prevention of soil erosion, and
- (b) from which no water is reticulated or pumped, other than to a single stock drinking trough in 1 adjoining paddock, and
- (c) for which the structural size is the minimum necessary to fulfil the erosion control function, and
- (d) that is located on a minor stream.

69 Dam for flood detention and mitigation

(cl 2 Sch 1 2018 reg)

A dam—

- (a) that is constructed and used for flood detention and mitigation, and
- (b) from which no water is reticulated or pumped, other than for the purpose of releasing water between flood events, and
- (c) that is located on a minor stream.

70 Dam for drainage or effluent

(cl 3 Sch 1 2018 reg)

A dam that is—

- (a) constructed and used to capture, contain and recirculate drainage or effluent to prevent the contamination of a water source as required by a public authority, and
- (b) located on a minor stream.

71 Dam for environmental management on a minor stream

(cl 4 Sch 1 2018 reg)

A dam—

- (a) that is constructed only for an environmental management purpose specified by the Minister, and

- (b) that is located on a minor stream, and
- (c) from which water is used primarily for the environmental management purpose, and
- (d) approved in writing by the Minister subject to the specifications in the approval.

72 Work impounding water

(cl 6 Sch 1 2018 reg)

A work—

- (a) that impounds an amount of water exceeding the harvestable rights referred to in an order under the Act, section 54 for the landholding on which the work is located, and
- (b) that is constructed before 1 January 1999, and
- (c) that is used only for—
 - (i) stock or domestic purposes, or both, or
 - (ii) a purpose that does not require the extraction of water from the work, and
- (d) that is located on a minor stream, and
- (e) from which water is being used only on the landholding on which the dam is located.

73 Dams or excavations on rivers or lakes

(cl 7 Sch 1 2018 reg)

A dam or excavation located on a river or lake constructed under the 1912 Act, section 7 before 1 January 2001 and used only for—

- (a) stock or domestic purposes, or both, or
- (b) a purpose that does not require the extraction of water from the dam or excavation.

74 Works in Western Division

(cl 8 and 9 Sch 1 2018 reg)

- (1) A work in the Western Division located on a lake shown in the legend of the 1:100 000 topographic maps issued by the Land Information Centre, formerly the Central Mapping Authority, applying on 1 January 1999 to the division as “Lake Mainly Dry”.
- (2) A work in the Western Division constructed before 1 January 1999—
 - (a) that impounds water on an area of land shown in the legend of the 1:100 000 topographic maps issued by the Land Information Centre, formerly the Central Mapping Authority, applying on 1 January 1999 to the Western division, as—
 - (i) land subject to flooding or inundation, or
 - (ii) lakes referred to as “perennial” or “intermittent” on the maps, and
 - (b) from which water is used only for—
 - (i) stock or domestic purposes, or both, or
 - (ii) a purpose that does not require extraction of water from the work.

Schedule 5 Metering equipment standards

section 69

1 Definitions

In this schedule—

application day, for the mandatory metering equipment condition imposed on an authority, means the day the condition applies to the authority.

approved data logging and telemetry specifications means the data logging and telemetry specifications approved by the Minister under section 10, as in force from time to time.

2 Standards for installation, re-installation and maintenance

- (1) Metering equipment must be installed, or re-installed, in accordance with AS 4747 by a duly qualified person.
- (2) Metering equipment must be installed or re-installed so that it measures the flow of all water taken through the work.
- (3) Metering equipment must be maintained in accordance with the maintenance specifications approved by the Minister, as in force from time to time, and published in the Gazette.
- (4) Open channel metering equipment installed on or after 1 April 2019 must be of a design that is certified by a duly qualified person as complying with the requirements of AS 4747.

3 Pattern approval

- (1) Subject to section 9, the meter must be pattern approved under the *National Measurement Regulations 1999* of the Commonwealth in accordance with the following standards—
 - (a) *NMI M 10 Meters Intended for the Metering of Water in Full Flowing Pipes*,
 - (b) *NMI M 11 Meters Intended for the Metering of Water in Open Channels and Partially Filled Pipes*.
- (2) This section does not apply to a meter installed in connection with an open channel.

4 Data loggers

- (1) Metering equipment must have a data logging capacity that enables it to collect, record and store the water take data at intervals of not more than 1 hour, including the time and date of each interval and the period or periods for which water was taken.
- (2) The metering equipment must retain the water take data for a period of not less than 5 years, unless a shorter term is specified in the approved data logging and telemetry specifications.
- (3) The data logging capacity of metering equipment must comply with the approved data logging and telemetry specifications.
- (4) Without limiting the matters that may be included in the approved data logging and telemetry specifications, the specifications may require metering equipment to collect, record and store the following data electronically—
 - (a) data relating to the operation of the metering equipment, including data relating to power inputs and whether a work is turned on or off,

- (b) data relating to malfunctions or other events that indicate that the accuracy or other operation of metering equipment may be affected.
- (5) The data logging capacity for metering equipment may be provided by a device that is used in respect of more than one device for measuring the flow of water.
- (6) In this section—
water take data means the flow rate and cumulative volume of water taken.

5 Seals and security

- (1) Metering equipment must have tamper evident seals, locks, controls or other devices sufficient to limit access to, and prevent tampering with, the equipment.
- (2) A tamper evident seal must—
 - (a) be capable of clearly showing whether the metering equipment has been interfered with, and
 - (b) not prevent the reading of metering equipment or affect the operation of the telemetry system for the equipment, and
 - (c) comply with AS 4747, if applicable, and
 - (d) be supplied by a body approved by the Minister by order published on the Department's website, and
 - (e) be installed or broken only by a duly qualified person, an authorised officer or a member of staff of Water NSW.
- (3) Metering equipment must have a means of identifying whether interference has occurred with data readings or other electronic functions of the equipment, including telemetry.

6 Telemetry

- (1) Metering equipment must have a telemetry capacity to transmit data relating to water usage that complies with the approved data logging and telemetry specifications.
- (2) The telemetry capacity for metering equipment may be provided by a device that is used for more than one device for measuring the flow of water.
- (3) Without limiting the matters that may be included in the approved data logging and telemetry specifications, the specifications may deal with the following—
 - (a) the person to whom the data must be transmitted,
 - (b) the data that must be transmitted,
 - (c) the method by which the data must be transmitted,
 - (d) the frequency with which data must be transmitted,
 - (e) controls relating to limiting access to, and preventing tampering with, telemetry equipment.

7 Validation of metering equipment

- (1) Metering equipment other than metering equipment installed in connection with an open channel, must be validated in accordance with AS 4747 by a duly qualified person—
 - (a) on installation, and
 - (b) within 10 years after installation, and
 - (c) at intervals of not more than 5 years after the validation referred to in paragraph (b).

- (2) Metering equipment installed in connection with an open channel must be validated in accordance with AS 4747 by a duly qualified person—
 - (a) on installation,
 - (b) at intervals of not more than 12 months, and
 - (c) in other circumstances in which metering equipment is required by AS 4747 to be validated.
- (3) Metering equipment must be modified or replaced so as to meet the requirements for compliance specified in AS 4747 by a duly qualified person in a certificate following a validation.
- (4) Metering equipment that has been modified or replaced in accordance with this section must be validated by a duly qualified person.
- (5) Metering equipment must be validated in any other circumstance in which metering equipment is required by AS4747 to be validated.

8 Transitional arrangements for prior validation of existing metering equipment

- (1) This section applies to metering equipment installed in connection with a work before 1 April 2019—
 - (a) if the equipment was validated (*existing validation*) by a duly qualified person in accordance with AS 4747—
 - (i) for open channel metering equipment—within 12 months before the application day for the equipment, or
 - (ii) for other metering equipment—within 5 years before the application day for the equipment, and
 - (b) found by the duly qualified person to comply with the matters required to be checked on validation.
- (2) For the application of section 7—
 - (a) to open channel metering equipment—the first interval of 12 months for the validation after the application day ends 12 months after the existing validation, and
 - (b) to other metering equipment—the date of installation is taken to be the date on which the existing validation occurred,
- (3) A report, setting out the steps take in relation to the metering equipment, must be given to the Minister by a person who intends to rely on this section.
- (4) The report must be—
 - (a) given before the application day for the mandatory metering condition for the metering equipment, and
 - (b) given in the approved form and manner, and
 - (c) accompanied by any documents given by the duly qualified person to the person reporting and relating to the checks carried out by the duly qualified person.

9 Transitional arrangements for existing metering equipment that is not pattern approved

- (1) This section applies to metering equipment that was installed in connection with a work before 1 April 2019 and was not pattern approved.
- (2) Despite section 3, metering equipment does not need to be pattern approved if—

- (a) the metering equipment is metering equipment to which section 8(1) applies, and
 - (b) the holder of the authority concerned provides written certification to the Minister from the manufacturer that the maximum permissible error of the metering equipment did not exceed plus or minus 2.5% after manufacture.
- (3) Despite sections 3 and 7, metering equipment does not need to be pattern approved or validated if—
 - (a) for open channel metering equipment—within 12 months before the application day for the equipment, the metering equipment is—
 - (i) checked for accuracy by a duly qualified person, and
 - (ii) checked again by a duly qualified person at intervals of not more than 12 months, and
 - (b) for other metering equipment—within 5 years before the application day for the equipment, the metering equipment is—
 - (i) checked by a duly qualified person, and
 - (ii) checked again by a duly qualified person at intervals of not more than 5 years, and
 - (c) after any subsequent maintenance work on the metering equipment is carried out that affects its metrological performance, the metering equipment is checked for accuracy by a duly qualified person, and
 - (d) those checks determine that the maximum permissible error of the metering equipment does not exceed plus or minus 5% in the field.
- (4) For the application of section 7 to metering equipment referred to in subsection (3)—
 - (a) for open channel metering equipment—the first interval of 12 months for validation after the application day ends 12 months after the existing validation,
 - (b) other metering equipment—the first interval of 5 years for validation after the application day ends 5 years after the existing validation.
- (5) A record must be kept of the way in which metering equipment is checked under subsection (3).
- (6) A report, setting out the steps taken in relation to the metering equipment, must be given to the Minister by a person who intends to rely on this section.
- (7) The report must be—
 - (a) given to the Minister before the application day for the mandatory metering condition that applies to the metering equipment and as soon as practicable after each subsequent occasion on which a check is carried out under this section, and
 - (b) given in the approved form and manner, and
 - (c) accompanied by any documents given by the duly qualified person to the person reporting and relating to the checks carried out by the duly qualified person.
- (8) In this section, *metrological performance* has the same meaning as it has in AS 4747.

10 Approved data logging and telemetry specifications

- (1) The Minister may, by notice published in the Gazette, approve data logging and telemetry specifications for the purposes of this schedule.

- (2) The Minister may, by notice published in the Gazette, amend or revoke the data logging and telemetry specifications.

Schedule 6 Standards for mandatory floodplain harvesting condition

section 81

1 Mandatory requirements for point-of-intake metering equipment

(cl 238J 2018 Reg)

- (1) Point-of-intake metering equipment must be installed to measure the flow of all water entering the approved work.
- (2) A duly qualified person must inspect all floodplain harvesting intake points for the approved work to determine if all water entering the work is reasonably able to be measured by point-of-intake metering equipment that complies with the requirements under Schedule 5.
- (3) A duly qualified person must inspect all floodplain harvesting intake points for the approved work to determine if point-of-intake metering equipment has been installed in compliance with the requirements under Schedule 5.
- (4) The approval holder must ensure point-of-intake metering equipment is maintained in accordance with the requirements under Schedule 5, section 2(3).

2 Mandatory requirements for storage metering equipment

(cl 238K 2018 Reg)

- (1) Storage metering equipment must be installed to determine variation in the water level of water stored in the approved work.
- (2) Storage metering equipment for the approved work must—
 - (a) meet the relevant specifications set out in the storage metering equipment standards, and
 - (b) be installed and validated by a duly qualified person in accordance with the storage metering equipment standards.
- (3) Storage metering equipment must be calibrated by a duly qualified person—
 - (a) in accordance with the storage metering equipment standards, and
 - (b) by reference to the survey benchmarks.
- (4) The survey benchmarks must be installed, in relation to the approved work, by a duly qualified person in accordance with a survey benchmark standard.
- (5) The location of the survey benchmarks must be certified by a duly qualified person in accordance with the survey benchmark standard.
- (6) Storage metering equipment must have—
 - (a) data logging capacity to enable the equipment to collect, record and store water storage data in accordance with data logging and telemetry specifications approved by the Minister under Schedule 5, section 10, and
 - (b) telemetry capacity to transmit data relating to water usage that complies with the approved data logging and telemetry specifications approved by the Minister under Schedule 5 section 10, and
 - (c) tamper evident seals, locks, controls or other devices that comply with the requirements of Schedule 5, section 5.
- (7) The approval holder must ensure storage metering equipment is maintained in accordance with the storage metering equipment standards.

3 Storage curve documents

(cl 238L 2018 Reg)

- (1) The Minister may adopt a storage curve for a nominated approved work.
- (2) The approval holder must apply an adopted storage curve in the use of storage metering equipment.
- (3) If the approval holder for the work becomes aware of the adopted storage curve for the work being inaccurate by more than 5% of the volume of the work at a specified water level, the approval holder must within 21 days of becoming aware of the inaccuracy—
 - (a) notify the Minister, and
 - (b) submit a revised storage curve for the work to the Minister.
- (4) The approval holder for the work may, at any other time, submit a revised storage curve for the work to the Minister.
- (5) A revised storage curve submitted under subsection (3) or (4) must be—
 - (a) in the approved form, and
 - (b) certified by a duly qualified person as meeting the relevant specifications set out in the storage curve standards approved by the Minister.
- (6) A revised storage curve submitted under subsection (3) or (4) is taken to be adopted by the Minister 72 hours after the revised storage curve is submitted unless the approval holder is given notice by the Minister that the revised storage curve will not be adopted.
- (7) A revised storage curve taken to be adopted under subsection (6) takes effect as the adopted storage curve for the work and a previously adopted storage curve for the work ceases to have effect.
- (8) The Minister must give notice of the adoption of a revised storage curve to the approval holder for the work.
- (9) If a revised storage curve is not adopted by the Minister, the existing adopted storage curve remains in force.
- (10) In this section—

adopted storage curve means a storage curve adopted by the Minister under this section.

storage curve, for a nominated approved work, means a document that indicates the volume of water in the work by reference to the surface level of the water in the work as measured by the storage metering equipment installed for the work.

storage curve standards means the storage curve standards approved by the Minister and published in the Gazette.

Schedule 7 Metering exemptions

sections 72 and 73

Part 1 Permanent exemptions from mandatory metering equipment condition

1 Basic landholder rights

(cl 231(1)(d) 2018 Reg)

A work used solely to take water under a basic landholder right.

2 Take exempt from access licence

(cl 231(1)(e) 2018 Reg)

A work to which a water supply work approval applies if the work is only used in circumstances where the holder of the approval is exempt from the requirement to hold an access licence for the taking of water using the work.

3 Floodplain harvesting

(cl 231(1)(f) 2018 Reg)

- (1) A work used solely to take water under the following—
 - (a) a floodplain harvesting (regulated river) access licence, or
 - (b) a floodplain harvesting (unregulated river) access licence.
- (2) A work used solely to take overland flow water from a declared floodplain under an unregulated river access licence.

4 Works not nominated by an access licence

(cl 231(1)(f) 2018 Reg)

A work not nominated by an access licence.

5 Single small pump

(cl 231(1)(b) 2018 Reg)

- (1) A pump—
 - (a) for surface water authorised to be constructed or used under an authority, and
 - (b) for which the authority—
 - (i) only permits the use of 1 pump, and
 - (ii) permits the pump to have a diameter of not more than 99mm.
- (2) This section does not apply to a pump if section 8 applies to the work.
- (3) For subsection (1), the authority is taken to be expressed as permitting the actual size of the pump as constructed, instead of another size, if the holder of the authority has notified the Minister of the size of the pump as constructed under the regulation, section 57.

6 Single small bore

- (1) A water bore—
 - (a) authorised to be constructed or used under an authority, and
 - (b) for which the authority only permits the use of 1 water bore, and
 - (c) that has a diameter of not more than 199mm.
- (2) This section does not apply to a water bore if section 9 applies to the water bore.

7 Certain works if total share component is 15ML or less

Each of the following works if the total share components of all access licences on which the work is nominated is 15ML or less—

- (a) a 100mm–499mm pump,
- (b) a 200mm or larger bore,
- (c) a water supply work, other than a pump, used to take water from a surface water source.

8 Multiple surface water pumps

(cl 231(2) 2018 Reg)

- (1) A pump if the authority for the pump, and the authorities for every other pump in the circumstances referred to in subsection (2), permit the use of pumps with a diameter of the following in the circumstances where there are only—
 - (a) 2 pumps in total—not more than 74mm,
 - (b) 3 pumps in total—not more than 49mm,
 - (c) 4 pumps in total—not more than 39mm.
- (2) This section applies to a pump in the circumstances where the pump—
 - (a) is authorised under an authority that also authorises no more than 3 other pumps, or
 - (b) is situated on a landholding on which there are no more than 3 other pumps also situated on the landholding, or
 - (c) is a nominated work on an access licence for which no more than 3 other pumps are also nominated works on the access licence.
- (3) This section does not apply to—
 - (a) a pump that—
 - (i) is authorised to be used only if another work to which the same authority applies is not capable of being used because of a mechanical failure or electrical failure, and
 - (ii) is being used in those authorised circumstances, or
 - (b) a class of pumps, other than pumps classified as “constructed”, as recorded on the register of approvals.

9 Multiple groundwater bores

(cl 231(3) 2018 Reg)

- (1) A water bore, if the size of the water bore and every other water bore in the circumstances referred to in subsection (2), has a diameter of the following sizes in the circumstances where there are only—
 - (a) 2 bores in total—not more than 159mm,
 - (b) 3 bores in total—not more than 129mm,
 - (c) 4 bores in total—not more than 119mm.
- (2) This section applies to a water bore for groundwater in the circumstances where the bore—
 - (a) is authorised under an authority that also authorises no more than 3 other bores, or
 - (b) is situated on a landholding on which there are no more than 3 other bores also situated on the landholding, or

- (c) is a nominated work on an access licence for which no more than 3 other bores are also nominated works on the access licence.
- (3) This section does not apply to—
 - (a) a water bore that—
 - (i) is authorised to be used only if another work to which the same authority applies is not capable of being used because of a mechanical failure or electrical failure, and
 - (ii) is being used in those authorised circumstances, or
 - (b) a class of water bores, other than pumps classified as “constructed”, as recorded on the register of approvals.

Part 2 Temporary exemptions from mandatory metering equipment condition

10 Certain works if total share component is more than 15ML but less than 100ML

- (1) Each of the following works if the total share components of all access licences on which the work is nominated is more than 15ML but less than 100ML—
 - (a) a 100mm–499mm pump,
 - (b) a 200mm or larger bore.
- (2) This section applies until the later of—
 - (a) 1 December 2027, or
 - (b) the date on which the approval for the pump is first extended after the commencement of the *Water Management (General) Amendment (Metering) Regulation 2025*.

11 Certain licence or entitlements under 1912 Act until 1 December 2026

- (1) A work that is or may be used to take water under a licence or entitlement under the 1912 Act that has a licence or entitlement number beginning with 10, 20 or 30.
- (2) This section applies until 1 December 2026.

12 Certain water sources until 1 December 2026

- (1) A work that takes or may be used to take water from a water source to which any of the following water sharing plans, as in force on 1 July 2020, apply—
 - Water Sharing Plan for the Bega and Brogo Rivers Area Regulated, Unregulated and Alluvial Water Sources 2011,*
 - Water Sharing Plan for the Bellinger River Area Unregulated and Alluvial Water Sources 2020,*
 - Water Sharing Plan for the Brunswick Unregulated and Alluvial Water Sources 2016,*
 - Water Sharing Plan for the Central Coast Unregulated Water Sources 2009,*
 - Water Sharing Plan for the Clarence River Unregulated and Alluvial Water Sources 2016,*
 - Water Sharing Plan for the Clyde River Unregulated and Alluvial Water Sources 2016,*
 - Water Sharing Plan for the Coffs Harbour Area Unregulated and Alluvial Water Sources 2009,*

Water Sharing Plan for the Deua River Unregulated and Alluvial Water Sources 2016,
Water Sharing Plan for the Greater Metropolitan Region Groundwater Sources 2011,
Water Sharing Plan for the Greater Metropolitan Region Unregulated River Water Sources 2011,
Water Sharing Plan for the Hastings Unregulated and Alluvial Water Sources 2019,
Water Sharing Plan for the Hunter Regulated River Water Source 2016,
Water Sharing Plan for the Hunter Unregulated and Alluvial Water Sources 2009,
Water Sharing Plan for the Lower North Coast Unregulated and Alluvial Water Sources 2009,
Water Sharing Plan for the Macleay Unregulated and Alluvial Water Sources 2016,
Water Sharing Plan for the Murrumbidgee Area Unregulated and Alluvial Water Sources 2010,
Water Sharing Plan for the Nambucca Unregulated and Alluvial Water Sources 2016,
Water Sharing Plan for the North Coast Coastal Sands Groundwater Sources 2016,
Water Sharing Plan for the North Coast Fractured and Porous Rock Groundwater Sources 2016,
Water Sharing Plan for the Paterson Regulated River Water Source 2019,
Water Sharing Plan for the Richmond River Area Unregulated, Regulated and Alluvial Water Sources 2010,
Water Sharing Plan for the Snowy Genoa Unregulated and Alluvial Water Sources 2016,
Water Sharing Plan for the South Coast Groundwater Sources 2016,
Water Sharing Plan for the Towamba River Unregulated and Alluvial Water Sources 2010,
Water Sharing Plan for the Trossachs River Unregulated and Alluvial Water Sources 2016,
Water Sharing Plan for the Tweed River Area Unregulated and Alluvial Water Sources 2010.

- (2) This section applies until 1 December 2026.

Schedule 8 Duly qualified persons

section 94

1 Definitions

In this schedule—

closed conduit meter means metering equipment, other than metering equipment installed in connection with an open channel.

registered training organisation means a training organisation that is listed as a registered training organisation in the National Register established under the *National Vocational Education and Training Regulator Act 2011* of the Commonwealth.

Table 1

Column 1	Column 2
Duly qualified person	Qualifications, skills and experience
Closed conduit meter manufacturer	<p>(a) employed by a business that manufactures or supplies one or more pattern approved meters, and</p> <p>(b) holds a position within the business that is recognised as having the technical capacity and experience required to install the pattern approved meters that are distributed by the business.</p>
Diploma surveyor	An Australian diploma in surveying
Electrician	<p>(a) holds a current licence with NSW Fair Trading in the electrical field, and</p> <p>(b) holds a contractor licence, qualified supervisor certificate or endorsed contractor licence in accordance with the <i>Home Building Act 1989</i>.</p>
Engineer	<p>(a) registered as a professional engineer with NSW Fair Trading in one of the following areas—</p> <p>(i) civil engineering,</p> <p>(ii) electrical engineering,</p> <p>(iii) mechanical engineering,</p> <p>(iv) structural engineering, or</p> <p>(b) registered on the National Engineering Register with Engineers Australia in one of the following areas—</p> <p>(i) civil engineering,</p> <p>(ii) construction,</p> <p>(iii) electrical engineering,</p> <p>(iv) environmental engineering,</p> <p>(v) information, telecommunications and electronic engineering,</p> <p>(vi) mechanical engineering,</p> <p>(vii) mechatronics engineering.</p>
Engineer for open channels	Registered on the National Engineering Register with Engineers Australia in civil engineering or environmental engineering
Fitter-welder	<p>(a) Certificate III in Engineering–Mechanical Trade, or</p> <p>(b) Certificate IV in Engineering (Welding).</p>

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Water Management (General) Regulation 2025 [NSW]
Schedule 8 Duly qualified persons

Column 1	Column 2
Duly qualified person	Qualifications, skills and experience
Hydrographer	(a) Certificate III in Water Industry Operations, or (b) Diploma of Water Industry Operations, or (c) recognised by the Australian Hydrographers Association as a Certified Practising Hydrographer or Certified Associate Hydrographer.
Instrumentation specialist	(a) Certificate III in Instrumentation and Control, or (b) Certificate IV in Electrical–Instrumentation.
Irrigation technician	(a) Certificate III in Irrigation Technology, or (b) Certificate IV in Irrigation Management, or (c) a vocational education and training qualification issued by a registered training organisation of at least Certificate II level or greater in irrigation technology, irrigation technician or irrigation management.
Local intelligence device manufacturer	(a) employed by a business that manufactures or supplies 1 or more of the local intelligence devices that are published on the Department’s website by the Minister, and (b) holds a position within the business recognised as having the technical capability and experience required to install the local intelligence devices distributed by the business.
Meter installer	(a) completion of a NSW meter installer course, specified by the Minister, or (b) holds a current certification as a certified meter installer issued by a registered training organisation.
Open channel meter manufacturer	(a) employed by a business that manufactures or supplies 1 or more open channel meters, and (b) holds a position within the business recognised as having the technical capability and experience required to install the open channel meters the company distributes.
Plumber	(a) holds a current licence with NSW Fair Trading in the area of plumbing or water plumbing or water plumbing–urban irrigation or draining work, and (b) holds a contractor licence or qualified supervisor certificate or endorsed contractor licence in accordance with the <i>Home Building Act 1989</i> .
Storage meter installer	(a) holds a current certification for installation and validation of storage metering equipment issued by a registered training organisation, or (b) completed a NSW storage meter installer course specified by the Minister.
Storage meter manufacturer	(a) employed by a business that manufactures or supplies 1 or more of the storage meters that are published on the Department’s website by the Minister, and (b) holds a position within the business recognised as having the technical capability and experience required to install the storage meters that are distributed by the business.

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Water Management (General) Regulation 2025 [NSW]
Schedule 8 Duly qualified persons

Column 1	Column 2
Duly qualified person	Qualifications, skills and experience
Surveyor	Qualifications in surveying recognised by the NSW Board of Surveying and Spatial Information
Telecommunications technician	(a) Certificate III in Electronics and Communications, or (b) Certificate IV in Industrial Electronics and Control, or (c) Diploma in Electronics and Communications Engineering, or (d) another qualification with at least Certificate II level or greater in radio communications, or electronic communications, issued by a registered training organisation.

Table 2

Column 1	Column 2
Work	Duly qualified person
Install, validate or maintain closed conduit meter	Closed conduit meter manufacturer
Repair or replace closed conduit meter	Engineer Fitter-welder Hydrographer Instrumentation specialist Irrigation technician Meter installer Plumber Trainee, except for making certifications, under the direct supervision a duly qualified person specified for the work.
Install, validate or maintain open channel meter	Engineer for open channels
Repair or replace open channel meter	Hydrographer Open channel meter manufacturer Trainee, except for making certifications, under the direct supervision a duly qualified person specified for the work.
Install or maintain local intelligence device	Electrician
Repair or replace local intelligence device	Engineer Hydrographer Instrumentation specialist Irrigation technician Local intelligence device manufacturer Meter installer Telecommunications technician Trainee, except for making certifications, under the direct supervision a duly qualified person specified for the work.

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Water Management (General) Regulation 2025 [NSW]
Schedule 8 Duly qualified persons

Column 1	Column 2
Work	Duly qualified person
In situ, volumetric or simulated accuracy testing for closed conduit meter	Closed conduit meter manufacturer Engineer Hydrographer Meter installer with expertise in intrusive and non-intrusive flow measurement testing Plumber Trainee, except for making certifications, under the direct supervision a duly qualified person specified for the work.
In situ, volumetric or simulated accuracy testing for open channel meter	Engineer for open channels Hydrographer Open channel meter manufacturer Trainee, except for making certifications, under the direct supervision a duly qualified person specified for the work.
Install, validate or maintain storage meter Repair or replace storage meter	Engineer Hydrographer Instrumentation specialist Irrigation technician Storage meter installer Storage meter manufacturer Trainee, except for making certifications, under the direct supervision of a duly qualified person specified for the work.
Calibrate storage metering device capable of measuring volume of water in water supply work by reference to water level in the work	Diploma surveyor Engineer Hydrographer Storage meter installer Surveyor
Install, but not certify, survey benchmark Repair or replace survey benchmark	Diploma surveyor Surveyor Trainee, except for making certifications, under the direct supervision a duly qualified person specified for the work.
Certify survey benchmark	Surveyor
Certify new or replacement storage curve	Engineer Surveyor
Determine if point-of-intake metering equipment has been installed correctly Determine if all water entering water supply work is reasonably able to be measured by point-of-intake metering equipment	Engineer Hydrographer Meter installer Surveyor

Schedule 9 Water regions and gross margin values

section 138(9), definitions of “water region” and “gross margin value”

Part 1 Water regions

Column 1	Column 2	Column 3
<i>Water Sharing Plan for the Barwon-Darling Unregulated River Water Source 2012</i>	—	Western
<i>Water Sharing Plan for the Bega River Area Regulated, Unregulated and Alluvial Water Sources 2024</i>	Other	South Coast
<i>Water Sharing Plan for the Bellinger River Area Unregulated and Alluvial Water Sources 2020</i>	Other	North Coast
<i>Water Sharing Plan for the Belubula Regulated River Water Source 2012</i>	—	Lachlan
<i>Water Sharing Plan for the Brunswick Unregulated and Alluvial Water Sources 2016</i>	Other	Far North Coast
<i>Water Sharing Plan for the Castlereagh Unregulated River Water Sources 2024</i>	—	Macquarie-Castlereagh
<i>Water Sharing Plan for the Central Coast Unregulated and Alluvial Water Sources 2022</i>	Other	Greater Hunter
<i>Water Sharing Plan for the Clarence River Unregulated and Alluvial Water Sources 2016</i>	Other	North Coast
<i>Water Sharing Plan for the Clyde River Unregulated and Alluvial Water Sources 2016</i>	Other	South Coast
<i>Water Sharing Plan for the Coffs Harbour Area Unregulated and Alluvial Water Sources 2022</i>	Other	North Coast
<i>Water Sharing Plan for the Darling Alluvial Groundwater Sources 2020</i>	Other	Western
<i>Water Sharing Plan for the Deua River Unregulated and Alluvial Water Sources 2016</i>	Other	South Coast
<i>Water Sharing Plan for the Greater Metropolitan Region Groundwater Sources 2023</i>	Other	Greater Sydney
<i>Water Sharing Plan for the Greater Metropolitan Region Unregulated River Water Sources 2023</i>	—	Greater Sydney
<i>Water Sharing Plan for the Gwydir Alluvial Groundwater Sources 2020</i>	Northern	Gwydir
<i>Water Sharing Plan for the Gwydir Regulated River Water Source 2016</i>	—	Gwydir
<i>Water Sharing Plan for the Gwydir Unregulated River Water Sources 2012</i>	—	Gwydir
<i>Water Sharing Plan for the Hastings Unregulated and Alluvial Water Sources 2019</i>	Other	North Coast

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Water Management (General) Regulation 2025 [NSW]
Schedule 9 Water regions and gross margin values

Column 1	Column 2	Column 3
<i>Water Sharing Plan for the Hunter Regulated River Water Source 2016</i>	—	Greater Hunter
<i>Water Sharing Plan for the Hunter Unregulated and Alluvial Water Sources 2022</i>	Other	Greater Hunter
<i>Water Sharing Plan for the Intersecting Streams Unregulated River Water Sources 2024</i>	—	Western
<i>Water Sharing Plan for the Lachlan Alluvial Groundwater Sources 2020</i>	Southern	Lachlan
<i>Water Sharing Plan for the Lachlan Regulated River Water Source 2016</i>	—	Lachlan
<i>Water Sharing Plan for the Lachlan Unregulated River Water Sources 2012</i>	—	Lachlan
<i>Water Sharing Plan for the Lower Murray-Darling Unregulated River Water Source 2024</i>	—	Murray
<i>Water Sharing Plan for the Lower North Coast Unregulated and Alluvial Water Sources 2022</i>	Other	Greater Hunter
<i>Water Sharing Plan for the Macleay Unregulated and Alluvial Water Sources 2016</i>	Other	North Coast
<i>Water Sharing Plan for the Macquarie and Cudgegong Regulated Rivers Water Source 2016</i>	—	Macquarie-Castlereagh
<i>Water Sharing Plan for the Macquarie Bogan Unregulated Rivers Water Sources 2012</i>	—	Macquarie-Castlereagh
<i>Water Sharing Plan for the Macquarie-Castlereagh Groundwater Sources 2020</i>	Northern	Macquarie-Castlereagh
<i>Water Sharing Plan for the Murray Alluvial Groundwater Sources 2020</i>	Southern	Murray
<i>Water Sharing Plan for the Murray Unregulated River Water Sources 2024</i>	—	Murray
<i>Water Sharing Plan for the Murrumbidgee Alluvial Groundwater Sources 2020</i>	Southern	Murrumbidgee
<i>Water Sharing Plan for the Murrumbidgee Regulated River Water Source 2016</i>	—	Murrumbidgee
<i>Water Sharing Plan for the Murrumbidgee Unregulated River Water Sources 2012</i>	—	Murrumbidgee
<i>Water Sharing Plan for the Nambucca Unregulated and Alluvial Water Sources 2016</i>	Other	Far North Coast
<i>Water Sharing Plan for the Namoi Alluvial Groundwater Sources 2020</i>	Northern	Namoi
<i>Water Sharing Plan for the Namoi and Peel Unregulated Rivers Water Sources 2012</i>	—	Namoi
<i>Water Sharing Plan for the New South Wales Murray and Lower Darling Regulated Rivers Water Sources 2016</i>	—	Murray

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Water Management (General) Regulation 2025 [NSW]
Schedule 9 Water regions and gross margin values

Column 1	Column 2	Column 3
<i>Water Sharing Plan for the North Coast Coastal Sands Groundwater Sources 2016</i>	Other	Greater Hunter
<i>Water Sharing Plan for the North Coast Fractured and Porous Rock Groundwater Sources 2016</i>	Other	Greater Hunter
<i>Water Sharing Plan for the North Western Unregulated and Fractured Rock Water Sources 2024</i>	Northern	Western
<i>Water Sharing Plan for the NSW Border Rivers Alluvial Groundwater Sources 2020</i>	Northern	Border Rivers
<i>Water Sharing Plan for the NSW Border Rivers Regulated River Water Source 2021</i>	—	Border Rivers
<i>Water Sharing Plan for the NSW Border Rivers Unregulated River Water Sources 2024</i>	—	Border Rivers
<i>Water Sharing Plan for the NSW Great Artesian Basin Groundwater Sources 2020</i>	Northern	Western
<i>Water Sharing Plan for the NSW Great Artesian Basin Shallow Groundwater Sources 2020</i>	Northern	Western
<i>Water Sharing Plan for the NSW Murray Darling Basin Fractured Rock Groundwater Sources 2020</i>	Southern	Murrumbidgee
<i>Water Sharing Plan for the NSW Murray Darling Basin Porous Rock Groundwater Sources 2020</i>	Southern	Murrumbidgee
<i>Water Sharing Plan for the Paterson Regulated River Water Source 2019</i>	—	Greater Hunter
<i>Water Sharing Plan for the Peel Regulated River Water Source 2022</i>	—	Namoi
<i>Water Sharing Plan for the Richmond River Area Unregulated, Regulated and Alluvial Water Sources 2023</i>	Other	Far North Coast
<i>Water Sharing Plan for the Snowy Genoa Unregulated and Alluvial Water Sources 2016</i>	Other	Murray
<i>Water Sharing Plan for the South Coast Groundwater Sources 2016</i>	Other	South Coast
<i>Water Sharing Plan for the Towamba River Unregulated and Alluvial Water Sources 2023</i>	Other	South Coast
<i>Water Sharing Plan for the Tross River Unregulated and Alluvial Water Sources 2016</i>	Other	South Coast
<i>Water Sharing Plan for the Tweed River Area Unregulated and Alluvial Water Sources 2023</i>	Other	Far North Coast
<i>Water Sharing Plan for the Upper Namoi and Lower Namoi Regulated River Water Sources 2016</i>	—	Namoi

Part 2 Gross margin values

Water region	Gross margin value
Border Rivers	\$475
Far North Coast	\$175
Greater Hunter	\$150
Greater Sydney	\$150
Gwydir	\$500
Lachlan	\$350
Macquarie-Castlereagh	\$450
Murray	\$300
Murrumbidgee	\$300
Namoi	\$475
North Coast	\$175
South Coast	\$150
Western	\$350

Schedule 10 Penalty notice offences

section 139

Provision	Penalty for corporation	Penalty for individual
Offences under the Act		
Section 60A(2)	\$7,700	\$15,400
Section 60B(1)	\$3,000	\$6,000
Section 60B(2)	\$3,000	\$6,000
Section 60C(2)	\$7,700	\$15,400
Section 60D	\$3,000	\$6,000
Section 91A(1)	\$3,000	\$6,000
Section 91A(2)	\$3,000	\$6,000
Section 91B(1)	\$3,000	\$6,000
Section 91B(2)	\$3,000	\$6,000
Section 91C(1)	\$3,000	\$6,000
Section 91C(2)	\$3,000	\$6,000
Section 91D(1)	\$3,000	\$6,000
Section 91D(2)	\$3,000	\$6,000
Section 91E(1)	\$3,000	\$6,000
Section 91E(2)	\$3,000	\$6,000
Section 91F(1)	\$3,000	\$6,000
Section 91F(2)	\$3,000	\$6,000
Section 91G(1)	\$3,000	\$6,000
Section 91G(2)	\$3,000	\$6,000
Section 91H(1)	\$3,000	\$6,000
Section 91H(2)	\$3,000	\$6,000
Section 91H(3)	\$3,000	\$6,000
Section 91I(2)	\$7,700	\$15,400
Section 91IA	\$3,000	\$6,000
Section 91J(1)	\$3,000	\$6,000
Section 91K(2)	\$7,700	\$15,400
Section 120(4)	\$750	\$1,500
Section 146(1)	\$750	\$1,500
Section 167(2)	\$750	\$1,500
Section 172(3)	\$750	\$1,500
Section 226(1)	\$750	\$1,500
Section 239I(2)	\$750	\$1,500
Section 239R(3)	\$750	\$1,500

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Water Management (General) Regulation 2025 [NSW]
Schedule 10 Penalty notice offences

Provision	Penalty for corporation	Penalty for individual
Section 256(1)	\$3,000	\$6,000
Section 318A	\$750	\$1,500
Section 318B	\$750	\$1,500
Section 336C(1)	\$3,000	\$6,000
Section 340A(1)	\$3,000	\$6,000
Section 342(1)	\$750	\$1,500
Section 342(2)	\$750	\$1,500
Section 343(1)	\$750	\$1,500
Section 345(2)	\$7,700	\$15,400
Section 346	\$3,000	\$6,000

Schedule 11 Dictionary

section 3

100–499mm pump—see section 70.

200mm or larger bore—see section 70.

application day, for Schedule 5—see Schedule 5, section 1.

approval holder, for Part 5—see section 65.

approved data logging and telemetry specifications—see Schedule 5, section 1.

approved manner means the manner approved by the Minister and notified on—

- (a) the Department’s website, or
- (b) a publicly available website maintained by Water NSW and approved by the Minister.

approved storage work, for Part 5, Division 3—see section 77.

approved telemetry specifications—see section 104.

approved work, for Part 5—see section 65.

AS 4747, for Part 5—see section 65.

authority, for Part 5—see section 65.

bore licence, for Part 3, Division 2—see section 32.

buffer zone area, for Part 5, Division 3—see section 77.

complying development certificate, for Schedule 4—see Schedule 4, section 1.

crop conversion rate, for Part 3, Division 2—see section 32.

declared floodplain, for Part 5—see section 65.

designated high risk flood area, for Schedule 4, Part 5—see Schedule 4, Part 5, section 39.

determining authority, for Schedule 4, Part 5—see Schedule 4, Part 5, section 39.

dwelling house, for Schedule 4—see Schedule 4, section 1.

eligible floodplain landholder, for Part 3, Division 2—see section 32.

eligible water supply work, for Part 3, Division 2—see section 32.

emergency direction, for Schedule 4—see Schedule 4, section 1.

emergency event, for Schedule 4—see Schedule 4, section 1.

emergency works, for Schedule 4—see Schedule 4, section 1.

entitlement includes an arrangement that, immediately before 1 July 2004, was in force between a local council and the Ministerial Corporation.

entity stakeholder, for Part 7—see section 121.

excluded work means a work specified in Schedule 4, Part 7.

exempt development has the same meaning as in the *Environmental Planning and Assessment Act 1979*.

faulty, for Part 5—see section 65.

floodplain landholder, for Part 3, Division 2—see section 32.

floodplain plan or study, for Schedule 4, Part 5—see Schedule 4, Part 5, section 39.

irrigated field means an area of land used for growing crops using irrigation.

local newspaper, for Part 6—see section 116.

long-term average annual extraction limit, for Part 3, Division 2—see section 32.

mandatory floodplain harvesting condition, for Part 5—see section 65.

mandatory metering equipment condition, for Part 5—see section 65.

maximum crop area, for Part 3, Division 2—see section 32.

measurement period, for Part 5—see section 65.

metered work, for Part 5—see section 65.

minor stream—see section 4.

notified measurement period, for Part 5, Division 3—see section 77.

open channel—see section 65.

open channel metering equipment—see section 65.

point-of-intake metering equipment—see section 65.

point-of-intake work—see section 77.

primary metering equipment, for Part 5—see section 65.

private water entity means—

- (a) a private water corporation, or
- (b) a private water trust.

registered training organisation—see Schedule 7, section 1.

Regulator means the Natural Resources Access Regulator constituted under the *Natural Resources Access Regulator Act 2017*, section 4.

relevant year, for Part 3, Division 2—see section 32.

roads authority has the same meaning as in the *Roads Act 1993*.

secondary metering device, for Part 5—see section 65.

standard instrument means the standard instrument set out in the *Standard Instrument (Local Environmental Plans) Order 2006*.

storage curve—see section 65.

storage metering equipment—see section 65.

storage metering equipment standards—see section 65.

storage work—see section 77.

survey benchmark standard—see section 65.

tailwater drain means a channel or trench that collects excess water from an irrigated field.

the Act means the *Water Management Act 2000*.

the 1912 Act has the same meaning as in the Act, Schedule 10.

unmanaged designated high risk flood area, for Schedule 4, Part 5—see Schedule 4, Part 5, section 39.

watering program means a program, approved in writing by the Minister, that sets out—

- (a) the amount of water proposed to be taken by a person, and
- (b) the water source from which the water is proposed to be taken.

water reticulation work—

- (a) means a work constructed or used to convey water to the point at which it will be used, such as a water pipe or irrigation channel, and

Example—

irrigation channel
water pipe

- (b) includes a reticulated system of works and all associated pipes, sluices, valves and equipment, and
- (c) does not include a work that receives water from a water supply work under the control or management of—
 - (i) the Sydney Water Corporation, or
 - (ii) the Hunter Water Corporation, or
 - (iii) a flood work.

water sharing plan means a Minister's plan made under the Act, section 50.

water year means a period of 12 months commencing on 1 July.