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SPECIAL SUPPLEMENT

WATER MANAGEMENT ACT 2000

Order under section 71Z(1)

Access Licence Dealing Principles

PURSUANT to section 71Z(1) of the Water Management Act 2000 (“the Act”), I, Phillip Costa, the Minister for Water, do, by this Order, establish the access licence dealing principles in Schedule 1 to this Order to regulate or prohibit the kinds of dealings that may be effected under Division 4 of Part 2 of Chapter 3 of the Act.

This Order takes effect on Gazettal.

SIGNED at Tahmoor this 29th of May, 2009.

PHILLIP COSTA,
Minister for Water

Schedule 1 to the Order establishing Access Licence Dealings Principles

- (1) Subject to paragraph 2 all dealings under Division 4 of Part 2 of Chapter 3 of the Act are prohibited unless:
- (a) the transferee:
 - (i) holds a water use approval under the Act which authorises the use of water for the purpose of irrigation or town water supply or recreation; or
 - (ii) will use the water for any of the purposes in clause 38(1) of the Water Management (General) Regulation 2004; or
 - (iii) has certified in writing, if the water is not to be used in the State of NSW, that the water will be used for irrigation, industrial, mining or agricultural purposes; or
 - (b) the transferee is a local water utility or major utility and the dealing is allowed by the Act; or
 - (c) the proposed dealing is pursuant to section 71T and the Minister has approved in writing for the purposes of this Order an environmental watering plan for the allocation the subject of the application; or
 - (d) the Minister for Water is satisfied that associated works result in water savings in the system equivalent to (but no more than) the entitlement or allocation the subject of the dealing.
- (2) This order does not apply to:
- (a) dealings under section 71O, section 71P, section 71R, section 71S, or section 71X;
 - (b) dealings to give effect to contracts executed by both parties on or before 29 May 2009 where the Minister for Water is notified in writing of the contract within 14 days of the commencement of this Order; and
 - (c) dealings necessary to meet the New South Wales Government’s existing commitments in the Funding Agreement with the Commonwealth entitled “Funding Agreement in relation to Funding from the Australian Government Water Fund for the following Water Smart Australia Project: NSW Rivers Environmental Restoration Program”.
- (3) Words and expressions in this Order have the same meaning as they have in the Act.
- (4) For the purpose of this order “transferee” means a transferee, an assignee or, in relation to applications under section 71W, the applicant.

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