



New South Wales
Government

Access Licence Dealing Principles Amendment (Nomination of Water Supply Works and Extraction Points) Order 2019

under the

Water Management Act 2000

I, Vanessa O'Keefe, by delegation from the Minister administering the *Water Management Act 2000*, in pursuance of section 71Z of the *Water Management Act 2000*, make the following Order.

Dated 18 July 2019

VANESSA O'KEEFE
A/Executive Director Policy, Planning and Sciences
Department of Planning, Industry and Environment
By delegation

Explanatory note

The objects of this Order are to amend the *Access Licence Dealing Principles Order 2004*:

- (a) to enable new and additional works and extraction points to be nominated under a local water utility access licence and access licences of the subcategory town water supply,
- (b) to enable nominated works and extraction points to be withdrawn from such licences, including in circumstances where such withdrawal means that no works or extraction points will then be nominated, and
- (c) to clarify that access licence dealing rules may not prohibit the withdrawal of nominated works or extraction points from access licences.

This Order is made under section 71Z of the *Water Management Act 2000*.

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1 Name of Order

This Order is the *Access Licence Dealing Principles Amendment (Nomination of Water Supply Works and Extraction Points) Order 2019*.

2 Commencement

This Order commences on the day on which it is published on the NSW legislation website.

3 Amendment

This Order amends the *Access Licence Dealing Principles Order 2004* as set out in Schedule 1.

Schedule 1 Amendment of Access Licence Dealing Principles Order 2004

[1] Clause 20 Nomination of water supply works and extraction points

Omit clause 20(3). Insert instead:

- (3) Dealings to which this clause applies are prohibited if the access licence is a specific purpose access licence, unless:
 - (a) the licence is a major utility access licence, or
 - (b) subject to subclause (4), the licence is a local water utility access licence or an access licence of the subcategory town water supply, or
 - (c) all works or extraction points nominated by the licence would only supply the same property or contiguous properties that are owned or occupied by the same landholder.

[2] Clause 20(4)

Omit the subclause. Insert instead:

- (4) Dealings to which this clause applies are prohibited if the licence is a local water utility access licence or an access licence of the subcategory town water supply, unless:
 - (a) the dealing is the nomination of a work or an extraction point (whether or not the licence already nominates a work or an extraction point) but only where the work or extraction point is to be used to supply water for the purpose that is specified on the licence, or
 - (b) the dealing is the withdrawal of a nominated work or extraction point, or
 - (c) the dealing is the nomination of a water supply work, where the holder of the access licence is Essential Energy and the water supply work to be nominated on that licence is located in any part of the Murray Water Source (as defined in the *Water Sharing Plan for the New South Wales Murray and Lower Darling Regulated River Water Sources 2016*).

[3] Clause 20(8)

Omit the subclause. Insert instead:

- (8) (Repealed)

[3] Clause 20(9)

Omit the subclause. Insert instead:

- (9) Subject to this clause, access licence dealing rules may prohibit or regulate dealings to which this clause applies, provided this is done consistent with the principles in Part 2 of this Order, but may not prohibit the withdrawal of a nominated work or extraction point.