

Water (Part 2--General) Regulation 1997

As at 1 July 2018

See also:

Local Government Amendment (Parliamentary Inquiry Recommendations) Bill 2016

[Non-government Bill: Rev the Hon F J Nile, MLC]

Part 1 – Preliminary

1 Name of Regulation

This Regulation is the *Water (Part 2--General) Regulation 1997*.

2 Commencement

This Regulation commences on 22 August 1997.

3 Definitions

(1) In this Regulation: "**the Act**" means the *Water Act 1912*.

(2) In this Regulation, a reference to a Form is a reference to a Form set out in Schedule 3.

4 Notes

The explanatory note and table of contents do not form part of this Regulation.

5 Extension of definition of "River"

For the purposes of paragraph (c) of the definition of "**River**" in section 5 (1) of the Act, that part of the Gol Gol Channel shown hatched black on the map marked "DWR Plan No 44/623", a copy of which is deposited in the Parramatta Office of the Department of Land and Water Conservation, is prescribed as being a river.

5A Streams of water not within definition of "River"

For the purposes of the definition of "**River**" in section 5 (1) of the Act, the following streams of water are prescribed as not being rivers:

Barratta Creek, as shown on Central Mapping Authority map entitled "Morago 7827-II & III" (First Edition 1:50 000 Topographic Series)

Box Creek Escape Channel, as shown on Central Mapping Authority map entitled "Morago 7827-II & III" (First Edition 1:50 000 Topographic Series)

Part 2 – Licences, permits and authorities

Division 1 – Applications for licences, permits or authorities

6 Application forms

An application under a section of the Act specified in Column 1 of Schedule 1 must be in the form specified in Column 2 of that Schedule opposite that section.

7 Deposits to be lodged with applications

A deposit of \$30 must be lodged with the following applications:

- (a) applications for licences under sections 10, 13 and 13A of the Act,
- (b) applications for authorities for joint water supply schemes under section 20 of the

Act,

(c) applications for group licences under section 20K of the Act.

Division 2 – Form of licence

8 Form of licence

(1) A licence under section 12 or 13 of the Act must be in Form 8.

(2) A licence under section 13A of the Act must be in Form 9.

Division 3 – Fees and charges

9 Fees for licences, authorities, permits and renewals

(1) The fees payable for licences, authorities for joint water supply schemes, group licences and permits (and for their renewal) are to be calculated in accordance with Schedule 2.

(2) A fee covers the period for which a licence, authority, group licence or permit is issued or renewed.

10 Refunds of fees

(1) The Ministerial Corporation may refund a part of the last fee paid for a revoked, cancelled or modified licence, authority for a joint water supply scheme or group licence.

(2) A refund may only be paid to a person who is an applicant for a further licence or authority in respect of works on (or on land including) the same land as the land on which the works the subject of the revoked, cancelled or modified licence or authority were situated.

(3) The maximum refund payable is an amount that bears such proportion to the amount paid for the licence or authority as the residue of the period for which it was granted bears to its total period.

11 Time for payment of fees

A fee must be paid:

(a) within 5 weeks after the Ministerial Corporation notifies the applicant of the amount of the fee, or

(b) if an appeal or objection is lodged--within one week after a decision on the appeal or objection is made, or

(c) if the Ministerial Corporation extends the period within which the fee must be paid--within that extended period.

12 Fees for transfer of water allocations

(1) For the purposes of section 20AJ of the Act, the fee for the transfer of a water allocation is:

(a) \$250 in respect of a transfer applied for under section 20AI (1) of the Act, or

(b) \$75 in respect of a temporary transfer applied for under section 20AI (2) of the Act.

(2) A fee is to be lodged with the application for the transfer.

(3) The Ministerial Corporation may refund the whole or part of the fee:

(a) if the application is withdrawn before determination or is rejected by the Corporation, or

(b) in such other circumstances as the Corporation considers appropriate.

13 Maximum charges under section 22C of the Act

For the purposes of section 22C (4) (b) of the Act, the maximum rate in respect of all works and methods of obtaining water is \$21 per megalitre of water where the water is taken and used for any one or more of the following purposes:

(a) irrigation,

(b) water supply for stock,

(c) mining,

(d) recreation,

- (e) carrying on any industrial operation,
- (f) town water supply.

14 Times and manner of payment of charges (section 22C (4) (c) of the Act)

- (1) A charge referred to in section 22C of the Act may be paid by instalments if the Ministerial Corporation so determines.
- (2) The number of instalments and the amounts of the instalments are to be as determined by the Ministerial Corporation.
- (3) A charge or an instalment must be paid to the Ministerial Corporation within one month after a notice requiring payment has been served on the licensee or holder of the authority or permit.
- (4) The notice must be served:
 - (a) personally, or
 - (b) by leaving it at the property or premises on which the licensee or holder resides or carries on business (or by leaving it with a person seemingly above the age of 14 years and apparently resident or employed on the property or premises), or
 - (c) by posting it by prepaid letter addressed to the licensee or holder at his or her place of residence or business last known to the Ministerial Corporation.

15 Interest on overdue charges

For the purposes of section 22C (6A) (a) of the Act, the prescribed rate of interest is the rate prescribed under section 101 of the *Civil Procedure Act 2005* with respect to the payment of interest on a judgment debt.

Part 3 – Transfer of certain water rights

Division 1 – Preliminary

16 Definitions

In this Part:

"entitlement" means a licence, authority or group licence under Part 2 of the Act.

"permanent transfer" means a transfer (other than a temporary transfer) of rights to take and use water.

"temporary transfer" means a transfer of rights to take and use water:

- (a) for a period that does not exceed 5 years, or
- (b) for a period that (when aggregated with the period or periods for which any other transfer or transfers has or have been obtained by the transferee under this Part or under Part 4 of the Regulations repealed by this Regulation) does not exceed 5 years.

"transferee" means the person or body to which any rights to take and use water under an entitlement are transferred by operation of a provision of this Part.

"transferor" means the person or body from which any rights to take and use water under an entitlement held by that person or body are transferred by operation of a provision of this Part.

"water source" means:

- (a) a river, lake or section of a river, or
- (b) a combination of 2 or more of them.

17 Application of Part

- (1) This Part applies to transfers, between holders of entitlements or between the holder

of an entitlement and a person who is an applicant for an entitlement, of rights to take and use water from a water source that is not the subject of a volumetric water allocations scheme under Division 4B of Part 2 of the Act.

(2) This Part applies only to a water source that the Ministerial Corporation has determined to be subject to this Part.

(3) (Repealed)

18 Transfer of water rights

(1) The holder of an entitlement (other than the Ministerial Corporation) may transfer the whole or part of the holder's rights to take and use water under the entitlement:

(a) subject to the approval of the Ministerial Corporation, to the holder of another entitlement or (in the case of a permanent transfer) to a person who is an applicant for an entitlement, or

(b) to the Ministerial Corporation, by notice in writing given to the Ministerial Corporation.

(2) The Ministerial Corporation, as holder of an entitlement, may transfer, on the application of the transferee, the whole or part of the Ministerial Corporation's rights to take and use water under the entitlement to the holder of another entitlement or (in the case of a permanent transfer) to a person who is an applicant for an entitlement.

Division 2 – Applications for transfers

18A Application of Division

This Division does not apply to a transfer from the holder of an entitlement to the Ministerial Corporation of rights to take and use water.

19 Applications for transfer generally

(1) An application for a transfer of rights to take and use water must be in a form approved by the Ministerial Corporation.

(2) The Ministerial Corporation may, in relation to an application:

(a) require the transferor to provide specified information and consents, and

(b) require the transferee to provide specified information and evidence.

(3) Subclause (2) (a) does not apply to a transfer from the Ministerial Corporation to another person or body of rights to take and use water.

20 Applications for permanent transfer

An application for a permanent transfer of rights to take and use water must be accompanied by an application by the transferee for a new entitlement (or, if the transferee is the holder of an authority or a group licence, for an amended entitlement) that comprises or includes the rights to be transferred.

21 Applications for temporary transfer

An application for a temporary transfer of rights to take and use water may only be approved by the Ministerial Corporation if the transferee is the holder of an existing entitlement.

22 Application fees

(1) An application for a permanent transfer of rights to take and use water must be accompanied by a fee of \$275.

(2) An application for a temporary transfer of rights to take and use water must be accompanied by a fee of \$90.

(3) The Ministerial Corporation may refund the whole or part of a fee:

(a) if the application is withdrawn before determination or is rejected by the Corporation, or

(b) in such other circumstances as the Corporation considers appropriate.

23 Approval of applications

(1) In determining whether or not to approve a transfer of rights to take and use water, the

Ministerial Corporation may take into consideration such matters as it thinks fit, including (without limiting the matters that may be considered):

- (a) the social and economic effects that a transfer would have if approved, and
- (b) whether there has been a history of water usage (and, if so, the extent of that usage) under the transferor's entitlement, and
- (c) the impact on the flow and water quality of the water source that a transfer would have if approved.

(2) The Ministerial Corporation may, as a condition of its approval, require the transferor to surrender permanently part of the transferor's rights to take and use water under the entitlement.

Division 3 – General

24 Giving effect to transfers of rights

(1) A permanent transfer of rights to take and use water between the holder of an entitlement and a person other than the Ministerial Corporation is to be effected by the issue of a new entitlement to the transferee.

(2) A temporary transfer of rights to take and use water between the holder of an entitlement and a person other than the Ministerial Corporation is to be effected by altering the conditions to which the entitlements of the transferor and transferee are subject.

(3) A permanent or temporary transfer of rights to take and use water between a holder of an entitlement and the Ministerial Corporation is to be effected, after the receipt of the relevant notice referred to in clause 18 (1) (b) or the approval of the relevant application referred to in clause 23, by:

- (a) the issue of a new entitlement to the transferee, or
- (b) altering the conditions to which the entitlements of the transferor and transferee are subject.

(4) The Ministerial Corporation may refuse to give effect to a transfer of rights to take and use water to or from the Ministerial Corporation for any or no reason.

25 Superseded rights to take and use water

(1) The rights of a transferor to take and use water under an entitlement are, on completion of the transfer of the rights, abated to the extent of the transfer and any surrender under a condition of the approval of the transfer.

(2) Any such abatement:

- (a) is to be in the form of:
 - (i) a reduction of the area in relation to which the entitlement authorises the holder to take and use water, or
 - (ii) a modification of the conditions of the entitlement,
- or in such other form as may be determined by the Ministerial Corporation, and
- (b) has effect for the approved period of the transfer.

(3) The Ministerial Corporation may cancel the entitlement of a transferor if all the rights to take and use water under the entitlement are permanently transferred.

26 Transfer zones

(1) The Ministerial Corporation may from time to time determine areas as transfer zones for the purposes of this Part.

(2) The Corporation may refuse to approve a transfer of rights to take and use water in respect of locations that are within different transfer zones if it is satisfied that:

- (a) the transfer would result in the transferee's transfer zone being subjected to an unacceptable commitment, and
- (b) any conditions determined by the Corporation have not been complied with.

Part 4 – Miscellaneous

27 Public authorities

The following are prescribed as public authorities for the purposes of sections 14A, 18M and 22A of the Act:

- A Department of the State
- Rail Corporation New South Wales
- NSW Trains
- Sydney Trains
- Sydney Metro
- Residual Transport Corporation
- Forestry Corporation
- A local council
- A county council

28 Declared trusts (definition of "trust" in sections 20V (1) and 22C (1) of the Act)

The following trusts (constituted under Part 3 of the Act) are declared to be trusts to which Division 4B of Part 2 and section 22C of the Act apply:

- Bama Irrigation Trust
- Bringan Irrigation Trust
- Bullatale Creek Water Trust
- Bungunyah-Koraleigh Irrigation Trust
- Glenview Irrigation Trust
- Goodnight Irrigation Trust
- Little Merran Creek Water Trust
- Pomona Irrigation Trust
- West Cadell Irrigation Trust

29 Prescribed period for temporary transfer of water allocations

For the purposes of section 20AI (3) (a) of the Act, the period of 5 years is prescribed.

30 Prescribed uses under section 22C of the Act

For the purposes of section 22C (3) (a) of the Act, the following are prescribed uses:

- (a) mining,
- (b) recreation,
- (c) town water supply,
- (d) domestic.

31 Annual returns as to land irrigated

(1) The holder of a licence or a group licence and each of the holders of an authority for a joint water supply scheme must furnish to the Ministerial Corporation, during the month of July in each year, a return in a form provided by the Corporation.

(2) The return must include the following particulars in respect of the preceding 12 months:

- (a) the area of land irrigated,
- (b) each class of crop irrigated,
- (c) the method of irrigation,
- (d) the number of hours during which pumping or diversion has been carried on in each month,
- (e) the size of the pump or diversion work and the type of motive power.

Maximum penalty: 10 penalty units.

32 Repeal

- (1) The *Water (Part 2) Regulations* are repealed.
- (2) Any act, matter or thing that, immediately before the repeal of the *Water (Part 2)*

Regulations, had effect under those Regulations continues to have effect under this Regulation.

Schedule 1 Applications

(Clause 6)

(In this Schedule, "**approved form**" means a form approved by the Ministerial Corporation.)

Column 1		Column 2
Section of Act		Form
Section 10	Application for a licence (single occupier)	Form 1
Section 13	Application for a licence (2 or more occupiers)	Approved form
Section 13A	Application for a licence (applicant not occupier of land on which work to be constructed)	Form 2
Section 14	Application for renewal of a section 12 or 13A licence	Approved form
Section 18F	Application for a permit	Form 3
Section 18J	Application for renewal of a permit	Approved form
Section 20	Application for an authority for a joint water supply scheme	Form 4
Section 20C	Application for renewal of a section 20 authority	Approved form
Section 20CA	Application for an authority for a joint water supply scheme (applicants not occupiers of land on which work to be constructed)	Form 5
Section 20CB	Application for renewal of section 20CA authority	Approved form
Section 20E (2)	Application for an amended authority for a joint water supply scheme	Approved form
Section 20K	Application for a group licence	Form 6
Section 20O	Application for renewal of a group licence	Approved form
Section 20Q	Application for an amended group licence	Form 7

Schedule 2 Fees

(Clause 9)

1 Interpretation

For the purposes of this Schedule, works to which Part 2 of the Act extends are classified as follows:

- Class 1. Works for the purpose of taking water for use, including:
- (a) pumping machinery and other water lifting appliances, and

(b) channels (whether artificial channels or natural channels artificially improved).

Class 2. Works for the purpose of storing water for use, including dams, weirs and regulators.

Class 3. Works not included in Class 1 or 2.

2 Fees for licences and renewals

(1) The fee for a licence or a renewal of a licence in respect of a Class 1 work is, if the work is:

(a) for town or village water supplies or recreational requirements--\$95, or

(b) for stock watering, railway, industrial, power or mining purposes, where the work will deliver water at a rate (in litres per second) that is specified in Column 1 of Table 1--the amount specified in Column 2 of that Table opposite the rate so specified, or

(c) for irrigation purposes, where the land to be irrigated has an area (in hectares) that is specified in Column 1 of Table 2--the amount specified in Column 2 of that Table opposite the area so specified, or

(d) for domestic purposes--\$60, or

(e) for farming purposes other than irrigation or stock water supply--\$37.

(2) The fee for an additional licence under section 18 (2) of the Act or a renewal of such a licence that is to be issued subject to a condition that water may only be diverted by a work under the licence or renewal when the flow in a river exceeds a certain flow, is, where the additional land to be irrigated has an area (in hectares) that is specified in Column 1 of Table 3--the amount specified in Column 2 of that Table opposite the area so specified.

(3) The fee for a licence or a renewal of a licence in respect of Class 2 work is, if the work is for:

(a) domestic, stock or recreational requirements--\$95, or

(b) irrigation, generation of power, industrial purposes or mining--\$117.

(4) The fee for a licence or a renewal of a licence in respect of Class 3 work is \$117.

(5) The fee for a licence for works that are, in the opinion of the Ministerial Corporation, combined works (or for a renewal of such a licence) is the higher or highest of the fees that would be payable under this clause if a licence were to be issued or renewed for each work.

(6) Section 14A of the Act provides that licences for certain works carried out by prescribed public authorities may, in the discretion of the Ministerial Corporation, be issued and renewed at a nominal fee.

3 Fees for authorities and renewals

(1) In this clause, "**authority**" means an authority under Division 4 of Part 2 of the Act.

(2) Subject to subclause (3), the fee for an authority or a renewal of an authority in respect of a Class 1 work is, if the work is:

(a) for town or village water supplies or recreational requirements--\$95, or

(b) for stock watering, railway, industrial, power or mining purposes, where the work will deliver water at a rate (in litres per second) that is specified in Column 1 of Table 1--the amount specified in Column 2 of that Table opposite the rate so specified, or

(c) for irrigation purposes, where the land to be irrigated has an area (in hectares) that is specified in Column 1 of Table 2--the amount specified in Column 2 of that Table opposite the area so specified, or

(d) for domestic purposes--\$60, or

(e) for farming purposes other than irrigation or stock water supply--\$37.

(3) The fee for an authority or a renewal of an authority that is to be issued for irrigation purposes subject to a condition that water may only be diverted by a work under the

authority or renewal when the flow in a river exceeds a certain flow, is, where the land to be irrigated has an area (in hectares) that is specified in Column 1 of Table 3--the amount specified in Column 2 of that Table opposite the area so specified.

(4) A fee for an authority or a renewal of an authority is only to be calculated in accordance with subclause (3) if the authority is designated by the Ministerial Corporation as a "high-flow" authority.

(5) The fee for an authority or a renewal of an authority in respect of a Class 2 work is, if the work is for:

(a) domestic, stock or recreational requirements--\$95, or

(b) irrigation, generation of power, industrial purposes or mining--\$117.

(6) The fee for an authority or a renewal of an authority in respect of a Class 3 work is \$117.

(7) If an authority or a renewal of an authority is to be issued in respect of more than one work, the fee for the authority or renewal is the higher or highest of the fees that would be payable under this clause if an authority were to be issued for each separate work in respect of which the authority or renewal is to be issued.

4 Fees for group licences and renewals

(1) The fee for a group licence or a renewal of a group licence in respect of a Class 1 work is, if the work is:

(a) for a domestic or stock watering purposes, where the work will deliver water at a rate (in litres per second) that is specified in Column 1 of Table 1--the amount specified in Column 2 of that Table opposite the rate so specified, or

(b) for irrigation purposes, where the land to be irrigated has an area (in hectares) that is specified in Column 1 of Table 2--the amount specified in Column 2 of that Table opposite the area so specified.

(2) The fee for a group licence or a renewal of a group licence in respect of a Class 2 work is, if the work is for:

(a) domestic or stock requirements--\$95, or

(b) irrigation--\$117.

(3) The fee for a group licence or a renewal of a group licence in respect of a Class 3 work is \$117.

(4) If a group licence or a renewal of a group licence is to be issued in respect of more than one work, the fee for the group licence or renewal is the higher or highest of the fees that would be payable under this clause if a group licence were to be issued for each separate work in respect of which the group licence or renewal is to be issued.

5 Fees for permits and renewals

(1) The fee for a permit or renewal is:

(a) if the period does not exceed 3 months--\$6, or

(b) if the period exceeds 3 months and does not exceed 6 months--\$14, or

(c) if the period exceeds 6 months and does not exceed 9 months--\$21, or

(d) if the period exceeds 9 months--\$29.

(2) Section 18M of the Act provides that licences for certain works carried out by prescribed public authorities may, in the discretion of the Ministerial Corporation, be issued and renewed at a nominal fee.

Table 1

Column 1	Column 2
Rate in litres per second	Amount in dollars
Not exceeding 50	113
Exceeding 50 but not exceeding 57.5	126
Exceeding 57.5 but not exceeding 65	136

Exceeding 65 but not exceeding 72.5	144
Exceeding 72.5 but not exceeding 80	153
Exceeding 80 but not exceeding 87.5	159
Exceeding 87.5 but not exceeding 95	166
Exceeding 95 but not exceeding 102.5	172
Exceeding 102.5 but not exceeding 110	177
Exceeding 110 but not exceeding 117.5	183
Exceeding 117.5 but not exceeding 125	189
Exceeding 125 but not exceeding 132.5	194
Exceeding 132.5 but not exceeding 140	200
Exceeding 140 but not exceeding 147.5	207
Exceeding 147.5 but not exceeding 155	213
Exceeding 155 but not exceeding 162.5	218
Exceeding 162.5 but not exceeding 170	224
Exceeding 170 but not exceeding 177.5	230
Exceeding 177.5 but not exceeding 185	235
Exceeding 185 but not exceeding 192.5	242
Exceeding 192.5 but not exceeding 200	248
Exceeding 200 but not exceeding 207.5	254
Exceeding 207.5 but not exceeding 215	260
Exceeding 215 but not exceeding 222.5	265
Exceeding 222.5 but not exceeding 230	271
Exceeding 230	\$271 plus \$4 for each additional 7.5 litres per second or part thereof by which the rate exceeds 230 litres per second

Table 2

Column 1	Column 2
Area in hectares	Amount in dollars
Not exceeding 4	113

Exceeding 4 but not exceeding 6	127
Exceeding 6 but not exceeding 8	142
Exceeding 8 but not exceeding 10	156
Exceeding 10 but not exceeding 12	171
Exceeding 12 but not exceeding 14	184
Exceeding 14 but not exceeding 16	198
Exceeding 16 but not exceeding 18	213
Exceeding 18 but not exceeding 20	226
Exceeding 20 but not exceeding 22	241
Exceeding 22 but not exceeding 24	254
Exceeding 24 but not exceeding 26	269
Exceeding 26 but not exceeding 28	283
Exceeding 28 but not exceeding 30	297
Exceeding 30 but not exceeding 32	311
Exceeding 32 but not exceeding 34	326
Exceeding 34 but not exceeding 36	340
Exceeding 36 but not exceeding 38	355
Exceeding 38 but not exceeding 40	369
Exceeding 40 but not exceeding 42	381
Exceeding 42 but not exceeding 44	393
Exceeding 44 but not exceeding 46	404
Exceeding 46 but not exceeding 48	413
Exceeding 48 but not exceeding 50	425
Exceeding 50 but not exceeding 52	436
Exceeding 52 but not exceeding 54	445
Exceeding 54 but not	456

exceeding 56	
Exceeding 56 but not exceeding 58	468
Exceeding 58 but not exceeding 60	477
Exceeding 60 but not exceeding 62	488
Exceeding 62 but not exceeding 64	500
Exceeding 64 but not exceeding 66	509
Exceeding 66 but not exceeding 68	520
Exceeding 68 but not exceeding 70	531
Exceeding 70 but not exceeding 72	541
Exceeding 72 but not exceeding 74	552
Exceeding 74 but not exceeding 76	563
Exceeding 76 but not exceeding 78	573
Exceeding 78 but not exceeding 80	584
Exceeding 80 but not exceeding 82	594
Exceeding 82 but not exceeding 84	601
Exceeding 84 but not exceeding 86	610
Exceeding 86 but not exceeding 88	616
Exceeding 88 but not exceeding 90	623
Exceeding 90 but not exceeding 92	630
Exceeding 92 but not exceeding 94	637
Exceeding 94 but not exceeding 96	644
Exceeding 96 but not exceeding 98	651
Exceeding 98 but not exceeding 100	658
Exceeding 100 but not exceeding 102	665
Exceeding 102 but not exceeding 104	673
Exceeding 104 but not exceeding 106	680

Exceeding 106 but not exceeding 108	687
Exceeding 108 but not exceeding 110	693
Exceeding 110 but not exceeding 112	701
Exceeding 112 but not exceeding 114	707
Exceeding 114 but not exceeding 116	715
Exceeding 116 but not exceeding 118	722
Exceeding 118 but not exceeding 120	729
Exceeding 120 but not exceeding 122	736
Exceeding 122 but not exceeding 124	743
Exceeding 124 but not exceeding 126	750
Exceeding 126 but not exceeding 128	758
Exceeding 128 but not exceeding 130	765
Exceeding 130 but not exceeding 132	771
Exceeding 132 but not exceeding 134	779
Exceeding 134 but not exceeding 136	785
Exceeding 136 but not exceeding 138	793
Exceeding 138 but not exceeding 140	800
Exceeding 140 but not exceeding 142	807
Exceeding 142 but not exceeding 144	814
Exceeding 144 but not exceeding 146	820
Exceeding 146 but not exceeding 148	829
Exceeding 148 but not exceeding 150	835
Exceeding 150 but not exceeding 152	843
Exceeding 152 but not exceeding 154	849
Exceeding 154 but not exceeding 156	857
Exceeding 156 but not	864

exceeding 158	
Exceeding 158 but not exceeding 160	871
Exceeding 160 but not exceeding 162	878
Exceeding 162	\$878 plus \$5 for each additional 2 hectares or part thereof by which the area exceeds 162 hectares

Table 3

Column 1	Column 2
Area in hectares	Amount in dollars
Not exceeding 41	142
Exceeding 41 but not exceeding 82	179
Exceeding 82 but not exceeding 123	217
Exceeding 123 but not exceeding 164	255
Exceeding 164 but not exceeding 205	293
Exceeding 205 but not exceeding 246	330
Exceeding 246 but not exceeding 287	369
Exceeding 287 but not exceeding 328	406
Exceeding 328 but not exceeding 369	443
Exceeding 369 but not exceeding 410	482
Exceeding 410	\$482 plus \$142 for each additional 202 hectares or part thereof by which the area exceeds 410 hectares

Schedule 3 Forms

Form 1 – Application under section 10 of the Water Act 1912 for a licence (Clause 6)

Application No

Surname	Other Names	Please use block letters
Postal Address		
Name of river, creek, watercourse, billabong, lake, lagoon etc		
Means of taking water, eg gravitation, pumping etc		

Particulars of works to be licensed	Site of works to be licensed		
	Portion No	Parish	County

State whether pump, dam, race, levee, cutting etc				
---	--	--	--	--

What right of occupation of this site do you hold

Details of area, if any, to be irrigated by this work	Area	Portion No	Parish	County
Type of Crop	hectares			

Size and type of pump or size of diversion pipe or channel etc	
Maximum rate at which water may be taken by means of the works (litres/second)	
Estimated quantity of water proposed to be taken annually (megalitres)	

Purpose of Works	Purpose for which water is to be used	Water Supply for:		
<input type="checkbox"/> Water Conservation	<input type="checkbox"/> Drainage	<input type="checkbox"/> Irrigation	<input type="checkbox"/> Mining	<input type="checkbox"/> Domestic
<input type="checkbox"/> Irrigation	<input type="checkbox"/> Prevention of inundation		<input type="checkbox"/> Industrial	
<input type="checkbox"/> Water Supply		<input type="checkbox"/> Stock		
	<input type="checkbox"/> Changing the course of a river	If for any other purpose give details:		
(tick appropriate square)				

If water to be used for irrigation state: Type of works to be provided for distribution of water, eg pipes, earthen channels, spray plant etc Works proposed to be undertaken in preparation of land for irrigation, eg grading, check-banking	
Name/s of local newspaper/s circulating in the district	

Names of any other landholders to be supplied with water, the location of their lands to be supplied and the purpose for which water will be used:

Name	Portion No	Parish	County	Purpose of Supply

I,of

apply for a licence to construct and use the works described and to take, use and dispose of the water, if any, conserved or obtained for the purpose specified in this application and attach:

- (a) a PLAN showing the boundaries of the land occupied by me, the site of the work to be licensed, the land, if any, to be irrigated and the boundaries of the land of any other person to be supplied with water, and
- (b) a deposit of \$as security for the cost of investigation and inquiry in connection with the application.

Dated thisday of19

(Signature of Applicant)

Form 2 – Application under section 13A of the Water Act 1912 for a licence (Clause 6)

Application No

Surname	Other Names	Please use block letters
Postal Address		
Name of river, creek, watercourse, billabong, lake, lagoon etc		
Means of taking water, eg gravitation, pumping etc		
Description of SUPPLY WORKS--state whether dam, pump, levee etc		
Type and size of pump or size of diversion pipe or channel etc		

Location and extent of lands on which SUPPLY WORKS are to be constructed

Portion No	Parish	County	Area	Name and address of OWNER	Name and address of OCCUPIER

Particulars, giving sizes, capacities and grades of any channel, flume, pipe, conduit of other work in which water is to be conveyed from the supply work to the land to be supplied with water (longitudinal and cross-sectional plans of any channel to be attached)
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Location and extent of lands on which CONVEYING WORKS are to be constructed

Portion No	Parish	County	Area	Name and address of OWNER	Name and address of OCCUPIER

Maximum rate at which water may be taken by means of the supply work (litres/second)			
Estimated quantity of water proposed to be taken annually (megalitres)			
Purpose for which water is to be used	Water Supply for:		
	<input type="checkbox"/> Irrigation	<input type="checkbox"/> Stock	<input type="checkbox"/> Domestic
(tick appropriate square)			

Details of APPLICANT'S LAND to which water is to be supplied

Portion No	Parish	County	Nature of applicant's tenure of this land

Details of APPLICANT'S LAND, if any, which is to be irrigated by these works

Type of Crop	Area	Portion No	Parish	County
	hectares			

If water to be used for irrigation state: Type of works to be provided for distribution of water, eg pipes, earthen channels, spray plant etc Works proposed to be undertaken in preparation of land for irrigation, eg grading, check-banking	
Name/s of local newspaper/s circulating in the district	

I, of

the occupier of the land firstly described, wishing to construct and use the supply work and conveying works described for the purpose mentioned, and being unable to obtain occupation of the whole of the land required for the works, apply for a licence to construct the supply work and to take and use for the purpose the water obtained.

I attach a plan showing:

- (a) the location of the land to be supplied with water in relation to the river, creek, watercourse, billabong, lake, lagoon etc, from which the water supply is to be obtained and the portion of that land which I propose to irrigate, and

(b) the location of the land on which the supply work and the conveying works are proposed to be constructed, and

(c) the positions of the proposed supply work and conveying works.

I also attach plans showing longitudinal and cross-sections of all channels proposed to be constructed to convey water from the supply work to the land to be supplied with water.

I enclose a deposit of \$as security for the cost of investigation and inquiry in connection with the application.

Dated thisday of19

(Signature of Applicant)

Form 3 – Application under Part 2 of the Water Act 1912 for a permit (Clause 6)

Application No

Surname	Other Names	Please Use Block Letters
	Postal Address	
Name of river, creek, watercourse, billabong, lake, lagoon etc		
Means of taking water, eg gravitation, pumping etc		

Details of works for which permit is required

Particulars of Works	Portion No	Parish	County
State whether pump, dam, race, levee, cutting etc			
What right of occupation of the site of the proposed works do you hold?			

Details of area, if any, to be irrigated--MAXIMUM AREA ALLOWED 4 HECTARES

Type of Crop	Area	Portion No	Parish	County
	hectares			
Size and type of pump or size of diversion pipe or channel etc				
Purpose of Works	Purpose for which water is to be used			
â–j Water Conservation	â–j Drainage	Water Supply for:		
â–j Irrigation	â–j Prevention of inundation	â–j Irrigation	â–j Mining	â–j Domestic
â–j Water Supply		â–j Stock	â–j Industri	

			al
	Changing the course of a river	If for any other purpose give details:	
(tick appropriate square)			
Period for which permit is required	3 months	9 months	
	6 months	12 months	
(tick appropriate square)			

I, of,

being the owner or occupier of the land described, apply for a PERMIT to construct and use the works described and to take and dispose of the water obtained for the purpose specified. I attach a PLAN showing the boundaries of the land owned or occupied by me, the site of the work for which a permit is required and the land, if any, to be irrigated.

Dated thisday of19

(Signature of Applicant)

Form 4 – Application under section 20 of the Water Act 1912 for an authority for a joint water supply scheme (Clause 6)

Application No

Surnames	Other Names	Postal Addresses	Please Use Block Letters
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Name of person and postal address to which correspondence and Water Diversion Returns are to be sent	
Name of river, creek, watercourse, billabong, lake, lagoon etc	
Means of taking water, eg gravitation, pumping etc	

Details of land of each occupier to be supplied with water

Occupier	Portion No	Parish	County	Tenure

Details of works by which water is to be taken

Particulars of Works	Portion No	Parish	County	Maximum rate at which water may be

				taken	
State whether pump, dam, race, levee, cutting etc					litres/second
Type and size of pump or size of diversion pipe or channel etc					
Particulars, giving sizes, capacities and grades of any channel, flume, pipe, conduit or other work in which water is to be conveyed to the land of each occupier (longitudinal and cross-sectional plans of any channel to be attached)					
Purpose for which water is to be used	Water Supply for:				
(tick appropriate square)	<input type="checkbox"/> Irrigation	<input type="checkbox"/> Mining	<input type="checkbox"/> Domestic		
	<input type="checkbox"/> Stock	<input type="checkbox"/> Industrial			
	If for any other purpose give details:				

Details of crops, if any, to be irrigated by each occupier

Occupier	Type of crop	Area	Total area to be irrigated by each occupier
		hectares	hectares
		Total area to be irrigated by all applicants:	
			hectares
Estimated quantity of water proposed to be taken annually (megalitres)			
Occupier	Estimated quantity of water proposed to be delivered annually megalitres	Particulars of rates and times at which water is proposed to be delivered to each occupier	Particulars of any other matters affecting the apportionment of water between the several occupiers

Particulars of any money paid or proposed to be paid to any person in respect of the supply of water in connection with the joint water supply scheme			
Particulars of any money paid or proposed to be paid to any person in respect of the occupancy or transfer of any land because of or in connection with the joint water supply scheme			

Particulars of the arrangements between the applicants in respect of:

The provision and construction of the works	
The operation of the works	
The maintenance and renewal of the works	
The provision of money for each of the foregoing	
The payments to be made by any of the occupiers in respect of the foregoing	
Name/s of local newspaper/s circulating in the district	

We,

being the occupiers of the lands detailed, apply for an authority under Part 2 of the *Water Act 1912* to construct and use the joint water supply scheme described and to take and use the water conserved or obtained for the purposes specified.

We attach a plan showing:

- (a) the land occupied by each occupier,
- (b) the location of the means by which water is to be taken from the river, creek, watercourse, billabong, lake, lagoon etc,
- (c) the location of any channel, flume, pipe, conduit or other work in which water is to be conveyed,
- (d) the location of any bridge, culvert, syphon, check, regulator or other structure or work to be provided,
- (e) if the work is for the purpose of irrigation the location of the areas proposed to be irrigated within the land of each occupier.

We also attach longitudinal and cross-sectional plans of all channels proposed to be constructed for the conveyance of water to the land of each occupier.

We also attach a certified copy of any agreement entered into between the occupiers or between the occupiers and any other person in respect of the joint water supply scheme.

We enclose a deposit of \$as security for the cost of investigation and inquiry in connection with the application.

Dated thisday of19

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(Signatures of all Applicants)

Form 5 – Application under section 20CA of the Water Act 1912 for an authority for a joint water supply scheme

(Clause 6)

Application No

Surnames	Other Names	Postal Addresses	Please Use Block Letters
Name of person and postal address to which correspondence and Water Diversion Returns are to be sent			
Name of river, creek, watercourse, billabong, lake, lagoon etc			
Means by which water is to be taken, eg gravitation, pumping etc			

Details of land of each occupier to be supplied with water

Occupier	Portion No	Parish	County	Tenure

Details of Supply Works

Particulars of Works	Portion No	Parish	County	Maximum rate at which water may be taken
State whether pump, dam, race, levee, cutting etc				litres/second
Type and size of pump or size of diversion pipe or channel etc				
Particulars, giving sizes, capacities and grades of any channel, flume, pipe, conduit or other work in which water is to be conveyed to the land of each occupier (longitudinal and cross-sectional plans of any channel to be attached)				
Purpose for which water is to be used	Water Supply for:			
(tick appropriate square)	<input type="checkbox"/> Irrigation	<input type="checkbox"/> Stock	<input type="checkbox"/> Domestic	

	n		c
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Location and extent of lands not occupied by applicants:

1. On which Supply Work is to be constructed:

Portion No	Parish	County	Area	Name and Address of owner	Name and Address of occupier

2. On which Conveyancing Works are to be constructed:

Portion No	Parish	County	Area	Name and Address of owner	Name and Address of occupier

Details of Crops, if any, to be irrigated by each occupier:

Occupier	Type of crop	Area	Total area to be irrigated by each occupier
		hectares	hectares
		Total area to be irrigated by all applicants	
			hectares
Estimated quantity of water proposed to be taken annually (megalitres)			
Occupier	Estimated quantity of water proposed to be delivered annually	Particulars of rates and times at which water is proposed to be delivered to each occupier	Particulars to any other matters affecting the apportionment of water between the several occupiers
Particulars of any money paid or			

proposed to be paid to any person in respect of the supply of water in connection with the joint water supply scheme	
Particulars of any money paid or proposed to be paid to any person in respect of the occupancy or transfer of any land because of or in connection with the joint water supply scheme	

Particulars of the arrangements between the applicants in respect of:

The provision and construction of the works	
The operation of the works	
The maintenance and renewal of the works	
The provision of money for each of the foregoing	
The payments to be made by any of the occupiers in respect of the foregoing	
Name/s of local newspaper/s circulating in the district	

We,

the occupiers of the lands firstly described, wishing to construct and use the supply work and conveying works described for the purpose mentioned, and being unable to obtain occupation of the whole of the land required for the works, apply for an authority for a joint water supply scheme to construct the supply work and to take and use for the purpose the water obtained.

We attach a plan showing:

- (a) the land occupied by each occupier,
- (b) the location of the land to be supplied with water in relation to the river, creek, watercourse, billabong, lake, lagoon etc, from which the water supply is to be obtained,
- (c) the land on which the supply work and the conveying works are proposed to be constructed,
- (d) the location of the proposed supply work and conveying works,
- (e) the location of the means by which water is to be taken from the river or lake and the location of any channel, flume, pipe, conduit or other work in which water is to be conveyed to the land of each occupier,
- (f) the location of any bridge, culvert, syphon, check, regulator or other structure or work to be provided,
- (g) if the work is for the purpose of irrigation, the location of the areas proposed to be irrigated within the land of each occupier.

We also attach longitudinal and cross-sectional plans of all channels proposed to be constructed for the conveyance of water to the land of each occupier.

We also attach a certified copy of any agreement entered into between the occupiers or between the occupiers and any other person in respect of the joint water supply scheme.

We enclose a deposit of \$as security for the cost of investigation and inquiry in connection with the application.

Dated thisday of19

(Signatures of all Applicants)

Form 6 – Application under section 20K of the Water Act 1912 for a group licence (Clause 6)

Application No

Please use block letters	Name of Applicant
	Postal Address
Name of river, creek, watercourse, billabong, lake, lagoon etc	
Means by which water is to be taken--eg gravitation, pumping etc	

Details of land of each occupier to be supplied with water

Occupier	Portion No	Parish	County	Tenure

Details of Works by which water is to be taken

Particulars of works	Portion No	Parish	County	Maximum rate at which water may be taken
State whether pump, dam race, cutting etc				
Type and size of pump or size of diversion pipe or channel etc				
Particulars, giving sizes, capacities and grades of any channel, flume, pipe, conduit or other work in which water is to be conveyed to the land of each occupier (longitudinal and cross-sectional plans of any channel to be attached)				
Purpose for which water is to be used	Water Supply			

- (b) the location of the means by which water is to be taken from the river, creek, watercourse, billabong, lake, lagoon etc,
- (c) the location of any channel, flume, pipe, conduit or other work in which water is to be conveyed,
- (d) the location of any bridge, culvert, syphon, check, regulator or other structure or work to be provided,
- (e) the location of the areas proposed to be irrigated within the land of each occupier.

Also attached are longitudinal and cross-sectional plans of all channels proposed to be constructed for the conveyance of water to the land of each occupier.

Enclosed is a deposit of \$as security for the cost of investigation and inquiry in connection with the application.

Dated thisday of19

(Signature of Applicant)

Form 7 – Application under section 20Q of the Water Act 1912 for an amended group licence (Clause 6)

Application No

Please use block letters	Name of present holder of group licence	Number of existing group licence:
	Postal Address	

Names and addresses of all occupiers of ADDITIONAL LANDS proposed to be supplied with water

Surnames	Other names	Postal Addresses	
Purpose for which water is to be used on the ADDITIONAL LANDS	Water Supply for:		
(tick appropriate square)			

Details of land of each ADDITIONAL OCCUPIER to be supplied with water

Occupier	Portion			Tenure over
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No	Parish	County	land

Details of crops, if any, to be irrigated by each ADDITIONAL OCCUPIER

Occupier	Type of crop	Area (hectares)	Total area to be irrigated by each occupier (hectares)
Total area to be irrigated by all additional occupiers			

Details of proposed alteration of licensed works

Particulars of proposed alteration of works	Portion No	Parish	County	Maximum rate at which water is proposed to be taken (litres/second)
State whether change in or addition to existing works				
Particulars, giving sizes, capacities and grade of any channel, flume, pipe, conduit or other work in which water is proposed to be conveyed to the additional land (megalitres) (longitudinal and cross-sectional plans of any channel to be attached)				
Estimated quantity of water proposed to be delivered annually to the additional land				
Particulars of the rates and times at which water is proposed to be delivered to the additional land				
Name/s of local newspaper/s circulating in the district				

I,

apply for an amended group licence under Part 2 of the *Water Act 1912* to construct and use or to use the work described and to take the water conserved or obtained and dispose of it for the use

of the occupiers from time to time of land within the private district of the Board for the purposes specified.

Attached is a plan showing:

- (a) the additional land proposed to be included in the amended group licence and its relation to the land specified in the existing group licence,
- (b) the location of any channel, flume, pipe, conduit or other work by means by which water is proposed to be conveyed to the additional land,
- (c) the location of any additional bridge, culvert, syphon, check, regulator or other structure or work proposed to be conveyed to the additional land,
- (d) the location of the area proposed to be irrigated within the additional land.

Also attached are longitudinal and cross-sectional plans of all channels proposed to be constructed for the conveyance of water to the additional land.

Dated thisday of19

(Signature of Applicant)

Form 8 – Licence under section 12 of the Water Act 1912
(Clause 8)

No

Date issued:

Name and address of licensee	
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Details of Licensed Works

River or Lake	
Portion	
Parish	
County	
Nature and description	
Purpose	

Details of Land to be Irrigated

Portion	
Parish	
County	

Area to be irrigated	hectares	Period for which licence issued	years	Fee	\$
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The work described, and referred to in the application and plans deposited by or on behalf of the licensee, as finally approved by the Water Administration Ministerial Corporation, is declared to be a licensed work under the *Water Act 1912*.

This licence is subject to the terms, limitations and conditions set out on the attached Condition Statement.

Form 9 – Licence under section 13A of the Water Act 1912
(Clause 8)

No

Date issued:

Name and address of licensee	
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Details of Supply Works (plan attached)

River or Lake	
Portion	
Parish	
County	
Nature and description	
Purpose	

Details of Conveyancing Works (plan attached)

Portion	
Parish	
County	
Nature and description	

Area to be irrigated	hectares	Period for which licence issued	years	Fee	\$
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The work described, and referred to in the application and plans deposited by or on behalf of the licensee, as finally approved by the Water Administration Ministerial Corporation, is declared to be a licensed work under the *Water Act 1912*.

This licence is subject to the terms, limitations and conditions set out on the attached Condition Statement.

Historical notes

The following abbreviations are used in the Historical notes:

Am	amended	LW	legislation website	Sch	Schedule
Cl	clause	No	number	Schs	Schedules
ClI	clauses	p	page	Sec	section
Div	Division	pp	pages	Secs	sections
Divs	Divisions	Reg	Regulation	Subdiv	

					Subdivision
GG	Government Gazette	Regs	Regulations	Subdivs	Subdivisions
Ins	inserted	Rep	repealed	Subst	substituted

Table of amending instruments *Water (Part 2--General) Regulation 1997* published in Gazette No 93 of 22.8.1997, p 6475 and amended in Gazette No 67 of 9.4.1998, p 2701 and as follows: *Water (Part 2--General) Amendment Regulation 2002* (GG No 65 of 22.3.2002, p 1720) *Olympic Co-ordination Authority Dissolution Act 2002 No 55*. Assented to 8.7.2002. Date of commencement, 1.7.2002, sec 2. *Transport Administration Amendment (Rail Agencies) Act 2003 No 96*. Assented to 10.12.2003. Date of commencement of Sch 3, 1.1.2004, sec 2 and GG No 197 of 19.12.2003, p 11271.

2005	No 28	<i>Civil Procedure Act 2005</i> . Assented to 1.6.2005. Date of commencement of Sch 5.49, 15.8.2005, sec 2 (1) and GG No 100 of 10.8.2005, p 4205.
2009	(602)	<i>Water (Part 2--General) Amendment (Entitlements Transfer Process) Regulation 2009</i> . LW 18.12.2009. Date of commencement, on publication on LW, cl 2.
2012	No 96	<i>Forestry Act 2012</i> . Assented to 21.11.2012. Date of commencement of Sch 4.51, 1.1.2013, sec 2 and 2012 (680) LW 21.12.2012.
2017	No 63	<i>Statute Law (Miscellaneous Provisions) Act (No 2) 2017</i> . Assented to 23.11.2017. Date of commencement of Sch 4.56, 14.1.2018, sec 2 (3).
2018	No 18	<i>Transport Administration Amendment (Sydney Metro) Act 2018</i> . Assented to 23.5.2018. Date of commencement, 1.7.2018, sec 2 and 2018 (275) LW 22.6.2018.

Table of amendments

Cl 5A	Ins 9.4.1998.
Cl 12, 13	Am 9.4.1998.
Cl 15	Subst 2005 No 28, Sch 5.49.
Cl 16	Am 2009 (602), Sch 1 [1].
Cl 17	Am 22.3.2002; 2009 (602), Sch 1 [2].
Cl 18	Am 22.3.2002. Subst 2009 (602), Sch 1 [3].
Cl 18A	Ins 2009 (602), Sch 1 [4].
Cl 19	Am 2009 (602), Sch 1 [5].
Cl 24	Am 2009 (602), Sch 1 [6] [7].
Cl 27	Am 2002 No 55, Sch 1.13; 2003 No 96, Sch 3.24; 2012 No 96, Sch 4.51; 2017 No 63, Sch 4.56; 2018 No 18, Sch 2.21.
Cl 30	Am 9.4.1998.