
**Water NSW (State Water
Corporation) Operating Licence**

2013-2018

**This substitute licence is issued under section
13(1)(b) of the *Water NSW Act* and amends the
existing State Water Corporation Operating
Licence 2013-2018**

**This substitute licence has effect on and from
1 July 2016**



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1 Licence and Licence authorisation

1.1 Purpose of this Licence

1.1.1 This Licence is granted to enable and require Water NSW to carry out its functions within its Area of Operations on the terms and conditions set out in this Licence.

This Licence sets out the terms and conditions under which Water NSW is to:

- a) meet the objectives and other requirements imposed on it in the Act and other applicable law;
- b) provide, construct, operate, manage and maintain efficient, co-ordinated and commercially viable systems and services to capture, store and release water;
- c) comply with the performance standards specified in this Licence;
- d) comply with the reporting obligations set out in the Reporting Manual;
- e) be subject to Operational Audits; and
- f) where conferred on Water NSW by this Licence, undertake specified functions of:
 - 1. the Minister administering the *Water Management Act 2000* (NSW) and the *Water Act 1912* (NSW); and
 - 2. the Ministerial Corporation under any Act or law.

1.1.2 To the extent permitted by any applicable law, this Licence authorises Water NSW to carry out its functions:

- a) outside the State; and
- b) within the area of operations of:
 - 1. Water NSW;
 - 2. Sydney Catchment Authority;
 - 3. Hunter Water Corporation; or
 - 4. a Water Supply Authority,

subject to Water NSW obtaining the written agreement of the relevant body.

1.2 Duration of this Licence

- 1.2.1 The term of this Licence is 5 years from the Commencement Date.

[Note: This Licence starts on 1 July 2013, which means that it will end on 30 June 2018.]

1.3 Availability of Licence

- 1.3.1 Water NSW must make this Licence available free of charge:

- a) on its website for downloading by any person; and
- b) to the public on request.

1.4 Conferred functions

- 1.4.1 In accordance with section 12(4) of the Act this Licence confers on Water NSW the functions specified in Schedule A to this Licence.

- 1.4.2 Water NSW must exercise any functions conferred on it under this Licence consistently with the *Water Management Act 2000* (NSW), the *Water Act 1912* (NSW), the *New South Wales – Queensland Border Rivers Act 1947* (NSW), any other relevant law and any relevant Water Management Plan.

- 1.4.3 By 1 October 2013, Water NSW must publish a statement setting out any agreed roles and responsibilities regarding the functions conferred on it under clause 1.4.1 and Schedule A, as agreed with DPI Water, the Ministerial Corporation or any other relevant government departments or agencies.

[Note: this obligation could be fulfilled by publishing those parts of any agreements (including memoranda of understanding) entered into by Water NSW and other government departments or agencies with which it shares the functions, which document roles and responsibilities regarding conferred functions.]

- 1.4.4 Water NSW must make the statement described in clause 1.4.3 available free of charge:

- a) on its website for downloading by any person; and
- b) to the public on request.

2.1 Bulk Water supplied to Local Water Utilities for Drinking Water purposes

- 2.1.1 Water NSW must maintain a register of all Local Water Utilities:
- a) for which Water NSW maintains a Water Allocation Account; and
 - b) to which Water NSW delivers water that will be used for the purposes of Drinking Water (**Local Water Utility Customers**).
- The register must include contact details for each Local Water Utility Customer, and the Valley and approximate location from which each Local Water Utility Customer extracts water.
- 2.1.2 By 1 October 2013, Water NSW must develop and implement a procedure for providing information when requested by any Local Water Utility to inform that utility's Drinking Water quality assurance program (**LWU Information Request Procedure**).
- 2.1.3 Water NSW's LWU Information Request Procedure under clause 2.1.2 above must:
- a) describe how a Local Water Utility is to request information;
 - b) describe how Water NSW will respond to the request in a timely manner; and
 - c) define any fees or charges that will be charged by Water NSW to recover reasonable costs incurred for responding to an information request, how these will be calculated, and how they are to be paid.
- 2.1.4 Water NSW must make details of the LWU Information Request Procedure free of charge:
- a) on its website for downloading by any person; and
 - b) to the public on request.

[Note: The purpose of clause 2.1 is to ensure that there are mechanisms in place for State Water to share information which it currently collects with interested Local Water Utilities, where that information could usefully inform a Local Water Utility's Drinking Water quality assurance program.]

3 Water quantity

3.1 Delivery of water to Customers

- 3.1.1 Water NSW must take all reasonable steps to process all Water Orders promptly and efficiently.

[Note: Where a Customer places an incomplete or incorrect Water Order, Water NSW could fulfil this obligation by notifying that Customer promptly and efficiently of the error, and how to rectify it.]

- 3.1.2 Water NSW must take all reasonable steps to manage Water Orders so as to ensure the timely Delivery of water to its Customers.

- 3.1.3 Water NSW must maintain a Water Allocation Account for each access licence issued under the *Water Management Act 2000* (NSW) and each licence issued under the *Water Act 1912*(NSW) held by a Customer.

- 3.1.4 Water NSW must take all reasonable steps to conserve water and minimise water losses that result from undertaking its operations under this Licence.

[Note: The obligations imposed on Water NSW by this clause 3.1 are subject to the requirements of any water sharing plans or water management work approvals.]

3.2 Advance notification of changes to flow release patterns

- 3.2.1 Water NSW must maintain an effective system to provide advance notification of any significant changes to flow release patterns from its Water Management Works, to Customers and other stakeholders that have registered to be notified of such changes.

3.3 Water balance reporting

- 3.3.1 Water NSW must prepare water balance reports for each of the Valleys in which it operates, in accordance with the Reporting Manual.

4 Assets

4.1 Asset Management System

- 4.1.1 By 30 June 2018, Water NSW must develop a Management System that is consistent with:
- a) the *International Standard ISO 55001: 2013 Asset Management – Management systems - Requirements*; or
 - b) another asset management standard agreed to by IPART,
(Asset Management System).
- 4.1.2 In the case of an Asset Management System which is developed under the *International Standard ISO 55001: 2013 Asset Management – Management systems – Requirements*, Water NSW must ensure that:
- a) by 30 June 2018, the Asset Management System is certified by an appropriately qualified third party to be consistent with the International standard *ISO 55001:2013: Asset Management – Management systems - Requirements*; and
 - b) once the Asset Management System is certified under clause 4.1.2(a) above, the certification is maintained during the remaining term of this Licence.
- 4.1.3 Water NSW must ensure that, by 30 June 2018, the Asset Management System is fully implemented and that all relevant activities are carried out in accordance with the system.
- 4.1.4 Until the Asset Management System has been developed in accordance with clause 4.1.1 and certified in accordance with clause 4.1.2 (if applicable), Water NSW must:
- a) maintain programs to manage risks to its assets and to maintain the appropriate levels of service of those assets; and
 - b) ensure that all its activities are carried out in accordance with those programs.
- 4.1.5 Once the Asset Management System is certified in accordance with clause 4.1.2 (if applicable), Water NSW must notify IPART of any significant changes that it proposes to make to the Asset Management System in accordance with the Reporting Manual.

4.2 Water metering and monitoring

- 4.2.1 Water NSW must read each of its Customers' meters.
- 4.2.2 Where provided for in any agreement between Water NSW and the Minister or DPI Water, Water NSW must:
- a) read Metering Equipment (if applicable);
 - b) determine water extraction; and
 - c) carry out any other specified water monitoring functions;
- at the locations and within the timeframes set out in the agreement.
- 4.2.3 Water NSW must provide any data obtained when carrying out its obligations under any agreement described in 4.2.2 to DPI Water in the timeframe and format specified in the agreement.
- 4.2.4 Water NSW may operate, replace, repair, maintain, remove, connect, disconnect or modify Metering Equipment installed under a government-funded meter program.

[Note: This clause 4.2 enables Water NSW to perform the metering functions set out in this clause for the purposes of section 31(1) of the Act, subject to the terms and conditions of this Licence.]

5 Customers

5.1 Valley-based customer service committees (excluding Fish River Water Scheme Customers)

- 5.1.1 Water NSW must regularly consult with Valley-based customer service committees (CSCs) to enable Customer involvement in issues relevant to the performance of Water NSW's obligations to Customers under this Licence or the customer service charter referred to in clause 5.2 of this Licence.
- 5.1.2 For each CSC, Water NSW must invite at least 1 representative from each of the groups or bodies identified in paragraphs (a) to (e) below to be a member of that CSC:
- a) Customers which are Unregulated River water users;
 - b) Customers which are groundwater users;
 - c) the NSW environmental water entitlement holder;
 - d) the Commonwealth Environmental Water Holder;
 - e) Local Land Services; and
 - f) DPI Water.

For the purposes of this clause 5.1.2, Customer does not include a Fish River Water Scheme Customer.

- 5.1.3 Water NSW must provide the CSCs with adequate information within its possession or under its control to enable the CSC to discharge the tasks assigned to it, other than information or documents over which Water NSW or another person claims confidentiality or legal professional privilege and subject to any limitations on disclosure of the information at law.

5.2 Customer Service Charter (excluding Fish River Water Scheme Customers)

- 5.2.1 Water NSW must, in consultation with the CSCs, establish and maintain a customer service charter (**Customer Service Charter**).
- 5.2.2 The Customer Service Charter must set out the mutual responsibilities and obligations of Water NSW and its Customers (excluding Fish River Water Scheme Customers) consistently with this Licence, the Act, the *Water Management Act 2000* (NSW), the *Water Act 1912* (NSW) and any other applicable law.
- 5.2.3 Water NSW must make the Customer Service Charter available free of charge:
 - a) on its website for downloading by any person; and
 - b) to the public on request.

5.3 Fish River Customer Council

- 5.3.1 Water NSW must regularly consult with a Fish River Customer Council to enable Fish River Water Scheme Customer involvement in issues relevant to the performance of Water NSW in its obligations to Fish River Water Scheme Customers under this Licence and any Fish River Customer Contract.
- 5.3.2 Water NSW must invite at least 1 representative from each of the entities identified in paragraphs (a) to (d) below to be a member of the Fish River Customer Council:
 - a) Lithgow City Council;
 - b) Oberon Council;
 - c) Delta Electricity, a statutory State owned corporation constituted under the *Energy Services Corporations Act 1995* (NSW); and
 - d) Sydney Catchment Authority, a statutory corporation constituted under the *Sydney Water Catchment Management Act 1998* (NSW),

(Fish River Customer Council).
- 5.3.3 Water NSW must provide the Fish River Customer Council with adequate information within its possession or under its control so as to enable the Fish River Customer Council to discharge the tasks assigned to it, other than information or documents over which Water NSW or another person claims confidentiality or privilege and subject to any limitations on disclosure of the information at law.

5.4 Fish River Customer Contracts

- 5.4.1 Water NSW must enter into and maintain an agreement with each of its Fish River Water Scheme Customers during the term of this Licence, for the water supply arrangements for the Fish River Water Supply Scheme.
- 5.4.2 The terms of the agreements must, as a minimum, include provisions on:
- a) the standard of the quality of water to be supplied by Water NSW;
 - b) the continuity of water to be supplied by Water NSW (that is, provisions relating to interruption, disconnection and reconnection to supply);
 - c) the metering arrangements;
 - d) the costs to be paid by Fish River Water Scheme Customers for the supply of water and other services to them; and
 - e) any other terms agreed between Water NSW and its Fish River Water Scheme Customers.

5.5 Code of practice on payment difficulties

- 5.5.1 Water NSW must develop, maintain and fully implement a code of practice (the **Code**) relating to Customers having payment difficulties, which must:
- a) provide for deferred payment or payment by instalment for Customers who are required to pay Bills and who are experiencing payment difficulties; and
 - b) identify the circumstances under which Water NSW may suspend water access licences, and an overview of the process that must be followed prior to suspension.
- 5.5.2 Water NSW must set out details of the Code in the Customer Service Charter.
- 5.5.3 Water NSW must provide information on the Code free of charge:
- a) to Customers, at least once annually with their Bills;
 - b) on its website for downloading by any person; and
 - c) to the public on request.

5.6 Internal Complaints Handling Procedure

- 5.6.1 Water NSW must maintain a procedure for receiving, responding to and resolving Complaints, which is consistent with the *Australian Standard AS ISO 10002-2006: Customer satisfaction - Guidelines for complaints handling in organizations* (ISO 10002:2004, MOD) (**Internal Complaints Handling Procedure**).
- 5.6.2 Water NSW must ensure that the Internal Complaints Handling Procedure is fully implemented and that all relevant activities are carried out in accordance with the procedure.
- 5.6.3 Water NSW must provide information on the Internal Complaints Handling Procedure which explains how to make a Complaint and how the Internal Complaints Handling Procedure works free of charge:
 - a) to Customers, at least once annually with their Bills;
 - b) on its website for downloading by any person; and
 - c) to the public on request.

5.7 External dispute resolution scheme

- 5.7.1 Water NSW must be a member of the Energy and Water Ombudsman NSW for the resolution of disputes between Water NSW and its Customers.
- 5.7.2 Water NSW must provide free of charge information that explains the operation of the dispute resolution service provided by the Energy and Water Ombudsman NSW (including any rights to have a Complaint or dispute referred to the Energy and Water Ombudsman NSW and how the dispute resolution service can be accessed):
 - a) to Customers, at least once annually with their Bills;
 - b) on its website for downloading by any person; and
 - c) to the public on request.

6 Environmental management

6.1 Environmental management

- 6.1.1 By 30 June 2018, Water NSW must develop a Management System which is consistent with the *Australian Standard AS/NZS ISO 14001:2004: Environmental Management Systems - Requirements with guidance for use* (**Environmental Management System**).
- 6.1.2 Water NSW must ensure that:
- a) by 30 June 2018, the Environmental Management System is certified by an appropriately qualified third party to be consistent with the *Australian Standard AS/NZS ISO 14001:2004: Environmental Management Systems - Requirements with guidance for use*; and
 - b) once the Environmental Management System is certified under clause 6.1.2(a), the certification is maintained during the remaining term of this Licence.
- 6.1.3 Water NSW must ensure that by 30 June 2018, the Environmental Management System is fully implemented and that all relevant activities are carried out in accordance with the system.
- 6.1.4 Until the Environmental Management System has been developed and certified in accordance with clauses 6.1.1 and 6.1.2, Water NSW must:
- a) maintain programs to manage risks to the environment from carrying out its activities; and
 - b) ensure that all its activities are carried out in accordance with those programs.
- 6.1.5 Once the Environmental Management System is certified in accordance with clause 6.1.2, Water NSW must notify IPART of any significant changes that it proposes to make to the Environmental Management System in accordance with the Reporting Manual.

7 Performance monitoring

7.1 Operational Audits

7.1.1 IPART may undertake, or may appoint an Auditor to undertake, an audit on Water NSW's compliance with:

- a) this Licence;
- b) the Reporting Manual; and
- c) any matters required by the Minister,

(Operational Audit).

7.1.2 Water NSW must provide IPART or any Auditor with all information in its possession, or under its custody or control, which is necessary to conduct the Operational Audit, including whatever information is reasonably requested by IPART or an Auditor.

7.1.3 Water NSW must provide the information requested under clause 7.1.2 within a reasonable time of it being requested.

7.1.4 For the purposes of any Operational Audit or verifying a report on an Operational Audit, Water NSW must, within a reasonable time of being required by IPART or an Auditor, permit IPART or the Auditor to:

- a) have access to any works, premises or offices occupied by Water NSW;
- b) carry out inspections, measurements and tests on, or in relation to, any such works, premises or offices;
- c) take on to any such premises, works or offices any person or equipment necessary for the purposes of performing the Operational Audit or verifying any report on the Operational Audit;
- d) inspect and make copies of, and take extracts from, any books and records of Water NSW that are maintained in relation to the performance of Water NSW's obligations under this Licence (including under the Reporting Manual); and
- e) discuss matters relevant to the Operational Audit or any report on the Operational Audit with Water NSW, including any of Water NSW's officers and employees.

7.2 Reporting

- 7.2.1 Water NSW must comply with its reporting obligations set out in this Licence and in the Reporting Manual, which include:
- a) reporting to IPART in accordance with the Reporting Manual and this Licence, and
 - b) making reports and other information publicly available,
- in the manner set out in the Reporting Manual.
- 7.2.2 Water NSW must maintain sufficient record systems that enable it to report accurately in accordance with this Licence and the Reporting Manual (including its performance against the performance indicators specified in the Reporting Manual).
- 7.2.3 In the case of any ambiguity in the interpretation or application of any performance indicators specified in the Reporting Manual, IPART's interpretation or assessment of the indicators will prevail.
- 7.2.4 Water NSW must maintain sufficient record systems to enable it to measure accurately its performance against any system performance indicators specified in any instruments that give effect to the National Water Initiative.

7.3 Provision of information

- 7.3.1 If IPART requests that Water NSW provide information relating to the performance of its obligations under clause 7.2, Water NSW must provide the information requested within a reasonable time of IPART's request, including providing IPART with physical and electronic access to the records required to be kept under clause 7.2.2.
- 7.3.2 Water NSW must provide IPART with such information as is reasonably required to enable IPART to conduct any review or investigation of Water NSW's obligations under this Licence.
- 7.3.3 If Water NSW contracts out any of its activities to third parties (including a subsidiary) it must take all reasonable steps to ensure that, if required by IPART or an Auditor, any such third parties provide information and do the things specified in this clause 7 as if that third party were Water NSW.

- 7.3.4 If IPART or an Auditor requests information under this clause 7 which is confidential, the information must be provided to IPART or the Auditor, subject to IPART or the Auditor entering into reasonable arrangements to ensure that the confidential information is not disclosed to third parties, without the consent of Water NSW.

8 End of term review

8.1 End of Term Review

- 8.1.1 In or around the first quarter of 2017, a review of this Licence will commence to investigate:
- a) whether this Licence is fulfilling its objectives; and
 - b) any issues which have arisen during the term of this Licence, which may affect the effectiveness of this Licence,
- (End of Term Review).**
- 8.1.2 Water NSW must provide to the person undertaking the End of Term Review such information as is reasonably required to enable the person to undertake the End of Term Review.

9 Notices

Any notice or other communication given under this Licence must be made in writing addressed to the intended recipient at the address shown below or the last address notified by the recipient.

Water NSW	IPART
The Chief Executive Officer Water NSW PO Box 1018 Dubbo NSW 2830	The Chief Executive Officer Independent Pricing and Regulatory Tribunal PO Box K35 Haymarket Post Shop NSW 1240

10 Definitions and interpretation

10.1 Definitions

In this Licence:

Act means the *Water NSW Act 2014* (NSW).

Area of Operations has the meaning given in section 15 the Act (but not so as to authorise the exercise of any Sydney catchment functions of Water NSW);

Asset Management System has the meaning given in clause 4.1.1.

Auditor means a person appointed by IPART to undertake an Operational Audit.

Bill means a bill sent by Water NSW to a Customer for the provision of services supplied by Water NSW.

Border Rivers means “Carrier Rivers” as defined in *New South Wales - Queensland Border Rivers Act 1947* (NSW).

Border Rivers Commission means the commission constituted under the *New South Wales - Queensland Border Rivers Act 1947* (NSW).

Bulk Water means water delivered to meet the needs of the environment and Water NSW’s Customers.

Commencement Date is the date by law on which this Licence commences.

[Note: The date on which a Licence commences is ordinarily specified in the NSW Government Gazette when the Governor grants or renews this Licence under the Act.]

Complaint means an expression of dissatisfaction made by a Customer to Water NSW in relation to its services or its complaints-handling process, where a response or resolution is explicitly or implicitly expected.

CSC has the meaning given in clause 5.1.1.

Code has the meaning given in clause 5.5.1.

Customer means any person:

- a) authorised under the *Water Management Act 2000* (NSW) or the *Water Act 1912* (NSW) to take and use water and to whom Water NSW delivers water; or
- b) to whom Water NSW provides a service and includes Fish River Water Scheme Customers and environmental water entitlement holders.

Customer Service Charter has the meaning given in clause 5.2.1.

Delivery means the water management service provided by Water NSW to satisfy Water Orders, customer contracts including Fish River Customer Contracts, and environmental requirements, subject to any physical supply constraints. This incorporates the operation of Water NSW's Water Management Works, and Water NSW's internal procedures, including the management of Water Allocation Accounts.

DPI Water means the Department of Primary Industry Water Division.

Drinking Water means water intended, or likely to be used, primarily for human consumption but which has other personal, domestic or household uses such as bathing and showering.

Energy and Water Ombudsman NSW means the NSW industry complaints scheme for the energy and water industry of that name and any successor to that scheme.

Environmental Management System has the meaning given in clause 6.1.1.

Fish River Customer Contract means any agreement entered into between Water NSW and a Fish River Water Scheme Customer in accordance with clause 5.4.

Fish River Customer Council has the meaning given in clause 5.3.

Fish River Water Supply Scheme means the Fish River water supply scheme as defined in the Act.

Fish River Water Scheme Customer means any person to whom Water NSW makes available water by the operation of the Fish River Water Supply Scheme.

Hunter Water Corporation has the meaning given to it under the *Hunter Water Act 1991* (NSW).

Internal Complaints Handling Procedure has the meaning given in clause 5.6.1.

IPART means the Independent Pricing and Regulatory Tribunal of New South Wales constituted by the IPART Act.

IPART Act means the *Independent Pricing and Regulatory Tribunal Act 1992* (NSW).

Licence means this operating Licence granted under section 11 of the Act to Water NSW or any renewal of it, as in force at the relevant time.

Local Land Services means the statutory corporation established under the *Local Land Services Act 2013*.

Local Water Utility has the meaning given to that term in the *Water Management Act 2000* (NSW).

Local Water Utility Customer has the meaning given in clause 2.1.1.

LWU Information Request Procedure has the meaning given in clause 2.1.2.

Management System means a set of procedures to be followed by Water NSW to develop and implement its policies and objectives and to manage any of its activities, products, functions or services, and includes organisational structure, planning activities, responsibilities, practices, processes and resources.

Metering Equipment has the meaning given in the Act.

Minister means, unless the contrary intention appears, the Minister administering the Act.

[Note: As at the Commencement Date, the Minister administering the Act is the Minister for Primary Industries jointly with the Minister for Regional Infrastructure and Services.]

NSW Health means the Water Unit of the Ministry of Health.

Operational Audit has the meaning given in clause 7.1.1.

Reporting Manual means the document titled “State Water Corporation Reporting Manual” dated July 2013, which is prepared by IPART and is available on IPART’s website at www.ipart.nsw.gov.au, as updated from time to time.

Water NSW means the Water NSW Corporation constituted as a statutory State owned corporation by the Act.

Sydney Catchment Authority has the meaning given to it under the now repealed *Sydney Water Catchment Management Act 1998* (NSW).

Sydney Water Corporation has the meaning given to it under the *Sydney Water Act 1994* (NSW).

Unregulated River has the meaning given to that term under the *Water Management Act 2000* (NSW).

Valley means a river valley.

Water Allocation Account has the meaning given to it under the *Water Management Act 2000* (NSW) or means an account for a water access licence set up under the administrative procedures implemented under the *Water Act 1912* (NSW).

Water Management Work has the meaning given to it under the *Water Management Act 2000* (NSW).

Water Order means a request by a Customer, made in accordance with the relevant conditions imposed on the relevant:

- a) water access licence, to take water under the *Water Management Act 2000* (NSW); or
- b) entitlement, to take water under section 20AF of the *Water Act 1912* (NSW).

Water Supply Authority means a body listed under Schedule 3 of the *Water Management Act 2000* (NSW).

10.2 Interpretation

- a) In this Licence, unless the contrary intention appears:
 - i) “person” includes an individual, a body corporate, an unincorporated body or other entity and one or more of each of them;
 - ii) headings are for convenience only and do not affect the interpretation of this Licence;
 - iii) notes do not form part of this Licence but may be used to assist with interpretation if there is ambiguity;
 - iv) words importing the singular include the plural and vice versa;
 - v) a reference to a law or legislation (including the Act) includes regulations made under the law or legislation;
 - vi) a reference to regulations includes ordinances, codes, licences, orders, permits and directions;
 - vii) a reference to a law or regulation includes consolidations, amendment, variations, re-enactments, or replacements of any of them;
 - viii) a reference to a person includes a reference to the person’s executors, administrators, successors, substitutes (including, but not limited to, persons taking by novation) and assigns;
 - ix) a reference to a year means a calendar year that ends on 31 December;
 - x) a reference to a financial year means a period of 12 months commencing on 1 July and ending on the following 30 June;
 - xi) a reference to a clause or schedules is to a clause of a schedule to this Licence; and
 - xii) a reference to quarter is a period of three months beginning on 1 July, 1 October, 1 January or 1 April in a year.
- c) Terms defined in the Act, *Water Act 1912* (NSW), *Water Management Act 2000* (NSW) and *New South Wales – Queensland Border Rivers Act 1947* (NSW) have the same meaning in this Licence, unless a contrary definition is specified in this Licence.
- d) If any part of this Licence is prohibited, void, voidable, illegal or unenforceable, then that part is severed from this Licence but without affecting the continued operation of the remainder of this Licence.

- e) A reference in this Licence to any organisation, association, society, group, authority or body will, in the event of it ceasing to exist or being reconstituted, renamed or replaced or if its powers or functions are transferred to any other entity, body or group, refer respectively to any such entity, body, authority or group, established or constituted in lieu thereof or succeeding to similar powers and functions.
- f) A reference in this Licence to a document (original document) is a reference to the original document as amended or revised or, where the original document is replaced, to the replacing document, or the document that most closely approximates the original document.
- g) Information provided to IPART under this Licence may be used by IPART for the purpose of an investigation or report under the IPART Act in relation to Water NSW, or in the discharge of any function lawfully conferred on IPART.



Schedules

Schedule A - Conferral of Functions

The following functions are conferred on Water NSW pursuant to s 12(4) of the Act.

Licensing Functions

The functions in the tables below under the *Water Management Act NSW 2000* the *Water Act 1912*, the *Water Management (General) Regulation 2011*, the *Access Licence Dealing Principles Order 2004* and within Water Management Plans which relate to licensing are conferred on Water NSW except where the functions are to be exercised in relation to licenses or licence applications:

- held or submitted by a Major Utility, Water Supply Authority, Local Water Utility, Irrigation Corporation, the Commonwealth, another State or Territory, a New South Wales government agency or a State Owned Corporation constituted under the *State Owned Corporations Act 1989*; or
- for an Aboriginal commercial, Aboriginal community development, Aboriginal cultural or Aboriginal environmental subcategory of access licence; or
- which relate to activities where the applicant has been required to obtain any authority, lease or licence under the *Mining Act 1992*, the *Offshore Minerals Act 1999* or the *Petroleum (Onshore) Act 1991* or any permit or licence under the *Petroleum (Offshore) Act 1982*; or
- which relate to floodplain harvesting in regulated or unregulated rivers; or
- which relate to activities for a development which has been:
 - declared a State Significant Development under s 89C of the *Environmental Planning and Assessment Act 1979* (EP&A Act) or is declared to be a State Significant Development under a State environmental planning policy,
 - declared a State Significant Infrastructure under s 115U of the EP&A Act or is declared to be State Significant Infrastructure under a state environmental planning policy; or
 - approved under the now repealed Part 3A of the EP&A Act .

Compliance with Departmental Manuals and Policies

In exercising functions conferred on Water NSW related to licensing, Water NSW must comply with the Licensing Procedures Manual (the Manual) issued by the Department of Industry as updated from time to time, but only:

- i) to the extent the requirements in the Manual are reasonable, relevant and practicable for Water NSW to adopt; or
- ii) where DPI Water acting reasonably specifically identifies the requirement as a mandatory requirement and communicates the mandatory requirement to Water NSW and to IPART.

Notwithstanding the above, compliance is not required in the event either the Licensing Manual or the WSP Guidance:

- a) does not prescribe a procedure; or

- b) prescribes a procedure requiring access to information or systems not available to Water NSW staff.

Water Management Act 2000

Section	Function
61(1)	Receive applications for an access licence.
61(3)	Cause an application for an access licence to be advertised in accordance with the <i>Water Management (General) Regulations 2011</i>
61(5)(a)	Require additional information in relation to an application.
61(5)(b)	Decide to delay considering an application, or refuse to consider an application until information is provided.
61(6)	Refuse to accept an incomplete application.
61(7)	Accept applications to amend or withdraw applications for access licences before the application is determined.
62(2)	Notify the applicant of the grounds of any objection and allow time for a response.
62(3)(a)	Require additional information in relation to an objection.
62(3)(b)	Decide to delay considering an objection or response, or refuse to consider an objection or response until information is provided.
62(4)	Notify the objector or application of a deficiency in an objection or response and allow time to rectify.
62(5)	Before making a decision on an application for an access licence where an objection has been made, endeavor to resolve the issues raised by the objection with the applicant and objector, with a view to reaching agreement on the matters raised by the objectors.
62(6)	For the purpose of reaching an agreement on the matters raised by an objection, propose that matters raised by the objection be dealt with by way of mediation or neutral evaluation or involving an independent mediator or evaluator selected by agreement.

62(7)	Dismiss an application or objection for failure to particulate in mediation or neutral evaluation proceedings.
63(1)	Determine an application for an access licence by granting or refusing to grant the licence.
63(7)	Determine the form of an access licence
64	Notify the applicant and any objectors of the grant or refusal of a licence application under Division 2 of Chapter 3 of the WM Act within 7 days of determination.
66(1)	Impose mandatory and discretionary condition(s) on an access licence.
66(2A)	Impose condition(s) on specific purpose access licences to ensure the licence is used for the purpose for which it was granted.
67(1)	Give written notice to an access licence holder of a proposal to impose discretionary conditions on an access licence after it has been granted, allow reasonable opportunity to make submissions and consider those submissions.
67(3)	Impose, amend, revoke or suspend mandatory conditions of an access licence whenever it is necessary to do so in order to enable compliance with or give effect to the Act, the regulations or a relevant management plan.
67(4)	Cause written notice of any conditions imposed, amended, revoked or suspended on an access licence after the time it is granted to be served on the holder of the access licence.
68	Revoke discretionary conditions on an access licence whether or not on the application of the holder of the access licence.
68A(1)	Amend the share or extraction component (or both) of an access licence in accordance with the Act or a relevant management plan.
68A(2)	Cause written notice of an amendment of an access licence under section 68A to be served on the holder of the licence and any security holder in relation to the licence.
71(3)	Determine the form and manner for keeping information in the Access Register.
Schedule 1A	Note: this function is also delegated to certain persons within the Land and

(c1 1(2) and 1(4))	Property Information Division, Department of Finance and Services.
71D, 71E, 71L, 71X and Schedule 10 (cl 19)	Determine the form of applications under sections 71D(1)(a), 71E, 71L(4)(a), 71X(1)(f) and clause 19 of Schedule 10.
71H(1), 71L(1)(a), 72(1), 73(1), 87B(1) and Schedule 1A (cl 2(1), 3(1), 3(5), 5(2))	Determine the form of applications under section 71H(1), 71L(1)(a), 72(1), 73(1), 87B(3), clauses 2(1), 3(1), 3(5), 5(2) of Schedules 1A
71G	Require the access licence certificate to be produced before recording a matter in the Access Licence Register
71I	Correct an error, omission or defect or amend for any other reason any recording in the Access Register.
71L(4)(b)	If consent is granted, enter details of an assignment in the water allocation account for the access licence.
71M(4)	Give or refuse consent to the transfer of a category or subcategory of access licence prescribed by the regulations, or the transfer of an access licence in circumstances prescribed by the regulations.
71N(4)	Give or refuse consent to the term transfer of an access licence of a category or subcategory prescribed by the regulations, or the term transfer of an access licence in circumstances prescribed by the regulations.
71N(7)	Give or refuse consent to a reduction of the period of a term transfer without the consent of the transferee if satisfied that the transferee has failed to comply with any obligations imposed on the transferee.
71O(1)	Give or refuse consent to the cancellation of an access licence and the grant of a new licence of a different category or subcategory.
71P(1)(a)	Give or refuse consent to the subdivision of an access licence by cancelling the licence and granting two or more licences in its place.

71P(1)(b)	Give or refuse consent to, the consolidation of two or more access licences that relate to the same water management area or water sources and are of the same category or subcategory by cancelling the licences and granting a single licence in their place.
71Q(1)	Give or refuse consent to the assignment of rights between two or more access licences of the same category with respect to the same water management area or water source by reduction of the share or extraction component, or both, of one or some of the licences, and a corresponding increase in the share or extraction component, or both, of the others, on the application of the holder or holders of the licences.
71R(1)	Give or refuse consent to the cancellation of an access licence and the grant of a new access licence with a share component specifying a different water source or water management area, on the application of the holder of the licence.
71S(1)	Give or refuse consent to the amendment of the extraction component of an access licence, so as to vary the times, rates or circumstances specified in the licence with respect to the taking of water under the licence, or to vary the areas or locations specified in the licence as the areas or location from which water may be taken under the licence.
71T(2)	Give or refuse consent to the assignment of water allocations between the water allocation accounts for two or more access licences, on the application of the holders of the licences.
71T(4)	Receive notice given by parties who have completed an assignment of water allocations.
71U(2)	Give or refuse consent to the grant or cancellation of an access licence to give effect to the interstate transfer of access licences and their corresponding interstate equivalents, on an application made pursuant to an agreement under section 71U(1).
71V(2)	Give or refuse consent to the crediting of water allocations to an access licence, or the debiting of water allocations from an access licence, to give effect to an interstate assignment of water allocations, on an application made pursuant to an agreement under section 71V(1).
71W(1)	Give or refuse consent to the amendment of an access licence so as: (a) to nominate a specified water supply work, or group of water supply works, as a work or group of works by means of which water allocations under the licence may be taken, or (b) to withdraw any such nomination, on the application of the

	holder of the licence.
71Y(6)	Deal with 2 or more related dealings at the same time and in the same application as if they comprised one dealing.
72	Record a person as the holder or co-holder of an access licence or a holding in an access licence, (a) if satisfied that the applicant is entitled to be recorded in the Access Register as he holder or co-holder, and (b) if nothing recorded in the Access Register prevents the registration, and require evidence of applicant's entitlement to be recorded in Access Register as a holder or co-holder.
74 and Schedule 1B	Give or refuse consent to the extinguishment of the holdings of one or more co-holders of an access licence and the granting of a new access licence in accordance with Schedule 1B.
76	Give or refuse consent to an application for used water allocations to be recredited to the water allocation account for an access licence and deal with an application in accordance with the water return flow rules, subject to the condition that Water NSW provide water account information to DPI Water.
77(1)	Receive a surrendered access licence.
77(4)	Cancel a surrendered access licence and record in the Access Register that the Minister is the holder of the surrendered licence
77A(1)	Cancel a supplementary access licence when the relevant management plan ceases to make provision for the extraction of water under the access licence.
77A(2)	Cancel a specific purpose access licence, if of the opinion that the purpose for which the licence was granted no longer exists.
77A(4)	Cancel an access licence of a category prescribed by the regulations other than a specified purpose access licence.
77A(5)	Cancel an access licence if the period for which the licence is to have effect was specified in an order under section 65 and the period has expired.
78(1)	Suspend or cancel an access licence on one or more grounds
78A(1)	Given written notice to the holder of an access licence, and if there are security holders in relation to the access licence to those security holders, of proposed action under section 77A or 78, give any such person a reasonable opportunity to

	make submissions with respect to the proposed action and take any such submissions into consideration.
85(1)	Keep a water allocation account for each access licence.
85(2)	Credit water allocations to the water allocation account for an access licence in accordance with any relevant available water determination, subject to the condition that Water NSW provide water account information to DPI Water.
85(3)	<p>As a result of the early release of water by Snowy Hydro Limited:</p> <ul style="list-style-type: none"> • credit an amount of water to the water allocation account for an access licence; and • subsequently debit the same amount of water as is so credited in accordance with directions of the Minister, <p>subject to the condition that Water NSW provide water account information to DPI Water.</p>
85(5)	Withdraw water allocations from a water allocation account as referred to in section 21(c), subject to the condition that Water NSW provide water account information to DPI Water.
87B	Issue a certificate in the approved form in respect of an access licence (an “access licence certificate”) and all other action under section 87B.
Clause 1(2) within Schedule 1A	Record the details of any Ministerial action (other than the grant of an access licence under section 63, 63A or 63B), in the Access Register and determine the form in which such actions may be recorded.
Clause 1(4) within Schedule 1A	Include in the Access Register such other information about the holder of an access licence and the conditions of and other matters relating to the licence as is considered appropriate.

Water Act 1912

Note: The following ‘licensing functions’ under the Water Act include functions relating to the issuing of permits and authorities as well as licences.

Section	Function
10	Accept applications and prescribe a form for the application of licences.

11(1)-(2C), 18G and 20A	Cause publication of applications, amended applications and notices all related to actions under sections 11(1)-(2C) (application for licence), 18G (application for permit) and 20A(1)(1D) (application for authority).
11	Decide whether to grant or refuse an application, determine period, terms, limitations and conditions, give applicant notice of decision, apply to Civil and Administrative Tribunal for an inquiry.
11A	Refer an application to the Planning Assessment Commission and all other action of the Ministerial Corporation under 11A.
12	Issue a licence in the prescribed form, impose terms, limitations and conditions, reject an application for failure to pay prescribed fee, retain deposit or any part of deposit and all other action under section 12.
13AA	Issue an amended licence to reduce area authorised to be irrigated, the capacity of the work or the quantity of water which may be taken.
13C	Refuse to grant any application for a licence, renew a licence, grant an extension of time for completion of alterations, repairs or additions and all other action under section 13C.
13D	Grant permission in writing for the holder of a licence or authority for a joint water supply scheme granted for the purpose of irrigation or water supply to take water from a river or lake by means of any work covered by the licence or authority before the whole of the works covered by the licence or authority have been constructed or provided.
13F	Give notice of proposed cancellation to licence holder.
14	Renew, or refuse to renew, a licence from time to time, deal with an application lodged after the licence expires, determine period, terms, limitations and conditions, notify applicant, notify any owners and occupiers of intervening lands and all other functions of the Ministerial Corporation under section 14.
14A	Prescribe fees for issuing and renewal of licences, including issuing or renewing licences to public authority at a nominal fee
15	Require a separate application to be made in respect of each work, determine what works may be included as a combined work in an application for a licence or group licence and all other action under section 15

17A, 20H and 20S	Serve notice to revoke, suspend or modify a licence and withdraw or annul a licence under 17A or an authority under 20H or a group licence under 20S.
17C, 20HB and 20U	Place notices to revoke suspend or modify licences/authorities in the Gazette.
18	Cancel an annual licence.
18F	Approve the prescribed form to apply for a permit to construct and use a work under section 18F.
18G	Grant or refuse an application for a permit.
18H	Grant a permit instead of imposing a licence, impose limitations and conditions and all other action under section 18H.
18I	Issue a permit on payment of fee, require alternations be made to or in connection with a work or to plans and specifications of the work and all other action under section 18I.
18J	Renew a permit, impose limitations and conditions and all other actions under section 18J
18M	Prescribe fees for issuing and renewal of permits, including issuing or renewing permits to public authority at a nominal fee.
18N	Require a separate application to be made in respect of each work, determine what works may be included as a combined work in an application for a licence or group licence and all other action under section 18N.
18O	Issue notices to suspend, modify or withdraw permits, or to reduce the quantity of water authorised by the permit under section 18O.
20	Receive applications for an authority to construct and use the joint water supply scheme and to take and use the water which may be conserved or obtained via the scheme, prescribe the form of the scheme, receive the prescribed deposit.
20A(1) and (1D)	Publish application for authorities in Gazette, form the opinion changes warrant advertising an amended application and advertise amended applications.

20B	Grant an authority for a joint water supply scheme, determine the period, terms and conditions, reject an application, retain any deposit, any part of such deposit and all other action under 20B.
20BA	Refuse to grant any application for an authority, renew an authority, determine conditions, grant an extension of time for completion of alterations, repairs or additional works and all other actions under section 20BA.
20BB	Permit holders of an authority to take water in accordance with section 20BB, issue a written permission to that effect and all other action under section 20BB.
20BC	Give written notice to holders of an authority of cancellation after specified period, annul or withdraw notice given before expiration or specified period and all other action under section 20BC.
20C	Renew an authority, determine all terms and conditions and all other actions under section 20C
20CB	Renew an authority, determine period, terms, limitations and conditions and all other actions under section 20CB.
20D	Cancel an authority, provide written consent to an alteration of a work and all other action under section 20D.
20E	Issue an amended authority, determine terms and conditions, cause publication of notice giving particulars of application, advertise any amended application, direct the Director-General or a Magistrate to hold a public inquiry, decide whether or not to grant an application, determine terms and conditions and all other actions under section 20E
20F	Cancel an authority following breach of terms and conditions and all other action under section 20F.
20H	Serve a notice on authority holders that the authority will be revoked, suspended or modified, quantity of water reduced or right restricted.
20AF	Temporarily vary or waive a condition of an entitlement relating to the ordering of supplies under the water allocation of the entitlement, debit the quantity of water taken and all other action under section 20AF.
20AH	Approve the transfer of the whole or part of a water allocation, including a transfer between different schemes whether for a limited period or without

	limitation as to duration and all other action under section 20AH.
20AI	Accept and consider an application for transfer of a water allocation, approve a farm water management plan, be satisfied water allocation will be used in accordance with such a plan, and all other action under section 20AI.
20AJ	Determine an acceptable form for the particulars of a transfer, prescribe payment of the fee due and all other action under section 20AJ.
20AK	Cancel an existing entitlement.
20AQ	Cancellation of an entitlement where a new entitlement is granted that includes a water allocation purchased under Division 4D.
22B	Once DPI Water has formed the view that there is a water shortage, issue, amend, alter, modify or cancel notices under section 22B to restrict or suspend the rights held under licences, group licences, authorities or permits.
107	Refer any proposal for construction of an artesian well by the Crown to the Director-General by notification in the Gazette, declare land to be a district with which charges may be levied, carry out work and all other action under s 107.
109	Approve a request on petition of occupiers and construct a well, channels and other works following the petitions of occupiers and all other action under s 109.
111	By notice in the Gazette, extend the supply of water from an artesian well to the lands of occupiers, owners and mortgagees and all other functions under s 111.
113	Cause advertisement of application, receive application and prescribe form of application, plans and descriptions.
113A	Issue or revoke orders or notices relating to invalidation of applications for licences under section 133A and reject applications.
115	Issue a licence to the applicant in the prescribed form, determine limitations and conditions and all other action under section 115.
116	Grant a licence for a limited period, renew a licence on payment of the prescribed fee, limit the period of renewal, grant an extended time for sinking bores and for enlarging, deepening or altering bores and all other action under section 116.

116A	Issue or renew a licence at a nominal fee where the applicant is a public authority.
116B	Reject an application for non-payment of prescribed fee under section 116B.
116C	Impose limitations and conditions on a licence, cause written notice of intention to impose, have regard to any submissions made and all other action under section 116C.
117A	Declare, vary, revoke or amend restricted sub-surface water areas, issue orders and all other actions under section 117A .
117B	Prescribe, vary, revoke and amend prescribed areas, fix charges in relation to prescribed areas and remit or waive the payment of any charge paid or payable.
117E	Once DPI Water has formed the view that there is a water shortage, restrict or suspend rights held under licences during period of water shortage and cause publication of the necessary notice under section 117E.
117G	Vary a licensee's water allocation and all other action under section 117G.
117H	Cancellation or suspension of licences, providing written notice, having regard to written notices duly made.
117J	Determine sub-surface water basins (or part of basins), approve applications to transfer the whole or part of the water allocation licence under section 117J, refuse to approve a transfer, require information to be provided and all other actions under s 117J.
118A	Issue or cancel a drillers licence, require information to be provided, require information in relation to a construction of a bore, cancel drillers licences.

Water Management (General) Regulation 2011

Clause	Function
9(1)(a)	Approve the form of an application for a water access licence.
15(2)(b)(ii)	Determine priority for the debit of water allocations where nomination is not made or is incapable of being implemented.

18(4)	Extend the date an exemption with respect to approved water for basic human water needs.
Schedule 5 clause 14	Be satisfied that proposed watering is in the public interest and urgently required for basic human watering needs, and approve in writing a watering program that addresses the amount of water proposed to be taken and the water source from which the water will be taken.

Management Plans/Minister's Plans

Function	
Functions of the Minister under a Management Plan made by the Minister under s 50 of the <i>Water Management Act 2000</i> relating to the following:	
Amending access licence share components when informed by DPI Water;	
Granting access licences;	
Managing water allocation accounts;	
Imposing daily access rules;	
Managing access to daily flows other than supplementary water;	
Granting and amending water supply work approvals;	
Imposing restrictions on water supply works located within restricted distances specified in a water sharing plan;	
Managing local access rules in local impact areas declared by the Minister; and	
Imposing mandatory conditions in accordance with any model conditions developed by DPI Water.	

Access Licence Dealing Principles Order 2004

Section	Function
11	Determine the conversion factor for the calculation of the share component on a new access licence. This is performed in accordance with any rules set out in the relevant management plan.
20	For water supply works dealings under 71W, determine capacity that would conserve water consistent with the share component of the access licence

	(s20(7)).
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Approval Functions

The functions in the table below under the *Water Management Act NSW 2000* and the *Water Management (General) Regulations 2011* which relate to approvals are conferred on Water NSW except where functions are to be exercised in relation to approvals or approval applications:

- where the relevant approval is a controlled activity approval or an aquifer interference approval; or
- held or submitted by a Major Utility, Water Supply Authority, Local Water Utility, Irrigation Corporation, the Commonwealth, another State or Territory, a New South Wales government agency or a State Owned Corporation constituted under the *State Owned Corporations Act 1989*; or
- which relate to activities where the applicant has obtained or will obtain an Aboriginal commercial, Aboriginal community development, Aboriginal cultural or Aboriginal environmental subcategory of access licence; or
- which relate to activities where the applicant has been required to obtain any authority, lease or licence under the *Mining Act 1992*, the *Offshore Minerals Act 1999*, or the *Petroleum (Onshore) Act 1991* or any permit or licence under the *Petroleum (Offshore) Act 1982*; or
- which relate to activities for a development which has been:
 - declared a State Significant Development under s 89C of the *Environmental Planning and Assessment Act 1979* (EP&A Act) or is declared a State Significant Development under a State environmental planning policy,
 - declared a State Significant Infrastructure under s 115U of the EP&A Act or is declared a State Significant Infrastructure under a state environmental planning policy; or
 - approved under the now repealed Part 3A of the EP&A Act .

Compliance with Licensing Procedure Manual

In exercising functions conferred on Water NSW related to approvals, Water NSW must comply with the Licensing Procedures Manual (the Manual) issued by the Department of Industry as updated from time to time, but only:

- i) to the extent the requirements in the Manual are reasonable, relevant and practicable for Water NSW to adopt; or
- ii) where DPI Water acting reasonably specifically identifies the requirement as a mandatory requirement and communicates the mandatory requirement to Water NSW and to IPART.

Notwithstanding the above, compliance with the Manual is not required in the event the Manual either:

- a) does not prescribe a procedure; or

- b) prescribes a procedure requiring access to information or systems not available to Water NSW staff.

Water Management Act 2000

Section	Function
92(4)	Require a separate application to be made in relation to one or more approvals.
92(5)(a)	Require an application for an approval to provide additional information within a specified time if of the opinion that additional information would be relevant to consideration of the application.
92(5)(b)	Delay consideration of an application until additional information required under section 92(5)(a) is provided, or refuse to consider an application if the additional information is not provided within the time specified.
92(6)	Refuse to accept an application for an approval if it appears that the application is incomplete.
93(2)	Inform the applicant for an approval of the grounds of any objection to the granting of the approval and allow the applicant a specified time within which to make a written response in relation to the objection.
93(3)(a)	Require an objector or applicant to provide additional information within a specified time if of the opinion that additional information would be relevant to consideration of the objection or response.
93(3)(b)	Delay consideration of an objection or response until the additional information is provided, or refuse to consider the objections or response if additional information is not provided within the time specified.
93(4)	Notify the objector or application of a deficiency in an objection or response and allow time to rectify.
93(5)	Endeavour to resolve the issues raised by an objection through consultation with the applicant and objector, with a view to reaching agreement on the matters raised by the objection.
93(6)	Propose that matters raised by an objection be dealt with by way of mediation or a neutral evaluation involving an independent mediator or evaluator appointed by agreement between the applicant and objector.

93(7)	Liability for payment of costs where conditions have been incorrectly applied to a licence.
93(8)	Dismiss an application or objection for failure to participate in mediation or neutral evaluation proceedings.
94(2)(a)	Refer an application for an approval and any objection to the application to a Planning Assessment Commission, including any information furnished in relation to the application.
95(1)	Grant or refuse an application for a water use approval, water management work approval.
95(4)	Determine the form of an approval.
97	Refuse an application for a water use approval or water management work approval.
98	Notify the applicant of the determination of an application, and if the application relates to an approval that has been advertised pursuant to section 92, to each person who has made an objection to the Minister in connection with the application.
99	On application or on own motion, grant 2 or more approvals by means of a single approval document.
100(1)	Impose mandatory and discretionary conditions on an approval.
101(2)	Impose conditions on a water management work approval for a water management work the subject of a joint scheme, as required by the regulations or as agreed by the landholders concerned.
102(1)	Impose or amend discretionary conditions on an approval after the approval has been granted. Give notice to the approval holder, provide opportunity to make submissions and take submissions into consideration.
102(3)	Impose, amend, revoke or suspend mandatory conditions on an approval.
102(4)	Cause written notice of any conditions imposed, amended, revoked or suspended under section 102 to be served on the holder of the approval concerned.

103	Revoke any discretionary conditions to which an approval is subject, whether or not on the application of the holder of the approval.
104(4)	Fix a date for expiration of an approval once an application for an extension has been lodged.
104(5)	Accept or reject reasons for delay in making an application for an extension of an approval.
105	Grant or refuse an application for an extension of the period for which an approval has effect and all related action.
107(1)	Amend an approval on the application of the holder of the approval.
108	Receive a surrendered approval.
109(1)	Suspend or cancel an approval on one or more grounds
109(2A)	Amend an approval to give effect to suspension or cancellation of part of an approval.
109(3)	Give written notice to an approval holder of proposed action under section 109, provide the approval holder a reasonable opportunity to make submissions, and take any submissions into consideration.
114(1)	Impose fees and charges for the purposes of the Act consistent with any relevant determination in relation to the price of Bulk Water made by IPART or any other pricing authority vested with the power to determine prices for Water NSW.
114(2)	Waive or reduce fees or charges, in a particular case or class of cases, if of the opinion that the circumstances warrant it.

Water Management (General) Regulation 2011

Section	Function
23(1)(a)	Approve form for approval applications made under Part 3 of Chapter 3 of the WMA.
23(1)(b)	Require an application under Part 3 of Chapter 3 to include or to be accompanied by an assessment of the likely impact of the water use, work or

	activity concerned.
23(3)	Issue requirements for an assessment of the likely impact of water use, work or activity concerned for an application under Part 3 of Chapter 3 of the WM Act.
24(1A)&(1B)	Assess whether an application for a flood work approval is a non-complying flood work and being satisfied that the work complies with the converted floodplain management plan.
24(5)	Cause publication of notice of application for an approval.
28(1), (2), (3), (4) &(8)	Impose a condition requiring a security be provided, take a security from an approval holder for the cost of the holder's obligations under the approval, determine the amount of a security, retain a security deposit and refund a security deposit.
31(4)	Set applicable requirements on an exemption conferred under section 31 and publish these in the Gazette or notify the person in writing.
36(1)(f)(ii) & 36(4)	Determine a period in writing for the removal of a water supply work and impose any applicable requirements on an exemption conferred under 36(1)(f).

Compliance Functions

The functions in the tables below under the *Water Management Act NSW 2000* and the *Water Act 1912* which relate to compliance are conferred on Water NSW to the extent that the person who the compliance activity is being taken against holds, or is required to hold, a license or an approval which it is within the authority of Water NSW to grant under this operating licence.

Compliance with Compliance Procedures Guidelines

- i) All compliance action taken by Water NSW must be done in accordance with the Compliance Procedures Guidelines (Guidelines) issued by the Department of Industry as updated from time to time by only: to the extent the requirements in the Guidelines are reasonable, relevant and practicable for Water NSW to adopt; or
- ii) where DPI Water acting reasonably specifically identifies the requirement as a mandatory requirement and communicates the mandatory requirement to Water NSW and to IPART.

Notwithstanding the above, compliance with the Guidelines is not required in the event the Guidelines either:

- a) does not prescribe a procedure; or
- b) prescribes a procedure requiring access to information or systems not available to Water NSW staff.

Water Management Act 2000

Section	Function
60G(1)	Impose on a person a charge for water taken and/or order that any water allocations credited or to be credited to the water allocation account for the access licence held by the person be debited up to 5 times the quantity of water taken.
60G(2)	Give written notice to a person of proposed action under section 60G(1), allow a reasonable opportunity for submission and take any submissions made into consideration.
324(1)	<p>Once DPI Water has formed the view that there is a water shortage, by order in writing, direct that for a specified period the taking of water from a specified water source is prohibited, or is subject to specified restrictions, as the case requires.</p> <p>In such cases, Water NSW must notify the Director-General of DPI Water as soon as practicable after making any such direction.</p>
324(2)	By order in writing, direct that, within a specified area and for a specified period, the taking of water from an aquifer, or from any other aquifer above, below or adjacent to that aquifer, is prohibited or is subject to specified restrictions, as the case requires.
324(3)	Cause a copy of an order under 324 to be published.
324(4)	Cause notice of the order to be broadcast by a television or radio station transmitting to the part or parts of the State within which the water source is situated.
325	By order in writing, direct a landholder to take specified measures to ensure water is not wasted.
327	Form the opinion that a water management work is being or will be constructed or used in contravention of the Act and by order in writing, direct a person to take specified measures: (a) to prohibit or discontinue its construction or use, or (b) to construct or use the work only as specified.

329(2)	By order in writing, direct a person to take specified measures to demolish, remove, modify or dismantle a water management work or otherwise render it ineffective.
330(1)	By order in writing, direct that for a specified period, the use of a water management work, or the carrying out of an activity, is prohibited, or is subject to specified restrictions or specified measures as the case requires.
332	By order in writing, direct a landholder to take specific measures (a) to prevent stock from straying from the landholder's land into or onto a water management work that is owned by, or is under the control or management of, the Ministerial Corporation, or (b) to repair any damage caused to any such water management work as a consequence of stock having strayed from the landholder's land.
333(2)	By order in writing, direct a person to take specified measures to prevent, minimize or mitigate any adverse effect on a water source or water front land, as a consequence of the construction or use of the work or the carrying out of the activity.
334(1)	Require a person to prepare and submit reports as to: (a) the measures the person proposes to take for the purpose of complying with a direction, (b) the progress made by the person in implementing any such measures.
334(2)	Prohibit a person from implementing measures the person proposes to take for the purpose of complying with a direction pursuant to section 334(1) and approve measures that a person proposes to take for the purposes of complying with a direction under Part 1 of Chapter 7.
336A(1)	Where a person fails to take measures specified in a direction under Part 3 of Chapter 7 of the Act, authorise any other person to take those measures.
336A(2)	Authorise the recovery, in a court of competent jurisdiction as a debt due to the Ministerial Corporation from a person on whom a direction was served, the amount of any costs and expenses incurred as a result of taking measures under 336A(1)
338A(1)	By notice in writing, require a person to furnish information or records (or both) for the purposes of the Act, under section 338A(1)
338B(2)	By notice in writing, require a corporation to nominate in writing, within the time specified in the notice, a director or officer of the corporation to be the corporation's representative for the purpose of answering questions.

339E(2)	By notice in writing, require the owner or occupier of a premises to provide such reasonable assistance and facilities as specified in the notice, within a specified time and in a specified manner.
339G	Compensate parties for damage caused by authorised officers where the authorised officer is carrying out a function conferred on Water NSW under this or any other operating licence.
340C(1)	Revoke or vary a notice by a subsequent notice or notices.
343(1)	Authorise a person to take water from a water supply work owned by, or under the control and management of, the Minister or the Ministerial Corporation.
356	Charge interest on an overdue rate. The rate of interest is not to exceed the rate of interest payable on an unpaid judgement of the Supreme Court.
362A	Co-holders of a licence are jointly and severally liable to the Minister for fees, charges and civil penalties related to the licence.
362B	Issue a certificate as to the specified amount that is payable in relation to an access licence pursuant to fees, charges and civil penalties imposed under the Act, or that no amount is payable.
362C	Recover unpaid fees, charges or civil penalties, under section 362C (including commencement of court proceedings to do so)
365(7)	Withdraw a penalty notice for an offence.
367(1) & (2)	Issue an evidentiary certificate which is admissible in legal proceedings as evidence of facts stated, including that instruments have been made by authorised delegates and that payments have been made under the Act.
367(5)	By order, approve a gauge of a type or design, as an approved river gauge, for the purposes measuring the level or flow of water in a river or lake.
372(1)(a),(a1), (b) and (c)	Construct, maintain and operate water management works, gauging stations and other monitoring equipment, conduction research, collection information and develop technology in relation to water management and acquire rights to water whether within or beyond New South Wales.
390	Appoint authorised officers and authorised analysts.

Schedule 1A	All action in relation to recording matters in the access licence register and all other action under Schedule 1A excluding those already listed above.
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Water Act 1912

Section	Function
20AE	Authorise persons as agents to enter on any land and inspect any work used for taking water from a water source which is subject to a volumetric water allocation scheme and to dismantle a meter or other device.
21A	Issue notices to abate or cease an offence, authorise persons to enter upon and inspect any land or premises and take such measures as are considered necessary to abate any act, matter or thing mentioned in section 21A(1) and recover expenses incurred in making entry.
21B	Issue directions to remove the whole or any part of a work or to carry out any work.
22	Authorise persons to enter on any land and take levels and make surveys and marks, fix pegs and stakes and inspect any works, remove any unlawful dam or weir.
120(2)	Issue a notice to effect repairs and do other things in order to put a channel in an efficient condition, cause repairs and other such things specified in a notice to be done, if, after one week, the notice is not complied with.
121A	Issue an order or written permission for the interference with, or obstruction of, sub-surface water.
121B	Remove or render ineffective an unlawful artificial obstruction to the flow of sub-surface water or render ineffective an unlicensed bore and recover associated costs under section 121B.
122A	Make declarations regarding the cessation of supply from an artesian well and cause publication of the necessary notice.
123	Issue order for wasteful or improper use of water from an artesian well.
124(1)	Authorise persons to enter any land and take levels and make surveys and marks, and fix pegs and stakes, and inspect any artesian well or bore and works in

	connection therewith, and measure and take the pressure of any artesian well or bore under section 124(1).
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Metering Functions

The functions in the table below under the *Water Management Act NSW 2000* and specified clauses of the *Water Management (General) Regulation 2011* which relate to meters are conferred on Water NSW.

Water Management Act 2000

Section	Function
91I(3)	Authorise a person in writing to take water by means of a metered work while its metering equipment is not operating properly or is not operating and specify conditions in any such authorisation.
326(1)	By order in writing, direct a landholder or person to take specified measures to install, replace or to properly maintain metering equipment for use in connection with the water supply work.
372A(1)	Install, test and remove metering equipment.

Water Act 1912

Section	Function
20AC	Approve the taking of water when a work is not connected to a water meter or other measuring device or approve a water meter or other measuring device, or consent to interference with a meter or measuring device and all other action under section 20AC
117D	Provide consent in writing for interfering with a measuring or metering device, authorise persons as agents to enter land and dismantle for inspection metering or measuring devices for the purpose of ascertaining whether an offence has been committed.

Water Management (General) Regulation 2011

Section	Function
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231(2)	Modify metering equipment
231(3)	<p>Maintain, repair, modify, replace and operate metering equipment that is either metering equipment installed, modified or replaced:</p> <ul style="list-style-type: none"> • by the Ministerial Corporation on or after 4 March 2011; or • by the Ministerial Corporation before 4 March 2011 pursuant to the Funding Deed dated 15 April 2009 between the Commonwealth of Australia and the New South Wales Government in relation to the Hawkesbury Nepean River Recovery Project.

Border Rivers Functions

The functions in the table below of the Water Administration Ministerial Corporation under the *New South Wales – Queensland Border Rivers Act 1947* are conferred on Water NSW subject to any requirements imposed by the Minister administering the *New South Wales – Queensland Border Rivers Act 1947* or the Border Rivers Commission.

Section	Function
14	Constructing, maintaining, operating and controlling relevant works in New South Wales.
20	Exercising the powers and obligations of a Controlling Authority.

General Administrative Functions

The functions in the table below under the *Water Management Act 2000* are conferred on Water NSW, but only to the extent they enable Water NSW to delegate any other function conferred upon it under this Licence.

Section	Function
377	Delegate to any Water NSW employee exercise of any power of WAMC conferred on Water NSW via this operating licence, other than this function of delegation.
389(1)	Delegate to any person any functions of the Minister conferred on Water NSW via this operating licence, other than this function of delegation.

Joint Private Works Functions

The functions in the table below under the *Water Management Act 2000* are conferred on Water NSW. **Private Irrigation Board Powers**

Section	Function
156(3)	Consider application for private irrigation board to take over water supply work and cause notice of application to be published.
157(4)	Where an objection is lodged to an application from a private irrigation board to take over a water supply work, consult with the objector and make a recommendation with respect to the objection.

Private Water Trust Powers

Section	Function
229(2)	Give approval or refuse to approve the cessation or supply of water or deviation of water in a water supply district.
229(4)(b)	Direct members of a private trust to reduce or discontinue the taking of water from a water source.

Group Licences Functions

The functions in the table below under the *Water Act 1912* are conferred on Water NSW.

Section	Function
20K	Approve the prescribed form for a group access licence.
20L	Decide whether to grant a group licence. Notify the Board of; any prescribed fee, the period of time for which the licence is to be issued and the terms, limitations and conditions attached to the licence. Issue a Board with a group licence and reject an application due to failure to pay a fee.
20M	Determine not to lapse pre-existing licences, group licences or authorities within the private district of the Board when a group licence is issued and set any terms, limitations and conditions (including by restrictions, modifications or variations) in relation to such pre-existing licences.
20N	Waive an amount of the prescribed group licence fee where any licence or

	authority lapses under s 20M.
20O	Renew group licences. Notify the Board of any prescribed fee, the period of time for which the licence is to be issued and the terms, limitations and conditions attached to the licence renewal. Issue a Board with a group licence renewal.
20Q	Approve the prescribed form for an application to amend a group licence, grant an amendment to a group licence and set a fee for an amendment to a group licence.
20S	Be satisfied that a notice may be issued, issue a notice to a Board and revoke, suspend or modify a group licence.
20T	Consent to make alternations in connection with a work covered by a group licence,
20U	Notify the revocation or cancellation of a group licence in the Gazette.