



New South Wales

# Water Management (General) Amendment Regulation (No 3) 2022

under the

Water Management Act 2000

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

KEVIN ANDERSON, MP  
Minister for Lands and Water

## Explanatory note

The objects of this Regulation are—

- (a) to provide additional time for water access licence holders in certain parts of the State to comply with mandatory metering equipment conditions, and
- (b) to make transitional arrangements for the metering of water taken under a floodplain harvesting (regulated river) access licence or a floodplain harvesting (unregulated river) access licence.

## **Water Management (General) Amendment Regulation (No 3) 2022**

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Water Management Act 2000

### **1 Name of Regulation**

This Regulation is the *Water Management (General) Amendment Regulation (No 3) 2022*.

### **2 Commencement**

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

## Schedule 1 Amendment of Water Management (General) Regulation 2018

[1] **Clauses 230(1)(b), 230(2)(b), 244(5)(b), 244A(5)(b) and 250(6)(b)**

Omit “1 December 2022” wherever occurring. Insert instead “1 June 2023”.

[2] **Clauses 230(1)(c), 230(2)(c), 244(5)(c), 244A(5)(c) and 250(6)(c)**

Omit “1 December 2023” wherever occurring. Insert instead “1 December 2024”.

[3] **Clause 238AA**

Insert before clause 238A—

**238AA Definition**

In this Division—

*buffer zone work* means a water supply work, other than a metered work, used to buffer the flow of water into an approved work during a measurement period, including the following—

- (a) field storage,
- (b) surge storage,
- (c) dams.

[4] **Clause 238F Measurement period—approved works**

Omit “surge areas, field storage and dams” from clause 238F(1)(a).

Insert instead “buffer zone works”.

[5] **Clause 238F(2)(b)**

Omit “if both approved works have”. Insert instead “that has”.

[6] **Clause 238F(3)(c)**

Omit the paragraph. Insert instead—

- (c) all buffer zone works related to the approved works are empty of water, other than water that cannot reasonably be transferred to the approved work.

[7] **Clause 238V**

Omit the clause. Insert instead—

**238V Transitional provision—mandatory floodplains condition**

- (1) A floodplain licence holder is not required to comply with the mandatory floodplains condition for an approved work until the day that is 12 months after a water allocation is credited to the water allocation account for the floodplain licence.
- (2) It is a mandatory condition that a floodplain licence holder who stores water using an approved work and who does not comply with the mandatory floodplains condition in reliance on subclause (1) must—
  - (a) ensure a secondary metering device is installed for the approved work, and
  - (b) take the following readings from the secondary metering device—

- (i) a reading taken within 24 hours after the beginning of each measurement period,
    - (ii) a reading taken within 24 hours after the end of each measurement period, and
  - (c) within 14 days of the end of a measurement period notify the Minister of the following—
    - (i) the date the measurement period began and the date the measurement period ended,
    - (ii) the readings taken under paragraph (b) for the measurement period, and
  - (d) keep a record of the readings taken under paragraph (b) for a minimum of 5 years.
- (3) Notice must be given to the Minister in the approved form.
- (4) It is a mandatory condition that a floodplain licence holder who does not comply with the mandatory floodplains condition in reliance on subclause (1) must not, during a measurement period, remove water from an approved work or a buffer zone work unless—
- (a) the water is being transferred to an approved work on the same land holding, and
  - (b) the approved work to which the water is transferred has storage metering equipment or a secondary metering device installed.
- (5) The measurement period for an approved work begins when the overland flow collected and impounded by the work—
- (a) has commenced filling infrastructure used to hold water, including buffer zone works, or
  - (b) is not able to be isolated from water taken under—
    - (i) an access licence other than a floodplain licence, or
    - (ii) a basic landholder right, or
    - (iii) an exemption from holding an access licence.
- (6) The measurement period for an approved work ends when—
- (a) overland flow is no longer being collected and impounded by the work, and
  - (b) all buffer zone works related to the approved work are empty of water, other than water that cannot reasonably be transferred to the approved work.
- (7) In this section—
- floodplain licence** means the following—
- (a) a floodplain harvesting (regulated river) access licence,
  - (b) a floodplain harvesting (unregulated river) access licence.
- mandatory condition** means a mandatory condition of a water supply work approval under the Act, section 115.