



New South Wales

Water Management (General) Amendment (Exemption) Regulation 2019

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*.

MELINDA PAVEY, MP
Minister for Water, Property and Housing

Explanatory note

The object of this Regulation is to enable the Minister administering the *Water Management Act 2000* to exempt public authorities who supply water to the public from the requirement under the Act to hold a water supply work approval to construct and use a water supply work. The Minister may only grant an exemption in time of drought, if satisfied the exemption is in the public interest. An exemption is for 12 months or another period (including an extended period) determined by the Minister.

This Regulation is made under the *Water Management Act 2000*, including section 400 (the general regulation-making power).

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1 Name of Regulation

This Regulation is the *Water Management (General) Amendment (Exemption) Regulation 2019*.

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**

Clause 39A

Insert after clause 39:

39A Exemption relating to certain public authorities granted by Minister during drought

- (1) The Minister may, on application for an exemption under this clause, exempt a relevant public authority from section 91B (1) of the Act in relation to the construction or use (or both) of a water supply work.
- (2) An exemption under this clause is to be granted by notice in writing to the relevant public authority (an *exemption notice*).
- (3) The Minister may grant an exemption only if satisfied that:
 - (a) conditions of drought exist, and
 - (b) the grant of the exemption is in the public interest given those conditions.
- (4) An exemption is subject to the condition that the public authority must notify the Minister in writing of the following matters within the relevant period:
 - (a) the plans of the public authority in relation to the water supply work, in particular, whether or not it proposes to continue to use the work after the exemption expires,
 - (b) if the public authority intends to cease using the water supply work on or before the expiry of the exemption—the date on which it will cease to use the work and its plans for the work once that occurs (for example, whether the work is to be capped, decommissioned or removed),
 - (c) if the public authority intends to continue using the water supply work after the exemption expires—whether it intends to:
 - (i) apply for an extension of the period of the exemption, or
 - (ii) rely on another exemption pursuant to the Act or the regulations from the requirement for an approval in relation to the work, or
 - (iii) apply for a water supply work approval in relation to the work.

Note. A further notification is required under this condition if an exemption is extended—see subclause (10).
- (5) The Minister may grant an exemption subject to any further conditions that the Minister considers appropriate.
- (6) Without limiting subclause (5), the Minister may grant an exemption subject to conditions that relate to one or more of the following:
 - (a) the location of the water supply work,
 - (b) the water source from which water is proposed to be taken by the water supply work,
 - (c) the construction standards with which the water supply work must comply,
 - (d) the maximum size of the water supply work,
 - (e) reporting requirements on completion of the construction of the water supply work.

- (7) The Minister may revoke an exemption, by notice in writing to the public authority, for any reason that the Minister considers appropriate.
- (8) An exemption remains in force (unless revoked earlier):
 - (a) for the period specified in the exemption notice (or, if extended, specified in the extension notice) for the purposes of this subclause, or
 - (b) if no period is so specified—for 12 months following the date of the grant of the exemption.
- (9) The Minister may, on application for an extension of an exemption under this clause, extend the time for which an exemption remains in force by giving further notice in writing to the public authority (an *extension notice*).
- (10) Subclauses (3)–(7) apply to the grant of an extension of an exemption and an extended exemption in the same way as they apply to the grant of an exemption and an exemption.
- (11) In this clause:
 - relevant period** means:
 - (a) in relation to an exemption (as initially granted):
 - (i) the period specified in the exemption notice for the purposes of subclause (4), or
 - (ii) if no period is so specified—the period of 3 months before the date on which the exemption is due to expire, and
 - (b) in relation to an extended exemption:
 - (i) the period specified in the extension notice for the purposes of subclause (4), or
 - (ii) if no period is so specified—3 months before the date on which the exemption as extended is due to expire.
 - relevant public authority** means a public authority who supplies water to the public.