



New South Wales

Water Management (General) Amendment (Exemptions for Floodplain Harvesting) Regulation 2020

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 provide for exemptions from requirements under the *Water Management Act 2000* to hold a water access licence to take water from a water source for the purpose of floodplain harvesting and to hold a water supply work approval to use a work for that purpose.

The exemption from the requirement for a water access licence applies only in relation to water management works, and the exemption from the requirement for a water supply work approval applies only in relation to water supply works—

- (a) located on a floodplain, and
- (b) constructed on or before 3 July 2008, or after 3 July 2008 in accordance with an approval under the Act, or a licence or approval under Part 2 or Part 8 of the *Water Act 1912*, for which an application was pending on that date.

This Regulation is made under the *Water Management Act 2000*, including section 400 (the general regulation-making power) and, in particular, section 400(2).

Note. This Regulation was tabled in the Legislative Council on 25 February 2020. The Water Management (General) Amendment (Exemptions for Floodplain Harvesting) Regulation 2020 published on the NSW legislation website on 7 February 2020 was disallowed in the Legislative Council on 22 September 2020.

Water Management (General) Amendment (Exemptions for Floodplain Harvesting) Regulation 2020

under the

Water Management Act 2000

1 Name of Regulation

This Regulation is the *Water Management (General) Amendment (Exemptions for Floodplain Harvesting) Regulation 2020*.

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] Clause 39AA

Insert after clause 39—

39AA Exemption relating to use of water supply work for floodplain harvesting

- (1) A person is exempt from section 91B(1) of the Act in relation to the use of an eligible work for the purpose of floodplain harvesting.
- (2) In this clause—
eligible work means a water supply work (other than a work in respect of which an application for a water supply work approval has been refused)—
 - (a) located on a floodplain, and
 - (b) constructed—
 - (i) on or before 3 July 2008, or
 - (ii) after 3 July 2008 in accordance with an approval under this Act, or a licence or approval under Part 2 or Part 8, respectively, of the former 1912 Act, for which an application had been made before 3 July 2008 but which, on that date, was yet to be determined.

[2] Schedule 4 Exemptions

Insert after clause 17—

17AA Floodplain harvesting

- (1) Any person—in relation to the taking of water from a water source for the purpose of floodplain harvesting by means of an eligible work.
- (2) In this clause—
eligible work means a water management work (other than a work in respect of which an application for a water supply work approval has been refused)—
 - (a) located on a floodplain, and
 - (b) constructed—
 - (i) on or before 3 July 2008, or
 - (ii) after 3 July 2008 in accordance with an approval under this Act or a licence or approval under Part 2 or Part 8, respectively, of the former 1912 Act, for which an application had been made before 3 July 2008 but which, on that date, was yet to be determined.