



New South Wales

Water Management (General) Amendment (Exemption for Rainfall Run-off Collection) Regulation 2021

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* for a landholder—

- (a) to hold a water supply work approval to use a tailwater drain for the purpose of collecting rainfall run-off from an irrigated field that is part of the land, and
- (b) to hold a water access licence to take water from a tailwater drain for the purpose of collecting rainfall run-off from an irrigated field that is part of the land.

The exemption from the requirement to hold a water access licence does not apply during a period in which a work on the land, other than a tailwater drain, takes overland flow water.

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 4 May 2021 (sitting day of 24 March 2021). The Water Management (General) Amendment (Exemption for Rainfall Run-off Collection) Regulation 2021 was published on the NSW legislation website on 30 April 2021 and was disallowed in the Legislative Council on 6 May 2021.

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1 Name of Regulation

This Regulation is the *Water Management (General) Amendment (Exemption for Rainfall Run-off Collection) Regulation 2021*.

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 39B

Insert after clause 39A—

39B Exemption relating to use of tailwater drain

- (1) A landholder is exempt from section 91B(1) of the Act in relation to the use of a tailwater drain for the purpose of collecting rainfall run-off from an irrigated field that is part of the land.
- (2) In this clause—
irrigated field means an area of land that is used for the growing of crops using irrigation.
tailwater drain means a channel or trench that collects excess water from an irrigated field.

[2] Schedule 4 Exemptions

Insert after clause 17B—

17C Rainfall run-off

- (1) Any landholder—in relation to the taking of water from a tailwater drain for the purpose of collecting rainfall run-off from an irrigated field that is part of the land.
- (2) The exemption conferred by this clause does not apply during a period in which a work on the land, other than a tailwater drain, takes overland flow water.
Note. Rainfall run-off is a type of overland flow water—see section 4A of the Act.
- (3) This clause does not limit the operation of clause 39B of this Regulation.
- (4) In this clause—
irrigated field means an area of land that is used for the growing of crops using irrigation.
tailwater drain means a channel or trench that collects excess water from an irrigated field.