



New South Wales

Water Management (General) Amendment (Miscellaneous) 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 amend the mandatory conditions imposed on access licences and approvals in relation to the reporting requirements of holders of access licences or approvals as to water taken.

This Regulation is made under the *Water Management Act 2000*, including sections 115, 115A and 400 (the general regulation-making power).

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1 Name of Regulation

This Regulation is the *Water Management (General) Amendment (Miscellaneous) 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 244 Mandatory condition relating to other reporting

Omit clause 244(2B). Insert instead—

- (2B) It is a condition of each authority that is the subject of a mandatory metering equipment condition that the holder of the authority must, not more than 14 days after the end of each named month, give to the Minister, in an approved way—
- (a) the records made under subclause (2) in relation to water taken during the named month, or
 - (b) if no water was taken as referred to in subclause (2)—a statement indicating that no water was taken during the named month.
- Note.** Section 21 of the *Interpretation Act 1987* defines **named month** as January, February, March, April, May, June, July, August, September, October, November or December.
- (2C) A holder of an authority does not breach the condition referred to in subclause (2B) for a named month if—
- (a) at least 14 days before the beginning of a period that includes the named month, the holder notified the Minister, in an approved way, that the holder did not intend to cause or permit water to be taken as referred to in subclause (2)(a) during the period (a **no-take notice**), and
 - (b) the period specified in the no-take notice does not exceed 6 months, and
 - (c) the holder did not take the water during the named month.
- (2D) To avoid doubt, a no-take notice may apply to more than 1 named month.
- (2E) A no-take notice ceases to have effect if the holder causes or permits the water referred to in subclause (2)(a) to be taken at any time during the period concerned.
- (2F) It is a condition of each authority that is the subject of a mandatory metering equipment condition that, if the holder of the authority gave a no-take notice under this clause, the holder must—
- (a) in the case where the period specified in the no-take notice expired—within 14 days after the end of the period, give to the Minister, in an approved way, a statement that the holder did not cause or permit the water referred to in subclause (2)(a) to be taken during the period, or
 - (b) in the case where the no-take notice ceased to have effect under subclause (2E) during a named month—within 14 days after the cessation, give to the Minister, in an approved way, a statement that the holder did not cause or permit the water referred to in subclause (2)(a) to be taken during the previous named months in the period.

[2] Clause 244A Mandatory condition relating to reporting where no telemetry otherwise required

Omit clause 244A(2) and (3). Insert instead—

- (2) It is a condition of each authority that is the subject of a mandatory metering equipment condition that, if clause 6(2) of Schedule 8 provides that the clause does not apply to metering equipment used in conjunction with a work, the holder of the authority must, not more than 14 days after the end of each named month, give to the Minister, in an approved way, a report under this clause

containing the meter readings of the metering equipment at the beginning and end of the named month.

Note. Section 21 of the *Interpretation Act 1987* defines **named month** as January, February, March, April, May, June, July, August, September, October, November or December.

- (3) A holder of an authority does not breach the condition referred to in subclause (2) for a named month if—
 - (a) at least 14 days before the beginning of a period that includes the named month, the holder notified the Minister, in an approved way, that the holder did not intend to cause or permit water to be taken using the work during the period (a **no-take notice**), and
 - (b) the period specified in the no-take notice does not exceed 6 months, and
 - (c) the holder did not take water using the work during the named month.
- (3A) To avoid doubt, a no-take notice may apply to more than 1 named month.
- (3B) A no-take notice ceases to have effect if the holder causes or permits water to be taken using the work at any time during the period concerned.
- (3C) It is a condition of each authority that is the subject of a mandatory metering equipment condition that, if the holder of the authority gave a no-take notice under this clause, the holder must—
 - (a) in the case where the period specified in the no-take notice expired—within 14 days after the end of the period, give to the Minister, in an approved way, a statement that the holder did not cause or permit water to be taken using the work during the period, or
 - (b) in the case where the no-take notice ceased to have effect under subclause (3B) during a named month—within 14 days after the cessation, give to the Minister, in an approved way, a statement that the holder did not cause or permit water to be taken using the work during the previous named months in the period.

[3] Clause 244A(4)

Omit the subclause. Insert instead—

- (4) This clause does not apply in relation to a work used to take water if metering equipment that complies with Schedule 8, clause 6 is installed, used and complies with the telemetry specifications set out in the approved data logging and telemetry specifications, within the meaning of that Schedule, so that data regarding water taken is transmitted in accordance with those specifications.