



New South Wales

Water Management (General) Amendment (Temporary Offence Exemptions) Regulation 2023

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 object of this Regulation is to temporarily exempt the holders of access licences and water supply work approvals from certain offences under the *Water Management Act 2000* relating to alternatives to water supply works impacted by floodwaters.

This Regulation is made under the *Water Management Act 2000*, including section 400(2).

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1 Name of Regulation

This Regulation is the *Water Management (General) Amendment (Temporary Offence Exemptions) Regulation 2023*.

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 23A

Insert after clause 23—

23A Temporary exemption from the Act, s 60D for alternatives to water supply works impacted by floodwaters

- (1) This clause applies if—
 - (a) an access licence nominates a water supply work that is unable to be used because of floodwaters (the *impacted work*), and
 - (b) the holder of the licence gives the Minister written notice that, under an exemption conferred by this clause, the holder intends to take water from a water source by means of another water supply work instead (the *alternative work*), and
 - (c) the capacity of the alternative work to take water is not greater than the capacity of the impacted work, and
 - (d) the alternative work is only able to take water from the same water source as the impacted work, and
 - (e) the alternative work is located on the same lot as the impacted work.
- (2) The holder of the licence is exempt from the Act, section 60D in relation to the taking of water by means of the alternative work.
- (3) An exemption conferred by this clause is subject to the same conditions of the access licence and water supply work approval that apply to the impacted work, other than—
 - (a) the mandatory metering equipment condition, and
 - (b) another condition relating to the installation, use and maintenance of metering equipment in connection with the work imposed on the approval under—
 - (i) the Act, or
 - (ii) another instrument made under the Act.
- (4) To avoid doubt, an exemption conferred by this clause ceases to apply if a condition to which the exemption is subject is not complied with.
- (5) For clause 17—
 - (a) the alternative work is taken to be the impacted work, and
 - (b) water taken by use of the alternative work is deemed to have been taken by the impacted work, and
Note— See clause 17(1).
 - (c) if an impacted work is nominated in relation to 2 or more access licences, water allocations taken by means of, or ordered in relation to, the work are to be debited from the water allocation accounts for the licences as if the alternative work was the impacted work.
Note— See clause 17(2).
- (6) In this clause—
mandatory metering equipment condition has the same meaning as in Part 10.
- (7) This clause is repealed at the beginning of 1 June 2023.

[2] **Clause 39C**

Insert after clause 39B—

39C Temporary exemption from the Act, s 91B for alternatives to water supply works impacted by floodwaters

- (1) This clause applies if—
 - (a) a water supply work approval authorises the construction or use of a water supply work that is unable to be constructed or used because of floodwaters (the *impacted work*), and
 - (b) the holder of the approval gives the Minister written notice that, under an exemption conferred by this clause, the holder intends to construct or use another water supply work instead (the *alternative work*), and
 - (c) the capacity of the alternative work to take water is not greater than the capacity of the impacted work, and
 - (d) the alternative work is only able to take water from the same water source as the impacted work, and
 - (e) the alternative work is located on the same lot as the impacted work.
- (2) The holder of the approval is exempt from the Act, section 91B in relation to the construction or use of the alternative work.
- (3) An exemption conferred by this clause is subject to the same conditions of the access licence and water supply work approval that apply to the impacted work, other than—
 - (a) the mandatory metering equipment condition, and
 - (b) another condition relating to the installation, use and maintenance of metering equipment in connection with the work imposed on the approval under—
 - (i) the Act, or
 - (ii) another instrument made under the Act.
- (4) To avoid doubt, an exemption conferred by this clause ceases to apply if a condition to which the exemption is subject is not complied with.
- (5) For clause 17—
 - (a) the alternative work is taken to be the impacted work, and
 - (b) water taken by use of the alternative work is deemed to have been taken by the impacted work, and
Note— See clause 17(1).
 - (c) if an impacted work is nominated in relation to 2 or more access licences, water allocations taken by means of, or ordered in relation to, the work are to be debited from the water allocation accounts for the licences as if the alternative work was the impacted work.
Note— See clause 17(2).
- (6) In this clause—
mandatory metering equipment condition has the same meaning as in Part 10.
- (7) This clause is repealed at the beginning of 1 June 2023.