



New South Wales

Water Management (General) Amendment (Floodplain Harvesting Access Licences) Regulation (No 2) 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*.

ROSE JACKSON, MLC
Minister for Water

Explanatory note

The object of this regulation is to amend the *Water Management (General) Regulation 2018*—

- (a) to deal with the determination of the share component for certain replacement floodplain harvesting licences, and
- (b) to clarify that the Minister must adopt the current conditions model, eligible water supply works scenario model and plan limit compliance scenario model only after considering the submissions received from a landholder on the proposed share component of a replacement licence, and
- (c) to require the Minister to give further written notice to the landholder if the proposed determination of the share component is less than the proposed amount first notified to the landholder, and to consider submissions received from the landholder on the proposed determination, and
- (d) to clarify that the category of replacement licence is a floodplain harvesting (regulated river) access licence for an eligible landholder if, on or before 3 July 2008, a regulated river access licence was in force in relation to land on which the landholder's eligible water supply work is located, and
- (e) to declare only certain floodplains designated under the *Water Act 1912*, Part 8 to be floodplains for the *Water Management Act 2000*.

This regulation is made under the *Water Management Act 2000*, including section 57A.

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1 Name of regulation

This regulation is the *Water Management (General) Amendment (Floodplain Harvesting Access Licences) Regulation (No 2) 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 23D Licences based on existing unregulated river access licences

Omit clause 23D(2)(c). Insert instead—

- (c) deducting the greater of the following for the relevant year under the bore licences, expressed in megalitres—
 - (i) the metered groundwater usage,
 - (ii) the entitlement.

[2] Clause 23D(2A)

Insert after subclause (2)—

- (2A) For subclause (2)(c), IML is taken to be 1 unit of a share component.

[3] Clause 23E Licences related to existing aquifer access licences

Omit clause 23E(2)(b). Insert instead—

- (b) deducting the greater of the following for the relevant year under the bore licence, expressed in megalitres—
 - (i) the metered groundwater usage,
 - (ii) the entitlement.

[4] Clause 23E(4)

Omit the subclause. Insert instead—

- (4) For subclause (2)(b), IML is taken to be 1 unit of a share component.

[5] Clause 23F

Omit the clause. Insert instead—

23F Requirement to give notice before determining share components

- (1) The Minister must comply with this clause before making a final determination of the share component for a replacement floodplain harvesting access licence for an eligible landholder.
- (2) The Minister must—
 - (a) give the landholder written notice of the proposed share component (the *first notice*), and
 - (b) consider submissions, if any, received from the landholder in accordance with the first notice.
- (3) After considering the submissions, the Minister must decide whether or not to revise the proposed share component.
- (4) If the revised share component is less than the amount of the proposed share component specified in the first notice, the Minister must—
 - (a) give the landholder further written notice of the proposed share component (the *further notice*), and
 - (b) consider the submissions, if any, received from the landholder in accordance with the further notice.
- (5) A notice given to a landholder under this clause must include the following information—

- (a) the amount of the proposed share component,
- (b) that the landholder may, within 28 days after receiving the notice, make submissions about the proposed share component,
- (c) the method for making submissions,
- (d) for a further notice—reasons for the reduction of the amount of the proposed share component specified in the first notice.

[6] Clause 23G

Omit the clause. Insert instead—

23G Models for determination of share components

- (1) For the purpose of finally determining the share component for a replacement floodplain harvesting access licence for an eligible landholder, the Minister must, after considering all submissions received from the landholder under clause 23F, adopt the following models for the water source—
 - (a) the current conditions model,
 - (b) the eligible water supply works scenario model,
 - (c) the plan limit compliance scenario model.
- (2) The Minister must publish, on the Department’s website, the following information in relation to each model referred to in this division—
 - (a) a description of the model,
 - (b) the objectives for the model,
 - (c) the matters the model represents,
 - (d) the data the model relies on.

[7] Clause 23K Issue of replacement floodplain harvesting access licences

Omit “on 3 July 2008” from clause 23K(2)(a). Insert instead “on or before 3 July 2008”.

[8] Clause 252 Land declared to be a floodplain

Omit clause 252(2). Insert instead—

- (2) Despite the Act, Schedule 9, clause 12, only the following floodplains designated under the 1912 Act, Part 8 are declared to be floodplains for the Act—
 - (a) the Belubula Floodplain, as shown on the map published in Government Gazette No 139 of 28 September 1984 at page 4847,
 - (b) the Lachlan River (Gooloogong to Jemalong Gap) Floodplain, as shown on the map published in Government Gazette No 8 of 28 January 2011 at page 263,
 - (c) the Lachlan River (Jemalong Gap to Condobolin) Floodplain, as shown on the maps published in Government Gazette No 21 of 24 February 2012 at page 541,
 - (d) the Hillston Floodplain, as shown on the maps published in Government Gazette No 157 of 16 December 2005 at page 11033,
 - (e) the Murrumbidgee River Old Man/Sandy Creeks Floodplain (Currawarna to Narrandera), as shown on the map published in Government Gazette No 44 of 22 February 1985 at page 862,

- (f) the Murrumbidgee River (Hay to Maude) Floodplain, as shown on the map published in Government Gazette No 52 of 6 June 2014 at page 2023,
- (g) the Billabong Creek Floodplain (Walbundrie to the junction of Wangamong Creek with Billabong Creek), as shown on the map published in Government Gazette No 93 of 21 July 2006 at page 5774,
- (h) the Tuppal Bullatale Floodplain, as shown on the map published in Government Gazette No 75 of 9 June 2006 at pages 4014 and 4015,
- (i) the Stage 1: Edward and Wakool Rivers (Deniliquin to Moama-Moulamein Railway) Floodplain, as shown on the map published in Government Gazette No 8 of 28 January 2011 at page 268,
- (j) the Stage 2: Wakool River (Moama-Moulamein Railway to Gee Gee Bridge) Floodplain, as shown on the map published in Government Gazette No 8 of 28 January 2011 at page 270,
- (k) the Stage 3: Edward and Niemur Rivers (Moama-Moulamein Railway to Liewah and Mallan) Floodplain, as shown on the map published in Government Gazette No 8 of 28 January 2011 at page 272,
- (l) the Lower Edward – Wakool Floodplain (Stage 4), as set out in the Schedule to the notice published in Government Gazette No 45 of 15 April 2005 at page 1400,
- (m) the Edward/Wakool Rivers Murray Valley Floodplain, as shown on the map published in Government Gazette No 139 of 28 September 1984 at page 4848 and as modified by the map published in Government Gazette No 45 of 15 April 2005 at page 1400,
- (n) the Murrumbidgee River Floodplain (Hay to Maude), as shown on the map published in Government Gazette No 44 of 22 February 1985 at page 863,
- (o) the Lachlan River Floodplain (Gooloogong to Condobolin), as shown on the map published in Government Gazette No 105 of 19 July 1985 at page 3709 and as modified by the map published in Government Gazette No 8 of 28 January 2011 at page 262.