



New South Wales

# Water Management (General) Amendment Regulation (No 2) 2022

under the

Water Management Act 2000

His Honour the Administrator, 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 amend the *Water Management (General) Regulation 2018* to—

- (a) impose mandatory conditions on a work approval in relation to a water supply work nominated for the purpose of capturing or storing water taken under the following arrangements—
  - (i) a floodplain harvesting (regulated river) access licence,
  - (ii) a floodplain harvesting (unregulated river) access licence,
  - (iii) a basic landholder right and an access licence referred to in subparagraph (i) or (ii), and
- (b) provide for exemptions from requirements under the *Water Management Act 2000* for a landholder—
  - (i) 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
  - (ii) 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, except during a period in which a work on the land, other than a tailwater drain, takes overland flow water.

## **Water Management (General) Amendment Regulation (No 2) 2022**

under the

Water Management Act 2000

### **1 Name of Regulation**

This Regulation is the *Water Management (General) Amendment Regulation (No 2) 2022*.

### **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 29 Circumstances in which approvals may be amended

Insert at the end of clause 29(1)(b)—

, or

- (c) for a water supply work approval held by 1 person and nominated in a floodplain harvesting (regulated river) access licence or a floodplain harvesting (unregulated river) access licence—
  - (i) the person requests the creation of 2 or more approvals from the approval held by the person, and
  - (ii) the resulting approvals do not relate to additional uses, works, activities or land, and
  - (iii) each resulting approval includes a work nominated in a floodplain harvesting (regulated river) access licence or a floodplain harvesting (unregulated river) access licence.

### [2] Clause 39B

Insert after clause 39A—

#### 39B Exemption relating to use of tailwater drain—the Act, s 400(2)

- (1) A landholder is exempt from the Act, section 91B(1) 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 growing crops using irrigation.
  - tailwater drain* means a channel or trench that collects excess water from an irrigated field.

### [3] Clause 228 Interpretation

Insert in alphabetical order in clause 228(1)—

- approval holder*, for an approved work, means the holder of the water supply work approval relating to the approved work.
- faulty*, in relation to point-of-intake metering equipment or storage metering equipment, means equipment not operating properly or that is not operating.
- mandatory floodplains condition* means the mandatory condition imposed on a water supply work approval under clause 238B or Division 3A, Subdivision 2.
- measurement period* means the period determined by operation of clause 238F.
- metered work* means a water supply work in connection with which metering equipment has been installed.
- point-of-intake metering equipment*, for a water supply work, means equipment that measures the flow of water as it enters the water supply work.
- primary metering equipment* means the point-of-intake metering equipment or storage metering equipment for a water supply work.

**registered surveyor** means a registered surveyor under the *Surveying and Spatial Information Act 2002* or a corresponding law of another State or a territory.

**secondary metering device** means a device or a type of device—

- (a) approved by the Minister, notice of the approval of which must be published on a website maintained by the Department, and
- (b) validated by a duly qualified person in accordance with the standards specified by the Minister for the device or type of device.

**storage metering equipment**, for a water supply work, means metering equipment that measures the surface level of water in the work.

**storage metering equipment standards** means the storage metering equipment standards approved by the Minister and published in the Gazette.

**survey benchmark standard** means a survey benchmark standard approved by the Minister and published in the Gazette.

**[4] Clause 236 Duly qualified persons**

Insert in alphabetical order in clause 236(1)—

**registered professional engineer** has the same meaning as in the *Design and Building Practitioners Act 2020*.

**[5] Clause 236(16)–(19)**

Insert after clause 236(15)—

- (16) A person who holds a current certification for installation and validation of storage metering equipment issued by a registered training organisation is specified for storage metering equipment.
- (17) The following persons are specified for the purpose of determining if all water entering a water supply work is able to be measured by point-of-intake metering equipment as referred to in clause 238J(3)—
  - (a) a certified practising hydrographer,
  - (b) a registered professional engineer who has experience in assessing overland water flow.
- (18) The following persons are specified for the purpose of determining if point-of-intake metering equipment has been installed correctly as referred to in clause 238J(4)—
  - (a) a certified meter installer,
  - (b) a certified practising hydrographer.
- (19) The following persons are specified for the purposes of validating a secondary metering device capable of measuring the volume of water in a water supply work by reference to the water level in the work—
  - (a) a registered surveyor,
  - (b) a person holding a Bachelor degree in Surveying,
  - (c) a person holding a Diploma of Surveying,
  - (d) a person working under the supervision of a person referred to in paragraph (a)–(c),
  - (e) a registered professional engineer.

**[6] Part 10, Divisions 3A–3D**

Insert after Part 10, Division 3—

## **Division 3A Metering equipment conditions for particular water supply work approvals**

### **Subdivision 1 General**

#### **238A Application of Division**

This Division applies to a water supply work approval under which an approved work is authorised to be constructed or used for the purpose of capturing or storing water taken—

- (a) under a floodplain harvesting (regulated river) access licence, or
- (b) under a floodplain harvesting (unregulated river) access licence.

#### **238B Mandatory floodplains condition**

- (1) For the Act, section 115, it is a mandatory condition of a water supply work approval to which this Division applies that point-of-intake metering equipment or storage metering equipment is installed, used and maintained in connection with an approved work that is authorised to be constructed or used to capture or store water under the approval.
- (2) The holder of an approval is taken to have complied with a particular aspect of the condition imposed by this clause if the holder has complied with the applicable requirements set out in this Regulation.
- (3) The mandatory floodplains condition does not apply to an approved work that is or may be used to capture or store water under an approval if—
  - (a) the approval indicates the work is inactive, and
  - (b) the approval is subject to conditions prohibiting the approved work from—
    - (i) being used to take water while the work is inactive, and
    - (ii) being capable of taking water from a water source while the work is inactive, and
  - (c) the approval holder complies with the conditions in paragraph (b).

#### **238C Exemptions by Minister**

- (1) For the Act, section 400(2), the Minister may, at the Minister's discretion or on the application of an approval holder, exempt an approval holder or a class of approval holders from the application of the mandatory floodplains condition to the holder or the class of holders.
- (2) The Minister may grant an exemption only if the Minister is satisfied it is not possible for water captured or stored using the approved work to be measured by—
  - (a) point-of-intake metering equipment, or
  - (b) storage metering equipment.
- (3) An exemption may be unconditional or granted subject to conditions.
- (4) The Minister may amend or revoke an exemption at any time.
- (5) The Minister must notify the following matters relating to a class of approval holders on the Department's website—
  - (a) an exemption,
  - (b) the amendment of an exemption,

- (c) the revocation of an exemption.

**238D Reporting faulty metering equipment**

- (1) For the Act, sections 91IA and 115, it is a mandatory condition of a water supply work approval to which this Division applies that the approval holder must notify the Minister if the point-of-intake metering equipment or storage metering equipment for the approved work is faulty.
- (2) The notice under subclause (1) must be in the approved form and contain the following particulars—
  - (a) the approval holder's name and contact details,
  - (b) the type and location of the metered work,
  - (c) the relevant approval or access licence numbers,
  - (d) the purposes for which water taken from the metered work is used,
  - (e) a description of the method to be used to determine the quantity of water taken while the equipment is faulty.

**Subdivision 2 Measurement period**

**238E Measurement period—general**

- (1) For the Act, section 115, it is a mandatory condition of a water supply work approval to which this Division applies that the approval holder must notify the Minister in the approved form of each measurement period for an approved work that is authorised to be constructed or used to capture or store water under the approval.
- (2) The approval holder must not take water outside a notified measurement period with a water supply work nominated for the purpose of capturing or storing water under the following—
  - (a) a floodplain harvesting (regulated river) access licence,
  - (b) a floodplain harvesting (unregulated river) access licence.

**238F Measurement period—approved works**

- (1) The measurement period for the approved works begins when the overland flow collected and impounded by 1 or more of the works—
  - (a) has commenced filling infrastructure, including surge areas, field storage and dams, used to hold water, or
  - (b) is not able to be isolated from water taken under—
    - (i) an access licence other than the following—
      - (A) a floodplain harvesting (regulated river) access licence,
      - (B) a floodplain harvesting (unregulated river) access licence,or
    - (ii) a basic landholder right, or
    - (iii) an exemption from holding an access licence.
- (2) During a measurement period the approval holder must not take and use water from an approved work unless—
  - (a) the water being taken was measured using point-of-intake metering equipment, or

- (b) the water is being removed for the purpose of transferring the water to another approved work on the same land holding if both approved works have storage metering equipment installed.
- (3) The measurement period for the approved works ends when—
  - (a) overland flow is no longer being collected and impounded by 1 or more of the works, and
  - (b) supply channel infrastructure used to direct or convey water to a work for storage no longer conveys water to the works, and
  - (c) all infrastructure, including surge areas, field storage and dams, used to hold water during the measurement period is empty.

**238G Measurement period—records**

- (1) The approval holder must record, in the approved form, the amount of water—
  - (a) captured and stored using the approved works during each 24-hour period throughout the measurement period for the works, and
  - (b) added to the approved works taken under the authority of an access licence referred to in clause 238F(1)(b).
- (2) The approval holder must provide the Minister, in the approved form, a copy of records—
  - (a) kept under subclause (1) on a fortnightly basis during the measurement period for the works, and
  - (b) made between the last fortnightly report and the end of the measurement period, not later than 14 days after the end of the measurement period.

**Subdivision 3 Repairs and reporting requirements**

**238H Repairs to faulty metering equipment**

- (1) For the Act, section 115, it is a mandatory condition of a water supply work approval that the holder of the approval who captures and stores water using a metered work while the metered work's point-of-intake metering equipment or storage metering equipment is faulty must comply with this clause.
- (2) The approval holder must repair the equipment, or cause the equipment to be repaired, within—
  - (a) 21 days of becoming aware the equipment is faulty, or
  - (b) a further period permitted under this clause.
- (3) If the approval holder becomes aware the equipment is not able to be repaired within the period specified in subclause (2)(a), the approval holder—
  - (a) must notify the Minister in the approved form, and
  - (b) may apply for an extension of the period within which repairs must be carried out.
- (4) An application for an extension must set out—
  - (a) the reasons the repair is not able to be carried out within the specified period, and
  - (b) the date by which the equipment is proposed to be repaired.
- (5) The Minister may, by written notice given to the approval holder, extend the repair period by a specified period.

- (6) The approval holder may make more than 1 application to extend the repair period.
- (7) The approval holder must give the following information to the Minister in the approved form not later than 28 days after the faulty metering equipment is repaired—
  - (a) the date the equipment was repaired,
  - (b) a description of the repairs,
  - (c) evidence of the repairs, which may include a statement from the person who repaired the equipment,
  - (d) the name of the person who repaired the equipment.

**238I Application of Schedule 8 to floodplain access licences**

If there is an inconsistency between a condition imposed under this Division and a provision of Schedule 8 for an approval to which this Division applies, the condition imposed under this Division prevails.

**Division 3B Metering equipment standards for particular water supply work approvals**

**238J Mandatory requirements for point-of-intake metering equipment**

- (1) This clause sets out the applicable requirements for point-of-intake metering equipment for an approved work for clause 238B(2).
- (2) The point-of-intake metering equipment must be installed to measure the flow of all water entering the approved work.
- (3) A duly qualified person must inspect all floodplain harvesting intake points for the approved work to determine if all water entering the work is able to be measured by point-of-intake metering equipment that complies with the requirements of Schedule 8.
- (4) A duly qualified person must inspect all floodplain harvesting intake points for the approved work to determine if the point-of-intake metering equipment has been installed in compliance with the requirements of Schedule 8.
- (5) The approval holder must ensure point-of-intake metering equipment is maintained in accordance with the requirements of Schedule 8, clause 2(4).

**238K Mandatory requirements for storage metering equipment**

- (1) This clause sets out the applicable requirements for storage metering equipment for an approved work for clause 238B(2).
- (2) The storage metering equipment must be installed to determine variation in the water level of water stored in the approved work.
- (3) The storage metering equipment for the approved work must—
  - (a) meet the relevant specifications set out in the storage metering equipment standards, and
  - (b) be installed and validated by a duly qualified person in accordance with the storage metering equipment standards.
- (4) Storage metering equipment must be calibrated by a duly qualified person—
  - (a) in accordance with the storage metering equipment standards, and
  - (b) by reference to a survey benchmark.

- (5) The survey benchmark must be—
  - (a) installed, in relation to the approved work, in accordance with a survey benchmark standard by—
    - (i) a registered surveyor, or
    - (ii) a person or a class of persons approved by the Minister by notice published in the Gazette, and
  - (b) validated by—
    - (i) a registered surveyor, or
    - (ii) a person or a class of persons approved by the Minister by notice published in the Gazette.
- (6) Storage metering equipment must have—
  - (a) data logging capacity to enable the equipment to collect, record and store water storage data in accordance with data logging and telemetry specifications approved by the Minister under Schedule 8, clause 10, and
  - (b) telemetry capacity to transmit data relating to water usage that complies with the approved data logging and telemetry specifications approved by the Minister under Schedule 8, clause 10, and
  - (c) tamper evident seals, locks, controls or other devices that comply with the requirements of Schedule 8, clause 5.
- (7) The approval holder must ensure storage metering equipment is maintained in accordance with the storage metering equipment standards.

**238L Storage curve documents**

- (1) The Minister may adopt a storage curve for a nominated approved work.
- (2) If the approval holder for the work becomes aware of the adopted storage curve for the work being inaccurate by more than 5% of the volume of the work at a specified water level, the approval holder must within 21 days of becoming aware of the inaccuracy—
  - (a) notify the Minister, and
  - (b) submit a revised storage curve for the work to the Minister.
- (3) The approval holder for the work may, at any other time, submit a revised storage curve for the work to the Minister.
- (4) A revised storage curve submitted under subclause (2) or (3) must be—
  - (a) in the approved form, and
  - (b) certified by a registered surveyor as meeting the relevant specifications set out in the storage curve standards approved by the Minister.
- (5) A revised storage curve submitted under subclause (2) or (3) is taken to be adopted by the Minister 72 hours after the revised storage curve is submitted unless the approval holder is given notice that the revised storage curve will not be adopted.
- (6) A revised storage curve taken to be adopted under subclause (5) takes effect as the adopted storage curve for the work and a previously adopted storage curve for the work ceases to have effect.
- (7) The Minister must give notice of the adoption of a revised storage curve to the approval holder for the work.

(8) If a revised storage curve is not adopted by the Minister, the existing adopted storage curve remains in force.

(9) In this clause—

*adopted storage curve* means a storage curve adopted by the Minister under this clause.

*storage curve*, for a nominated approved work, means a document that indicates the volume of water in the work by reference to the surface level of the water in the work as measured by the storage metering equipment installed for the work.

*storage curve standards* means the storage curve standards approved by the Minister and published in the Gazette.

### **Division 3C Obligations of duly qualified persons**

#### **238M Obligations of duly qualified persons—inspections**

- (1) A duly qualified person who performs an inspection of a water supply work under clause 238J(3) must give a certificate to the approval holder for the water supply work confirming if—
  - (a) water entering the work is able to be measured by equipment that complies with the requirements of Schedule 8, or
  - (b) water entering the work is not able to be measured by equipment that complies with the requirements of Schedule 8.
- (2) A duly qualified person who performs an inspection of a water supply work under clause 238J(4) must give a certificate to the approval holder for the water supply work confirming if—
  - (a) the point-of-intake metering equipment for the water supply work is installed in compliance with the requirements of Schedule 8, or
  - (b) the point-of-intake metering equipment for the water supply work is not installed in compliance with the requirements of Schedule 8.

#### **238N Obligations of duly qualified persons—validation**

- (1) A duly qualified person who validates storage metering equipment for a water supply work in accordance with the storage metering equipment standards must give a certificate to the person for whom the validation is undertaken—
  - (a) confirming if the equipment complies or does not comply with the matters required to be checked in accordance with the storage metering equipment standards, and
  - (b) if the matters checked do not comply with the storage metering equipment standards—
    - (i) specifying the reasons the equipment does not comply and the modifications required for compliance, or
    - (ii) stating the equipment is not able to be modified to enable compliance.
- (2) A duly qualified person who validates a survey benchmark, in relation to a water supply work, in accordance with a survey benchmark standard must give a certificate to the person for whom the validation is undertaken—
  - (a) confirming the benchmark complies or does not comply with the matters required to be checked in accordance with the survey benchmark standard, and

- (b) if the matters checked do not comply with the survey benchmark standard—
  - (i) specifying the reasons the benchmark does not comply and the modifications required for compliance, or
  - (ii) stating the benchmark is not able to be modified to enable compliance.
- (3) A duly qualified person who validates point-of-intake metering equipment for a water supply work in accordance with Schedule 8, clause 7 must give a certificate to the person for whom the validation is undertaken—
  - (a) confirming the equipment complies or does not comply with the matters required to be checked in accordance with AS 4747, and
  - (b) if the matters checked do not comply with AS 4747—
    - (i) specifying the reasons the equipment does not comply and the modifications required for compliance, or
    - (ii) stating the equipment is not able to be modified to enable compliance.

**238O Obligations of duly qualified persons—checking**

- (1) A duly qualified person who checks point-of-intake metering equipment for a water supply work for accuracy under Schedule 8, clause 9 must give a certificate to the person for whom the check is undertaken certifying whether or not the maximum permissible error of the metering equipment does or does not exceed plus or minus 5% in the field.
- (2) A duly qualified person who checks storage metering equipment for a water supply work for accuracy under Schedule 8, clause 9 must give a certificate to the person for whom the check is undertaken certifying whether or not the maximum permissible error of the metering equipment exceeds plus or minus 10mm in the field.

**238P Obligations of duly qualified persons—general**

- (1) A certificate referred to in clauses 238M–238O must be—
  - (a) in the approved form, and
  - (b) given to the approval holder for the water supply work within 7 days after the certification, validation or checking occurs.
- (2) A duly qualified person who installs metering equipment or carries out other work on metering equipment must notify the Minister in the approved form if the person knows or reasonably suspects the equipment has been tampered with.
- (3) The notification referred to in subclause (2) must be given to the Minister within 7 days after the duly qualified person becomes aware of, or forms the suspicion about, the tampering with the equipment.
- (4) A duly qualified person must comply with this Division.  
Maximum penalty—20 penalty units.

**238Q Faulty metering equipment**

For the Act, section 91I(3), the Act, section 91I(1)(b) and (2) do not apply if—

- (a) the water supply work has a secondary metering device installed, and
- (b) the following records are provided to the Minister—

- (i) a record of the last available reading of the primary metering equipment before the primary metering equipment became faulty,
- (ii) a record of the first available reading of the secondary metering device after the primary metering equipment became faulty.

**238R Mandatory requirements for secondary metering devices**

For the Act, section 115, an approval holder who uses a secondary metering device due to a fault with the primary metering equipment must comply with the following requirements—

- (a) the approval holder must record the reading of the secondary metering device—
  - (i) if the primary metering equipment is faulty at the start of the measurement period—within 24 hours of the start of the measurement period, or
  - (ii) if the primary metering equipment becomes faulty during the measurement period—within 24 hours of becoming aware the primary metering equipment is faulty,
- (b) the approval holder must record the reading of the secondary metering device within 24 hours of the end of the measurement period,
- (c) the approval holder must provide records under this clause, in the approved form, to the Minister not later than 14 days after the end of the measurement period,
- (d) the approval holder must keep a record made under this clause for 5 years after the end of the measurement period.

**238S Metering records**

- (1) For the Act, section 91J, the holder of a water supply work approval subject to the mandatory floodplains condition must keep the following metering records for a period of 5 years—
  - (a) a certificate provided under this Division by a duly qualified person in relation to the following—
    - (i) point-of-intake metering equipment,
    - (ii) storage metering equipment,
    - (iii) a survey benchmark,
    - (iv) a storage curve document,
    - (v) a secondary metering device,
  - (b) a copy of a report given to the Minister under Schedule 8, clause 8 or 9,
  - (c) a copy of a written certification given to the Minister under Schedule 8, clause 9(2)(b).
- (2) For the Act, section 115, it is a condition of an approval subject to the mandatory floodplains condition that the approval holder must give the Minister a copy of a certificate referred to in subclause (1)(a) within 28 days of receiving the certificate.

### **Division 3D Transitional provisions**

#### **238T Transitional provision—metering equipment installed before 14 February 2020**

- (1) This clause applies to primary metering equipment installed on or before 14 February 2020 on a water supply work nominated for the purpose of measuring water taken or collected under—
  - (a) a floodplain harvesting (regulated river) access licence, or
  - (b) a floodplain harvesting (unregulated river) access licence.
- (2) The work may continue to be used for the life of the equipment despite a new condition imposed under Division 3A if—
  - (a) tamper evident seals are affixed in accordance with Schedule 8, clause 5, and
  - (b) for point-of-intake metering equipment or storage metering equipment—the equipment is fitted with a device that complies with the data logging and telemetry specifications approved by the Minister, and
  - (c) for storage metering equipment, a duly qualified person certifies—
    - (i) the equipment includes a digital measurement sensor, and
    - (ii) the equipment is fitted with a telemetry device that complies with paragraph (b), and
    - (iii) the equipment and the telemetry device are operating properly, and
    - (iv) the equipment was installed in accordance with the manufacturer's instructions, and
    - (v) the equipment was calibrated by a duly qualified person by reference to a survey benchmark installed and validated as described in clause 238K(5), and
  - (d) for storage metering equipment that does not meet the storage metering equipment standards—
    - (i) the manufacturer certifies that the equipment operated within 10mm accuracy in laboratory conditions before it was installed, or
    - (ii) a person who holds a certification for installation and validation of storage meters or a certified practising hydrographer certifies that the equipment operated within 10mm accuracy in the field after it was installed, or
    - (iii) a NATA-accredited laboratory, which is accredited for the relevant test method, certifies that the equipment operated within 10mm accuracy after the equipment was installed, and
  - (e) for point-of-intake measuring equipment installed to measure open-flow channels—
    - (i) the equipment was validated by a duly qualified person in accordance with AS 4747 not more than 12 months before the report is given to the Minister under subclause (3), and
    - (ii) the equipment was found by the duly qualified person to comply with the matters required to be checked on validation, and
  - (f) for point-of-intake measuring equipment installed to measure closed or partially closed conduit flows—

- (i) the equipment was validated by a duly qualified person in accordance with AS 4747 not more than 5 years before the report is given to the Minister under subclause (3), and
  - (ii) the equipment was found by the duly qualified person to comply with the matters required to be checked on validation.
- (3) An approval holder who intends to rely on this clause must give a report to the Minister in the approved form that—
  - (a) certifies the action taken by the approval holder to comply with the requirements of subclause (2) in relation to the metering equipment, and
  - (b) is accompanied by documents given to the approval holder by the duly qualified person reporting on or relating to the checks carried out by the duly qualified person, and
  - (c) certifies the checks were carried out not more than 5 years before the report is given to the Minister.
- (4) In this clause—

*NATA-accredited laboratory* means a testing laboratory—

  - (a) accredited by the National Association of Testing Authorities, Australia (NATA), or
  - (b) recognised by NATA either solely or with someone else.

**238U Transitional provision—metering equipment installed after 14 February 2020**

- (1) This clause applies to an approval holder who installed primary metering equipment in accordance with the requirements set out in the equipment guidelines after 14 February 2020 but before the commencement of the amending Regulation for the purpose of measuring water taken or collected under a licence on a water supply work nominated in—
  - (a) a floodplain harvesting (regulated river) access licence, or
  - (b) a floodplain harvesting (unregulated river) access licence.
- (2) The approval holder is taken to have installed the equipment in accordance with the mandatory floodplains condition if the following conditions are met—
  - (a) for point-of-intake metering equipment—a duly qualified person specified in clause 236(18) certifies in writing that—
    - (i) the equipment complies with the point-of-intake metering equipment guideline, and
    - (ii) the person installed and validated the equipment in accordance with the requirements set out in the point-of-intake metering equipment guideline,
  - (b) for storage metering equipment—a duly qualified person specified in clause 236(16) certifies in writing that—
    - (i) the equipment complies with the storage metering equipment guideline, and
    - (ii) the person installed and validated the equipment in accordance with the requirements set out in the storage metering equipment guideline.
- (3) For the avoidance of doubt, a storage curve in relation to storage metering equipment subject to this clause does not need to be adopted until the date on which the amending Regulation commences.

(4) In this clause—

**amending Regulation** means the *Water Management (General) Amendment Regulation (No 2) 2022*.

**equipment guidelines** means the point-of-intake metering equipment guideline or the storage metering equipment guideline.

**point-of-intake metering equipment guideline** means the document titled *Floodplain Harvesting Measurement—Point-of-intake measurement method* published by the NSW Department of Planning, Industry and Environment in February 2021.

**storage curve** has the same meaning as in clause 238L(9).

**storage metering equipment guideline** means the document titled *Floodplain Harvesting Measurement—Existing storage metering equipment* published by the NSW Department of Planning, Industry and Environment in February 2021.

#### **238V Transitional provision—infrequently used water supply works**

A person is not required to comply with the mandatory floodplains condition in relation to an approved work not used to take water until the day that is 12 months after the day on which the relevant management plan relating to water sharing makes provision for floodplain harvesting.

### **[7] Schedule 4 Exemptions**

Insert after clause 17B—

#### **17C Rainfall run-off**

(1) A 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 the Act, section 4A.

(3) This clause does not limit the operation of this Regulation, clause 39B.

(4) In this clause—

**irrigated field** means an area of land that is used for growing crops using irrigation.

**tailwater drain** means a channel or trench that collects excess water from an irrigated field.