

When can I take water without an access licence?

Find out when exemptions from water access licence requirements apply.

What is a water access licence?

In water-sharing plan areas, a water access licence authorises you to take water from a water source, such as a river, lake or surface water runoff, or an aquifer.

For more information about water access licences, go to water.dpie.nsw.gov.au/licensing-and-trade/licensing.

You do not need a water access licence to take water if an exemption applies.

What are the exemptions?

The Water Management (General) Regulation 2018 specifies a number of water access licence exemptions.

A summary of these exemptions is provided below. You should refer to the Regulation for a full description of these exemptions, including the circumstances when the exemption applies, and any restrictions or limitations.

This summary of exemptions is presented in the following order:

- exemptions for landholders
- exemptions for public authorities
- general exemptions that can apply to any person.

How can I access a copy of the Regulation?

NSW legislation is published online.

To access a copy of the regulation, visit legislation.nsw.gov.au/browse/inforce and select 'W' under Statutory Instruments.

Summary of exemptions

Exemptions for landholders

Landholder means the owner or lawful occupier of a parcel of land, as defined in the *Water Management Act 2000*.

Table 1. Exemptions for landholders

Water access licence exemption	Regulation reference
<p>Collection of water from roofs in rainwater tanks by landholder</p> <p>This exemption applies to the landholder of the property where a rainwater tank is located.</p> <p>This exemption applies to the taking of water which is collected from a roof by a rainwater tank.</p>	<p>Clause 21(1)</p> <p>Clause 12 of Schedule 4</p> <p>Clause 5 of Schedule 1</p>
<p>Landholders with dams for specific purposes</p> <p>This exemption applies to the landholder of the property where the water supply work is located.</p> <p>The water must be taken by a dam located on a <i>minor stream</i>, as defined in the Regulation.</p> <p>This exemption applies to the taking of water for one of the following purposes:</p> <ul style="list-style-type: none"> • control or prevention of soil erosion • flood detention and mitigation • capture, containment and recirculation of drainage and/or effluent to prevent the contamination of a water source, • specific environmental management purposes which are approved in writing. 	<p>Clause 21(1)</p> <p>Clause 12 of Schedule 4</p> <p>Clause 1, 2, 3 and 4 of Schedule 1</p> <p>Clause 3(1)</p>
<p>Landholders with dams or excavations located on a river or lake</p> <p>This exemption applies to the landholder of the property where the water supply work is located.</p> <p>This exemption applies to the taking of water:</p> <ul style="list-style-type: none"> • by a dam or excavation • which is located on a river or lake • which was constructed under section 7 of the <i>Water Act 1912</i> before 1 January 2001. <p>The water taken must only be used domestic consumption and/or stock watering, or for purposes that do not require the extraction of water.</p>	<p>Clause 21(1)</p> <p>Clause 12 of Schedule 4</p> <p>Clause 7 of Schedule 1</p>

Water access licence exemption	Regulation reference
<p>Landholders with works in lakes which are mainly dry</p> <p>This exemption applies to the landholder of the property where the water supply work is located.</p> <p>This exemption applies to the taking of water by a work which is located within the Western Division in an area of land shown in the legend of a 1:100 000 topographic map issued by the Land Information Centre applying at 1 January 1999 as 'Lake Mainly Dry'.</p>	<p>Clause 21(1)</p> <p>Clause 12 of Schedule 4</p> <p>Clause 8 of schedule 1</p>
<p>Landholders with works which impound water</p> <p>This exemption applies to the landholder of the property where the water supply work is located.</p> <p>This exemption applies to the taking of water by a work that:</p> <ul style="list-style-type: none"> • impounds water • was constructed before 1 January 1999 • is located in either: <ul style="list-style-type: none"> ○ a <i>minor stream</i> as defined in the regulation ○ within the Western Division in an area of land shown in the legend of a 1:100 000 topographic map issued by the Land Information Centre applying at 1 January 1999 as land subject to flooding or inundation, or lakes shown as 'perennial' or 'intermittent'. <p>The water taken must only be used on the property where the work is located for domestic consumption and stock watering, or not result in the extraction of water.</p>	<p>Clause 21(1)</p> <p>Clause 12 of Schedule 4</p> <p>Clause 6 and 9 of Schedule 1</p>
<p>Domestic electricity generation by landholder</p> <p>This exemption applies to the landholder of a property.</p> <p>This exemption applies to the taking of water for generating electricity for domestic consumption on the landholder's property.</p> <p>This exemption only applies if:</p> <ul style="list-style-type: none"> • the water is returned to the same water source from which it was taken and within 50 metres of the point at which it was taken, and • the returned water is of the same quality as it was when it was taken in terms of chemical composition, temperature, sediment content and salinity. 	<p>Clause 21(1)</p> <p>Clause 8 of Schedule 4</p>

Exemptions for public authorities

Public authority is defined in the *Water Management Act 2000*. Public authorities include public service agencies and local councils in NSW.

Table 2. Exemptions for public authorities

Water access licence exemption	Regulation reference
<p>Road construction and maintenance by road authorities</p> <p>This exemption applies to road authorities within the meaning of the <i>Roads Act 1993</i>.</p> <p>This exemption applies to the taking of water for road construction and road maintenance.</p>	<p>Clause 21(1)</p> <p>Clause 2 of Schedule 4</p>
<p>Construction and maintenance of rail infrastructure by transport authorities</p> <p>This exemption applies to <i>transport authorities</i> as defined in the regulation.</p> <p>This exemption applies to the taking of water for the construction or maintenance of rail infrastructure facilities within the meaning of the <i>Transport Administration Act 1988</i>.</p> <p>This exemption only applies if the:</p> <ul style="list-style-type: none"> transport authority has considered the environmental impact of the activity in accordance with section 5.5 of the <i>Environmental Planning And Assessment Act 1979</i> transport authority is satisfied that activity is not likely to significantly affect the environment. 	<p>Clause 21(1)</p> <p>Clause 3 of Schedule 4</p>
<p>Dust suppression by public authorities</p> <p>This exemption applies to public authorities that are lawfully engaged in dust suppression activities.</p> <p>The taking of water must be required for dust suppression.</p>	<p>Clause 21(1)</p> <p>Clause 5 of Schedule 4</p>
<p>Operation of hydro-electric power station</p> <p>This exemption applies to any person who is lawfully engaged in the operation of a hydro-electric power station in connection with a water supply work which is owned by WaterNSW or the Water Administration Ministerial Corporation.</p> <p>This exemption applies to the taking of water for the purpose of generating hydro-electric power.</p> <p>This exemption only applies if the:</p> <ul style="list-style-type: none"> water is returned to the same water source from which it was taken 	<p>Clause 21(1)</p> <p>Clause 11 of Schedule 4</p>

<ul style="list-style-type: none"> returned water is of the same quality as it was when it was taken. 	
<p>Basic human water needs</p> <p>This exemption applies to the Water Administration Ministerial Corporation, but only if the Minister for Regional Water is satisfied that the watering is urgently required for basic human water needs, and is in the public interest</p> <p>This exemption applies to the taking of water in accordance with an approved watering program that specifies the amount of water proposed to be taken and the water source from which the water will be taken.</p> <p>This exemption ceases to apply 4 months after the date on which the watering program was approved, or a later date which the minister has approved in writing.</p>	<p>Clause 21(1)</p> <p>Clause 14 of Schedule 4</p>
<p>Environmental work construction</p> <p>This exemption applies to a public authority.</p> <p>This exemption applies to the taking of water for the purpose of constructing a water supply work on waterfront land, and the work must have an environmental benefit.</p> <p>This exemption only applies if the work is in accordance with a program approved by the minister in writing that specifies the:</p> <ul style="list-style-type: none"> amount of water proposed to be taken water source from which the water will be taken. <p>The maximum volume of water which may be taken under this exemption is 0.5 megalitres in any water year (1 July–30 June), or any lesser amount specified by the minister.</p>	<p>Clause 21(1)</p> <p>Clause 15 of Schedule 4</p>

General exemptions

Table 3. General exemptions

Water access licence exemption	Regulation reference
<p>Water carting for drought relief for domestic consumption and stock watering</p> <p>This exemption applies to any person who is lawfully engaged in the carriage of water for drought relief.</p> <p>This exemption applies to the taking of water for drought relief, but only if the water is used for the purpose of domestic consumption, stock watering or both.</p> <p><i>Domestic consumption and stock watering are defined in the Water Management Act 2000.</i></p>	<p>Clause 21(1)</p> <p>Clause 4 of Schedule 4</p>
<p>Hydrostatic testing of gas pipelines</p>	<p>Clause 21(1)</p>

Water access licence exemption	Regulation reference
<p>This exemption applies to any person who is lawfully engaged in the hydrostatic testing of a gas pipeline.</p> <p>This exemption applies to the taking of water for initial testing of a gas pipeline before it is put into service for the first time.</p> <p>The maximum volume of water which may be taken under this exemption is seven megalitres.</p>	<p>Clause 6 of Schedule 4</p>
<p>Aquifer interference activities</p> <p>This exemption applies to any person lawfully engaged in an aquifer interference activity carried out in accordance with an authorised project in relation to the taking of up to 3 megalitres of groundwater from a groundwater source by one or more of those activities in a water year.</p> <p>This exemption does not apply:</p> <ul style="list-style-type: none"> • if the taking of groundwater is for the purpose of its consumption or supply • to the taking of groundwater in the course of or incidental to mining for minerals or petroleum under the <i>Mining Act 1992</i> or the <i>Petroleum (Onshore) Act 1991</i>. <p>The maximum volume of groundwater than may be taken from a groundwater source under this exemption, by all aquifer interference activities carried out in connection with an authorised project, is 3 megalitres in a water year.</p> <p><i>Authorised project</i> is defined in Clause 7(5) of Schedule 4 of the Regulation.</p>	<p>Clause 21(1)</p> <p>Clause 7 of Schedule 4</p>
<p>Emergency safety measures</p> <p>This exemption applies to any person.</p> <p>This exemption applies to the taking of water for the purpose of complying with a direction which is given in an emergency under the <i>State Emergency Service Act 1989</i> or the <i>State Emergency and Rescue Management Act 1989</i>.</p>	<p>Clause 21(1)</p> <p>Clause 17 of Schedule 4</p>
<p>Establishment of sugar cane plantings</p> <p>This exemption applies to any person.</p> <p>This exemption applies to the taking of water to establish agricultural plantings of sugar cane. A sugar cane plant is established once it reaches a height of 50 centimetres.</p> <p>This exemption only applies if:</p> <ul style="list-style-type: none"> • the water is taken from an artificial channel 	<p>Clause 21(1)</p> <p>Clause 13 of Schedule 4</p>

Water access licence exemption	Regulation reference
<ul style="list-style-type: none"> the channel was constructed for the primary purpose of draining water from land on which sugar cane is grown the channel does not have banks that are above ground level the channel is located in an area to which the <i>Water Sharing Plan for the Clarence River Unregulated and Alluvial Water Sources 2016</i>, the <i>Water Sharing Plan for the Brunswick Unregulated and Alluvial Water Sources 2016</i>, the <i>Water Sharing Plan for the Tweed River Area Unregulated and Alluvial Water Sources 2010</i> or the <i>Water Sharing Plan for the Richmond River Area Unregulated, Regulated and Alluvial Water Sources 2010</i> applies any water supply work which is used to take the water is not fixed to the land the volume of water taken does not exceed 0.05 megalitres per hectare of land on which sugar cane is being established in any continuous 12-month period. 	
<p>Emergency works</p> <p>This exemption applies to any person.</p> <p>This exemption applies to the taking of groundwater or overland flow water for the purpose of carrying out emergency works.</p> <p><i>Emergency works</i> is defined in Clause 3 of the Regulation.</p> <p>This exemption only applies if:</p> <ul style="list-style-type: none"> the water taken is not subsequently used for a secondary purpose. <i>Secondary purpose</i> includes domestic consumption, supply of water to another person or body or any other use from which a commercial benefit is or may be obtained the person claiming the exemption provides certain information to the Natural Resources Access Regulator before (or soon after) commencing relevant works and within 14 days of completing the works, as outlined in Clause 34(5) of the Regulation. 	<p>Clause 21(1)</p> <p>Clause 34(5)</p> <p>Clause 17B of Schedule 4</p>
<p>Taking groundwater for excavation</p> <p>This exemption applies to the holder of a water supply work approval in relation to the taking of more than 3 megalitres of groundwater in a water year using the water supply work to which the approval relates.</p> <p>This exemption only applies if:</p> <ul style="list-style-type: none"> the work approval is subject to a condition that limits the amount of water than can be taken using the work during a water year the taking of groundwater is for the purposes of excavation required for the construction of a building, road, or infrastructure (other than in the course of carrying out mining operations or prospecting operations) 	<p>Clause 21(1)</p> <p>Clause 17A</p>

Water access licence exemption	Regulation reference
<ul style="list-style-type: none"> the taking of groundwater is carried out in accordance with the conditions of the work approval. <p>This exemption only applies to the taking of water from:</p> <ol style="list-style-type: none"> the Botany Sands Groundwater Source under the <i>Water Sharing Plan for the Greater Metropolitan Region Groundwater Sources 2011</i>, a groundwater source specified by the Minister. <p>Time limits apply to this exemption, as outlined in Clause 17A(3) of the Regulation.</p>	

Licences, approvals and exemptions

Go to www.dpie.nsw.gov.au/licensing-and-trade for more information on licensing, approvals and any applicable exemptions.

WaterNSW is responsible for water access licences and associated approvals required by rural landholders, rural industries and developments which are not state-significant development, or state-significant infrastructure.

Contact us

- Call WaterNSW on 1300 662 077
- Email WaterNSW on Customer.Helpdesk@waternsw.com.au
- Visit www.waternsw.com.au

Controlled activity approvals

The department is responsible for all CAAs and issues licences and approvals for large water users such as water utilities, mines and irrigation corporations.

- Call the department on 1800 633 362
- Email waterlicensing.servicedesk@dpie.nsw.gov.au
- Visit www.water.dpie.nsw.gov.au

Reporting suspicious water activity

To make a confidential report of suspicious water activity:

- Use NRAR’s online reporting form at www.nrar.nsw.gov.au/report-suspicious-water-activities
- Phone 1800 633 362