

What is a water supply work approval?

A water supply work approval allows you to construct and use a work that takes water from a river, lake or aquifer.

Examples of water supply works are water pumps, water bores, dams, weirs, irrigation channels, banks and levees.

For more information about water supply work approvals, go to www.industry.nsw.gov.au/water > Licensing & trade > Approvals > Water supply work and water use approvals.

You do not need a water supply work approval if an exemption applies.

What are the water supply work approval exemptions?

The Water Management (General) Regulation 2018 specifies a number of water supply work approval 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 listed by the scope of the exemption:

- construction and use of a water supply work
- construction of a water supply work (but not its use)
- use of a water supply work (but not its construction).

How to access a copy of the Regulation

NSW legislation is published online.

To access a copy of the regulation, go to www.industry.nsw.gov.au/water > What we do > Legislation & policies > Acts & regulations, then click on the link to the Water Management (General) Regulation 2018.

Need help?

Rural landholders and industries

WaterNSW is your one-stop shop for licensing services, including approvals.

- Call 1300 662 007 during business hours
- Email Customer.Helpdesk@waterNSW.com.au

Department of Industry customers

Contact the NSW Natural Resources Access Regulator for advice.

- Call 1800 633 362 during business hours
- Email nrar.enquiries@nrar.nsw.gov.au

Summary of exemptions

Exemptions relating to the construction and use of a water supply work

Table 1: Exemptions relating to the construction and use of a water supply work

Water supply work exemption—construction and use	Regulation reference
<p>Landholders with rainwater tanks</p> <p>This exemption applies to the landholder of the property where the water supply work is located.</p> <p>This exemption applies to a rainwater tank that collects water from roofs only.</p>	<p>Clause 39(1)(b)</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>This exemption applies to a dam located on a ‘minor stream’, and constructed and used 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 that are approved in writing. <p><i>Minor stream</i> is defined in the regulation.</p>	<p>Clause 39(1)(a)</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 a dam or excavation which:</p> <ul style="list-style-type: none"> • is located on a river or lake, and • was constructed under section 7 of the <i>Water Act 1912</i> before 1 January 2001, and • is only used to take water for domestic consumption and/or stock watering, or for purposes that do not require the extraction of water. <p><i>Domestic consumption</i> and <i>stock watering</i> are defined in section 52 of the <i>Water Management Act 2000</i>.</p>	<p>Clause 39(1)(a)</p> <p>Clause 7 of Schedule 1</p>

Water supply work exemption—construction and use	Regulation reference
<p>Landholders with works that 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 a water supply work that:</p> <ul style="list-style-type: none"> • impounds water, and • is located: <ul style="list-style-type: none"> ○ on a ‘minor stream’, or ○ 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’, and • was constructed before 1 January 1999, and • is only used on the property where the work is located for domestic consumption and stock watering, or which does not result in the extraction of water. <p><i>Minor stream</i> is defined in the regulation.</p>	<p>Clause 39(1)(a)</p> <p>Clause 6 and 9 of Schedule 1</p> <p>Clause 3(1)</p>
<p>Landholders with works in lakes that 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 a water supply work 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 39(1)(b)</p> <p>Clause 8 of Schedule 1</p>
<p>Exempt monitoring bore</p> <p>This exemption applies to any person.</p> <p>This exemption applies to an exempt monitoring bore used for measuring water levels, water pressure or water quality.</p> <p>The person claiming this exemption must provide the following reports to WaterNSW:</p> <ul style="list-style-type: none"> • a report on the completion of the construction of the bore, within 60 days after the completion, and • any report that the <i>Minimum Construction Requirements for Water Bores in Australia</i> states is to be prepared, within 60 days after the event or activity in respect of which the report is to be prepared. <p><i>Exempt monitoring bore</i> is defined in the Regulation.</p>	<p>Clause 39(1)(c)</p> <p>Clause 39(2)</p>
<p>Urgent basic human water needs</p> <p>This exemption applies to the Water Administration Ministerial Corporation.</p> <p>This exemption applies to a water supply work constructed and used in accordance with an approved watering program, which specifies the amount of water proposed to be taken and the water source from which the water will be taken.</p> <p>This exemption only applies 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 ceases to apply four months after the date on which the watering program was approved, or a later date that the minister has approved of in writing.</p>	<p>Clause 39(1)(e)</p> <p>Clause 39(3)-(4)</p> <p>Clause 14 of Schedule 4</p>

Water supply work exemption—construction and use	Regulation reference
<p>Emergency safety measures</p> <p>This exemption applies to any person.</p> <p>This exemption applies to a water supply work constructed and used for the purpose of complying with a direction 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>The water supply work must be removed within three months after it is constructed, or within a longer period approved in writing.</p>	<p>Clause 39(1)(f)</p> <p>Clause 39(5)</p> <p>Clause 17 of Schedule 4</p>
<p>Control or prevention of soil erosion</p> <p>This exemption applies to any person.</p> <p>This exemption applies to a water supply work constructed and used for the purpose of the control or prevention of soil erosion, as part of a project approved under section 10 of the <i>Soil Conservation Act 1938</i>.</p>	<p>Clause 39(1)(g)</p>

Exemptions relating to the construction of a water supply work

These exemptions do not apply to the use of the water supply work.

Table 2: Exemptions relating to the construction of a water supply work.

Water supply work exemption—construction only	Regulation reference
<p>Prospecting or fossicking for minerals or petroleum</p> <p>This exemption applies to any person.</p> <p>This exemption applies to a water supply work which is constructed for the purpose of prospecting or fossicking for minerals or petroleum under the <i>Mining Act 1992</i> or the <i>Petroleum (Onshore) Act 1991</i>.</p> <p>This exemption only applies if the water supply work is not:</p> <ul style="list-style-type: none"> constructed for any other purpose, and located within a sensitive environmental area as defined in the regulation, such as critical habitat or a national park. 	<p>Clause 37(1)(a)</p> <p>Clause 37(2)</p>
<p>Water pipe to convey water from one place to another</p> <p>This exemption applies to any person.</p> <p>This exemption applies to a water pipe which is constructed for the purpose of conveying water from one place to another.</p> <p>This exemption only applies if the:</p> <ul style="list-style-type: none"> water supply work is not constructed for any other purpose, and water supply work is not located within a sensitive environmental area, such as critical habitat or a national park. 	<p>Clause 37(1)(b)</p> <p>Clause 37(2)</p>
<p>Water reticulation work constructed on land that has a water use approval</p> <p>This exemption applies to any person.</p> <p>This exemption applies to a water reticulation work constructed on a property that has a water use approval.</p> <p>This exemption only applies if the work is not located within a sensitive environmental area as defined in the regulation, such as critical habitat or a national park.</p> <p><i>Water reticulation work</i> is defined in the regulation.</p>	<p>Clause 37(1)(c)</p> <p>Clause 37(2)</p> <p>Clause 3(1)</p>

Exemptions relating to the use of a water supply work

These exemptions do not apply to the construction of the water supply work.

Table 3: Exemptions relating to the use of a water supply work

Water supply work exemption—use only	Regulation reference
<p>Prospecting or fossicking for minerals or petroleum</p> <p>This exemption applies to any person.</p> <p>This exemption applies to a water supply work constructed for the purpose of prospecting or fossicking for minerals or petroleum under the <i>Mining Act 1992</i> or the <i>Petroleum (Onshore) Act 1991</i>.</p> <p>This exemption does not apply if the work is constructed for any other purpose.</p>	Clause 38(a)
<p>Works to convey or impound water that were in use before 1 July 2004</p> <p>This exemption applies to any person.</p> <p>This exemption applies to a water storage work, water reticulation work or water impounding work.</p> <p>This exemption only applies if the:</p> <ul style="list-style-type: none"> • work was in use before 1 July 2004, and • water taken by the work before 1 July 2004 was taken under: <ul style="list-style-type: none"> ○ an entitlement under the <i>Water Act 1912</i>, or ○ section 7(7) of the <i>Water Act 1912</i>, and • water taken by the work is used under: <ul style="list-style-type: none"> ○ that entitlement for a purpose permitted by that entitlement, or ○ for a purpose permitted by section 7(7) of the <i>Water Act 1912</i>. 	Clause 38(b)
<p>Water reticulation work to convey water to land that has a water use approval</p> <p>This exemption applies to any person.</p> <p>This exemption applies to a water reticulation work constructed for the purpose of conveying water to a property.</p> <p>This exemption only applies if:</p> <ul style="list-style-type: none"> • the property has a water use approval, or • water is used at the property and a water use approval is not required (for example, because a water use approval exemption applies). <p><i>Water reticulation work</i> is defined in the regulation.</p>	Clause 38(c)

Water supply work exemption—use only	Regulation reference
<p>Works used in connection with hydro-electric power station</p> <p>This exemption applies to any person.</p> <p>This exemption applies to a water supply work used in connection with a hydro-electric power station.</p> <p>This exemption only applies if the:</p> <ul style="list-style-type: none"> • hydro-electric power station is owned by WaterNSW or the Water Administration Ministerial Corporation, and • water taken by the work is used for the purpose of generating hydro-electric power, and • water taken by the work is returned to the same water source from which it was taken, and • returned water is of the same quality as it was when it was taken. 	<p>Clause 38(d)</p>
<p>Water tankers used to convey water for dust suppression by a public authority</p> <p>This exemption applies to public authorities.</p> <p>This exemption applies to the use of a water tanker, including any water pump that is part of the water tanker.</p> <p>This exemption only applies if the:</p> <ul style="list-style-type: none"> • water tanker is used to take or convey water for the purpose of dust suppression activities, and • the public authority considers that taking the water will not have a significant adverse impact on: <ul style="list-style-type: none"> ○ basic landholder rights to water, or ○ sensitive environmental areas, such as critical habitat or a national park. <p><i>Public authority</i> is defined in the <i>Water Management Act 2000</i>. Public authorities include public service agencies and local councils in NSW.</p>	<p>Clause 38(e)</p>

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