


Water laws, licences and approvals

Fact sheet

May 2020 Natural Resources Access Regulator



The Natural Resources Access Regulator (NRAR) is an independent regulator established under the NSW *Natural Resources Access Regulator Act 2017*. The current regulatory focus of NRAR is water regulation, a key part of which is to prevent, detect and stop unlawful water activities.

To ensure the fair use of our precious water and minimise development impacts on waterfront land, we:

- inform, educate and engage to promote understanding of water laws and users' responsibilities
- issue licences and approvals
- monitor and audit the use of surface and groundwater
- respond to reports of suspicious water activity and investigate suspected high-priority breaches.



New South Wales water laws

The *Water Management Act 2000* (WM Act) is the main law that provides for the management and allocation of surface and groundwater resources in New South Wales (NSW). The WM Act includes requirements for water users or landholders to hold:

- a water access licence to take water from a river, lake, dam or groundwater for irrigation, industrial or commercial purposes
- a water supply work approval to construct and use a water supply work, such as a pump, dam, channel or bore
- a water use approval to use water for a specific purpose at a particular location
- a flood work approval for works on floodplains that divert floodwaters
- a controlled activity approval (CAA) to carry out work in a watercourse or within 40 metres of the bank of a river, lake or estuary, such as extracting material from a river bed, constructing a creek crossing or residential developments.

A person who wants to take water to use on their land for irrigation will normally require a water access licence, a water supply work approval and a water use approval.

The WM Act is replacing the *Water Act 1912* (Water Act). While this transition process is largely complete, Water Act licences may be required in limited circumstances in areas where water sharing plans do not apply.

Exemptions

Exemptions from some of these licence and approval requirements apply for some low-impact activities under certain conditions. This includes basic landholder rights, such as taking water for domestic use or to water stock, and constructing small dams on small creeks, known as harvestable-rights dams.

Metering

The WM Act also includes requirements relating to the use of non-urban water meters, with more requirements in the Water Management (General) Regulation 2018.

Licence and approval terms and conditions

Licences and approvals issued under the WM Act and Water Act also typically include terms and conditions that must be met. This can include metering, log book and cease-to-pump requirements for water take.



Temporary water restrictions

The WM Act allows the minister to temporarily impose restrictions on water take by licence holders. These restrictions are in addition to any licence and approval conditions and may include cease-to-pump requirements, which apply when the flow in a river or creek is lower than a specified level.

Information on current restrictions is available at www.industry.nsw.gov.au/water/allocations-availability/temporary-water-restrictions

Penalties for breaches

Individuals found guilty of breaching these laws, including breaching the terms and conditions of a licence or approval, can face fines of up to \$1.1 million and prison terms of up to two years. Higher maximum penalties apply to corporations.

Licences and approvals can also be suspended or cancelled for serious breaches of their terms and conditions.

NRAR can also issue stop-work orders for unlawful water take or activities being carried out without the required approvals. NRAR can issue directions requiring removal of any unlawful works or the restoration of degraded rivers.

More information

Download the *Compliance with water legislation* guidelines at www.industry.nsw.gov.au/nrar

Learn how the Department of Planning, Industry and Environment manages surface and groundwater resources in NSW, including information on water sharing plans: www.industry.nsw.gov.au/water

Visit the NSW Water Register at <https://waterregister.waternsw.com.au>

The NSW Water Register provides information about water licences and approvals (other than for controlled activities) that have been issued.

If you hold a licence or a water management works approval, you can use this register to check their terms and conditions. This register also has information on water allocations.

To use this water register, you will need the lot and deposited plan (DP) number for the property. You can

use the street address of a property to find the lot and DP number at www.planningportal.nsw.gov.au/spatialviewer/.

Licences, approvals and exemptions

Go to www.industry.nsw.gov.au/water/licensing-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.

Call WaterNSW on 1300 662 077; email Customer.Helpdesk@waternsw.com.au or visit www.waternsw.com.au

Controlled activity approval

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

Call NRAR on 1800 633 362; email nrar.enquiries@nrar.nsw.gov.au or visit www.industry.nsw.gov.au/nrar

Reporting suspicious water activity

To make a confidential report of suspicious water activity:

- use NRAR's online reporting form at www.industry.nsw.gov.au/natural-resources-accessregulator/report-suspicious-water-activities
- phone 1800 633 362.

More information

This fact sheet is one in a series explaining water management, compliance and associated issues. You can find this series and more information about licensing, approvals and compliance on the NRAR website at www.industry.nsw.gov.au/nrar

Copies of the Acts and associated Regulations are available on the NSW Government legislation site at www.legislation.nsw.gov.au

For enquiries call NRAR on 1800 633 362 or email at nrar.enquiries@nrar.nsw.gov.au.

For more information on the Natural Resources Access Regulator visit industry.nsw.gov.au/nrar



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