

Water supply work approval exemptions

What is a water supply work approval?

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

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

For more information about water supply work approvals, go to water.nsw.gov.au/licensing-and-approvals > [Water supply work and/or 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 2025 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 limitations.

This summary of exemptions is listed by the scope of the exemption:

- construction or 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).

Accessing a copy of the Regulation

NSW legislation is published online at www.legislation.nsw.gov.au. Look for the Water Management (General) Regulation 2025 within the In force > Statutory Instruments section under 'W'.

Summary of exemptions

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

The exemptions in Table 1 apply to either the construction or use of a water supply work, or both, as specified in each section of the Regulation.

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

Water supply work exemption – construction and use	Regulation reference
Landholders with dams for specific purposes This exemption applies to the landholder of the property where the water supply work is located. This exemption applies to a dam located on, or within a catchment of, a ‘minor stream’, and constructed and used for one of the following purposes: • control or prevention of soil erosion • flood detention and mitigation • capture, containment and recirculation of drainage or effluent to prevent the contamination of a water source • specific environmental management purposes that are approved in writing. <i>Minor stream</i> is defined in section 4 of the Regulation. See also the Interpreting excluded works – dams fact sheet at water.nsw.gov.au/licensing-and-approvals > Exemptions for water licences and works and or use approvals > Water licensing and approvals exemptions.	Section 62 and Schedule 4 – sections 33, 68, 69, 70 and 71
Landholders with dams or excavations on a river or lake This exemption applies to the landholder of the property where the water supply work is located. This exemption applies to a dam or excavation which: • is located on a river or lake • was constructed under section 7 of the <i>Water Act 1912</i> before 1 January 2001 • is only used for domestic consumption and/or stock watering, or for a purpose that does not require the extraction of water from the dam or excavation. <i>Domestic consumption</i> and <i>stock watering</i> are defined in section 52 of the <i>Water Management Act 2000</i>.	Section 62 and Schedule 4 – sections 33 and 73

Water supply work exemption — construction and use	Regulation reference
Landholders with works that impound water exceeding harvestable rights This exemption applies to the landholder of the property where the water supply work is located. This exemption applies to a water supply work that: • impounds an amount of water exceeding the harvestable rights applicable to the property • was constructed before 1 January 1999 • is located on, or within a catchment of, a ‘minor stream’ • is used only for domestic consumption or stock watering, or for a purpose that does not require the extraction of water from the work. Water from the water supply work must be used only on the property on which the work is located. <i>Minor stream</i> is defined in section 4 of the Regulation. Harvestable rights are described on the department’s website: water.nsw.gov.au/licensing-and-approvals > Basic landholder rights > Harvestable rights <i>Domestic consumption</i> and <i>stock watering</i> are defined in section 52 of the <i>Water Management Act 2000</i>.	Section 62 and Schedule 4 – sections 33 and 72
Landholders with works in lakes that are mainly dry (Western Division) This exemption applies to the landholder of the property where the water supply work is located. This exemption applies to a water supply work located on a lake in the Western Division, shown as ‘Lake Mainly Dry’ in the legend of the 1:100 000 topographic maps issued by the Land Information Centre (formerly the Central Mapping Authority), applying on 1 January 1999.	Section 62 and Schedule 4 – sections 33 and 74(1)

Water supply work exemption — construction and use	Regulation reference
Landholders with works on perennial or intermittent lakes or land subject to flooding/inundation (Western Division) This exemption applies to the landholder of the property where the water supply work is located. This exemption applies to a water supply work that: • was constructed before 1 January 1999 • is located in the Western Division • impounds water on an area of land shown in the legend of the 1:100 000 topographic maps issued by the Land Information Centre (formerly the Central Mapping Authority), applying on 1 January 1999, as land subject to flooding or inundation, or lakes shown as ‘perennial’ or ‘intermittent’. Water from the water supply work must be used only for domestic consumption and/or stock watering, or for a purpose that does not require extraction of water from the work. <i>Domestic consumption and stock watering</i> are defined in section 52 of the <i>Water Management Act 2000</i>.	Section 62 and Schedule 4 – sections 33 and 74(2)
Emergency directions This exemption applies to any person. This exemption applies to a water supply work constructed or used for the purpose of complying with an emergency direction, which is a direction given under the <i>State Emergency Service Act 1989</i> or the <i>State Emergency and Rescue Management Act 1989</i>. The person must comply with the emergency direction in accordance with the Act under which the direction is given and must also comply with conditions imposed by the Minister for Water. The water supply work must be removed within 3 months after it is constructed, or by a later date approved in writing.	Section 62 and Schedule 4 – section 35

Water supply work exemption — construction and use	Regulation reference
Emergency works This exemption applies to any person. This exemption applies to the construction or use of a water supply work to carry out emergency works. This exemption only applies if the person claiming the exemption records certain information before (or soon after) commencing the emergency works and within 14 days of completing the works, as outlined in the above section of the Regulation. The person must keep these records for 5 years. <i>Emergency works</i> is defined in Schedule 4, section 1 of the Regulation. Further information in relation to Emergency Works exemption is available in this fact sheet	Section 62 and Schedule 4 – section 36
Exempt monitoring bore This exemption applies to any person. This exemption applies to the construction or use of an exempt monitoring bore, for the purpose of measuring water levels, water pressure or water quality. The person claiming this exemption must provide the following reports to WaterNSW: • a report on the completion of the construction of the bore, within 60 days after the completion, or • if an event or activity occurs requiring the preparation of a report under the <i>Minimum Construction Requirements for Water Bores in Australia</i> – the report within 60 days after the event or activity. <i>Exempt monitoring bore</i> is defined in the above section of the Regulation.	Section 62 and Schedule 4 – section 37
Prospecting or fossicking for minerals or petroleum This exemption applies to any person. This exemption applies to a water supply work which is constructed only for prospecting or fossicking for minerals or petroleum under the <i>Mining Act 1992</i> or the <i>Petroleum (Onshore) Act 1991</i>. This exemption does not apply to the part of a water supply work constructed on culturally or environmentally sensitive land as defined in the Regulation, such as an Aboriginal place, national park, critical habitat, heritage conservation area or waterfront land.	Section 62 and Schedule 4 – section 38

Water supply work exemption — construction and use	Regulation reference
Basic human water needs This exemption applies to the Ministerial Corporation. This exemption applies to a water supply work constructed or 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. This exemption only applies if the Minister for Water is satisfied that the watering is urgently required for basic human water needs and is in the public interest. This exemption ceases to apply 4 months after the date on which the watering program was approved, or a later date that the minister has approved in writing. See Basic human water needs section in the When can I take water without an access licence? fact sheet at water.dpie.nsw.gov.au/licensing-and-approvals > Exemptions for water licences and works and/or use approvals > Water licensing and approvals exemptions.	Section 62 and Schedule 4 – section 32

Exemptions relating to the construction of a water supply work

The exemptions in Table 2 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
Prospecting or fossicking for minerals or petroleum This exemption applies to any person. This exemption applies to a water supply work which is constructed only for prospecting or fossicking for minerals or petroleum under the <i>Mining Act 1992</i> or the <i>Petroleum (Onshore) Act 1991</i>. This exemption does not apply to the part of a water supply work constructed on culturally or environmentally sensitive land as defined in the Regulation, such as an Aboriginal place, national park, critical habitat, heritage conservation area or waterfront land.	Section 62 and Schedule 4 – sections 24(1)(a) and 24(2)

Water supply work exemption — construction only	Regulation reference
Water pipe to convey water from one place to another This exemption applies to any person. This exemption applies to a water pipe which is constructed only for conveying water from one place to another. This exemption does not apply to the part of a water supply work constructed on culturally or environmentally sensitive land as defined in the Regulation, such as an Aboriginal place, national park, critical habitat, heritage conservation area or waterfront land.	Section 62 and Schedule 4 – sections 24(1)(b) and 24(2)
Water reticulation work constructed on land that has a water use approval This exemption applies to any person. This exemption applies to a water reticulation work constructed on a property that has a water use approval. This exemption does not apply to the part of a water supply work constructed on culturally or environmentally sensitive land as defined in the Regulation, such as an Aboriginal place, national park, critical habitat, heritage conservation area or waterfront land. <i>Water reticulation work</i> is defined in Schedule 13 of the Regulation.	Section 62 and Schedule 4 – sections 24(1)(c) and 24(2)

Exemptions relating to the use of a water supply work

The exemptions in Table 3 do not apply to the construction of a water supply work.

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

Water supply work exemption – use only	Regulation reference
Prospecting or fossicking for minerals or petroleum This exemption applies to any person. This exemption applies to a water supply work used to prospect or fossick for minerals or petroleum under the <i>Mining Act 1992</i> or the <i>Petroleum (Onshore) Act 1991</i>.	Section 62 and Schedule 4 – section 25
Works to convey or impound water that were in use before 1 July 2004 This exemption applies to any person. This exemption applies to a water storage work, water reticulation work or water impounding work. This exemption only applies if the use of the water supply work: • is permitted under an entitlement, or under section 7(7) of the <i>Water Act 1912</i>, and • the work was used to convey or impound water before 1 July 2004 under the entitlement or the section.	Section 62 and Schedule 4 – section 26
Water reticulation work to convey water to land This exemption applies to any person. This exemption applies to a water reticulation work used to convey water to a property. Water reticulation work is defined in Schedule 13 of the Regulation.	Section 62 and Schedule 4 – section 27

Water supply work exemption — use only	Regulation reference
Works used in connection with hydro-electric power station This exemption applies to any person. This exemption applies to a water supply work used in connection with a hydro-electric power station. This exemption only applies if the: • hydro-electric power station is owned, and authorised to be operated by the person, WaterNSW or the Ministerial Corporation • water taken by the work is used for the purpose of generating hydro-electric power • water taken by the work is returned to the same water source from which it was taken • returned water is of the same quality as it was when it was taken.	Section 62 and Schedule 4 – section 28
Landholders with a mobile water tank or pump for fire fighting This exemption applies to a landholder. This exemption applies to the use of a mobile water tank or pump, in the taking of water for firefighting and related activities under Schedule 4, section 11 of the Regulation. See Landholder taking water for firefighting and related activities section in the When can I take water without an access licence? fact sheet at water.dpie.nsw.gov.au/licensing-and-approvals > Exemptions for water licences and works and/or use approvals > Water licensing and approvals exemptions.	Section 62 and Schedule 4 – section 29
Landholders with tailwater drains This exemption applies to a landholder. This exemption applies to the use of a tailwater drain to collect rainfall run-off from an irrigated field on the landholder's property. <i>Irrigated field</i> and <i>tailwater drain</i> are defined in Schedule 13 of the Regulation.	Section 62 and Schedule 4 – section 30

Water supply work exemption – use only	Regulation reference
Water tankers used to convey water for dust suppression by a public authority This exemption applies to public authorities. This exemption applies to the use of a water tanker to take or convey water for dust suppression activities. This exemption only applies if the public authority is satisfied that: • the use of the water tanker will not have a significant adverse impact on water sources and their dependent ecosystems, and • the taking of water will not have a significant adverse impact on: – basic landholder rights – culturally or environmentally sensitive land, such as an Aboriginal place, national park, critical habitat, heritage conservation area or waterfront land, as referred to in Schedule 4, section 24(2) of the Regulation. <i>Water tanker</i> is defined in the Schedule 4, section 31 of the Regulation. <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.	Schedule 4 – section 31

Licences, approvals and exemptions

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

The department

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

Contact the department

- Phone: 1300 081 047 (business hours)
- Email: water.enquiries@dcceew.nsw.gov.au
- Website: www.water.dpie.nsw.gov.au

WaterNSW

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 WaterNSW

- Phone: 1300 662 077
- Email: Customer.Helpdesk@waternsw.com.au
- Website: www.waternsw.com.au

Reporting suspicious water activity

To make a confidential report of suspicious water activity, contact the Natural Resources Access Regulator (NRAR).

Contact NRAR

- Use NRAR's online reporting form at nrar.nsw.gov.au/suspicious-activities
- Phone: 1800 633 362
- Website: www.nrar.nsw.gov.au