This fact sheet provides information to local authorities and applicants seeking development consent that may involve dewatering activities. It outlines exemptions from the need to obtain certain approvals/licences under the Water Management Act 2000 (WMA). This fact sheet should be read in conjunction with the Dewatering information for councils and applicants fact sheet.

If intending to rely on one of the exemptions below, it is necessary to understand requirements that may involve recording water extraction and the time limits that apply to the exemption. It is important to obtain any further advice before commencing the development application process.

Note that as part of dewatering works you may need other approvals included under the Local Government Act 1993 or Roads Act 1993 to dispose of the water into council drains, use any part of the public footpath or carriageway or undertake any work within the public road.

There are two exemptions that apply from 6 December 2019.

**Exemption 1: For extraction of less than 3 ML of water per year**

When water extraction is taken as part of approved development (or exempt development), up to 3 ML of water may be taken in any one year (commencing on 1 July each year) without the need for:

- a water access licence (WAL)
- a water use approval.

A water supply work approval will be required for any works that are to be constructed or used to drain or pump the water.

To rely on this exemption, certain requirements must be met to record the water extraction and ensure that less than 3 ML of water is taken. These requirements are set out in clause 21(6) of the Water Management (General) Regulation 2018 and include requirements to:

- record the water take within 24 hours in the approved form and manner (see the Completion report fact sheet)
- keep the water take records for a period of five years
- provide the water take records to the Minister (or WaterNSW) by no later than 28 July for the year ending 1 July during which the water was taken.
Exemption 2: For construction activities that take water from the Botany Sands Groundwater Source only

When water extraction is taken as part of construction activities for a building, road or other infrastructure from the Botany Sands Groundwater Source, it may not require:

- a water access licence (WAL) or
- a water use approval

if a water supply work approval (e.g. for a pump) has already been obtained.

The water supply work approval is required to specify the maximum amount of water that can be taken during a year.

This exemption is only applicable until the earlier of:

- a controlled allocation of the water in the water source is opened by the Department of Industry, Planning and Environment (DPIE)
- 1 July 2021.

This exemption cannot be relied upon if construction activity is likely to continue beyond 1 July 2021 (unless the law changes).

In order to take water after 1 July 2021, the required water allocation must be purchased in the water market from that water source (or a transferable water source allocation).

To rely on the exemption, the conditions of the water supply work approval must be met and may require metering of the water take.

A water supply work approval will still need to be obtained for any works that are to be constructed or used to drain or pump the water.

Currently, the exemption only applies to the Botany Sands Groundwater Source, but other sources may be added and it is best to check with WaterNSW for the latest information.

More information

If you have any questions, please contact one of our friendly Customer Service team on 1300 662 077 or email Customer.Helpdesk@waternsw.com.au