

Water access licence exemption

for excavation dewatering taking more than 3ML of groundwater per year

Fact sheet

In December 2019 the NSW government introduced a temporary exemption in the Water Management (General) Regulation 2018 that allows volumes of groundwater greater than 3ML per year to be taken through dewatering for excavation without the need for a water access licence.

Exemption from needing a water access licence

Under the exemption, a person can take more than 3 megalitres of groundwater per water year in the Botany Sands Groundwater Source (and any other groundwater source specified by the Minister for the purpose of excavation¹) to construct a building, road or infrastructure without needing to obtain a water access licence, provided:

- a) the proponent holds a water supply work approval, and
- b) that water supply work approval has a condition limiting the amount of water that can be taken during a water year; and
- c) the person claiming the exemption keeps a record of the water taken under the exemption and
- d) provides this to the Minister within 28 days of the end of the water year, and a meter that meets approved specifications under the metering regulations and a data logger are used to record the water taken.

The purpose of the exemption is to maintain building and other construction activity where groundwater needs to be taken as a temporary measure while longer term arrangements are considered for managing temporary infrastructure dewatering.

The exemption ends on 30 June 2025 or 6 months after the date on which the Minister declares a controlled allocation of access licences under section 65 of the *Water Management Act 2000* in the groundwater source, whichever occurs first. This is subject to change. There are provisions within the regulation to extend this exemption beyond 30 June 2025 even if a controlled allocation event does not occur. It is important to continually monitor this exemption for updates.

Claiming the exemption

The exemption only applies where groundwater is taken incidentally so that the aquifer interference activity can occur. That is, the purpose of taking the water must not be for its consumption or supply. The groundwater taken may subsequently be used for other purposes, for example for dust suppression or mixing concrete.

No application is needed to rely on the exemption, however proponents must record the water taken under the exemption on the [approved recording and reporting form](#) at the end of each period of take no later than 24 hours after the water is taken, for each water year in which an exemption is claimed. The form must be provided to the Minister's representative within 28 days of the end of the water year in which the water was taken.

Proponents must record the following information:

- The total amount of groundwater taken per year per authorised project under the exemption.
- The date or dates on which the groundwater was taken.
- A description of the method used to measure the volume of groundwater taken.
- The groundwater source from which the water was taken.
- The authority under which the water is being taken, for example water supply work approval, licence under the *Water Act 1912*, development consent, complying development or an approval exemption under legislation.
- The details of the person taking water.
- A description of the activity taking water.
- The location of the activity taking water.
- Proponents of activities should check whether an approval and an assessment of impacts are required to carry out the activity regardless of whether this water access licence exemption applies.

¹ As at August 2020 no other water sources are specified.

More information

Please see our [frequently asked questions](#) for this exemption.

If you need more information, please contact our Customer Service Centre on [1300 662 077](tel:1300662077), Monday to Friday between 8am-5pm or email Customer.Helpdesk.com.au

160954/240225