

Water access licence exemption – 3 ML or more of groundwater

Over 3 megalitres of groundwater per year can currently be taken through certain excavation activities without 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 excavation) 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
- b. that water supply work approval has a condition limiting the amount of water that can be taken during a water year
- c. the person claiming the exemption keeps a record of the water taken under the exemption and provides this to the Minister within 28 days of the end of the water year
- d. a meter that meets approved specifications under the metering regulations and a datalogger is 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 1 July 2023 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.

Claiming the exemption

The exemption only applies where groundwater is taken so that excavation can occur. 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 make a record on the approved form for each week that water is taken under the exemption, 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 by the activity or project under the exemption

- the brand, type and serial number of the meter used
- the date or dates on which the groundwater was 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.

Frequently asked questions

To help you understand more about the exemption and how it applies, we have prepared some answers to frequently asked questions. Download the document [WAL exemption FAQs – Excavation dewatering taking greater than 3 ML of groundwater per year](#) from the department’s website at www.dpie.nsw.gov.au/water > Licensing and trade > Licences > Groundwater WAL exemptions.

More information

This fact sheet is one in a series explaining water management and associated issues. You can find this series and more information about licensing and approvals on the department’s website at www.dpie.nsw.gov.au/water > Licensing and trade.

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

For enquiries call the department on 1800 633 362 or email nrar.enquiries@nrar.nsw.gov.au.