

# Proposed Water Management (General) Regulation 2025

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## Proposed changes to controlled activity approvals (CAA)

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The Water Management (General) Regulation 2018 (the 2018 Regulation) will be automatically repealed (that is, stop operating) on 1 September 2025. It is important to have regulations in place because they support the operation of the *Water Management Act 2000* (the Act) by specifying various procedural matters for access licences and approvals, including exemptions from licence and approval requirements.

The NSW Department of Climate Change, Energy, the Environment and Water (the department) is proposing to replace the 2018 Regulation with the:

- Water Management (General) Regulation 2025
- Water Management (Water Supply Authorities) 2025 Regulation.

The two regulations will commence by 1 September 2025.

Most of the content of the two regulations will be the same as the 2018 Regulation, but the department has proposed some changes to be included in the new regulations. Factsheets have been prepared to provide high-level summaries of the proposed changes in the Water Management (General) Regulation 2025. Detailed analysis and the rationale for the changes are outlined in the Regulatory Impact Statement.

This factsheet provides a summary of proposed changes to controlled activity approvals (CAAs).

Activities that are carried out on waterfront land usually require a CAA, unless an exemption is applied. Exemptions are set out in the 2018 Regulation. The department proposes changes to the following CAA exemptions:

- controlled activities on certain waterfront land<sup>1</sup>
- repair and restoration after storms.<sup>2</sup>

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<sup>1</sup> Clause 31 in Part 2, Schedule 4 of the 2018 Regulation

<sup>2</sup> Clause 34 in Part 2, Schedule 4 of the 2018 Regulation

## Controlled activities on certain waterfront land

Under the 2018 Regulation, an approval is not required to undertake activities on waterfront land on a minor stream or third order stream where the activity is separated from the stream bed by one or more lawfully constructed public road(s), hard stand space(s) (such as a car park or building), or approved<sup>3</sup> levee bank(s) in an urban area within designated high risk flood areas.

## Extending exemptions to all stream orders on waterfront land

The department proposes to remove the reference to a stream order. This exemption would then apply to all waterfront land irrespective of stream order as there are other protections in place.

Rather than the stream order, it is the separating structure that is key in determining if an approval should be required. The separating structure acts like a barrier. It means that some level of protection of the watercourse is already present (e.g. against sediment run-off), a riparian corridor cannot be implemented, and/or that the area is already environmentally degraded. Under these circumstances, whatever the size of the watercourse, issuing a CAA would serve little or no purpose.

## Requiring a hard stand space to be sealed to be exempt

The department proposes to specify in the clause, that the “hard stand space” is sealed. This is because unsealed hard stand spaces are not fixed, require ongoing maintenance and may consequently provoke site disturbances, which creates risks to watercourses. Unsealed hard stand spaces should be subject to approvals so that requirements to develop buffers and other mechanisms can be put in place to protect the watercourse and its banks.

## Reference to the “bed” of the stream

Where the clause currently refers to the “bed” of the stream, the department proposes to clarify the provision by changing “bed” to “certain waterfront land”, meaning the:

- highest bank of a river
- shore of a lake
- mean high-water mark of an estuary.

This description has a clearer meaning and reflects operational practice in assessing whether there is a separating structure.

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<sup>3</sup> Was the subject of a development consent under the *Environmental Planning and Assessment Act 1979*

## Repair and restoration after storms

Under the 2018 Regulation, an approval is not required to remove detritus (including woody debris) deposited on waterfront land because of a storm.

The department proposes to:

- require a CAA if the removal of deposited detritus involves the bed or bank of the watercourse, i.e.
  - the bed of a river and the land lying between the bed of the river and the highest bank of the river
  - the bed of a lake and the land lying between the bed of the lake and the shore of the lake
  - the bed of an estuary and the land lying between the bed of the estuary and the mean high-water mark of the estuary.
- require a CAA if the removal of the detritus happens later than 6 months after the storm event.

Removing detritus from stream beds and banks can have significant risks to watercourses, the surrounding environment and other water users. There is a risk that removing material destabilises the banks, causes erosion, and negatively impacts the ecological health of the watercourse. This is why it is proposed to limit the CAA exemption to certain waterfront land.

The 6-month limit is proposed to increase the ability to enforce the exemption and further protect the watercourse from potentially high-impact activities. The 6-month time frame is anticipated to be sufficient for removal of detritus deposited on waterfront land as a result of a storm.

## How can I provide feedback?

The department is seeking your feedback on the proposed Water Management (General) Regulation 2025 and Water Management (Water Supply Authorities) Regulation 2025.

To have your say, you can make an online submission: [water.nsw.gov.au/water-management-regulation-remake](https://water.nsw.gov.au/water-management-regulation-remake).

If you need assistance making a submission, please contact us at [water.enquiries@dpie.nsw.gov.au](mailto:water.enquiries@dpie.nsw.gov.au).

Consultation will close at 11.59pm on Sunday, 6 April 2025.

Your submission may be published. If you do not want your personal details or responses published, please let us know. A What We Heard report will be published after the public consultation period.

To find out more, visit the department's website: [water.dpie.nsw.gov.au](https://water.dpie.nsw.gov.au).