

Proposed Water Management (General) Regulation 2025 and Water Management (Water Supply Authorities) Regulation 2025

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

Public exhibition of the proposed 2025 Regulation runs from 10 March 2025 to 6 April 2025.

You can find the proposed regulations, have your say, and make an online submission here: 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.

Why is the 2018 Regulation being remade?

The *Subordinate Legislation Act 1989* (SL Act) requires that all regulations be considered for remake every 5 years. Under this process, regulations can be:

- allowed to lapse automatically
- remade without amendments
- remade with amendments.

The 2018 Regulation commenced on 24 August 2018 and will automatically stop operating on 1 September 2025 unless it is remade. The automatic repeal of the 2018 Regulation was postponed in 2023 until 1 September 2024 and then again until 1 September 2025, to allow for a comprehensive consideration of potential improvements to the 2018 Regulation.

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 department is proposing to remake the 2018 Regulation by replacing it with the Water Management (General) Regulation 2025 and Water Management (Water Supply Authorities) Regulation 2025 and would like your feedback on the changes.

What is changing and why?

The 2018 Regulation must be remade as it is crucial to achieving the objectives of the Act. The 2018 Regulation will be replaced with these two separate regulations:

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

This is to reduce the length and complexity of the 2018 Regulation and make it easier to find all the provisions relating to water supply authorities in one place.

The structure and language of the regulations has also been updated to reflect current legislation drafting standards in NSW.

Changes are proposed in the new regulations that will:

- modernise and improve processes by enabling implementation of digital initiatives
- cut red tape by creating additional exemptions from licence and approval requirements
- improve water management outcomes by strengthening environmental protection requirements, including by limiting some existing exemptions
- streamline and clarify the regulations to improve understanding and compliance.

For a detailed explanation of the proposed changes please refer to the Regulatory Impact Statement (RIS) (see below).

What is the Regulatory Impact Statement (RIS) and where can I read it?

The RIS outlines the proposed changes and assesses the costs and benefits of these proposed changes, consistent with the requirements of the SL Act. The RIS is on exhibition for feedback from the community and stakeholders. It, and fact sheets, are available [here](#).

When will the changes take effect?

The changes will take effect when the 2018 Regulation stops operating – by 1 September 2025.

What about the changes to non-urban metering?

Public consultation on proposed changes to [non-urban metering rules](#) set out in the 2018 Regulation occurred in late 2024. Changes to the 2018 regulation were finalised earlier this year and have now commenced. All the non-urban metering sections of the 2018 Regulation, including the recent

changes, have been written into the Draft Water Management (General) Regulation 2025 in the updated drafting style and format. There are no changes to rules or policy.

Are there any other projects that may result in changes to the 2018 Regulation before it is replaced?

Establishment of the Landholder Negotiation Scheme (LNS) will require amendments to the 2018 Regulation. Public consultation on the draft regulation amendments to establish the LNS occurred from September to November 2024. If the NSW Government decides to make the LNS related changes to the 2018 Regulation, they are likely to take effect in early 2025. Any changes will then appear in the Water Management (General) Regulation 2025.

There are other projects the department is currently working on that may also require amendments to the 2018 Regulation before it is replaced in September 2025. These include changes to support the government's housing and infrastructure delivery priorities, facilitating alternative water supply to a town in case of PFAS contamination and developing surface water return flow rules. These changes will be progressed as needed.

What is happening with the Botany Sands temporary dewatering exemption?

A water access licence exemption for groundwater taken during excavation required for construction of buildings, roads and infrastructure is in place under the 2018 Regulation. The exemption applies across the Botany Sands Groundwater Source, located around the Botany Bay area of southern Sydney, and is due to lapse on 30 June 2025.

The department is currently reviewing this exemption and considering options for regulating construction dewatering in the context of the NSW Government's focus on delivering 377,000 homes by 2029. Any changes to this exemption are intended to take effect by mid-2025.

Licences

What changes are being made to water access licences (WALs)?

There are 3 changes proposed in the Water Management (General) Regulation 2025 in relation to WALs. These include changes to specific purpose access licences (SPALs) and to WAL exemptions.

The proposed changes to SPALs will remove:

- all references to the temporary critical conveyance access licences for the private irrigation districts of West Corugan, Moira, Eagle Creek and Mathoura as those licences no longer exist
- the possibility to apply for an aquifer access licence of subcategory "Temporary dewatering for construction" to extract water from the Tweed-Brunswick Coastal Sands groundwater

source to facilitate the construction of a seawater intake pipeline for an aquaculture facility at Cudgen.

The proposed changes to WAL exemptions will add a requirement to the dust suppression, and road construction and maintenance exemptions that the relevant authority must be satisfied that there are no significant negative impacts on water sources and dependent ecosystems before relying on the exemption for taking that water. This means that any dust suppression or road construction and maintenance work that threatens water sources and dependent ecosystems will require a WAL.

For more information on the changes to WAL exemptions and SPALs see the [fact sheets](#).

Approvals

What changes are being made to controlled activity approvals (CAA)?

The changes proposed in the Water Management (General) Regulation 2025 will:

- remove stream order assessment and adjust conditions around separating structures
- create a requirement for a CAA if the removal of deposited detritus after a storm involves the bed or bank of the watercourse
- create a requirement for a CAA if the removal of detritus happens later than 6 months after the deposition.

For more information on these changes see the [controlled activity approvals fact sheet](#).

What changes are being made to water use approvals?

The list of activities which are exempt from needing a water use approval will expand in the proposed Water Management (General) Regulation 2025. This means that you won't need a water use approval for the following activities that do not apply water to land:

- use of water for power generation by a major utility if development consent is in place under the *Environmental Planning and Assessment Act 1979* (EP&A Act)
- supply of water to towns and communities for domestic consumption and commercial activities.

For more information on these changes see the [water use approvals fact sheet](#).

What changes are being made to water supply work approvals?

There are 3 changes proposed in the Water Management (General) Regulation 2025 to water supply work approvals. These changes will:

- require the maintenance or decommissioning of emergency drought works constructed under an exemption
- help to protect water sources and their dependent ecosystems when water is taken from them for dust suppression
- create an exemption from the need for an approval for pipes that are not crossing sensitive lands.

These changes are explained in detail in the [water supply work approvals fact sheet](#).

Water supply authorities

What changes are being made for water supply authorities?

The sections that relate to water supply authorities (WSAs) have been put into the Water Management (Water Supply Authorities) Regulation 2025, a standalone regulation. However, there are no significant changes to the way WSAs are managed and regulated.

Amendments proposed clarify the rules that apply to WSAs and their customers. These include:

- clarifying how WSAs must record service charges
- requiring WSAs to give reasons to an objector for a decision regarding a service charge
- requiring WSAs to advertise water restrictions in the NSW Government Gazette
- removing duplication regarding a statement of compliance for completed plumbing work (it already applies under the *Crimes Act 1900*)
- For Essential Energy (WSA supplying Broken Hill and surrounding areas):
 - requiring it is consistent with the regulations when it sets conditions on authorisations that it issues
 - specifying it can suspend or cancel an authorisation conditionally or unconditionally
 - clarifying it can place conditions on exemptions to certain requirements regarding plumbing work.

These changes are explained in detail in the [water supply authorities fact sheet](#).

Other changes

What changes are being made to water allocations during extreme events?

Currently, water allocations can be carried over to the next water year if a water management plan is suspended due to severe water shortage. It is proposed in the Water Management (General) Regulation 2025 that water allocations can also be carried over to the next water year if a water

management plan is paused because of an extreme event in a Murray Darling Basin management area. This means that licence holders' carryover is protected during severe water shortages and extreme events.

For more information on these changes see the [general fact sheet](#).

See the [NSW Extreme Events Policy](#) for more information about extreme events.

What changes are being made for application requirements?

Prescriptive requirements for different types of applications (for example, various applications relating to licences and approvals) will be removed from the proposed Water Management (General) Regulation 2025 and it will instead only specify that the applications should be in an approved form. This allows the department and WaterNSW to streamline their processes and tailor the requirements of applications for relevant licences and approvals to make things easier for customers.

For more information on these changes see the [general fact sheet](#).

What does the Water Management (General) Regulation 2025 say about excluded works?

The scope and wording of the 'excluded works' exemptions will be clarified. This should make it clearer to water users and NRAR which types of dams do not need to hold a licence and approval. The changes do not expand or reduce the range and type of excluded works.

For more information on these changes see the [general fact sheet](#).

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.

If you need assistance making a submission, please contact us at 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.