

Proposed Water Management (General) Regulation 2025

Proposed changes to water access licence (WAL) exemptions

The Water Management (General) Regulation 2018 (the 2018 Regulation) will be automatically repealed (that is, stop operating) on 1 September 2025.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 the proposed changes in the Water Management (General) Regulation 2025 to water access licence (WAL) exemptions.

Overview of WALs

WALs permit the licence holder to take a specified volume of water from a specified water source under the terms of the licence.

You don't need to apply for a WAL if an exemption applies.

Schedule 4, Part 1 of the 2018 Regulation lists exemptions from the requirement to obtain a WAL. The following, amongst other authorities, have exemptions:

- a roads authority (within the meaning of the *Roads Act 1993*): in relation to water required for road construction and road maintenance (Schedule 4, Part 1, clause 2)
- any public authority lawfully engaged in the use of water for dust suppression: in relation to water required for that purpose (Schedule 4, Part 1, clause 5).

Proposed changes

The department proposes to add a requirement in the new regulation to the 2 exemptions above that an authority who wants to rely on an exemption for taking water must be satisfied that there are no significant negative impacts on water sources and dependent ecosystems. This would mean that any dust suppression or road construction and maintenance work that threatens water sources and dependent ecosystems would require a WAL.

Reasons for the changes

The proposed changes aim to further protect water sources and dependent ecosystems from the extraction and/or use of water for dust suppression and road maintenance. The proposed changes address concerns relating to tankers removing and using water from unregulated water sources¹ in particular circumstances, such as:

- during periods of low or no flows
- when pumping from remanent pools
- when pumping from water sources that are critical for town water supply (small villages and communities) particularly in drought
- when pumping large volumes of water for extensive road construction.

In these instances, the water source and dependent ecosystems, as well as town water supply and basic landholder rights can be negatively impacted by taking the water.

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.

¹ Unregulated water sources are water sources that don't have dams to regulate flows.

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.