

Harvestable rights and mixed-rights dams

This factsheet provides information on the requirements for mixed-rights dams that capture and/or store harvestable rights water as well as other forms of water.

What is a mixed-rights dam?

A mixed-rights dam captures and stores harvestable rights water and other water that has been lawfully taken from a water source, such as water taken in the exercise of a domestic and stock right or under a water access licence.

What can I use the water in a mixed-rights dam for?

The permitted use of water in a mixed-rights dam depends on the type of harvestable rights dam and the licence, rights or exemption used to capture and store the non-harvestable water in the dam.

If the mixed-rights dam is a Type 2 harvestable rights dam due to the capacity being greater than the maximum harvestable right dam capacity at 10 per cent of rainfall runoff¹, the use of all the water in the dam is limited to **domestic consumption, stock watering** and **extensive agriculture** purposes, even if the non-harvestable rights water in the mixed-rights dam was taken under a water access licence (for example, an unregulated river access licence) or an exemption.

Water can only be used for **domestic consumption** and **stock watering** if the mixed-rights dam (whether a Type 1 or Type 2 harvestable rights dam) contains harvestable rights water and other water captured under the following circumstances:

- in the exercise of a **domestic and stock right** (section 52 of the *Water Management Act 2000*)
- under a **domestic and stock access licence** (or a licence granted under Part 5 of the *Water Act 1912* for stock and domestic purposes)
- under an **exemption** provided for in clauses 6 and 7 of Schedule 1 to the *Water Management (General) Regulation 2018*.

¹ The maximum harvestable rights dam capacity for each landholding is calculated based on the average annual regional rainfall runoff and takes account of evaporation, periods between runoff-producing rainfall events and assumed demands on harvestable rights dams. It does not reflect the actual volume of runoff that might occur on a particular property,

What size can a mixed-rights dam be?

While there is no maximum size for a mixed-rights dam, landholders who want to construct one should contact WaterNSW on 1300 662 077 or Customer.Helpdesk@waterNSW.com.au to determine what is needed in terms of water access licences and water supply work approvals.

WaterNSW is responsible for applying a dam reliability factor to mixed-rights dams to determine the amount of licensed entitlement that may need to be held to cover any volume in excess of the landholder's maximum harvestable right dam capacity. This factor is a measure of reliability of water capture and supply for a given location and is applied to the non-harvestable right portion of the dam.

What other requirements are there for mixed-rights dams?

Landholders are required to submit a *Coastal harvestable rights notification form* if they are constructing, enlarging, or using a mixed-rights dam which is also a Type 2 harvestable rights dam.

There may also be requirements to record and report water put into or taken from a mixed-rights dam to monitor the licensed water component of the dam. Please contact WaterNSW to discuss the recording and reporting requirements that might apply to your particular circumstances.