

# Basic landholder rights for domestic and stock purposes



This fact sheet is to assist landowners or occupiers who may be entitled to basic landholder rights.

## Introduction

Under the *Water Management Act 2000* (WMA), an owner or occupier of a landholding is entitled to take water from a river, estuary or lake which directly fronts their land or from an aquifer which is underlying their land for domestic consumption and stock watering (domestic and stock right water).

The right to take water without certain approvals is called a 'domestic and stock right', this may also be referred to as a basic landholder right (BLR).

There are three types of BLR in NSW:

- Domestic and stock rights
- Harvestable rights
- Native title rights

## Does the landholder accessing water under a domestic and stock right have to be the owner of the land?

For domestic and stock rights to apply, the landholder can be the owner of the land or a lawful occupier. A lawful occupier includes a person with a lease, easement, or Crown land licence. A landholder/occupier is not permitted to supply another landholder with water from their BLR work.

## Domestic and stock rights - accessing water from a river, lake or estuary

Domestic and stock rights allow an occupier or owner of land to access water from a surface water source where their landholding has direct frontage to the water source, without requiring a water supply work approval. If the landholding does not front the water source owners/occupiers will be required to have a water supply work approval and a specific purpose access licence from WaterNSW. This water can only be taken and used for domestic consumption and stock watering purposes.

### **Domestic and stock rights - accessing water from a groundwater source via a bore, well or spearpoint**

Domestic and stock rights allow an occupier or owner of land to access water from a groundwater source where their landholding is overlying an aquifer. The owners/occupiers will be required to obtain a water supply work approval for a BLR, also known as a BLR bore approval. This water can only be taken and used for domestic consumption and stock watering purposes under BLR rights.

The water supply work approval allows the owner/occupier to construct the work at the specified location in accordance with the relevant water sharing plan rules. If the landholder wishes to use an existing bore solely for domestic and stock right water you will need to confirm if an approval is already in place via the [NSW Water Register](#). If an approval is not in place you will need to apply for an approval.

A water supply work approval must be obtained **before** any drilling for the bore occurs. It is an offence under the WMA (section 91B of the WMA) to construct or use a water supply work without an approval.

For more information on constructing a bore visit our [fact sheet](#) on our website.

### **How to apply for a water supply works approval to construct a domestic and stock right water bore**

Complete and submit your application in the [Customer Portal](#).



#### **Note**

There are certain circumstances where a bore application for domestic and stock rights may be refused. Under the WMA, WaterNSW must be satisfied that no more than minimal harm will be caused to the water source and surrounding ecology before it can grant any approval.

### **Domestic and stock rights – accessing water from a dam (not Harvestable rights dam)**

Domestic and Stock rights allow an owner or occupier of a land to construct and use a dam for domestic and stock purposes. The owners/occupiers will be required to apply for a water supply work approval to construct, maintain and repair the dam. This may include justification of the size of the dam.

If the landholder wishes to use an existing dam solely for domestic and stock right water you will need to confirm if an approval is already in place via the [NSW Water Register](#). If an approval is not in place you will need to apply for an approval.

Any unlicensed works constructed prior to the commencement of the WMA may require an approval. For more information, visit our [website](#) to apply.

### **Domestic and stock rights – accessing water from a Harvestable rights dam**

Harvestable rights allow landholders to capture and store a proportion of the rainfall runoff from their landholding in one or more harvestable rights dams without requiring a water access licence, water supply work approval, or water use approval.

Please visit our [website](#) for more information on where you can construction a harvestable rights dam.

### **Domestic and stock rights – accessing water under Native title rights**

Anyone who holds native title rights with respect to water, as determined under the *Commonwealth Native Title Act 1993*, can take, and use water for a range of personal, domestic, and non-commercial purposes. The WMA recognises the cultural and spiritual importance of water to Aboriginal people in NSW. Anyone who holds native title with respect to water, as determined under the *Native Title Act 1993* (Cwlth), can take and use water for a range of needs. These include personal, domestic, and non-commercial communal purposes such as manufacturing traditional artefacts, hunting, fishing, recreation, cultural and ceremonial purposes.

## Does a landholder accessing water under a domestic and stock right require a water access licence (WAL)?

Owners or occupiers of land accessing water under a domestic and stock right are exempt from requiring a WAL under the WMA. Water taken can only be used for domestic consumption and stock watering purposes under the definition of BLR. The water cannot be used for any other purpose, which includes any commercial or irrigation purpose.

### Health warning

It's your responsibility to ensure any water you use under a BLR/domestic and stock is safe for use. NSW Health advises the water should not be used for drinking or cooking without it being appropriately treated first. Please find more information on water quality and treatment [here](#).

### Basic landholders rights for domestic and stock rights

Use of water under stock and domestic rights is restricted to **domestic consumption** and **stock watering**. The following examples demonstrate both authorised and unauthorised use of domestic & stock right water.

**Domestic consumption** - Water must be used for normal household purposes in a domestic premises (including a residential shed, caravan or tent) situated on the land to which the BLR exists.

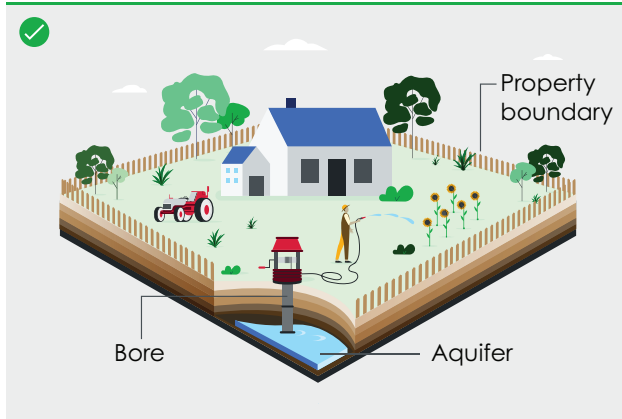
Examples of authorised use	Examples of unauthorised use
Watering a garden attached, adjacent to, or associated with a domestic premises	Watering a cultivated area such as a plantation or orchard that is used for commercial purposes
Ordinary residential purposes such as washing clothes, bathing, drinking, cleaning	Purposes related to a home business or farming activities that generate a commercial return, except stock watering purposes (see below)
Use of water in sheds, other outbuildings or structures for normal household purposes	Use of water in sheds, other outbuildings or structures used for commercial purposes e.g. hydroponics, dairy

**Stock Watering** - stock animals must be raised on the land to which the BLR exists. (Note: stock watering cannot be used for raising stock animals on an intensive commercial basis. Stock animals must not be kept in feedlots or buildings for all (or a substantial part) of the raising of the animals).

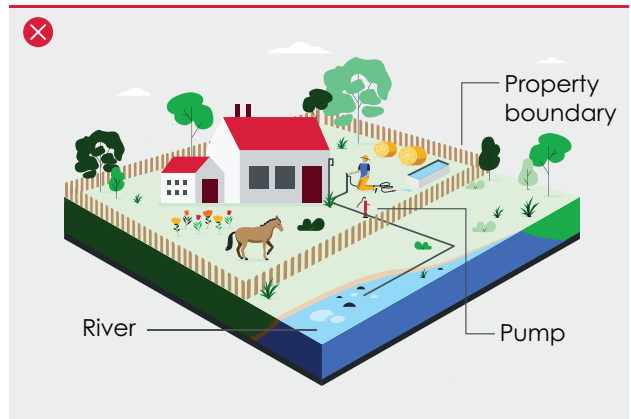
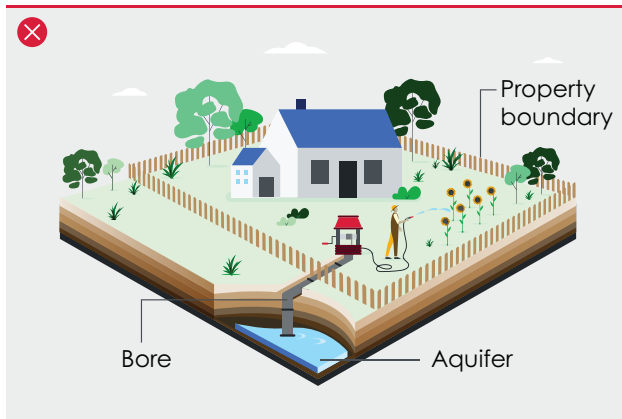
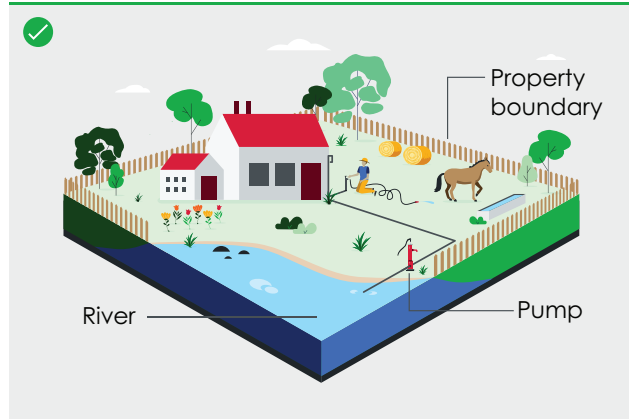
Examples of authorised use	Examples of unauthorised use
Watering stock being kept on a 'free range' basis	Watering stock kept 'housed' for a substantial period of their raising, such as feedlots, piggeries, battery hens
Watering farm animals or animals considered 'useful'	Watering animals that are housed for the purposes of operating a commercial zoo or wildlife park
Watering horses kept for farm work or pleasure activities by landholder, such as recreational riding	Watering racehorses at a local racetrack brought in for race days

## When domestic and stock rights do and don't apply

### Properties overlaying an aquifer



### Properties with river, lake or estuary frontage



The Department of Planning and Environment - Water 2022

### More information

If you have any questions, please contact our Customer Service Centre on [1300 662 077](tel:1300662077) or email [Customer.Helpdesk@waternsw.com.au](mailto:Customer.Helpdesk@waternsw.com.au)