

# Nominate water supply work/s and extraction points 71W

## Fact sheet

**Before water access licence holders can take water, they must nominate the work/s or group of works that will be used to take the water. Nomination is required even if a water supply work approval is not required. Nomination provides the link between a water access licence and the work where the water is extracted.**

Some exemptions may apply. These include taking water under a basic landholder right; where consent is in force under section 71V; under a management plan where uncontrolled flows apply; or the person is exempt from holding a water access licence for that water source.

Under the *Water Management Act (2000)*, it is an offence to take water otherwise than by or from a water supply work or extraction point that is nominated in an access licence (section 60D).



**Note:** WaterNSW can provide general advice on water access licence dealings. Please seek independent advice that considers your specific circumstances.

### When might this dealing apply?

A licence holder may apply to add or remove a specified work or group of works, or extraction point under section 71W of the *Water Management Act (2000)*. This dealing is known as 'changing a nominated work' and allows WaterNSW to amend a water access licence to:

- nominate a specified water supply work or access point for the extraction of water in the same water source/water management area nominated by the water access licence, or a different water source/water management area in certain circumstances
- nominate a specific water supply work or extraction point in a NSW water tagging zone

(intrastate tagging) or interstate tagging zone (interstate tagging), or

- withdraw any such nomination.

### Limitations to keep in mind.

There are some limitations that apply. The nominated water supply work, or group of water supply works must be in one or more of the following:

- the same water management area or water source as nominated in the water access licence - unless a different area or source is connected the water access licence and this water is being taken as an unavoidable consequence (clause 12 Water Management Regulations).
- a NSW water tagging zone under the *Access Licence Dealing Principles Order 2004*.
- an interstate water tagging zone, where an arrangement is in place between the State/s or Territories/y under the *Access Licence Dealings Principles Order 2004*.

An applicant cannot nominate a work that is not in the same management area or water source - unless permitted under the Water Management Regulations.



**Note:** Nomination of a work approval for a groundwater work that does not have a condition specifying an annual bore extraction limit (BEL) will require referral to the NSW Department of Climate Change, Energy, the Environment and Water hydrogeologists for assessment.

## When is this dealing type prohibited?

This dealing is prohibited in the following circumstances – refer to the *Access Licence Dealings Principles Order 2004* for specific information. If the water access licence:

- is suspended or is a specific purpose access licence (with some exemptions)
- is local water utility (category) or town water supply (sub-category) – exemptions may apply
- does not have an extraction component that allows taking of water at the location of the nominated work – may be in a NSW water tagging zone or an interstate water tagging zone.

Refusal triggers operate where the nominated work is a runoff harvesting dam – refer to the *Access Licence Dealings Principles Order 2004* for further details. The main triggers are:

- A runoff harvesting dam is a farm dam on a hillside or minor stream which collects rainfall runoff, is privately owned, typically of earth construction and
- designed for use on one or a few properties. Not publicly owned dams or weirs.
- Withdrawing a work which is a runoff harvesting dam requires arrangements to be in place so that the dam does not capture more water than permitted under basic landholder rights (section 20 of the *Access Licence Dealing Principles Order 2004*).
- Where the application is to add a nominated water supply work that is a runoff harvesting dam – the runoff harvesting dam is of no greater capacity than that consistent with the share component of the water access licence.

## How do I go about it?

Works should be in the same water management area or water source as the water access licence, in a NSW water tagging zone, or a water tagging zone in another state or territory.

Use the [Application to change water access licence form](#) and [guide](#). Select the relevant section (D4) to add or remove a nominated supply work. To remove more than one nominated water supply work, simply add the total number of works to be removed.

To nominate or remove an interstate water supply work use the [Nominate an interstate water supply work form](#) and [guide](#). As requirements differ between states, it is recommended that you discuss your application with a Water Licencing Officer prior to submitting your application.

You can submit these applications through [Water Applications Online](#).



### Schedule a meeting

at [waternsw.com.au/licensing](http://waternsw.com.au/licensing) with one of our Water Regulation Officers to discuss your dealing.

## Need help?

If you need more information, please contact our Customer Service Centre on [1300 662 077](tel:1300662077), Monday to Friday between 8am-5pm or email [Customer.Helpdesk@waternsw.com.au](mailto:Customer.Helpdesk@waternsw.com.au)

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