



# Dams in NSW

## Do you need a licence?

There are several categories of dams that do not require a licence.

### HARVESTABLE RIGHTS DAMS

#### 1. Dams that capture up to 10 per cent of run-off

Licences are not required for harvestable rights dams built on minor streams that capture up to 10 per cent of the average regional rainfall run-off from their property.

The total capacity of all dams on a property allowed under the harvestable right is called the Maximum Harvestable Right Dam Capacity (MHRDC). The MHRDC is based on 10 per cent of the average regional rainfall run-off of the property and takes into account local evaporation rates and periods between rainfall replenishments.

To calculate your MHRDC see *Dams in NSW – what size dam you can build without a licence?*

#### 2. Dams built before 1999

Licences are not required for dams built before 1999 when the harvestable right was introduced, provided these dams are **only used for stock and domestic watering purposes**.

These dams must be included when assessing your right to build additional harvestable right dams.

#### 3. Dams up to one megalitre on small properties

Licences are not required for dams up to one megalitre in size on small properties where the Maximum Harvestable Right Dam Capacity (MHRDC) is less than one megalitre and where the property was **approved for subdivision before 1 January 1999**.

No further harvestable right dams may be constructed; any new dams above this allowance must be licensed.

#### 4. Dams in the Western Division See fact sheet on Dams in the Western Division of NSW.

### THE IMPORTANCE OF LOCATION AND PURPOSE

When determining whether you need a licence for a dam you must consider location and purpose/s of the dam. Table 1 shows requirements for a licence for a dam. To allow for differences in the reliability of rainfall and run-off across New South Wales (drier inland areas for example) the MHRDC multiplier numbers vary across the State.

Table 1. Dam location and use

Location of dam	Used for stock or domestic purposes	Used for irrigation or commercial purposes
On minor streams <sup>1</sup> and capacity is less than MHRDC	No licence or approval required	No licence or approval required
On minor streams <sup>1</sup> and capacity is more than your MHRDC	Not permissible – your harvestable right should provide more than enough water	Licence or approval required
On permanent creek or river	Licence or approval required	Licence or approval required <sup>2</sup>

<sup>1</sup> Minor streams are defined by the Strahler stream ordering method as 1<sup>st</sup> or 2<sup>nd</sup> order streams that do not have permanent river flow. See *Dams in NSW – where can they be built without a licence?*

<sup>2</sup> See *What are rural landholders' basic rights to water?*

## SPECIAL DAMS EXEMPT FROM HARVESTABLE RIGHT CALCULATIONS

The following dams should not be included when you are calculating the MHRDC for your property but **the dam construction may require consent** (perhaps as part of a licence) from the NSW Office of Water.

1. **Dams for the control or prevention of soil erosion (gully control structures)** where no water is reticulated or pumped from them and the size of the structure is the minimum necessary to fulfil the erosion control function. If you fence off the dam as part of the erosion control program, water may be reticulated to a trough in an adjacent paddock without prejudicing the exempt status.
2. **Dams for flood detention and mitigation** provided no water is reticulated or pumped from them. These dams serve specific functions and, apart from a small pondage, should only store water for a short period during and immediately after floods. Such storages are exempt provided they function effectively. If any water is pumped or reticulated from such a storage it can no longer be considered to be exempt and must be considered in calculating your MHRDC.
3. **Dams for the capture, containment and recirculation of drainage and/or effluent** that conform to best management practice or are required by regulation to prevent the contamination of a water source. The harvestable right is not intended to be contrary to initiatives to prevent pollution of water sources. Many landholders are required to install dams to capture contaminated water or to collect and re-use irrigation tailwater. These dams are not considered in assessing your harvestable right.
4. **Dams endorsed by the NSW Office of Water for specific environmental management purposes.**  
Small dams may need to be constructed for specific environmental management outcomes. Construction of such a dam can only commence after the Office of Water has provided permission in writing for this exemption.
5. **Dams without a catchment.** These include turkey nest dams and ring tanks and are replenished by pumping from rivers or from groundwater. These works have no natural catchment and operate to store water only.  
Note: Both the pumps that divert water into these storages and the dams themselves require consent from the Office of Water.

### MORE INFORMATION

Find out more about water licensing at [www.water.nsw.gov.au](http://www.water.nsw.gov.au)

#### Contact us

Contact a water licensing officer at a local office listed on our website, free call the licensing information line on 1800 353 104 or email [information@water.nsw.gov.au](mailto:information@water.nsw.gov.au)