

What is the *Water Management Act 2000* (NSW)?

By Jennifer Barry

The ***Water Management Act 2000*** (“the Act”) outlines a number of important rights for landowners in relation to water.

In particular, section 52 of the act provides that the owner or occupier of land is entitled, without need for a licence or approval to:

- Take water from any river, estuary or lake to which the land has frontage;
- To construct and use a water supply work for that purpose; and
- To use the water so taken for domestic consumption and stock watering.

It is important to note that while the Act does grant owners right to use water, it also contains a number of potential offences in situations where water is used without a necessary water access permit or water use approval.

Further, the Act also provides that it is an offence to discharges or permits to be discharged a potentially polluting substance, including household waste, garbage, ashes etc, into a river or lake and if found guilty, the person can face a substantial fine.

If there have been potentially illegal water activities, the **New South Wales Office of Water** has the power to utilise authorised officers to conduct investigations to determine whether there has been a contravention of the Act.

The compliance powers under the Act give the authorised officers the power to enter a property, however it is important to note that the powers do not include any part of premises used only for residential purposes. In order to enter those areas, the authorised office must obtain the occupier’s permission or a search warrant. If an authorised officer wishes to enter such an area of your property, we recommend that you seek legal advice before granting permission to any officer.

The Act gives the NSW Office of Water the power to direct people to:

- Stop certain activities;
- Remove unlawful works;
- Remediate waterfront land and protect it from harm;
- Prepare reports;
- Install and maintain metering equipment; and
- Take action to protect water sources.

It is essential to note that it is an offence under the Act not to comply with a direction within the specified timeframe. If you receive a direction from the Office of Water, it is extremely important to seek legal advice as soon as possible to ensure that you do not face any potential repercussions from failing to comply with the direction within the specified time.

The Act provides a number of rights for landowners and occupiers however it also provides the Office of Water with potentially wide-ranging powers to inspect properties and investigate breaches of the Act. If

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