



DAMS IN NSW

What size dam can you build without a licence?

June 2014

Calculating the size of your dams

To work out the size of a dam, or dams that you can build without a licence, you must calculate the Maximum Harvestable Right Dam Capacity (MHRDC) for your property. You must calculate your MHRDC if you wish to:

- **irrigate from an existing dam**

If your existing dams are within your MHRDC and are constructed on a minor stream, you can use your dams for any purpose without further approval. If not, a licence or approval will be required if you want to irrigate.

- **construct a new dam**

The MHRDC calculation will tell you the maximum size of a dam you can build without a licence (provided the dam is constructed on a minor stream).

- **sell part of your property**

Since the MHRDC is directly related to the size of your property, when you subdivide or sell part of your property, your MHRDC is reduced proportionally. For example, if you sell half of your property, your MHRDC is also halved.

If your property is to be subdivided, then some of the resultant properties may have dams that are greater than the MHRDC. You will need to modify the dams or apply for a licence. There is no guarantee that the licence would be issued. Consult with the NSW Office of Water before finalising your plans for subdividing or selling part of your property.

Calculating the MHRDC

To calculate your MHRDC, use the calculator provided at www.water.nsw.gov.au under Water licensing > Basic water rights > Harvesting runoff.

Note that you can only construct a harvestable rights dam where the Harvestable Rights Orders apply. More information on requirements for a harvestable rights dam is provided with the calculator.

Definition of 'property'

The definition of a 'property' should be based on that for a landholding.

Under the Water Management Act, a *landholding* means a holding that is owned by a person, or occupied by a person (either alone or together with some other person with whom he or she has an association of a kind prescribed by the regulations), being a holding that comprises:

- a) a parcel of land that is separately valued under the [Valuation of Land Act 1916](#), or
- b) two or more such parcels that together form a single area of land (ignoring any division that arises merely because the land is transected by a road or river).

More information

Find out more about water licensing and compliance at www.water.nsw.gov.au

Contact us

Contact Advisory Services on 1800 353 104 or email information@water.nsw.gov.au

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