

Water access licences

Exemption for aquifer interference activities taking up to 3 ML of groundwater per year

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The Natural Resources Access Regulator (NRAR) is an independent regulator established under the NSW *Natural Resources Access Regulator Act 2017*. The current regulatory focus of NRAR is water regulation, a key part of which is to prevent, detect and stop unlawful water activities.

In December 2019 the NSW government introduced an exemption in the Water Management (General) Regulation 2018 that allows a small volume of groundwater to be taken through certain aquifer interference activities without the need for a water access licence

Exemption from needing a water access licence

Under the exemption, a person can take up to 3 megalitres of groundwater through an aquifer interference activity per authorised project per water year without needing to obtain a water access licence, provided:

- the water is not taken primarily for consumption or supply
- the person claiming the exemption keeps a record of the water taken under the exemption and provides this to the minister within 28 days of the end of the water year
- the records are kept for 5 years.

An authorised project is defined in clause 7(5) of Schedule 4 to the Water Management (General) Regulation 2018, being an activity:

- that is the subject of a consent, approval or other lawful authority conferred by or under an Act
or
- to which Division 5.1 of the Environmental Planning and Assessment Act 1979 applies
or
- that is exempt development under that Act.

Examples of aquifer interference activities to which the exemption may apply include:

- quarrying, excavating, dredging or exploring for stone, aggregate, sand or gravel
- exploring for minerals, (including coal) or petroleum
- excavation to construct or maintain a building, road or infrastructure
- remediation of groundwater contamination
- conducting pumping tests to investigate bore capacity or groundwater system characteristics
- sampling for water quality from monitoring bores
- ongoing dewatering of basements
- creation of an artificial lake that intersects with groundwater and allows evaporation from it
- investigation of groundwater resources or geotechnical investigation
- operation of ground source heating or cooling systems.



The exemption provides a consistent, volume-based approach for the take of small volumes of groundwater and reduces red tape, delays and costs for businesses undertaking these aquifer interference activities.

Three megalitres per year is similar to the volume taken by landholders in accordance with domestic and stock rights held under section 52 of the *Water Management Act 2000*, for which a water access licence is not required to be held.

For mining and petroleum (including coal seam gas) activities, the exemption only applies to groundwater taken at the exploration stage. It does not apply to water taken during the production stage of mining and petroleum activities

Claiming the exemption

The exemption only applies where groundwater is taken incidentally so that the aquifer interference activity can occur. That is, the purpose of taking the water must not be for its consumption or supply. The groundwater taken may subsequently be used for other purposes, for example for dust suppression or mixing concrete.

No application is needed to rely on the exemption. However, proponents must record the water taken under the exemption on the approved form at the end of each period of take no later than 24 hours after the water is taken, for each water year in which an exemption is claimed. The form must be provided to the minister's representative within 28 days of the end of the water year in which the water was taken.

Proponents must record the following information:

- the total amount of groundwater taken per year per authorised project under the exemption
 - the date or dates on which the groundwater was taken
 - a description of the method used to measure the volume of groundwater taken
 - the groundwater source from which the water was taken
- the authority under which the water is being taken, for example water supply work approval, licence under the *Water Act 1912*, development consent, complying development or an approval exemption under legislation
 - the details of the person taking water
 - a description of the activity taking water
 - the location of the activity taking water.

Proponents of activities should check whether an approval and an assessment of impacts are required to carry out the activity regardless of whether this water access licence exemption applies.

Where to find out more

To help you understand more about the exemption and how it applies, we have prepared some answers to frequently asked questions. Download the document [WAL exemption FAQs – Aquifer interference activities taking 3 ML or less of groundwater per year](#) from the NRAR website.

More information

This fact sheet is one in a series explaining water management, compliance and associated issues. You can find this series and more information about licensing, approvals and compliance on the NRAR website at

www.industry.nsw.gov.au/nrar

Copies of the Acts and associated Regulations are available on the NSW Government legislation site at www.legislation.nsw.gov.au

For enquiries call NRAR on 1800 633 362 or email at nrar.enquiries@nrar.nsw.gov.au.

For more information on the Natural Resources Access Regulator visit industry.nsw.gov.au/nrar



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