

## Licensing and water access: Peel Valley water users

Responsibilities for granting and managing water licences and approvals are shared between the Department of Planning, Industry and Environment, WaterNSW and the Natural Resources Access Regulator. However, for most water licences and approvals, the key contact is WaterNSW.

### 1. Categories of water access licences

#### 1.1 How can I use basic landholder rights water?

Under basic landholder rights, the occupier of a property can take water from a river that directly fronts their land or from an aquifer under their land for domestic consumption and stock watering.

The water can be used for normal household purposes around the house and garden and for drinking water for grazing stock. It cannot be used for irrigating fodder crops for stock, washing down a dairy or machinery shed, or intensive livestock operations (such as feedlots, piggeries or poultry).

While no water access licence is required to take water under basic landholder rights, if you are taking water via a bore for any purpose you will still need a water supply works approval for the bore.

#### 1.2 How can I use domestic and stock access licence water?

A domestic and stock water access licence is required when the:

- property does not directly front the river or overlie the aquifer
- water for basic domestic and stock purposes must be pumped or piped across another property.

Water under a domestic and stock access licence and water supply works approval can be used only for the same purposes as basic landholder rights.

#### 1.3 Am I allowed to dig a hole in the river to access more water?

No. This work would be outside basic landholder rights. You would need to apply for a Controlled Activity Approval from the Natural Resources Access Regulator: [www.industry.nsw.gov.au/natural-resources-access-regulator](http://www.industry.nsw.gov.au/natural-resources-access-regulator)

#### 1.4 What type of water access licences and approvals are required for intensive livestock purposes?

This requires a:

1. water supply works approval
2. water use approval
3. water access licence (WAL).

Note: If both a water supply works approval and a water use approval are required, then these are combined into a single approval (called a combined approval). A water access licence for groundwater is called an aquifer access licence. A water access licence for surface water is called an unregulated river access licence if the water is taken from an unregulated river, or a general security, high security or supplementary water access licence if the water is taken from a regulated river.

In regulated river systems, a high security regulated river licence provides a more reliable supply than a general security licence as water is allocated to high security licences before remaining water in storage is allocated to general security licences.

A supplementary water access licence is the lowest priority, and is a right to take water from (unregulated) flows that come into a regulated river downstream of the regulating dam.

Note: A regulated river is a river, stream or other watercourse, the flow of which is regulated by artificial structures such as dams, weirs, off-takes and storages. Releases are made to downstream users.

Unregulated rivers are rivers that are not controlled by releases from a dam or regulated via the use of weirs and gated structures.

### 1.5 Why is there no licence category previously known as Industrial Groundwater Licences?

The only specific purpose licences under the *Water Management Act 2000* are for town water or local water utility, major utility or domestic and stock purposes.

The previous industrial licences under the *Water Act 1912* had no specific priority over other licences, so they were not included as specific-purpose licences when they were transferred to water access licences under the *Water Management Act 2000*. They are now aquifer access licences.

## 2. Processing water access applications and approval times

### 2.1 Where do I go for information on water applications?

WaterNSW is the one-stop-shop for landholders and rural producers for all enquiries about water licences, water trades, water approvals and water information. Information can be found at: [www.watarnsw.com.au](http://www.watarnsw.com.au)

Contact WaterNSW for:

- groundwater and surface water access licences
- water supply works and use approvals
- water trading applications.

Most applications for basic landholder rights bores are assessed by WaterNSW and the applicant is typically advised within a few weeks. However, if the basic landholder rights bore is close to a septic system, or it is within the minimum setback distances from other bores or features as specified in the water sharing plan, then they are referred to the Department of Planning, Industry and Environment's Water Division for hydrogeological impact assessment.

All other groundwater applications that result in authorised take of groundwater changing location or applications for new or additional production bores are also referred to the department for assessment. WaterNSW advises the applicant if the application is approved (usually with conditions) or refused.

The conditions could limit the amount of water that can be taken each year. These conditions ensure that the pumping does not cause unacceptable effects on existing licence holders, basic landholder rights, local river flows or groundwater dependent ecosystems.

Before you apply, we recommend meeting with a Water Regulation Officer from WaterNSW to discuss the proposed activity, likely effects, the application process and the information required.

The pre-application meeting is a free service. To arrange a meeting or to submit an enquiry, contact the WaterNSW Customer Helpdesk on 1300 662 077 or email [Customer.Helpdesk@waterNSW.com.au](mailto:Customer.Helpdesk@waterNSW.com.au)

## 2.2 How long does it take to approve or refuse various water access applications and water trading applications?

Given the severity and extent of the drought across NSW, the number of water applications has significantly increased. This has extended the normal processing times.

### A. Groundwater works approvals and trading applications.

Most applications for bores for basic landholder rights are processed fairly quickly. However, where applications require hydrogeological impact assessment, current estimated times to complete the impact assessments are:

- basic landholder rights bore applications: 5–10 days
- temporary trades: 2–3 weeks
- permanent trades, new bores, extraction limit reviews: 4–6 months.

If an application needs to be advertised, this requires an extra 28 days for the advertising, plus time to review any objections.

Trade of water rights is subject to the rules of the water sharing plan. If it is consistent with these, it is generally permitted, except where such trade is likely to have unacceptable effects on existing licence holders, basic landholder rights, local river flows or groundwater dependent ecosystems.

### B. Farm dams and on-site storages

Rural landholders in NSW can build dams on minor streams and capture 10% of the average regional rainfall run-off on land in the Central and Eastern Divisions, and up to 100% on land in the Western Division. If the dam is within this 'harvestable right', no approval or water access licence is required. If it is larger, then you need to get a works approval and water access licence. See WaterNSW's website on harvestable rights dams to calculate the size of your harvestable right: [www.waterNSW.com.au/customer-service/water-licensing/basic-water-rights/harvestable-rights-dams](http://www.waterNSW.com.au/customer-service/water-licensing/basic-water-rights/harvestable-rights-dams)

On-site storage dams, such as 'turkey-nest' dams, do not require a water access licence, but do require a works approval from WaterNSW. Processing times for these applications are currently two months.

In some cases, the dam will also require council approval under a Development Application (DA), depending on your council's consent requirements. For large structures with dam walls, the proposal will need to be referred to the Dam Safety Committee.

## 2.3 For new groundwater bores or permanent trades, what does the department consider in the impact assessment?

The Department of Planning, Industry and Environment assesses the effect of pumping on the aquifer, neighbouring bores and nearby surface water sources, as well as proximity to septic systems and other lower quality water that may affect water quality, and on any groundwater-dependent ecosystems.

Basic landholder rights bore applications are generally only referred to the department for impact assessment if the proposed location is close to a septic system, or is within the minimum setback distances from other bores or features, as specified in the water sharing plan.

For more detail, refer to the *Assessing groundwater applications* fact sheet:

[www.industry.nsw.gov.au/\\_\\_\\_data/assets/pdf\\_file/0008/175931/Assessing-groundwater-applications-fact-sheet.pdf](http://www.industry.nsw.gov.au/___data/assets/pdf_file/0008/175931/Assessing-groundwater-applications-fact-sheet.pdf)

### 2.4 Restrictions apply to drilling bores within 1st, 2nd and 3rd order streams, even when there is no flow in the stream. Can these restrictions be waived if there is no other location for the groundwater bore?

The rules for installing water supply works (bores) near a river or stream are detailed in the water sharing plan. Bores must be installed more than:

- 40 m from the top of the high bank of a river in the Peel Alluvium area
- 40 m from the top of the high bank of any 3rd order or higher river/stream in the Peel Fractured Rock area.

In the Peel Fractured Rock area, bores may be installed within 40 m of the high bank of a 1st or 2nd order stream if the bore is constructed so that it is isolated from the surface to 30 m or more below ground.

These rules are in place to limit the effect of groundwater pumping on surface water when it flows.

### 2.5 If I buy a groundwater licence entitlement and want to extract the water from my existing bore, will I be able to extract the full amount?

As part of the groundwater drawdown impact assessment undertaken in the processing of new bore applications or dealings that result in water moving from one location to another, we may apply conditions to the licence, restricting the volume that can be taken over a time period (typically a year). This may prevent the full entitlement or volume traded being accessed.

This extraction limit condition is applied to manage effects on the environment, the aquifer and other users.

### 2.6 Are water access licence applications prioritised and can applications by intensive livestock producers be fast-tracked?

As per the priorities under the *Water Management Act 2000*, the only applications that are given priority for processing above others are those for town water supplies and basic landholder rights. All other applications are assessed in the order they are received.

The effects of the delays are acknowledged and the government is engaging more expert hydrogeologists to assist with the backlog of applications.

### 2.7 Shouldn't towns and basic landholder rights access also be restricted?

Towns are expected to put in place town water supply restrictions when supplies are low. Tamworth Council has introduced Level 5 restrictions.

The department is considering whether restrictions should be applied to basic landholder rights take. Restrictions were applied in some valleys in the last drought.

### 2.8 What information is required to support applications and faster assessments?

An application must include all the required information. Application forms and guides are available from WaterNSW's website. If you need more information, contact WaterNSW. WaterNSW can also assist in a pre-application meeting by advising which sections of the application form are relevant and need to be filled in.

Before you apply, we recommend that you meet with a Water Regulation Officer from WaterNSW to discuss the proposed activity, likely effects, the application process and the information required. The pre-application meeting is a free service. To arrange a meeting or to submit an enquiry, contact the Customer Helpdesk on 1300 662 077 or email [Customer.Helpdesk@waternsw.com.au](mailto:Customer.Helpdesk@waternsw.com.au)

### 2.9 Can surface and groundwater be mixed and stored in common storage on the property?

Yes. This is a matter for the landholder, noting that the quality of the different water sources may vary.

## 3. Other options

### 3.1 Given the processing times for new bores and permanent trades, what alternatives and financial assistance is available?

A fact sheet *Ceasing regulated river supplies—options and assistance for water users* is available on the department's website: <https://www.industry.nsw.gov.au/water/allocations-availability/droughts-floods/drought-update/drought-information>

The purchase of groundwater entitlements does not guarantee that the purchaser will be able to access their full entitlement. As stated previously, the department will undertake a groundwater drawdown impact assessment when applications are made for new bores or dealings (trades) that result in water moving from one location to another. We may apply conditions to the licence, restricting the volume that can be taken over a time period (typically a year). This may prevent the full entitlement or volume traded being accessed.

Water carting may be a short, or even longer term, option during the drought. You can have small volumes of water carted in, particularly for domestic and stock purposes. Many local councils provide stand pipes or filling stations to supply water for rural landholders and you can hire local water carters to truck the water to the destination. It is also possible to cart larger quantities of water for commercial or more intensive industries, but the number of truck movements and costs need to be considered. Contact your local council and/or water carting companies for advice on locations and costs.

You may be eligible for subsidies for the cost of carting water. Information on the range of assistance available is on the NSW DroughtHub: [www.dpi.nsw.gov.au/climate-and-emergencies/droughthub](http://www.dpi.nsw.gov.au/climate-and-emergencies/droughthub)

Subject to agreement between the parties, there may also be opportunities to access and pipe groundwater from bores on neighbouring properties that are not using their full allocation. The location of existing, approved bores in the Peel Alluvium area can be seen on page 52 of *Namoi Alluvium Water Resource Plan – Groundwater Resource Description*: [www.industry.nsw.gov.au/\\_\\_data/assets/pdf\\_file/0017/230804/Namoi-Alluvium-WRP-resource-description.pdf](http://www.industry.nsw.gov.au/__data/assets/pdf_file/0017/230804/Namoi-Alluvium-WRP-resource-description.pdf)

If sufficient water supplies cannot be obtained, then producers need to consider de-stocking before any animal welfare issues emerge.

### 3.2 Could treated effluent be provided to the Peel River for use by High Security Water Licence holders?

A proposal to return treated effluent to the Peel River for this purpose is currently being investigated by Tamworth Regional Council.

## 4. Impacts of the works at Dungowan

### 4.1 When will the weir/block bank be removed at Dungowan?

The temporary weir at Dungowan will be removed when the permanent pipeline from Chaffey Dam to Dungowan pipeline is commissioned (this is expected in March 2020) or when there is enough water in Chaffey Dam for two years of supply for Tamworth.

### 4.2 What trigger points/criteria will be used to resume flows in the Peel River and allow access to water from the river?

Once Chaffey Dam is holding two years of supply for Tamworth and other high priority users, then the normal regulated river operations and allocation processes can likely resume.

In the meantime, if tributary inflows occur below the storage, access to these may be shared.

For more information refer to the NSW Extreme Events Policy at:  
[www.industry.nsw.gov.au/water/what-we-do/legislation-policies/eep](http://www.industry.nsw.gov.au/water/what-we-do/legislation-policies/eep)

## 5. Groundwater effects and monitoring

### 5.1 What will be the effect of the ceasing of river flows on the Peel alluvium? Will it dry up within a few weeks?

The shallow water table in the Peel Alluvium is very responsive to climate and also highly connected to the river. While the Peel Alluvium is shallow and therefore has less storage capacity in comparison to other groundwater systems, it still represents a potential water supply over summer even if the river ceases to flow. It will not dry up in a few weeks.

However, the water table will decline, along with yields, if the current dry conditions continue. Individual groundwater pumpers should monitor both their pumping and non-pumping groundwater levels so that they are able to gauge the rate of this decline.

The department will continue to monitor the Peel Alluvium's response to the continuing drought conditions and the expected higher pumping levels. If necessary, we will introduce local restrictions to manage the cumulative pumping effects that may jeopardise groundwater sustainability in those areas where there is excessive drawdowns.

### 5.2 What is the effect of increasing extractions on the Peel Fractured Rock users?

Bore yields from the Peel Fractured Rock are typically low and lower than the Peel Alluvium. Reliability from the fractured rock is not influenced by the river; however, it is influenced by the prevailing climate. Provided the bore has been appropriately constructed and drilled to sufficient depth, it is not expected to 'run out of water', but yields may decline.

### 5.3 How can I monitor what's happening with my groundwater source?

The NSW Groundwater Baseline Project is an initiative of the Land and Water Commissioner in response to community concerns about water rights, licensing and use. The project explores the geology of a region and its groundwater sources to provide context. It examines existing groundwater entitlements and purpose. It shows the groundwater monitoring networks and highlights water level behaviour over time for key groundwater sources.

The project also focuses on individual catchments, showing long-term groundwater monitoring within the catchment. This allows agricultural industries to understand local groundwater trends. For further information: [www.industry.nsw.gov.au/about/our-business/statutory-officers-and-independent-appointments/land-and-water-commissioner/nsw-groundwater-baseline-project](http://www.industry.nsw.gov.au/about/our-business/statutory-officers-and-independent-appointments/land-and-water-commissioner/nsw-groundwater-baseline-project)

Water level data for both surface water and groundwater can be accessed via the WaterNSW Real-time Data website at: <https://realtimedata.watnsw.com.au/>

### 5.4 Are there likely to be restrictions on groundwater trade?

We will continue to assess applications for permanent and temporary trades and new bores, in keeping with the existing processes and water sharing plan rules. There is no plan in the near future to further restrict groundwater trading in the Peel Valley.

The department will continue to monitor the Peel Alluvium's response to the continuing drought conditions and the expected higher pumping levels.

### 5.5 Given the Peel Alluvium is over-allocated, will the NSW Government buy back licences?

The government is not currently considering buying back shares in over allocated systems. Extraction in a groundwater source is managed to the long-term average annual extraction limit (extraction limit) set by the water sharing plan.

While a total of 51,913 megalitres (ML) of water licences are allocated in the Peel Alluvium, the extraction limit for the Peel Alluvium is 9,344 ML. Total usage in the Peel Alluvium in 2018–19 was 6,365 ML, which is well under the extraction limit. If the five-year average usage in the Peel Alluvium goes above the extraction limit trigger, then the department will introduce reductions in allocations.

Information on water use is available from the NSW Water Register: <https://waterregister.watnsw.com.au/water-register-frame>

### 5.6 The Peel Alluvial groundwater source has 5–6 management zones. Where can I find information on sustainable levels of take for the various management zones?

Individual management zones do not have a set extraction limit. Water sharing plans set the long-term average annual extraction limit at the water source scale.

## 6. Ongoing support and longer term issues

### 6.1 What will the government do about job losses?

The NSW Government is providing \$1.8 billion in drought assistance. Information on the assistance available is on the NSW DroughtHub: [www.dpi.nsw.gov.au/climate-and-emergencies/droughthub](http://www.dpi.nsw.gov.au/climate-and-emergencies/droughthub)

### 6.2 Will policies and water sharing plans be reviewed after the drought to prevent or mitigate issues and challenges that are being experienced now?

The Peel Regulated River Water Source is currently in stage 4—critical water shortage under the NSW Government's Extreme Events Policy. Under the critical water shortage, water supply for critical human needs is the main priority. The Extreme Events Policy is being reviewed in light of the current drought conditions.

The draft *Water Sharing Plan for the Peel Regulated River Water Source* is on public exhibition until 29 October 2019. For more information go to: [www.industry.nsw.gov.au/water/plans-programs/water-resource-plans/drafts/namoi-surface](http://www.industry.nsw.gov.au/water/plans-programs/water-resource-plans/drafts/namoi-surface)

The Peel Alluvium Water Source and Peel Fractured Rock Water Source are currently managed under the *Water Sharing Plan for the Peel Valley Regulated, Unregulated, Alluvium and Fractured Rock Water Sources 2010*.

From mid-2020, it is proposed the Peel Alluvium Water Source will be managed under the new *Water Sharing Plan for the Namoi Alluvial Groundwater Sources 2020*. This draft plan was on public exhibition between 11 June and 20 July 2019 and can be found online at: [www.industry.nsw.gov.au/water/plans-programs/water-resource-plans/drafts/namoi-alluvium](http://www.industry.nsw.gov.au/water/plans-programs/water-resource-plans/drafts/namoi-alluvium)

From mid-2020, it is proposed the Peel Fractured Rock Water Sources will be managed under the new *Water Sharing Plan for the NSW Murray Darling Basin Fractured Rock Groundwater Source*. This draft plan was on public exhibition from 22 July to 30 August 2019 and can be found at: [www.industry.nsw.gov.au/water/plans-programs/water-resource-plans/drafts/nsw-fractured-rock](http://www.industry.nsw.gov.au/water/plans-programs/water-resource-plans/drafts/nsw-fractured-rock)

### 6.3 Is the government looking at longer term water security options?

Water security is the highest priority under the \$4.2 billion Snowy Hydro Legacy Fund, which will invest in dams, pipelines and weirs. The NSW and federal governments are investing over \$1 billion for major dam projects: \$650 million to raise Wyangala Dam in the Lachlan Valley and \$480 million for a new Dungowan Dam near Tamworth. The NSW Government is also investing an initial \$24 million on a 50/50 basis with the federal government for a proposed new 100,000 megalitre dam on the Mole River.

The department is fast-tracking 20-year water strategies to identify the best long-term, tailored and enduring water security solutions for 12 regions across NSW by 2020. The strategies will use the best available climate risk data, including those from the current drought. They will identify infrastructure, policy and planning solutions to improve water resilience in regional NSW. These strategies will consider the 20-year infrastructure options developed by WaterNSW and projects under consideration by local water utilities. Consultation will also occur with local communities.

The \$1 billion Safe and Secure Water Program also provides funding for water and sewerage infrastructure projects in regional NSW. To date, the government has committed funding to more than 140 projects, with NSW Government funding providing some \$760 million. This is in addition to the funding that has been provided for emergency town water supply projects such as the temporary weirs and Chaffey Dam to Dungowan pipeline for Tamworth.

### More information

#### WaterNSW

[www.watrnsw.com.au/projects/infrastructure-studies/20-year-infrastructure-options-study](http://www.watrnsw.com.au/projects/infrastructure-studies/20-year-infrastructure-options-study)

Department of Planning, Industry and Environment—Water -

[www.industry.nsw.gov.au/water/plans-programs/water-mgmt-strategies](http://www.industry.nsw.gov.au/water/plans-programs/water-mgmt-strategies)

#### Tamworth Regional Council

[www.tamworth.nsw.gov.au/Water-and-Sewerage/Water-Supplies/Tamworth-Bulk-Water-Long-Term-Options-Review](http://www.tamworth.nsw.gov.au/Water-and-Sewerage/Water-Supplies/Tamworth-Bulk-Water-Long-Term-Options-Review)

### Contact

- WaterNSW Customer Helpdesk: 1300 662 077
- Rural Assistance Authority: 1800 678 593
- Rural Adversity Mental Health Program: 02 6363 8444

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