

WAL exemption FAQs

Aquifer interference activities taking 3 ML or less of groundwater per year

October 2020 Natural Resources Access Regulator



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.

This document answers some frequently asked questions regarding water access licence (WAL) exemptions for aquifer interference activities taking 3 megalitres or less of groundwater per year.

What activities does the exemption apply to?

The exemption only applies to aquifer interference activities where the water is not being taken for the purpose of its consumptive use or supply. For example, the exemption applies to water taken to ensure safe and efficient excavation when constructing buildings and does not apply to water taken for irrigation or town water supply.

How do I know if my activity is aquifer interference?

Works or activities that intersect or interfere with groundwater systems and where take is incidental to the primary purpose of the activity, or where there is no take, are managed as aquifer interference activities. Works or activities that are for the purpose of supplying water for consumptive use are managed as water supply activities.

Why is the exemption set at 3 ML per year?

Three megalitres per year is similar to the volume of water 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.

What if I take more than 3 ML?

A water access licence and appropriate entitlement are required if your aquifer interference activity takes more than 3 ML of groundwater in a water year.

Can I use the water I take?

Yes. Groundwater taken incidentally may subsequently be used for consumption or supply (for example for dust suppression, washing equipment or mixing concrete).

What about the cumulative impacts of water taken under this exemption?

The risks from potential cumulative impacts of this exemption are low as many of these activities are temporary and take only small volumes of groundwater. The exemption also formalises longstanding licensing practise so is unlikely to generate an increase in take from groundwater systems. A major benefit of the exemption for water management is that proponents must report the volume of groundwater taken.



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My activity is complying development – can I claim the licence exemption?

Yes. Complying development is an authorised activity under the *Environmental Planning and Assessment Act 1979*.

My activity is exempt from needing approval – can I claim the exemption?

Yes. Activities that are exempt from approval under legislation are also considered to be authorised for the purposes of this exemption.

Is the first 3 ML of groundwater taken by mining or coal seam gas production exempt from needing a licence?

No. The exemption only applies for these activities at the exploration stage. A water access licence and appropriate entitlement are needed for any groundwater taken at the production stage.

Do the metering regulations apply?

No. Proponents are not required to use a meter to measure the water they take but they are required to report the method used to measure the water taken.

How do I report my take?

For the 2019–20 water year, proponents can use the paper form that can be downloaded from the NRAR or WaterNSW website. For the 2020–21 year the intention is for proponents to be able to make and submit their records electronically.

Why do I have to report water taken under this exemption?

Records of water taken under a licence exemption provide a greater understanding of the full volume of water being taken from a groundwater source under licences, basic landholder rights and exemptions each year. This will inform decision making and enable better management of the groundwater source.

I am only taking a few hundred litres of water – do I still need to record and report the water?

Yes, although consideration is being given to a volumetric take threshold for the 2020–21 water year below which recording and reporting will not be required. Recording of all water take is required in the intervening period.

Can I report my take under several exploration titles that are part of one project on one form?

Yes, but you must clearly indicate which title (authorised project) the take belongs to.

Can I still report my take after 29 July for the 2019–20 water year?

Yes. Although the form for making this record was not available before 29 July 2020, you should use the current reporting form to report any take made under the exemption during the 2019–20 water year.

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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