

Water access licence exemptions – 3 ML or less of groundwater

This document answers frequently asked questions about water access licence exemptions for certain aquifer interference activities.

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 or infrastructure such as pipelines. It does not apply to water taken for irrigation, town water supply or any other long-term or permanent use.

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 megalitres or less?

Extraction of up to 3 megalitres for short-term, temporary dewatering is considered acceptable if assessment deems the extraction results in no more than minimal harm to the environment, existing infrastructure and other water users.

What if I take more than 3 megalitres?

A water access licence and appropriate entitlement are required if your aquifer interference activity takes more than 3 megalitres of groundwater for the duration of the dewatering activity.

Can I use the water I take?

Yes. Up to 3 megalitres of groundwater can be used for dewatering and other uses on site as per your dewatering management report (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.

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. However, if activity such as a bore, excavation or spearpoint is not approved, you must apply for a water supply work approval from the department.

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

No. The exemption only applies to 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?

At the completion of your temporary dewatering, you must contact the department to advise you will surrender the water supply work approval for your temporary dewatering and submit the dewatering report (including the amount of water taken, water quality and any other requirements in the conditions of the water supply work approval).

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. Any take of water must be reported to the department.

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.

More information

This fact sheet is one in a series explaining water management and associated issues. You can find this series and more information about licensing and approvals on the department's website at www.dpie.nsw.gov.au/water > licensing and trade.

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

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