

# Works that cannot physically comply with the metering equipment rules

The non-urban water metering rules include requirements for metering equipment which apply to all water supply works in NSW,<sup>1</sup> unless an exemption applies to the work.<sup>2</sup> These rules are being rolled out in stages and are applied by conditions on water supply work approvals.<sup>3</sup>

If it is not physically possible for water taken by your water supply work to be measured by metering equipment which complies the standards specified in the rules, you can lodge an application for an exemption under clause 233 of the Water Management (General) Regulation 2018 (the Regulation).

*Metering equipment* means any device used for, or in connection with, measuring the flow of water, and any ancillary wiring, pipework, telemetry equipment or apparatus, and any supporting structure.<sup>4</sup>

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## What are the metering equipment standards?

The metering equipment standards are set out in Schedule 8 of the Regulation.

In summary, metering equipment must:

- be installed, or re-installed:
  - in accordance with AS 4747, and
  - so that the metering equipment measures the flow of all water taken through the work
- be maintained in accordance with the maintenance specifications<sup>5</sup>
- be pattern approved, unless you are utilising a transitional arrangement<sup>6</sup>
- have a data logging capacity that enables the metering equipment to collect, record and store the water take data
- when required,<sup>7</sup> have telemetry with a capacity to transmit data relating to water usage that complies with the approved data logging and telemetry specifications
- have tamper evident seals, locks, controls or other devices to limit access to and prevent tampering with the equipment.

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<sup>1</sup> *Water Management Act 2000*, section 101A.

<sup>2</sup> Water Management (General) Regulation 2018, clause 230-233.

<sup>3</sup> In some cases, the condition is applied to the water access licence which nominates the water supply work, or the *Water Act 1912* licence which authorises the work, under clause 229 of the Water Management (General) Regulation 2018.

<sup>4</sup> *Water Management Act 2000*, Dictionary section.

<sup>5</sup> The maintenance specifications are approved by the Minister and issued by Gazette. For more information visit [www.dpie.nsw.gov.au/water/nsw-non-urban-water-metering/what-water-users-need-to-know](http://www.dpie.nsw.gov.au/water/nsw-non-urban-water-metering/what-water-users-need-to-know).

<sup>6</sup> Transitional arrangements are only available for meters installed before 1 April 2019.

<sup>7</sup> Telemetry is required for pumps used to take surface water which are authorized to be 200mm or greater.

These metering equipment standards provide some flexibility to enable compliant metering equipment to be installed and used in different situations.

For example, the metering equipment must be installed *in connection with* the water supply work. This does not mean that the metering equipment must be installed directly adjacent to the water supply work. However, there must not be an offtake between the water supply work and the metering equipment. This is important to ensure the metering equipment measures all of the water taken by the work.

Works may be manifolded through a single meter, allowing the meter to record water taken by more than one work. Multiple meters can be utilised to record the water taken from a single work, such as to enable the flow rate to be within the pattern approved flow rate for a particular meter.

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## When is it not possible for a work to have compliant metering equipment?

It may not be possible for a water supply work to have compliant metering equipment in the following situations:

- There are physical impediments limiting the installation or validation of metering equipment to the required standard, including network coverage for telemetry<sup>8</sup>.
- There are no suitable meters on the market for the work which meets the required standard, for example, the diameter or flow rate of the work is greater than the pattern approved meters on the market.
- Substantial demolition or reconstruction of the work or associated infrastructure would be required in order to install compliant metering equipment.

The following matters are not considered reasons it is not possible for a water supply work to have compliant metering equipment:

- Costs associated with purchasing, installing, using and maintaining the metering equipment. To help water users manage the impact of purchasing metering equipment, there is financial support available. You can find more information at: [www.water.dpie.nsw.gov.au/nsw-non-urban-water-metering/what-water-users-need-to-know](http://www.water.dpie.nsw.gov.au/nsw-non-urban-water-metering/what-water-users-need-to-know)
- Delays in the ordering, delivery, installation or validation of suitable metering equipment. The Natural Resources Access Regulator (NRAR) has published a compliance approach which addresses this issue. Visit [www.nrar.nsw.gov.au](http://www.nrar.nsw.gov.au) for further information.
- The water taken by the work has already been taken by another metered work. This is an accounting and billing issue which should be raised with WaterNSW. Visit [www.waternsw.com.au](http://www.waternsw.com.au) for further information.

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<sup>8</sup> The Minister has granted a temporary 'class of holder' exemption for works that are required to connect to telemetry but cannot because they are in a site that does not receive network coverage. For more information visit [www.water.dpie.nsw.gov.au/nsw-non-urban-water-metering/what-water-users-need-to-know](http://www.water.dpie.nsw.gov.au/nsw-non-urban-water-metering/what-water-users-need-to-know)

## Applying for an exemption

Unlike other metering exemptions which apply automatically if the specified circumstances for the exemption are met,<sup>9</sup> the exemption for works that cannot physically comply with the metering equipment rule only applies to a particular work if the exemption is granted for that particular work.

To request the exemption for works that cannot physically comply with the metering equipment rule, you need to lodge an application with the department.

### Pre-application discussion

If you are considering applying for this exemption, you are strongly encouraged to contact the department first to discuss your situation, including:

- whether the metering equipment requirements apply or will soon apply to your work
- whether any alternate metering exemptions may be available which do not require you to lodge an application<sup>10</sup>
- whether a temporary metering exemption has already been granted which would apply to your work<sup>11</sup>, for example, the exemption for works that are located in a telemetry coverage blackspot
- the types of evidence required to demonstrate that it is not possible for your work to have compliant metering equipment.

You can organise a pre-application discussion by emailing [regulatory.implementation@dpie.nsw.gov.au](mailto:regulatory.implementation@dpie.nsw.gov.au).

## Lodging an application

### Who can lodge an application?

Applications must be submitted by the approval holder or another person who is authorised by the approval holder to act on their behalf. Evidence of this authority must be provided.

### How to lodge an application

You can lodge an application by using the [online application form](#) or by emailing [regulatory.implementation@dpie.nsw.gov.au](mailto:regulatory.implementation@dpie.nsw.gov.au).

Applications should include the following information:

- the water supply work for which the exemption is sought – including the approval number, a description of the work and a site map which shows the location of the work
- the reason the exemption is sought and supporting evidence, such as independent professional advice from a duly qualified person.

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<sup>9</sup> This is an exemption under clause 230, 231 or 232 of the Water Management (General) Regulation 2018.

<sup>10</sup> This is an exemption under clause 230, 231 or 232 of the Water Management (General) Regulation 2018.

<sup>11</sup> This is a 'class of holder' exemption under clause 233 of the Water Management (General) Regulation 2018.

### Next steps

Once your application is received:

- We will confirm that we have received your application
- We will check your application includes the information we require. We may contact you to request further information. If sufficient information is not provided, the application may be rejected.
- We will assess your application, taking into account the information you have provided.

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## Assessment

### Applications which are refused

An exemption application will be refused if:

- The work is not required to have compliant metering equipment because:
  - the non-urban water metering rules do not apply to the work, or
  - an alternate metering exemption is available which does not require an application<sup>12</sup>
- The application has not sufficiently demonstrated that it is not possible for water taken using the work to be measured by compliant metering equipment.

If the assessment finding is that an application should be refused, the applicant will be:

- notified that the application is likely to be refused and the reasons for this, and
- given an opportunity to provide additional information to support their application.

### Applications which are granted

An exemption application will be granted if the application has sufficiently demonstrated that it is not possible for water taken using the work to be measured by compliant metering equipment.

An exemption may be granted unconditionally or subject to conditions.

Generally, an exemption which is granted will be subject to conditions which require the approval holder to measure the volume of water taken by the work using an alternate measurement method which is as close as possible to the metering equipment standards specified in the Regulation.

### Alternate measurement method

Applicants are responsible for proposing an alternate measurement method. The method proposed by the applicant needs to be approved by the department before any water is taken.

The alternate measurement method should:

- achieve the highest level of accuracy reasonably possible, noting the level of accuracy required by AS4747 is +/-5 in the field

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<sup>12</sup> This is an exemption under clause 230, 231 or 232 of the Water Management (General) Regulation 2018.

- use the best available information, or sensible estimates if information is not available
- make effective use of existing data sources
- be tamper evident and auditable:
  - for field equipment such as regulated structures which open and close, this includes tamper evident seals and automated records of mechanical operations
  - for data logging systems, this includes the system being tamper evident and auditable
  - for models, this includes an auditable and tamper evident log of any changes to the model and data, such as by storage of the model and data in a content management system
- provide an ongoing validation and calibration regime
- be prepared and/or endorsed by a duly qualified person (DQP) or equivalent

### Directions to install metering equipment

If an exemption is granted, this does not remove any requirement to comply with a direction from NRAR to install metering equipment. This is because an exemption does not override a direction from NRAR. Visit [www.nrar.nsw.gov.au](http://www.nrar.nsw.gov.au) for further information.

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## Outcome of application

### Notice of decision

Once your application is assessed, the application will be granted or refused. We will notify you that your application is granted or refused, and provide the reasons for our decision.

### Water supply work approval conditions

If an exemption is granted, conditions relating to the exemption will be added to your water supply work approval. An exemption can be amended or revoked at any time.

### Recording and reporting water taken

If an exemption is granted, the recording and reporting requirements under clause 250 of the Regulation will apply. These rules are applied by conditions on water supply work approvals. In summary, these rules require that:

- the following information be recorded within 24 hours of water being taken:
  - that water was taken using the works
  - the water taken using the works (as measured or estimated)
  - confirmation that the water was permitted to be taken in accordance with any access rules
- these records are reported at the end of each water year.

Visit [www.waternsw.com.au](http://www.waternsw.com.au) for further information about how to lodge this report.