

Exemption from the mandatory metering equipment condition

Complete this application form to request an exemption from the mandatory metering equipment condition under clause 233 of the Water Management (General) Regulation 2018.

Schedule 8 of the Water Management (General) Regulation 2018 (the Regulation) details the metering requirements and specifications that authority holders must comply with under mandatory metering equipment conditions on either water supply work approvals, water access licences or licences under the *Water Act 1912*.

All water supply works used to take water under a water access licence must have compliant metering equipment installed by the relevant roll-out date.

Some exemptions to this condition apply automatically in certain circumstances under clause 231 or 232 of the Regulation.

Authority holders may make an application for an exemption under clause 233 of the Regulation. An exemption may only be granted when it is not possible for water taken using the work to be measured by metering equipment that meets the metering requirements and specifications.

Who can apply for an exemption

Only the authority holder can apply for an exemption under clause 233 of the Regulation.

This is the person or corporation listed as the holder of the water supply work approval, water access licence or licence under the *Water Act 1912* that is subject to the mandatory metering equipment condition.

The authority holder may authorise another person to act on their behalf.

How to lodge an application

To lodge your application, email a copy of the completed application form and supporting documentation to: regulatory.implementation@dpie.nsw.gov.au

Use the checklist below to ensure no other exemptions apply and your application is complete.

I have confirmed which specific works on my authority I am seeking an exemption for.

I have contacted my relevant licensor to discuss if tagging any of the works as inactive is applicable to me.

I have confirmed that all works I am seeking an exemption for are capable of taking water from a water source and are required to be nominated by a water access licence.

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I have confirmed that my works are not:

permanently exempt from the new metering requirements under [clause 231 of the Regulation](#),

or

listed as 'inactive' on my authority under [clause 232 of the Regulation](#).

If you need help, please contact your relevant licensor. For information on who your licensor is, visit [Governance - Water in New South Wales \(nsw.gov.au\)](#)

I have contacted a duly qualified person and obtained advice on whether the water taken using the work can be measured by metering equipment that meets the metering requirements and specifications.

For more information refer to the [NSW Non-Urban Water Metering Policy](#)

Help

For help, please contact the Department of Planning and Environment at: regulatory.implementation@dpie.nsw.gov.au

Section A – Applicant details

List all holders of the authority as applicants. Select only one applicant to be the contact person for the application.

If there are more than 4 applicants, photocopy or print multiple copies of this page, complete them and attach them to this form.

Applications made by a corporation must be signed by 2 directors, or 1 director and 1 company secretary, except in instances where there is a sole director who is also the sole company secretary.

Applicant 1

Full name

Company (if applicable)

This applicant is the contact person for the application,

Applicant 2

Full name

Company (if applicable)

This applicant is the contact person for the application,

Applicant 3

Full name

Company (if applicable)

This applicant is the contact person for the application,

Applicant 4

Full name

Company (if applicable)

This applicant is the contact person for the application,

Section B – Contact person for application

Please provide the contact details for the authority holder who is the contact person for the application. This is the person who will be contacted by the department in relation to the application, they do not need to be the authority holder, but if that is the case must have the authority holders' consent to act on their behalf.

Title

Family name

Given name(s)

Company

ACN

Postal address

Town

State

Postcode

Preferred phone / mobile

Alternative phone / mobile

Email address

Section C – Type of authority subject to the mandatory metering equipment condition

What type of authority is the water supply work authorised by? Specify the reference number of the authority. Does the application relate to a WAL or water access licence or does it relate to a works approval? Please provide any relevant reference numbers below

Approval number

Access licence number

Water Act 1912 licence number

Section D – Water Access Licence

Only complete this section if the type of authority subject to the mandatory metering equipment condition is a water access licence.

What is the reason the water supply work does not have a water supply work approval (which means the mandatory metering equipment condition has been applied to the water access licence)?

The work is used for the purpose of prospecting or fossicking under the Mining Act 1992 or the Petroleum (Onshore) Act 1991

The work is part of state-significant development or state-significant infrastructure under the Environmental Planning and Assessment Act 1979

Section E – Works for which exemption sought

Is this exemption sought for all works listed on the approval?

Yes, this exemption is sought for all works listed on the approval

No, this exemption is sought for only a specific work listed on the approval

Please provide an overall site map or combined site map which clearly identifies the location(s) of the water supply work in relation to the property.

Please complete the details below for the works to which the application applies. Print off and photocopy this page if the application applies to more than 3 works.

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Work 1

Work number on Statement of Approval:

Property name (if applicable):

Authorised work (for example 1,200 mm diversion pipe, 1 x 150 mm mixed flow pump):

Installed work if different to authorised work:

Lot/DP:

GPS coordinates (in decimal degrees):

Type of water supply works

Other:

Provide site photos and diagrams to illustrate the current infrastructure arrangements.

Site photos attached

Site diagram attached

Is the work currently metered?

Yes

No

Description of current infrastructure arrangements (including existing metering if applicable) and how the infrastructure is used, for example "this is the main lift pump used to pump river water into the on-farm distribution channel, and the water taken is currently measured using..."

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Work 2

Work number on Statement of Approval:

Property name (if applicable):

Authorised work (For example 1,200 mm diversion pipe or 1 x 150 mm mixed flow pump):

Installed work if different to authorised work:

Lot/DP:

GPS coordinates (in decimal degrees):

Type of water supply work/s

Other:

Provide site photos and diagrams to illustrate the current infrastructure arrangements.

Site photos attached

Site diagram attached

Is the work currently metered Yes No

Description of current infrastructure arrangements (including metering if applicable) and how they are used, for example "this is the main lift pump used to pump river water into an on-farm distribution channel, it is water take is measured currently using..."

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Work 3

Work number on Statement of Approval:

Property name (if applicable):

Authorised work (For example 1,200 mm diversion pipe or 1 x 150 mm mixed flow pump):

Installed work if different to authorised work:

Lot/DP:

GPS coordinates (in decimal degrees):

Type of water supply work/s

Other:

Provide site photos and diagrams to illustrate the current infrastructure arrangements.

Site photos attached

Site diagram attached

Is the work currently metered Yes No

Description of current infrastructure arrangements (including metering if applicable) and how they are used, for example "this is the main lift pump used to pump river water into an on-farm distribution channel, it is water take is measured currently using..."

Section F – Reason/s an exemption is requested

Please indicate which circumstance/s applies to your work/s, and provide the supporting information required:

Circumstance which applies to your work:

Compliant equipment is not available

Provide evidence from a duly qualified person that there is no metering equipment available in the marketplace that is able to accurately measure water taken through the works in accordance with all of the metering requirements and specifications.

This does not include where compliant metering equipment has been ordered but has not been supplied or installed.

Not possible to meet ongoing post-installation validation and accuracy testing requirements

Provide evidence from a duly qualified person that it is possible for compliant metering equipment to be installed in relation to the work, but physically impossible to meet ongoing post-installation validation and accuracy testing requirements associated with that equipment.

Not feasible to re-engineer or alter existing works

Provide an explanation and supporting evidence from a duly qualified person about the existing infrastructure (pumps, delivery pipes, channels), which indicates it is fit for purpose and it would not be feasible to re-engineer or alter the existing works or surrounding infrastructure to accommodate a compliant meter.

Other reason

Provide details and a statement or evidence to demonstrate this circumstance

A duly qualified person is a person with the qualifications, skills and experience to work on metering equipment, as described in [Attachment E of the NSW Non-Urban Water Metering Policy](#).

Section G – Proposed alternate metering or measurement method provided by a duly qualified person

Subject to assessment, an exemption may be granted with conditions which require an alternative metering or measurement method to be used to calculate the volume of water taken by the work.

If an exemption is granted, do you propose to use an alternative metering or measurement method?

I have a proposed alternative metering or measurement method which I am seeking approval for.

I do not have a proposed alternative metering or measurement method. (Go to section H)

If the application relates to multiple works, are different metering or measurement methods proposed?

Yes

No

*If you answered 'Yes', please photocopy or print multiple copies of Section G, complete these and attach them to this form.

Details of proposed alternative metering or measurement method

Which authorised work does this proposed metering or measurement method apply to?

Describe the proposed alternative metering or measurement method

Metering system type:

Closed conduit

Open channel system

Other (please specify)

Manufacturer of meter

Meter type and model

Pattern approval certificate number (if applicable)

Meter size

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Pipe size

Provide diagram showing site design of proposed metering solution

Site diagram attached

Provide the proposed GPS location of the meter or measurement device (Datum GDA94) or provide a site map which clearly shows the location of the meter or measurement device in relation to the water supply work.

Expected maximum permissible error of the proposed alternative metering equipment or measurement method upon installation and commissioning as advised by your duly qualified person (+/-%).

Is telemetry required by Schedule 8 of the Regulation?

Yes

No

No, but will be installed to the specified standard (voluntary uptake)

LID type (local intelligence device)

Provide any other details about the proposed alternate metering or measurement method. For example, if it is possible for compliant metering equipment to be installed in relation to a work, but physically impossible to meet ongoing post-installation validation and accuracy testing requirements associated with that equipment, provide details of the proposed ongoing validation program.

Provide the name and contact details of the duly qualified person and their Certified Meter Installer (CMI) number.

Name

Company (if applicable)

Phone number

Email

Section H - Declaration and application

All applicants (authority holders) must sign this declaration. If there is not enough space, please photocopy or print multiple copies of Section H.

I/We, the undersigned applicants, acknowledge and agree:

- a) that I/We make an application for an exemption from the mandatory metering equipment condition as described in this application
- b) that this application will be determined in accordance with the *Water Management Act 2000* and any associated regulations or guidelines as in force from time to time, and that no right or entitlement shall arise pending determination of this application and that any such determination may be subject to conditions
- c) that the authorised contact person (where applicable) is authorised to act for and on my behalf in relation to any aspect of this application unless otherwise notified to us, and that the department will rely on information provided by the authorised contact person in its consideration of this application
- d) that the Crown in right of the State of New South Wales, including the department and its officers, employees, agents and successors ('the State'), accepts no liability in relation to any action, proceeding, claim, demand, cost, loss, damage or expense (including reasonable legal costs or expenses) arising directly or indirectly as a result of or in connection with this application or any act or omission of the State in connection with this application and I/we hereby agree to release and indemnify the State from and against any such action, proceeding, claim, demand, cost, loss, damage or expense to the fullest extent permitted by law
- e) that all information contained in this application is accurate, true and complete and that the Crown in right of the State of New South Wales, including the department and its officers, employees, agents and successors ('the State') will rely on such information
- f) that the State does not provide any legal, financial or technical advice in connection with this application and that any such advice, if required, is to be obtained independently
- g) that details about any exemption arising out of this application will be recorded in the publicly available Water Register as conditions on any authority pursuant to the *Water Management Act 2000*
- h) that if this application is incomplete it may not be accepted
- i) that more information may be requested if it is considered that it would be relevant to the consideration of this application.

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Application form

For applications made by individuals

Applicant 1

Name

Signature

Date

Applicant 2

Name

Signature

Date

Applicant 3

Name

Signature

Date

Applicant 4

Name

Signature

Date

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For applications made by a corporation

For applications made by a corporation: Executed for and on behalf of the applicant in accordance with section 127 of the *Corporations Act 2001 Cth* (if a company) or by the duly authorised officer (for other types of corporation):

Name of corporation

Position of signatory

Name of signatory

Signature

Date

Position of signatory

Name of signatory

Signature

Date

I/We have included the following supporting information:

ASIC search attached

Section I – Pre-submission checklist

In order to assist with your application processing please ensure you have completed or attached all of the following:

All details of authority holders and the contact person for the application

All applicants have signed the application

All details of the works requested for the exemption

A map of the works and their location

Site photos and site diagrams attached where relevant

An explanation as to why the exemption is required

Privacy statement

The personal information you provide on this form is subject to the *Privacy and Personal Information Protection Act 1998*.

It is being collected by the department and will be used for purposes related to assessing and processing your application, or in connection with the operation of any approval granted, or for research-related purposes such as customer surveys. It may be used from time to time to contact you about services the department provides.

The department will not disclose your personal information to anybody else unless authorised by law.

The provision of this information is voluntary. However, if you choose not to provide the requested information, we will not be able to process your application.

You have the right to request access to, and correct details of, your personal information held by the department.

Further information regarding privacy can be obtained from the NSW Department of Planning, Industry and Environment website at www.dpie.nsw.gov.au/privacy

Offences and penalties

It is an offence, under section 344 of the *Water Management Act 2000*, to make a statement that you know to be false or misleading in, or in connection with, this application. A corporation found guilty of an offence against section 344 is liable to a penalty not exceeding \$2.002 million. An individual found guilty of an offence against section 344 is liable to a penalty not exceeding \$500,500.

An access licence or approval may be suspended or cancelled under the *Water Management Act 2000* in certain circumstances. These include if the holder of the licence or approval is convicted of an offence under that Act.

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