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NON-URBAN WATER METERING REFORM

Southern Inland

Roadshow Report

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1 Introduction

This Consultation Outcomes Report documents the key findings and outcomes of four workshops conducted by the New South Wales Department of Planning and Environment (DPE) Water team during September 2022.

The geographical focus of the workshops was the Upper Murrumbidgee Catchment of the Southern Inland Region. The workshops were conducted in:

- Forbes (27 September)
- Cootamundra (28 September)
- Tumut (29 September)
- Wagga Wagga (30 September).

1.1 Workshop Purpose

The Upper Murrumbidgee Catchment's timeline for compliance with the Non-Urban Water Metering regulations is 1 December 2022. The purpose of the workshops was to provide information to water users to help them understand the Non-Urban Water Metering rules and to provide information to assist water users to become compliant.

These meetings did not focus on the policy decisions driving the Non-Urban Water Metering reform but focussed more on what the rules mean for water users, how various water use circumstances are dealt with under the rules, and what is required to ensure water users' compliance.

Given the multiple agencies and stakeholders involved in water regulation, each of the workshops included representatives of:

- The Department of Planning and the Environment (DPE)
- WaterNSW
- The Natural Resources Access Regulator (NRAR).

1.2 Workshop Format

Three of the five workshops (Forbes, Tumut and Wagga Wagga) followed a similar format:

- Introductions around the room to understand what water users were present and what aspects of the Non-Urban Water Metering rules they were most interested in discussing
- Presentations by DPE, WaterNSW and NRAR (with each presentation pausing for questions and comments throughout)
- An open, facilitated question and answer session.

The speakers at the workshops included:

- Chayna Moldrich, Camila Riddoutt, Annika Lawrence, Alastair McKenzie-McHarg, Jessica Douglas (DPE)
- Martin Brooks and Russell Cocks (WaterNSW)
- Greg Abood and Grant Astill (NRAR).

The Cootamundra session was held as a drop-in session as only one confirmation of attendance was received prior to the meeting taking place. At the Cootamundra session agency representatives were present for the advertised period but addressed questions and comments in an individualised way.

2 Key Themes and Issues

This section of the report provides a summary of the key themes and common issues that were consistently raised across the four sessions. While each meeting and its participants were unique, some common issues emerged across workshops.

Note that this section contains general, common views expressed during the sessions. It does not capture every view but is an attempt to summarise the most common themes that were heard regularly throughout the process. The individual workshop summaries (section 3) provide a more thorough record of views heard and questions asked at each of the sessions.

Generally speaking, workshop participants demonstrated a level of acceptance of the Non-Urban Water Metering regulations and were mostly focused on what was required for compliance. Most participants exhibited a general understanding of the new requirements, but many sought additional detail and assistance with interpreting how the rules apply to their own specific circumstances. The main common issues raised, beyond individual on-farm requirements, related to cost, timeline for compliance, and understanding how exemptions may or may not apply.

2.1 Timeline for compliance

Some concerns were raised regarding the timeline for compliance. Government agencies acknowledged that there are some time delays with both access to Duly Qualified Persons (DQPs) and supply of equipment.

It is understood that some of the supply chain issues regarding telemetry are likely to be resolved shortly.

Landowner concerns with the compliance timeline (1 December 2022 for the Southern Inland Region) were alleviated to an extent when NRAR explained that they would recognise 'reasonable efforts' to comply. NRAR explained 'reasonable efforts' as having, at a minimum, entered into an agreement with a DQP.

2.2 Cost of compliance

Cost of compliance was raised as an issue, particularly at the Wagga Wagga meeting. Due to the diversity of on-farm circumstances, the costs to landowners of compliance with the regulations varies considerably. Landowners at the Wagga Wagga meeting quoted figures of \$60,000 - \$70,000 for compliance for a single work, with many of these landowners saying that they had multiple works to bring to compliance.

Landowners identified the need for a greater level of Government assistance with compliance.

2.3 Relationship between the Non-Urban Water Metering rules and mandatory metering requirements

This issue was brought up in relation to confusion surrounding whether an exemption under the Non-Urban Water Metering rules overrides requirements for pre-existing metering under a Water Sharing Plan or through location within an at-risk groundwater source.

The presence of pre-existing metering requirements for some landowners was recognised as a source of potential confusion. Agency representatives stressed the importance of checking water supply works approvals where any pre-existing requirements are displayed.

The objective of the non-urban metering reforms was to improve the standard and coverage of measurement equipment across NSW. The reform incorporated a risk-based approach, providing exemptions for some water supply works based on their size. However, water supply works which were previously subject to the requirement to install metering equipment are not eligible for the size-based exemption. The non-urban metering rules included this requirement to ensure that long standing arrangements to install metering equipment were maintained and supported by the non-urban metering reform. Water supply works in water sources listed in Schedule 9 (also known as at-risk water sources) are also not eligible for the size-based exemption.

It is important to note that having a pre-existing metering condition or being in an at-risk water source only makes you ineligible for the size-based exemptions in cl 231 of the Regulation. You are still able to access other exemptions e.g., inactive works or BLR if you meet the requirements of the exemption.

This means if a water supply work is taking water from an at-risk water source, but it is only used to take water under basic landholder rights, this work is exempt from requiring a meter.

2.4 Understanding exemptions

Much of the discussion at the sessions focused on understanding the exemptions available and the detail of which exemptions applied to specific on-farm situations. Common questions asked related to size of pumps, having multiple works and exemptions for basic landholder rights.

Understanding how exemptions relate to often complex on-farm arrangements is acknowledged as a difficult task. Agency representatives at the sessions were able to assist as many people as possible with their queries. The following key messages from agency representatives were also stressed throughout the sessions so landowners were aware of where to find the information that could assist them.

2.5 Key messages from Government representatives

The DPE, WaterNSW and NRAR representatives stressed the following key messages throughout these landholder sessions. They were to:

- Check your water supply work approval - this can be done through the NSW Water Register ([NSW Water Register - WaterNSW](#)). If you need to amend your approval (including making a work inactive or notifying that you are using a work that is a smaller size to what is stated on your approval) you can get information here ([Amend an approval - WaterNSW](#))
- See if the rules apply to you by using the [Metering Guidance Tool](#) or call 1300 081 047
- Engage a Duly Qualified Person (DQP) - you can find a registry of DQPs on the Irrigation Australia website and you can search by post code there ([Member Directory - Meter Installer and Validator \(irrigationaustralia.com.au\)](#))
- It is important to make reasonable efforts to be on the pathway to compliance. Even if you cannot fully comply by the 1 December 2022 deadline, you can demonstrate that you have commenced the process (i.e. engaged a Duly Qualified Person and have documentation of that engagement). Information about the NRAR's compliance approach is available [here](#). For questions about compliance speak with NRAR on 1800 633 362 or email them at nrar.enquiries@nrar.nsw.gov.au
- Keep good records and documentation
- For those people who may still be unsure about their compliance requirements, it was suggested to contact WaterNSW. Landowners can book individual online video meetings to discuss their specific circumstances ([Water Metering - WaterNSW or 1300 662 077](#)).

3 Notes from workshops

This section summarises key comments, questions and responses recorded at each of the workshop meetings. Note that this is not intended to be verbatim reporting but attempts to capture the essential nature of both questions and responses.

3.1 Forbes

The Forbes session was held on 27 September.

Question/ Comment	Response
Do the pre-existing metering conditions that exist in the Lachlan Valley through the Water Sharing Plan override the eligibility for exemptions?	<p>The metering equipment condition applies to all water supply works in NSW. This means metering equipment must be installed unless the water supply work satisfies the criteria for an exemption.</p> <p>This condition replaces all previous metering conditions, including ones which were imposed through a water sharing plan (WSP). However, having had a previous requirement to meter affects the water supply works eligibility to benefit from a size-based exemption.</p> <p>It is important to note that the metering equipment requirements imposed under the metering equipment condition may be different to what was required under a WSP condition.</p>
Isn't it irrelevant to be talking about exemptions given that we have a mandated metering condition in the Lachlan Valley?	Water users with a pre-existing condition are eligible for all exemptions under the non-urban metering reform excluding the size-based exemptions in cl 231. For example, inactive works, BLR, small low risk stock and domestic access licences.
When will DPE consider how pre-existing metering conditions apply? What if water is only used for basic landholder rights (BLR) but you may also have a licence?	<p>If water is only used for BLR you are eligible for an exemption.</p> <p>DPE will consider how pre-existing metering condition apply in the next few months. The process would take some time as changes to the regulations would be required.</p>
As a Duly Qualified Person (DQP) using the Metering Guidance Tool when I have a licence with multiple conditions, I can put in two or three of them and I get one answer, then I put the other two or three in and I get a different answer.	The Metering Guidance Tool is designed to provide guidance on an individual work. If you have multiple works on your property, you should complete the Metering Guidance Tool questionnaire for each individual work.

Question/ Comment	Response
	DPE offered to go over this situation in detail after the formal workshop session concluded.
Can you apply for rebate programs for meters that you have already installed?	The \$14.6 million to assist with capital upgrades of meters is only for water users with Government owned meters. The \$18 million rebate program that is now available is for telemetry and is applied automatically to the telemetry component of your water bill.
The northern valleys was the first tranche, what levels of compliance have been achieved?	For the first tranche which was the large pumps over 500mm, over 69% of compliance has been achieved so far.
It feels as though we are being set up to fail with these compliance dates. 1 st December is not very far away and it is unclear whether we can get equipment etc. to comply.	NRAR will look at reasonable efforts to comply. One of the key things that will be considered is if you have entered into an agreement with a DQP by the compliance deadline. Supply of both DQPs and equipment is recognised as an issue. It is important that water users take steps and have documentation that they have made a reasonable effort to comply if actual compliance by the date is not possible.
I have an older ('Fred Flintstone') pump that has not been used for years. If I make it inactive can I 'turn it on' again in the future?	Yes. For pumps that are not used you can make that pump inactive through Water NSW (there is a fee attached) and then activate again in the future (another fee attached). If the pump was reactivated, it would have to meet the Non-Urban Water Metering requirements.
We were told previously that if you have a pump that has not been used for years, you don't have to make it inactive as it is already considered by Water NSW to be inactive?	For a work to be exempt under the inactive provisions it must be noted on the water supply work approval and be subject to conditions which prohibits the work being used to take water while it is inactive. It is best to check your Water Supply Work Approval to make sure or contact WaterNSW.
I have spoken with a DQP and it appears they are not offering any warranty on their service or the equipment?	Water NSW recognises this but cannot warranty work or equipment themselves. Sigsense added that their equipment comes with a five year or 5,000 transmission warranty. Water users are encouraged to contact and seek advice from multiple DQP's to so they can make sure they are getting the best advice and deal.

Question/ Comment	Response
Once you go through the DPE Metering Guidance Tool and put in all your details and it tells you that you don't need a meter - what do you get as proof of this? What documentation or certificate do you get for your records?	You could print off the final advice page of the tool. DPE are investigating an update to the tool that would allow a printout that includes all the questions answered and your responses.
The information presented so far just seems to refer to pump sizes and not bore size?	Bore size is covered and their measurement is explicitly stated in the reform. The metering thresholds refer specifically to groundwater and bore size. Bores greater than or equal to 200 mm require both a compliant meter and Local Intelligence Device (LID), bores less than 200 mm need to check requirements for multiple bores.
Is there information available publicly on how much water the mines use in this area? Why are the mines treated differently?	We do not publish individual users' water usage. Mines have to comply with the same rules. The rules apply to use of water and not type of industry.
NRAR mentioned that their main focus for enforcement is on large volume water users. How is that defined?	NRAR considers large volume allocations, multiple work operations, size of irrigation areas. It is not specific to type of industry etc. but is focussed on water use.
It seems odd that the regulations are so specific and rigid, but the enforcement appears 'rubbery'?	The framework is and has to be rigid and as tight as possible. NRAR's approach to compliance needs to take a number of different factors and circumstances into account.
How do we as a water user access the data through telemetry?	The telemetry sends information to the Data Acquisition Service (DAS) hosted by Water NSW. The water user will then get a daily report (once per 24 hours) through iWAS.
It would be good at one of these presentations to see a demonstration of the Data Acquisition Service (DAS)	Noted.
Does the information from the DAS link with your Water Accounting System (iWAS)?	Yes, and Water NSW is looking at ways to improve that process.
We were told we needed to have meters in place last year. We now have a meter installed but not connected to telemetry - I am now in a situation where I cannot take water until I have telemetry even though I have a new meter.	If installed prior to April 2019 there is a transition process and if the meter meets the accuracy requirements it can be used. However, if the meter is not compliant a compliant meter may need to be installed. A list of compliant meters is available Pattern Approved non-urban Water Meters (agriculture.gov.au) It is encouraged for people

Question/ Comment	Response
	<p>to engage a qualified DQP to ensure 'reasonable efforts' at compliance can be made.</p> <p>This situation was discussed further with the water user.</p>
<p>Why can't you search for DQPs in your local area?</p>	<p>The Irrigation Australia website allows searches to be done by post code to enable users to search for DQPs close to their local area. The website was being updated earlier in the year.</p>
<p>Can we make the customer consent to access their data on the DQP portal last a standard 12 months?</p>	<p>Water NSW is working on a system upgrade and that is one of the things being considered.</p>

3.2 Cootamundra

The Cootamundra session was run differently than the others due to limited registrations prior to the event occurring. One participant attended this meeting.

The participant that did attend was both an irrigator and a Duly Qualified Person (DQP), who providing private services to other irrigators in the Southern Inland Regions focused around Young. From a DQP perspective the biggest issues this person faced was demand (getting enough time to service the need from water users) and access to equipment especially telemetry.

3.3 Tumut

The Tumut session was held on 29 September.

Question/ Comment	Response
<p>What is included in Basic Landholder Rights (BLR) and how do we know if we are exempt if we only use water for stock and domestic?</p>	<p>Water users who are using a water supply work solely for basic landholder rights are exempt from metering requirements. This exemption is based on the use of the work and applies regardless of whether the water supply work is nominated by an access licence, subject to a previous requirement to meter or in water source listed in Schedule 9</p> <p>BLR can include stock and domestic use, but stock and domestic does not always equate to a BLR. For example if a work has a stock and domestic Water Access Licence (WAL) attached then this would indicate that it is not BLR as stock and domestic WALs are generally only issued when there is not a BLR.</p> <p>For stock and domestic use basic landholder rights apply when the land has frontage to a river lake or estuary or be overlying an aquifer. The exemption then only applies when the water is used for domestic consumption or stock watering.</p> <ul style="list-style-type: none"> • Domestic consumption means the use of water for normal household purposes in domestic premises, such as for washing clothes or watering gardens around the house. • Stock watering means the watering of stock animals being raised on the land. It does not include raising stock animals on an intensive commercial basis where the animals are housed or kept in feedlots or building.
<p>What about if you have portable pumps Do you still need to comply?</p>	<p>Portable pumps are treated the same as permanent ones and therefore have to comply. If it is an existing portable pump the landowner would have to get a certificate of accuracy from the manufacturer or have a DQP certify its accuracy. A guide to installing meters on portable pumps is available here.</p>

Question/ Comment	Response
<p>What if I have two pumps for surface water - one is 80 mm and one is 50 mm? Are they treated separately, and both considered to be under 100 mm and therefore exempt; or are they treated together as a 130 mm pump and therefore required to comply?</p>	<p>If you have more than one pump you need to consider the multiple pumps thresholds. In this example there are 2 works and as the largest one is greater 74 mm it means they are required to be metered, unless another exemption applies.</p>
<p>How do pump sizes relate to volumetric conversion and why aren't the rules based on that?</p>	<p>Rules needed to be based on something that can be accessed and relatively easily measured. Therefore, the size of the work installed.</p>
<p>If you have a Government Owned Meter and you want the meter moved closer to the pump will Water NSW do that for us?</p>	<p>Water NSW will write to everyone with a Government Owned Meter. Situations like that can be discussed with the Water NSW representatives at the time.</p>
<p>What does the landowner have to pay?</p>	<p>Water users with private meters have to cover the cost of compliance. That can include both the equipment and the cost of the DQP services.</p>
<p>Is there an exemption if you have to use water for your licence to fight bushfire? Is that an exemption?</p>	<p>Where a direction has been given under the State Emergency Service Act 1989 or the State Emergency and Rescue Management Act 1989, the legislation provides for exemptions from the requirement to have a water supply work/use approval and access licence in certain circumstances regarding emergency safety measures (Water licensing and works approvals exemptions Water (nsw.gov.au))</p> <p>If these circumstances are met the metering rules would not apply.</p>
<p>If you have a licence but only use water for Basic Landholder Rights, how do you prove to NRAR that water is only being used for Basic Landholder Rights?</p>	<p>It is important to keep good records.</p>
<p>If you make a pump inactive, do you still have to renew your works approval every 10 years?</p>	<p>Yes. There will be a fee of \$575 to make a work inactive but that does not void your work approval so for that to be maintained the renewal fee will have to be paid.</p> <p>It should be noted that if you make a work inactive you cannot use it for Basic Landholder Rights.</p> <p>You can make an inactive work active again and the same fee of \$575 would apply.</p>

Question/ Comment	Response
<p>I haven't been able to use my work for years because of changes to irrigation upstream. Can NRAR do anything about the water being over-subscribed?</p>	<p>NRAR can only enforce the law as it stands. If some of that upstream take was unlawful then NRAR could act but if the water upstream is being taken in accordance with the law and the limits of the Water Sharing Plan then NRAR cannot act on it.</p> <p>NSW Government is working to update the Water Sharing Plans and will look at water allocation as part of this process.</p>
<p>Is my water licence worth anything - can it be traded?</p>	<p>Yes, a water access licence (WAL) can be traded, but there are limits on where it can be traded to.</p>
<p>If you are using unregulated water, will fees for use go down?</p>	<p>The water management charges for your unregulated river or groundwater licence can be billed under a one or two-part tariff.</p> <p>If you are billed under the one-part tariff, the entitlement charge is applied to your licence volumetric ML entitlement or unit shares.</p> <p>Under the two-part tariff your water take is metered or assessed and you are billed for:</p> <ul style="list-style-type: none"> • lower entitlement charge (than under the one part tariff) applied to your licence volumetric ML entitlement or unit shares • water take charge applied to your ML of usage • water take reading/assessments charge or a meter service charge (if your meter is a corporation meter) <p>More information is available here.</p>

3.4 Wagga Wagga

The Wagga Wagga sessions was held on 30 September.

Question/ Comment	Response
I don't use my licence to irrigate but don't want to give it up?	You can make your work inactive without affecting your licence. There is a fee of \$575 to make a work inactive. It is important to note that if you did want to make the work active again it would need to comply with the Non-Urban Metering rules.
If I only have one 50 mm pump am I definitely exempt?	Each water user needs to check their water supply work approval. Regardless of the size of your pump, if you are in an at-risk groundwater source or have a pre-existing metering condition, you will need to install complaint metering equipment.
Who is responsible for paying for the equipment that is required to comply?	The landowner is responsible.
I have an unregulated licence and am in a place with poor reception, is there a log book available to record use?	Because you can't get mobile phone reception does not necessarily mean that you won't have reception for telemetry. Mobile phones and telemetry work on different frequencies. It is suggested that you check the telemetry coverage tool on the DPE Water website . There is a log book available from the Water NSW website.
What if I only use water for stock and domestic purposes?	If you are using water purely for stock and domestic purposes under a Basic Landholder Right (BLR), you do not have to meter. If that any of that water were to be re-directed for irrigation, you would then need to comply. The exemption for small stock and domestic water access licence use is in place until December 2024. It will be reviewed at that time.
I have a couple of licences with pumps in excess of 200 mm but they haven't been used for a long time. Do I still have to comply?	You do unless you make those pumps inactive through Water NSW. Remembering that if you were to want to reactive them in the future they would need be made compliant at that time.
Some of us are being asked to outlay a significant investment for compliance, is there any financial assistance available?	There is the telemetry rebate. There may also be some tax rebates available - some of these are listed on the DPE Water website.

Question/ Comment	Response
Do the costs of the equipment become 100% written off for tax purposes?	Would depend on circumstances. You would need to talk with an accountant. Normal depreciation would apply to this equipment.
Been told that in 2024 the exemption for small stock and domestic water access licences will be stopped and this will come under the rules as well. Is that correct?	The exemption for small stock and domestic water access licences is currently until December 2024. It will be reviewed at that time.
What about if you are technologically challenged?	You can call the WaterNSW on 1300 662 077 to discuss your circumstances.
I bought my property with the licence, it was part of the cost of the property? Now I have to pay over \$60,000 for one of my pumps to comply.	Noted that there may be significant expense for some water users.

4 Summary and Next Steps

This series of sessions again demonstrated that most participants recognised the need, and displayed a general willingness, to comply with the Non-Urban Water Metering rules. The focus of most discussions was around how the rules, and associated exemptions, applied to their specific on-farm circumstances.

Although initial concern was expressed regarding the 1 December 2022 deadline for compliance, information provided at the workshop related to 'reasonable efforts' and 'pathway to compliance' assisted in reducing this concern.

Cost of compliance is a significant issue for some landowners. It was not possible at these workshops to gauge how widespread this issue is, but it was a key concern for a number of landowners present.

An issue for consideration that was raised in the workshops was access to information and assistance for those landowners who may not be technologically proficient. Understandably, many of the tools produced to assist landowners with understanding their compliance requirements are web-based. The customer enquires number is an alternative but feedback provided at the workshops on its effectiveness was mixed.

A further concern for this series of workshops was the lack of attendance for the Cootamundra session. All other sessions were well attended and it appears to be an oddity that Cootamundra attracted only one participant. Some follow up in the Cootamundra may be helpful to better understand why there was a lack of attendance in that area.