

Suite 901, Level 9, 276 Pitt Street,  
Sydney NSW 2000

PO Box Q640,  
Queen Victoria Building NSW 1230



Tel: 02 9264 3848  
nswic@nswic.org.au  
www.nswic.org.au

ABN: 49 087 281 746

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# **SUBMISSION**

## **Remake of Water Management (General) Regulation 2025**

6 April 2025



## Introduction

The remake of Water Management (General) Regulation 2025 seeks to incorporate the amended Water Management (General) Regulation 2018, including changes to non-urban water metering and floodplain harvesting rules. Changes have also been proposed to improve water management outcomes.

During consultation in December 2024 on proposed amendments to the Water Management (General) Regulation 2018, we wrote: “NSWIC emphasises the need for amendments to have clear policy intent and not be left to individual interpretation by water agencies, duly qualified persons or water users.”

The amended Water Management (General) Regulation 2018 has had several positive non-urban water metering outcomes. However, the amended regulation permits ambiguous policy intent in some areas. Water access licence holders, Duly Qualified Persons, staff at water agencies responsible for providing guidance and Natural Resources Access Regulator (NRAR) enforcement officers may interpret policy differently. The resulting confusion in advice could lead to unnecessary time and financial burden for water users, lessen the rate of metering compliance, and leave water users exposed to enforcement actions and penalties.

NSWIC is concerned by how some metering requirements have been redrafted into the proposed Water Management (General) Regulation 2025. The regulation remains impractical in some areas, without resolution of barriers beyond water users control that prevent water user compliance with metering including telemetry and floodplain harvesting.

## Feedback on Water Management (General) Regulation 2025

### [Repair and restoration after storms](#)

NSWIC does not support the proposal to exclude controlled activities exemptions from clause 34(b) of Schedule 4: “*the removal of detritus (including woody debris) deposited on waterfront land as a result of the storm.*”

Requiring lodgement of a Controlled Activities Approval (CAA) introduces administrative and financial barriers for landholders seeking to undertake unplanned removal activities. Section 6 of the Regulatory Impact Statement (RIS) suggests it takes one FTE between 8 and 24 hours to complete and submit a CAA application. To lodge a CAA costs a landholder a minimum of \$484.00<sup>1</sup>. The CAA is likely to incur an additional hourly fee due to the estimated assessment time of 6 to 14 hours. This is a significant burden on landholders when responding to an unexpected post-storm clean up.

The Department of Planning and Environment Fact Sheet on *Controlled activities – Guidelines for instream works on waterfront land*, outlines that the following information is required as part of an CAA for instream works<sup>2</sup>:

- detailed design drawings of proposed works

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<sup>1</sup> NSW Government Water - <https://water.dpie.nsw.gov.au/our-work/licensing-and-trade/controlled-activity-approvals/how-to-apply>

<sup>2</sup> Department of Planning and Environment - [https://water.dpie.nsw.gov.au/\\_\\_data/assets/pdf\\_file/0005/386204/licensing\\_approvals\\_controlled\\_activities\\_instream\\_works.pdf](https://water.dpie.nsw.gov.au/__data/assets/pdf_file/0005/386204/licensing_approvals_controlled_activities_instream_works.pdf)



- detailed design drawings which include a surveyed plan, cross and a long section of the watercourse, showing the proposed works relative to existing and proposed bed and bank profiles and water levels. All plans must include a scale bar.
- detailed report of pre- and post-construction hydraulic conditions.
- detailed plans of permanent bed and bank stabilisation works for scour protection.
- photographs of the site identified by GPS coordinates or by survey.
- a vegetation management plan planned in accordance with Department Guidelines.
- sediment and erosion control plan.
- a site management plan incorporating a works schedule, sequence and duration of works, contingencies (in case of flood or similar), erosion and sediment controls and proposed monitoring and reporting periods.
- costing of all works and stages of works.
- copies of other relevant approvals, for example, landowner's consent or development consent.

While the requirements may differ for CAA for repair and restoration after a storm, it is essential to recognise the heavy administrative and time resources needed to lodge a CAA.

Removing the exemption and requiring a CAA may discourage landholders from undertaking removal of detritus after a storm. This worsens the impacts of future storm damage as detritus builds and impacts downstream landholders and public infrastructure. In a worst-case scenario, detritus may build up and accumulate against a public bridge resulting in bridge collapse, incurring further cost for the NSW Government to repair.

The RIS states *“While it is difficult to accurately quantify the benefits of the proposed change to the regulation, our analysis indicates that the benefits (in the form of avoided in-stream environmental and ecological degradation) will likely significantly exceed the costs arising from the need to submit and assess more CAA applications.”*

NSWIC disagree with this assessment. Our members question how the assumed avoided degradation benefits have been measured and quantified as exceeding the substantial financial and time costs imposed on the landholder to submit a CAA and the potential costs of future storm damage described above should debris not be removed. We are also concerned that the Department simply does not have the resources required to assess the increased volume of CAAs.

#### ***Recommendation:***

- Retain clause 34(b) of Schedule 4

### Exemptions from Metering Requirements

For coastal irrigators, the work approval and water licence are the most familiar regulatory instruments, authorising irrigation works and stipulating conditions of operations. These are the regulatory instruments that NRAR assesses compliance against during site visits. As the works approval and water licence are critical to irrigator operations, they must align with current regulation.

Statutory water sharing plans, and subsequent metering conditions on works approvals and water licences must be consistent with State government policy<sup>3</sup>, such as the Water Management Act 2000 and Water Management (General) Regulation 2018 (WMGR 2018).

<sup>3</sup> Water Management Act 2000, Section 16(1)(e) and 16(2)



This is to ensure that water users and NRAR can easily comprehend the metering requirements and compliance date specific to the circumstances of each approval holder.

On 7 March 2025 amendments to WMGR 2018 came into effect, giving power to recommendations made in the Metering Recommendations Report. The broad suite of changes included additions and modifications to permanent<sup>4</sup> and temporary<sup>5</sup> exemptions to the mandatory metering equipment condition. Dependent on the size or total entitlement of the work/s, coastal NSW approval holders may be exempt from compliance requirements or have a compliance date extension to 1 December 2026, 1 December 2027 or later.

In addition to these amendments, the *Exemption from metering conditions* came into power on 16 March 2021<sup>6</sup>:

*“All holders of a water supply work approval subject to a mandatory condition are exempt from the requirement to install metering equipment that complies with Australian Standard AS4747, Meters for non-urban water supply (as updated or amended from time to time) if:*

- (a) a meter is installed for the work,*
- (b) the meter was installed prior to or on the date this Exemption commenced,*
- (c) and the meter accurately measures and records the flow of all water taken through the water supply work.*

Poor communication of metering rules and exemptions along the NSW coast have resulted in water user confusion over the metering rules, compliance dates and exemption eligibility.

### Case Study

Prior to 7 March 2025, communications from the Department indicated that approval holders with “*All works nominated by total entitlement  $\geq 100ML$ , unless otherwise exempt*” would be eligible for the coastal compliance date extension of 1 December 2026. Approval holders responded positively to this news.

Metering rule changes were published on the Departments website on 7 March 2025. After this date, a second clause was added to the compliance due date for this category of approval holders. The clause states: “*Work approval holders with a pre-existing metering condition MW2452-00001 should already have a meter complying with AS4747 in place*”<sup>7</sup>.

The addition of clause 2 was not discussed with water users during consultation, and the change of information on the website was not communicated to stakeholders. Metering condition MW2452-00001 stipulates:

	Take of water
MW2452-00001	Water must be taken through metering equipment that meets the following requirements: A. the metering equipment must accurately measure and record the flow of all water taken through the water supply work authorised by this approval, B. the metering equipment must comply with the Australian Standard AS 4747: 'Meters for non-urban supply', as may be updated from time to time, C. the metering equipment must be sited and installed at a place in the pipe, channel or conduit between the water source and the first discharge outlet. There must be no flow of

<sup>4</sup> WMGR 2018 clause 231

<sup>5</sup> WMGR 2018 clause 230

<sup>6</sup> New South Wales Government - [https://water.nsw.gov.au/\\_\\_data/assets/pdf\\_file/0010/356338/exemption-instrument.pdf](https://water.nsw.gov.au/__data/assets/pdf_file/0010/356338/exemption-instrument.pdf)

<sup>7</sup> NSW Government Water - <https://water.dpie.nsw.gov.au/our-work/nsw-non-urban-water-metering/review-of-the-non-urban-metering-rules>



water into or out of the pipe, channel or conduit between the water source and the metering equipment, and  
D. the metering equipment must be operated and maintained in a proper and efficient manner at all times.

This condition ceases to apply to a work on the day on which that work is required to comply with the mandatory metering equipment condition under the Water Management (General) Regulation 2018.

The presence of this approval condition is of concern to water users, particularly on the Hunter Regulated River water source where 483<sup>8</sup> water uses ranging from <15ML to ≥100ML total entitlements have condition MW2452-00001 on their works approval. This captures many family-owned operations who may struggle to afford this obligation.

The presence of condition MW2452-00001 is confusing for approval holders of various work sizes and volumes who are told that they must comply with the conditions on their approval and licence. The requirements of this condition contradict the compliance dates and measurement requirements stipulated through the Non-Urban Water Metering Policy and Water Management (General) Regulation 2018:

	WM2452-00001		Water Management (General) Regulation 2018	
	Requirement	Compliance Date (Coastal)	Requirement	Compliance Date (Coastal)
<b>Total entitlements ≥100ML</b>	AS4747 compliant DQP validation LID and telemetry	Immediately	AS4747 compliant DQP validation LID and telemetry	1 December 2026
<b>Total entitlements &gt;15ML and &lt;100ML</b>	AS4747 compliant DQP validation LID and telemetry	Immediately	Pattern-approved meter Water take reporting	Later of 1 December 2027 or by the work approval renewal
<b>Total entitlements ≤15ML (unless surface water pump ≥500mm)</b>	AS4747 compliant DQP validation LID and telemetry	Immediately	No meter mandated, unless trading Water take reporting	Not applicable – permanent exemption applies
<b>Pumps and bores below size-based threshold</b>	AS4747 compliant DQP validation LID and telemetry	Immediately	No meter mandated, unless trading Water take reporting	Not applicable – permanent exemption applies

To add to the confusion, the Departments website currently contains no references to *Exemption from metering conditions* which provides a clear exemption to condition MW2452-00001 for eligible approval holders. Additionally, the Departments Metering Guidance Tool<sup>9</sup> does not take into consideration condition MW2452-00001, yet the Department considers it an essential tool to assist coastal water users understand their metering requirements and compliance date.

The most alarming outcome of these discrepancies is that they create uncertainty in how NRAR enforcement officers will interpret an individual approval holder's metering requirement when conducting site visits. Approval holders who are attempting to comply are vulnerable to enforcement action and penalty simply because the rules are unclear and not easy to interpret.

NSWIC considers it essential for all regulatory instruments with reference to non-urban water metering to be in alignment, including WMGR 2018 and its subsequent remake WMGR 2025. We emphasise the need for amendments to have clear policy intent and not be

<sup>8</sup> Figure provided to NSW Irrigators Council by DCCEEW Manager Metering Implementation

<sup>9</sup> NSW Government – <https://nswdpietforms.net/1329>



left to individual interpretation by water agencies, duly qualified persons or water users. This is to ensure coastal water users can have full assurance of their metering requirements and compliance dates.

### **Recommendations:**

#### **General:**

- NSW Government to remove pre-existing metering condition MW2452-00001 from exempted work approvals in coastal NSW.
- If MW2452-00001 is unable to be removed, explanatory text to be added to the condition. Suggested text: A work may be exempt from this condition under the Exemption from Metering Conditions and Water Management (General) Regulation 2025. This condition ceases to apply to a work on the day on which that work is required to comply with the mandatory metering equipment condition under the Water Management (General) Regulation 2025.
- Water sector agency websites to update clause 2 of metering requirement tables with reference to *Exemption from Metering Conditions*. Suggested text: Work approval holders with pre-existing metering condition MW2452-00001 should have a meter complying with AS4747 in place now unless they are eligible for an exemption. Exemptions include “Exemption from metering conditions [[more information here](#)] and other exemptions [[more information here](#)].”

#### **Water Management (General) Regulation 2025:**

- Amend *Schedule 7 Part 2* clause 12 to include *Exemption from Metering Conditions* clause 4 to ensure its continuation until 1 December 2026.
- Amend *Schedule 7 Part 2 – Temporary Exemptions* with addition of:  
**Certain works if total share component is 100ML or more**  
 Each of the following works if the total share components of all access licences on which the work is nominated is 100ML or more -
  - (a) a 100mm – 499mm pump,
  - (b) a 200mm or larger bore,
 This section applies until 1 December 2026.

### Telemetry:

WMGR 2018 clauses 241 and 243 (WMGR 2025 clauses 89 and 90 and 92) acknowledge loss of telemetry connection and remove some administrative burden by extending the notification period to 72 hours. However, these changes do not resolve foundational shortfalls of the telemetry system.

Water users should have the ability to voluntarily connect to telemetry if their circumstances determine that this is a financially and administratively appealing option. Ongoing unresolved issues with installation, configuration, connection, data output, and faulty equipment have required water users to invest further time and money on this equipment. While these issues remain unaddressed, broadening the requirement for telemetry does not improve efficacy for water users.

NSWIC calls for water meters to be considered the single source of truth, and telemetry requirements to be decoupled from non-urban metering requirements. No requirement should be placed on water users to attest data submitted by telemetry, as this form of reporting is out of the control of water users.



### Floodplain Harvesting:

NSWIC considers that alternative measurement options remain limited for unregulated river access licence holders who take overland flow. Within the WMGR 2018, there is mention of only one alternative option, storage metering. This provision provides a practical solution for unregulated river licences and satisfies our members' desire to find policy solutions that maintain a positive perception of water users. However, we seek inclusion of more than the two current options: point-of-intake metering equipment, and storage metering equipment.

NSWIC recommends addition of a clause permitting The Minister to approve alternative metering methods, subject to certification by a duly qualified person and in accordance with guidelines prescribed by the Department. This would provide explicit guidance in the metering regulation for alternative options.

#### ***Recommendation:***

- Amend WMGR 2025 clause 80 to permit The Minister to approve an alternative metering methods, subject to certification by a duly qualified person and in accordance with guidelines prescribed by the Department.

### **Conclusion**

NSWIC and our members are available at your convenience if you have any questions or would like any further information.

Kind regards,

NSW Irrigators' Council.



## NSW Irrigators' Council

The NSW Irrigators' Council (NSWIC) is the peak body representing irrigation farmers and the irrigation farming industry in NSW. Our members include valley water user associations, food and fibre groups, irrigation corporations and commodity groups from the rice, cotton and horticultural industries.

Through our members, NSWIC represents over 12,000 water access licence holders in NSW who access regulated, unregulated and groundwater systems. NSWIC engages in advocacy and policy development on behalf of the irrigation farming sector. As an apolitical entity, the Council provides advice to all stakeholders and decision makers.

Irrigation farmers are stewards of tremendous local, operational and practical knowledge in water management. With more than 12,000 irrigation farmers in NSW, a wealth of knowledge is available. Participatory decision making and extensive consultation ensure this knowledge can be incorporated into best-practice, evidence-based policy.

NSWIC and our members are a valuable way for Governments and agencies to access this knowledge. NSWIC offers the expertise from our network of irrigation farmers and organisations to ensure water management is practical, community-minded, sustainable and follows participatory process.

NSWIC sees this consultation as a valuable opportunity to provide expertise from our membership. Each member reserves the right to independent policy on issues that directly relate to their areas of operation, expertise or any other issues that they deem relevant.

## NSW Irrigation Farming

Irrigation farmers in Australia are recognised as world leaders in water efficiency. For example, according to the Australian Government Department of Agriculture, Water and the Environment:

*“Australian cotton growers are now recognised as the most water-use efficient in the world and three times more efficient than the global average<sup>10</sup>.”*

*“The Australian rice industry leads the world in water use efficiency. From paddock to plate, Australian grown rice uses 50% less water than the global average.<sup>11</sup>”*

Our water management legislation prioritises all other users before agriculture (critical human needs, stock and domestic, and the environment), meaning our industry only has water access when all other needs are satisfied. Our industry supports and respects this order of prioritisation. Many common crops we produce are annual/seasonal crops that can be grown in wet years, and not grown in dry periods, in tune with Australia's variable climate.

Irrigation farming in Australia is also subject to strict regulations to ensure sustainable and responsible water use. This includes all extractions being capped at a sustainable level, a hierarchy of water access priorities, and strict measurement requirements.

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<sup>10</sup> <https://www.agriculture.gov.au/ag-farm-food/crops/cotton>

<sup>11</sup> <https://www.agriculture.gov.au/ag-farm-food/crops/rice>