

Staged Water Extraction Licence Guidelines

Document Control

Document title	Staged Water Extraction Licence Guidelines
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Approved by	Controller of Water Resources
Date approved	22 March 2021
Document review	2 years
TRM number	LRM2017/0059-0103~0001

Document change history

The following table records the history of any significant changes made to this document. The version number of the document is incremented as follows:

- by 1.0 for significant changes
- by 0.1 for changes made for clarity and reading ease only

Version	Date	Author	Changes made
1.0	03/03/2021	Director Water Licensing and Regulation	New

Terms used

Acronyms	Full form
Act	Water Act 1992 (NT)
Controller	The Controller of Water Resources, a person appointed under section 18 of the Water Act 1992, with powers to carry out functions in administering the Act, the principal licensing and regulatory decision-maker in terms of the Act.
department	NT Department of Environment, Parks and Water Security or otherwise the Agency responsible for administering the Act, as defined by the Administrative Arrangements Order from time to time.
NT	Northern Territory
Regulations	Water Regulations 1992 (NT)
licensed entitlement	A volume of water that may be taken by a licence holder in a period as specified in the conditions of the licence.
total maximum water entitlement	Maximum volume of water that may be taken in one water accounting year which is listed on the licence and may vary from time to time (increase or decrease) as specified.
significant licence application	A licence application for more than 3,000 ML/yr or 30% of the consumptive pool and has a projected timeframe for development of more than five years.
staged licensing conditions	A group of tailored licence conditions that release water for extraction incrementally in set stages over the term of the licence as conditions are met.

1. Purpose

To describe staged water extraction licences and their application in the Northern Territory.

2. Scope

This policy is to be read subject to the provisions of the Water Act 1992 and the Water Regulations 1992 and other relevant NT Government policies related to water resources.

This policy relates to the Controller's power to grant water extraction licences under sections 45 and 60 of the Act and the terms and conditions, which the Controller may specify in a licence document.

This policy applies to licence applications where:

- the application is a significant licence application, that is, the application is for more than 3,000 ML/yr or 30% of the consumptive pool and has a projected timeframe for development of more than five years
- there is limited development in the area and the behaviour of the water resources is not fully tested over the long term
- the project is a greenfield project or an expansion of an existing operation that will have different annual water requirements at different intervals or stages of the project
- the water allocated under a licence is required to support a detailed project development plan that is expected to take more than five years to deliver.

3. Policy statement

3.1. Staged water extraction licence

Staged water extraction licences allow for a project to have certainty that a water entitlement is available to support the project through its development and to maturity, while ensuring there are conditions in the licence that limit water entitlements against demonstrated achievement of project plan milestones and, where relevant, environment protection thresholds.

A staged licence sets conditions that align water requirements with planned project milestones.

Tailored licence conditions release water for extraction incrementally in set stages matched to those milestones over the term of the licence.

Licence conditions generally include a requirement to implement a monitoring and adaptive management plans. These conditions may also establish environment protection thresholds that the licence holder is required to meet.

Failure to meet project milestones or environment protection thresholds prevents the release of the next stage of water and may result in a reduction in the total maximum licenced entitlement for the duration of the licence.

Approval from the Controller is required before advancing from one stage to the next stage. The licence holder is required to demonstrate to the Controller that:

- licence entitlements are being used for its intended beneficial use and matched to the project's planned milestones
- the water resource is behaving as predicted
- the water resource is being managed within the environmental thresholds specified in the licence.

Regulation of staged licences is undertaken in accordance with Water Resource Division's Compliance and Enforcement Policy.

3.1.1. Transfer

Under the Act if the interest in the land to which a licence relates transfers to another person (e.g. the land is sold) the licence is also deemed to transfer.

These transfer provisions apply to staged water extraction licences.

The person to whom the licence transfers will be responsible for meeting the staged licence conditions.

3.1.2. Trading

The Trading licensed Water Entitlements Policy applies.

However, water may only be traded temporarily from the licence entitlement that is approved under a set stage.

4. Related documents

Related documents Available from the department's website at:

- <https://denr.nt.gov.au/water/water-management/water-allocation-plans>
- <https://denr.nt.gov.au/water/policy/water-allocation-policies>
- <https://denr.nt.gov.au/water/policy/water-licensing-policies>