

PRIORITISING WATER EXTRACTION LICENCE APPLICATIONS

1.0 PURPOSE

To guide the order in which applications for a water extraction licence subject to the provisions of the *Water Act (Act)* are ordinarily processed.

This policy applies from 1 December 2018.

2.0 SCOPE

This policy applies to the following applications for a licence in the Northern Territory:

- taking or using surface water under section 45 of the Act;
- taking ground water under section 60 of the Act; and
- increasing water under a licence in accordance with section 71A of the Act.

This policy is intended to be read subject to the operation of the Act and any applicable water allocation plan.

This policy does not apply:

1. if an alternative policy applies. For example the 'Darwin Rural Water Licensing Policy' applies to an existing water user seeking current water use volumes as defined in that policy. Such applications will be prioritised and assessed in accordance with the 'Darwin Rural Water Licensing Policy'.
2. to applications for the renewal of an existing water extraction licence if the application is lodged in accordance with regulation 15 of the Water Regulations; or
3. to applications for an increase to a water extraction licence which are as a result of, or associated with, a **Trade**.

The following rights to take or use water granted under the Act have priority in all circumstances and therefore these rights are not subject to this policy:

- the right to take or use water under a licence for the purposes of the **beneficial use** 'public water supply'; and
- the right to take or use water for the purposes of the beneficial use 'rural stock and domestic'.

3.0 CONTEXT

The intention of this policy is to provide transparent and documented information as to how the Department establishes the sequential order for the processing of applications for water extraction licences.

Processing applications for each water resource area in a sequential 'first-in, first-served' (**FIFS**) basis means that applications are assessed in the order in which they are lodged with the Department, for a particular water resource area. The term lodged is described below in section 4.1.

Processing applications on a FIFS basis is a practical and well-established approach to assessing multiple licence applications where there is a moderate level of competition for resources in a water resource area.

The FIFS approach ensures the assessment of later applications does not prejudice existing licence and statutory entitlements.

3.1. Powers and functions under the *Water Act*

The Act provides the overarching legislative framework for water management. Unless permitted by or under the Act, a person shall not, take or use surface water or take water from a bore, except in accordance with a licence granted under the Act.

An application for a water extraction licence is required to be lodged with the Department in the approved form. The application must be accompanied by information stipulated in the form, so the Controller of Water Resources can make a decision. If a person lodges an application with insufficient information to enable a proper decision to be made, the Department may return the application for proper completion. An application will not be accepted by the Department until all the requested information has been supplied.

In making a water extraction licence decision, the Controller must consider the relevant factors set out in section 90(1) of the Act.

4.0 POLICY STATEMENT

4.1. Accepting and lodging an application

Applications for a water extraction licence must be lodged in the approved form. Applications must include all information necessary so that the Controller can make a decision about the application. The date and time of the application being lodged will be noted on the application (or on the file relating to the application).

The Department will not accept applications that have been lodged without the necessary information to enable a decision to be made. Such an application will be returned to the applicant to enable the required information to be provided.

An application that contains the necessary information will be accepted for assessment by the Department. It will be recorded in the Department's *Water Act* Licensing and Permit System (WALAPS) at which time it will be allocated a unique reference number and date stamped. It is this date stamp that determines and order of precedence for assessment.

4.2. Prioritising applications

After a complete application is accepted by the Department and recorded in WALAPS assessment will commence. This will include verification of the water resource to which the application relates.

The application will then be assigned a position in the queue for the relevant water resource for processing.

When the application is placed in a queue, the applicant will be notified that the application has been accepted to be assessed.

Applications are then to be processed on a FIFS basis that is sequenced in order of the date and time of lodgement of the application, for each water resource area within the water control district.

4.3. Prioritising amended applications

An application cannot be “amended” by an applicant once it has been lodged and accepted for assessment by the Department, although minor amendments that arise as a result of the assessment process may be made.

In the event, that an applicant lodges an amended application or a further application to the Department (that is, an application which is materially different in nature or volume to an accepted application) that amended application or further application will be regarded as a new application. It will be prioritised for assessment in accordance with this policy as a new application, based on the date and time of its lodgement and subsequent acceptance by the Department.

4.4. Assessment of applications

A decision by the Controller of Water Resources (the **Controller**) to grant a water extraction licence is based on a range of relevant factors set out in section 90(1) of the Act.

A person aggrieved by a decision of the Controller may apply to the Minister for a review of the decision. Applications for review of a decision must be made in accordance with section 30 of the Act.

5.0 GLOSSARY

Term	Definition
beneficial use	Means the uses of water specified in section 4(3) of the <i>Act</i> . In summary those uses are: agriculture; aquaculture; public water supply; environment; cultural; industry; rural stock and domestic.
Controller	The Controller of Water Resources appointed under section 18 of the <i>Water Act</i> .
Trade	Trade is the transfer of all or part of a licensed water entitlement (and associated security level) from one licence to another licence.

water allocation plan	A water allocation plan declared under section 22B of the <i>Act</i> . The <i>Act</i> allows for the declaration of water allocation plans within water control districts. Water allocation plans detail the area and water resource, to which the plan applies, as well as the vision, objectives, strategies and performance indicators of the plan.
water allocation plan area	The area to which the water allocation plan relates.
water control district	An area declared to be a water control district under section 22 of the <i>Act</i> . A water control district is usually declared where there is a need for enhanced management of water resources to ensure the sustainability of groundwater reserves or river flows.
water resource	A water resource is a body of water either ground water or surface water that may be drawn upon to provide water for a beneficial use.

6.0 RELATED DOCUMENTS AND LEGISLATION

- *Water Act* and Water Regulations
- Darwin Rural Water Licensing Policy

7.0 DOCUMENT CONTROL

Document Control

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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	Change Details and Approver
1.0	30/11/2018	Northern Territory Government – New Policy