

Groundwater temporary trades (71T Dealings)

Impact on third-party bores and third-party consent

What is third-party consent for impact assessment?

It is the permission of a potentially impacted third-party to allow impact on their groundwater work as a result of a temporary trade ('Groundwater 71T dealings', allocation assignments) greater than the impact assessment threshold as determined by the Department of Climate Change, Energy, the Environment and Water (NSW DCCEEW).

The third-party consent process involves the trade applicant to seek consent from all identified potentially impacted third parties by obtaining signatures using a third-party consent form provided by WaterNSW when applicable.

The third-party consent will only apply if all other impact criteria pass the assessment, meaning the volume that can be traded in will be determined by all the impact criteria that apply.

Therefore, failure to obtain third party consent within 10 business days may result in either a refusal or a more reduced transfer amount being offered, subject to the rest of the impact assessment criteria as part of the final determination.

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Are all groundwater temporary trades assessed for impacts?

WaterNSW will only refer temporary trades ('Groundwater 71T dealings', allocation assignments) to the NSW DCCEEW where an impact assessment is required. Impact assessment referrals are made based on set guidelines. To assist you in understanding the process and the assessment requirements, please refer to the NSW DCCEEW [fact sheet](#).

What if the third-party is not available to sign the consent form?

WaterNSW assumes no responsibility if impacted third parties are unavailable or unable, under any reason, to review the consent at the time of assessment.

Failure to obtain third party consent within 10 business days may result in either a refusal or a reduced transfer amount being offered, subject to the rest of the impact assessment criteria as part of the final determination.

What is the NSW DCCEEW impact assessment threshold for third-party bores?

The impact assessment threshold for valid third-party groundwater works is an additional 2 meter or 3 meter impact depending on the aquifer type:

- Unconfined aquifers or groundwater sources that are in connection with surface receptors, like the Peel Alluvial and coastal sands groundwater sources apply a 2-meter impact assessment threshold.
- The Lower Lachlan Groundwater Source, a 2-meter impact assessment threshold applies.
- Semi confined or confined aquifers or groundwater sources, for example Lower Murrumbidgee Deep Groundwater Source and the majority of the Lower Namoi Groundwater Source, apply a 3-meter impact assessment threshold.

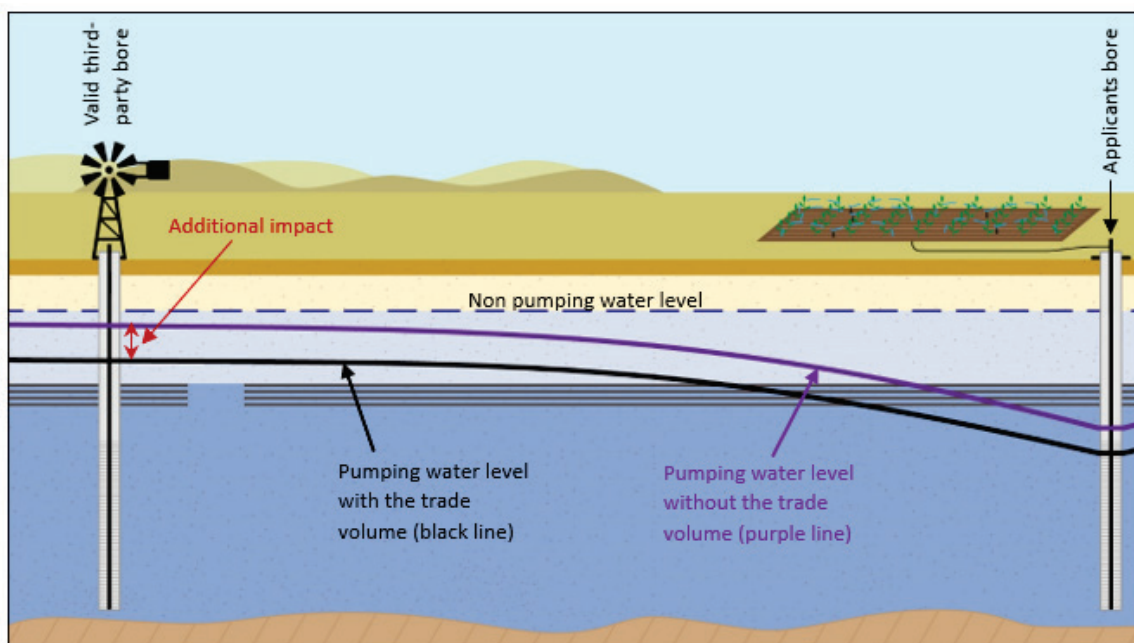
The third-party impact assessment criteria compares the pumping water level with and without the trade volume.

The closest valid third-party bore(s) in the same aquifer is assessed first. No further assessment is needed if the assessment criteria pass this first assessment. This is because the assessment is a distance drawdown assessment, so if the closest bore passes the impact assessment criteria than all bores further away will also pass.

Where third-party consent is considered and the closest valid third-party bore(s) does not pass the impact assessment criteria, then all relevant third-party bores in an increasing distance from the buyer's bore(s) are assessed. This is to identify all third-party bores that also fail the impact criteria.

The distance from an individual pumping bore that the impact assessment will be considered is not a standard number and cannot be pre-determined. This is because the radius of potential impact depends on the volume pumped, the proximity between bores, and the aquifer hydraulic parameters used in the assessment. The assessment accounts for all relevant surrounding third-party bores that fail the assessment criteria.

The diagram below explains the criteria using a single buyer bore and third-party bore. The criteria can apply to multiple third-party bores at different distances from the applicant bore.



What is deemed valid third-party groundwater work by the NSW DCCEEW and WaterNSW?

For groundwater temporary trades, a 'valid third-party work' means any groundwater work (that is, a bore, well, or spearpoint) not owned or legally managed by the applicant (that is, the temporary trade buyer).

For the third-party works to be valid, they must have a work approval that is not expired or surrendered.

While NSW DCCEEW does check the surrounding properties for ownership as part of impact assessment, it is not always obvious that nearby properties are owned or managed by the same person or company that is doing the trade.

If you own or legally manage multiple properties in the vicinity of the property you are temporary trading water too, including a list of all your lots or property IDs will assist NSW DCCEEW in identifying what third-party works should be assessed for potential impact.

What else is considered in the NSW DCCEEW impact assessment for groundwater temporary trades?

Applications that are referred for impact assessment to NSW DCCEEW are assessed against assessment criteria that consider the groundwater source and type of aquifer being accessed by the applicant (buyer's) works.

The impact assessment criteria that apply depend on the type of aquifer or groundwater source:

- Unconfined systems, for example shallow aquifers in connection with surface receptors like the Peel Alluvium and coastal sands groundwater sources, shallower parts of the larger alluvial systems, and parts of porous and fractured rock systems, the following impact assessment criteria apply where applicable:
 - impact on third-party works, impact on surface receptors such as groundwater dependent ecosystems and surface water sources, and impact on saltwater intrusion.
- Semi-confined/confined alluvial systems, for example the Lower Murrumbidgee Deep Groundwater Source, parts of Lower Gwydir Groundwater Source, the following impact assessment criteria apply:
 - impact on third-party works and impact on the aquifer.
- Semi-confined/confined porous and fractured rock systems:
 - impact on third-party works criteria apply and groundwater dependent ecosystems where applicable.
- Great Artesian Basin the following impact assessment criteria apply where applicable:
 - impact on third-party works, impact on the aquifer, and impact on groundwater dependent ecosystems.

NSW DCCEEW use a distance-drawdown impact analysis tool to undertake the assessment. The following factors are considered in the impact assessment:

- The impact is assessed over a 12-month period.
- The impact of pumping from the applicant's bore(s) only is considered (that is, the assessment does not include the cumulative impact of third-party production bores pumping in the area).
- The pumping period for irrigation bores is assumed to be 182 days for the purpose of the assessment. A different pumping schedule (such as 365 days) may be considered for example, for town water supplies and industrial use etc where known.

- The most recent recovered water level that is relevant to the buyer's bores is considered in the assessment (where this information is available).
- Hydraulic parameters relevant to the groundwater source and aquifer type at the buyer's bores are applied in the assessment.
- The best available information is used to inform hydraulic parameters and is sourced from; local pumping test data, regional model parameters and/or other assessments done in the area where available, or textbook values where no other data is available.