

Questions and Answers for Drillers

Staged repeal of the Water Act 1912

Approvals for water bores to take water for domestic and stock purposes under a basic landholder right

What has changed?

- Since 28 February 2011, all landholders across New South Wales wanting to construct a water bore¹ to take groundwater from an aquifer under their domestic and stock right have been required to obtain a **water supply work approval** under the *Water Management Act 2000*.
- Landholders previously either required a licence under the *Water Act 1912* or a water supply work approval under the *Water Management Act* to take groundwater under their domestic and stock right (depending on whether or not the water source was governed by a water sharing plan). This change means there is now only one, rather than two, regulatory frameworks applying to the same type of water extraction and use.

What is a domestic and stock right for groundwater under the Water Management Act?

- Owners or occupiers of landholdings above an aquifer are entitled to take groundwater for domestic consumption and/or for stock watering. This is called a *domestic and stock right*.
- Water taken under a domestic and stock right may be used for normal household purposes around the house and garden and/or for drinking water for stock. It cannot be used for irrigating fodder crops for stock, washing down in a dairy or machinery shed, intensive livestock operations (such as feedlots, piggeries or battery chickens), aquaculture or for commercial purposes (including caravan parks or large-scale bed and breakfast accommodation) other than for the personal use of the proprietors.
- While landowners or occupiers do not need a water access licence to take water under a domestic and stock right, they still need to apply for and receive consent to construct a water bore under a water supply work approval.
- Application forms for this approval are available on the website at www.waturnsw.com.au

¹ Under the *Water Management Act 2000*, a water bore means a bore that is used:

- (a) for the purpose of finding an aquifer, or
 - (b) for the purpose of testing the production capacity or water quality of an aquifer, or
 - (c) for the purpose of taking water from, or discharging anything into, an aquifer, or
 - (d) for any other purpose prescribed by the regulations,
- being a bore that has been artificially created, widened, lengthened or modified by means of drilling, boring, augering, digging or jetting.

What is the purpose of the staged repeal of the Water Act 1912?

- The purpose of the staged repeal of the Water Act is to improve water management by ensuring all water sources across New South Wales are governed under the one regulatory framework, being the Water Management Act, as soon as possible.

Why do it this way?

- The repeal of the Water Act is tied to the rollout of water sharing plans to manage all water sources across New South Wales under the Water Management Act. This rollout of water sharing plans will continue over the next few years.
- These regulatory changes will ensure consistent, fair and equitable fees, assessment procedures and offence provisions for the same type of water extraction and use across New South Wales.

Is there any effect on bore licences previously issued under the Water Act?

- Water Act licences to use water for domestic and/or stock purposes that were previously issued to owners and occupiers of landholdings overlying an aquifer have become '**deemed approvals**' under the Water Management Act. The licence numbers and conditions will stay the same until commencement of the water sharing plan. No fee will apply to this change.
- We will notify landholders of the terms of their new water supply work approval following the commencement of a water sharing plan for the aquifer from which they are taking water.
- This change will not affect water users who hold a Water Act bore licence that authorises water to be taken for domestic and/or stock use from an aquifer that is **not** underlying their landholding. These licences do not fulfil requirements for a domestic and stock right under the Water Management Act.

How much is the application fee for a water supply work approval for a bore under a basic landholder right?

- Application fees are determined by the Independent Pricing and Regulatory Tribunal. Information on fees is available on the website at www.watnsw.com.au.

Who can construct bores?

- Only drillers holding a current driller's licence issued by the WaterNSW can construct a bore to take water for domestic and stock purposes. Drillers are required to carry their licence with them. Additionally, the licence class must be appropriate for the type of drilling to be undertaken.
- It is illegal to construct a bore if there is no valid water supply work approval and you are advised to check that the landholder has been granted the approval under the Water Management Act or they had been granted a former Part 5 Water Act licence before you construct the bore.

How do I know the water supply work approval has been issued?

- Drillers can ask the landholder or occupier for a copy of the water supply work approval and must check the approval and conditions before they construct the bore. If there is any doubt about whether a water supply work approval has been issued contact WaterNSW.

Are there any standards or guidelines on drilling bores?

- Yes – WaterNSW recommends that the driller constructs the bore to the minimum requirements set out in guidelines, Minimum construction requirements for water bores in Australia, which are available at www.adia.com.au.

Do I have to submit a 'Form A' for bores drilled under new approvals?

- Yes, 'Form A – particulars of completed works' is required for all completed bores.

What are the penalties for constructing a bore without an approval?

- Constructing or using a water supply work without a water supply work approval or in breach of the approval conditions is an offence under the Water Management Act.
- There are significant financial penalties for breaches of the Water Management Act. In addition the WaterNSW can issue directions including to stop construction of the work. For more information go to www.waternsw.com.au/customer-service/compliance.

Where can I find more information?

For more information about basic landholder rights, water supply work approvals, water licensing and drilling go to www.waternsw.com.au.

The NSW Legislation website at www.legislation.nsw.gov.au/maintop/epub includes a copy of the Water Management (Water Bores for Domestic Consumption and Stock Watering) Proclamation 2011 (2011-104).

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