

# Legal obligations when developing water resources on Eyre Peninsula



## Surface water

### Construction of large dams

Any proposed large new dam "where the dam is to have a capacity exceeding 5 megalitres" or where the dam wall will have "a finished height greater than 3 m above the natural surface of the ground", is legally defined as development in SA<sup>1</sup>. As such, a Development Application must be made under SA's planning and development system, and development approval must be received before construction commences. You should check your District Council's website for information about Development Applications.

As your Development Application will be referred to the Eyre Peninsula Landscape Board for "expert assessment and direction"<sup>2</sup>, contact the EP Landscape Board early in your planning, for information about farm dams<sup>3</sup> and water affecting activities, before making your Development Application.

#### Contact and resources for the EP Landscape Board:

[www.landscape.sa.gov.au/ep/contact](http://www.landscape.sa.gov.au/ep/contact)

[www.landscape.sa.gov.au/ep/water-activities](http://www.landscape.sa.gov.au/ep/water-activities)

E: [EPLBadmin@sa.gov.au](mailto:EPLBadmin@sa.gov.au)

T: 8688 3200

As the large new dam proposal will be assessed under SA's planning and development system, a separate Water Affecting Activity permit from the EP Landscape Board will not be required. Instead, the formal Development Application must be made to PlanSA.

Contact PlanSA: [plan.sa.gov.au/contact\\_us](http://plan.sa.gov.au/contact_us)

To make an application: [plan.sa.gov.au/development\\_applications](http://plan.sa.gov.au/development_applications)

### Construction or modification of small to medium dams

For dams which are not development (see above), and which are located in a 'Priority Catchment' on southern Eyre Peninsula (administered via Hundreds), a Water Affecting Activity permit is legally required from the EP Landscape Board before you commence these works. The Board's *Water Affecting Activity Control Policy* provides further information. Contact the Board early in your planning process, to incorporate any requirements into your siting and design considerations.

<sup>1</sup> *Planning, Development and Infrastructure (General) Regulations 2017*, Schedule 4, clause 11

<sup>2</sup> 'Planning & Design Code', Part 9 – Referrals

<sup>3</sup> 'Farm Dams – A guide to siting, design, construction and management on Eyre Peninsula' (85 pp)

## Construction of lined trenches or modified water harvesting catchments

A Water Affecting Activity permit from the Eyre Peninsula Landscape Board will be legally required before commencement, if:

- the lined trench will catch runoff from land, and not just from building roofs, and it is in a 'Priority Catchment' (see previous section)
- the lined trench or modified water harvesting catchment (e.g. a sheeted catchment) is planned to be located in a watercourse (e.g. a flow line) or other water body.

Contact the EP Landscape Board early in your planning process.

Development approval may be required, for example, for large, sheeted catchments that will be highly visible to the public. Check your District Council and PlanSA websites.

## Other water affecting activities

The Board's *Water Affecting Activity Control Policy* provides information on a range of other activities that legally require a Water Affecting Activity permit.

## Groundwater

### Constructing a new well or modifying an existing well

The drilling of a well (borehole), and any excavation deeper than 2.5m to access groundwater, legally requires a well permit from the Department for Environment and Water (DEW) before commencement. A well permit is also required before changes are made to an existing well.

**Contact DEW's Water Licensing Branch:**

[www.environment.sa.gov.au](http://www.environment.sa.gov.au) (*search well drilling permits*)

**T: 8735 1134**

**Apply for a well permit on mywater portal: [www.environment.sa.gov.au/mywater](http://www.environment.sa.gov.au/mywater)**

The work must legally be conducted by, or be supervised by, a well driller who is licensed by DEW. Before making any commitment to obtain work from a well driller, a current well driller's licence should be sighted.

### Cleaning out an existing groundwater soak

A Water Affecting Activity permit is not required for desilting an existing groundwater spring or soak, as long as certain requirements are met - see Principle 28 on page 11 of the *Water Affecting Activity Control Policy (2022)* - or contact the Eyre Peninsula Landscape Board (see page 1).

### Native vegetation clearance

Water resource developments may require native vegetation to be cleared, which needs legal approval before commencing.

**Contact DEW's Native Vegetation Branch:**  
[www.environment.sa.gov.au/native-vegetation](http://www.environment.sa.gov.au/native-vegetation)

**E: [NVC@sa.gov.au](mailto:NVC@sa.gov.au)**  
**T: 8303 9777**

In the absence of this or other legislative approvals, a Water Affecting Activity permit from the EP Landscape Board may be required to destroy vegetation in a watercourse – see Table 2 and Principles 26 and 49 of the *Water Affecting Activity Control Policy (2022)*, which can be found on the EP Landscape Board's water affecting activities page (see contact box on page 1).

A J Solomon, February 2026