

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 SA¹. 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 contact your District Council for local advice about Development Applications.

As your Development Application will be referred to the Eyre Peninsula Landscape Board for “expert assessment and direction”², contact the EP Landscape Board early in your planning and address any concerns they have before making your formal Development Application to PlanSA.

Contact and resources for the EP Landscape Board:

www.landscape.sa.gov.au/ep/contact

www.landscape.sa.gov.au/ep/water-activities

E: 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 Plan SA: plan.sa.gov.au/contact_us

To make an application: plan.sa.gov.au/development_applications

Construction or modification of small to medium dams

For dams which are not development (see above), and you are located in a ‘Priority Catchment’ (administered via Hundred boundaries) on southern Eyre Peninsula, a Water Affecting Activity permit is legally required from the EP Landscape Board before you commence these works. Contact the Board early in your planning process, as per ‘EP Landscape Board contact and resources’ listed above.

¹ Planning, Development and Infrastructure (General) Regulations 2017, Schedule 4, clause 11

² Planning & Design Code, Part 9 – Referrals

Construction of lined trenches or modified water harvesting catchments

A Water Affecting Activity permit from the Eyre Peninsula Landscape Board may be legally required before commencement, depending on:

- 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)
- if the lined trench or modified water harvesting catchment (e.g. a sheeted catchment) is planned to be located in a watercourse (e.g. a gully), wetland or other water body*

* To check, go to the 'NatureMaps' website, click 'START using NatureMaps', click 'Layer View', tick 'Cadastral Information' and then 'Cadastral Boundaries', tick 'Water' then 'Surface Water' then 'Water Courses' then 'Water Bodies', then zoom into the map to see if there is a blue line (watercourse) or blue hatched area (water body) at the site on your land parcel.

Contact the EP Landscape Board early in your planning process.

Development approval may be required, for example, for large, sheeted catchments that will be visible to the public. Contact your District Council for local advice, early in your planning process.

Groundwater

Constructing a new well or modifying an existing well

The drilling of a well (borehole), and any excavation 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 (search well drilling permits)

T: 8735 1134

Apply for a well permit on mywater portal: 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

E: 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 *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).

May 2025