

Water Affecting Activities: Contractor obligations

Do you own a business, or operate machinery that constructs dams, watercourse crossings or drainage channels, or other types of constructions or earthworks in a watercourses or wetland? If so, this factsheet has important information for you.



Are you a contractor?

Or perhaps a developer, who might undertake works in or near watercourses, wetlands and swamps or be constructing a dam? If so, it is important that you sight, or obtain a Water Affecting Activity permit prior to works commencing.

Permits

Water affecting activity (WAA) permits are legal authorisations which are required to undertake or construct certain works or structures in watercourse, wetlands or swamps and dams. WAA permits are law under the *Landscape South Australia Act 2019* and are issued with specific conditions that must be met.

Activities requiring permits

The Regional Landscape Plan determines what type of WAA require a permit, these include but are not limited to;

- The construction or enlargement of dams, or other structures that collect or divert water.
- Building of structures, including erosion control works, construction of water crossings, dumping of material and reclaiming land.
- Excavating material from a watercourse, lake or floodplain, including the removal of sand or gravel, construction of or cleaning out drainage channels and salt mitigation works.
- Destroying vegetation in a watercourse, lake or floodplain, e.g. removal of reeds and some weed infestations.
- Draining or discharging water into a watercourse, lake or wetland, including stormwater outlets, drainage connectors and drill hole discharges.

Whose responsibility?

It is the responsibility of landholders, owners of infrastructure or principle project delivers to gain permits to undertake WAA. However contractors can apply for permits on behalf of a person who wants to undertake a WAA.

Permit Applications

We recommend that permit applications are lodged at least 2 months prior to works commencing. The time taken to process the application depends on the nature of the activity, the time of year and the level of detail provided in the application. Permit applications are assessed against the relevant policies within the Regional Landscape Plan.

More information is available in the factsheet titled, *Permits: Water Affecting Activities* available at www.landscape.sa.gov.au/ep/water.

Do the works have permit approval?

It is illegal to undertake a water affecting activity without permit approval. Sub-contractors can also be liable if they engage in works that are not authorised. However this risk can easily be avoided by simply asking to sight a valid permit or by calling the EP Landscape Board or a Water Resources Officer to ask for advice on whether a permit has been issued or if the activity needs a permit.

Why are water affecting activities regulated? Management of WAA is needed to protect water resources, catchment hydrology, all water users and water dependent ecosystems from the potentially adverse effects of such activities. These water resources include watercourses, lakes or wetlands, floodplains, swamps, dams, springs, soaks, groundwater, wells, and other water sources.

If you are contracted to undertake a water affecting activity, it is important to sight or gain valid permit.

What does a permit look like?

Below is an example of a permit. When checking a permit approval, there are a few important checks to make. In the example, these have been circled in red, and a description provided.

PERMIT TO UNDERTAKE A WATER AFFECTING ACTIVITY

EYRE PENINSULA NATURAL RESOURCES MANAGEMENT BOARD
PO Box 2916
Port Lincoln SA 5606

Permit Number: E11ABC Expiry Date: 10/08/2011

Permission is hereby granted to:
JOSEPHINE BLOGGS

To undertake the following water affecting activity:
Activity: Construct a two Megalitre dam

CONDITIONS:

- The activity authorised by this permit must only be undertaken on the land described below:
CT 123 / 456
Section 241
Hundred of LINCOLN
- The permit holder must advise the Board of the completion of the activity within 7 days of completing the activity by submitting the WAA Works Completion Advice Form.
- The dam must be constructed to a water holding capacity of no greater than 2 Megalitres.**
- There must be a minimum distance of 20 metres between a watercourse or well and the fuelling site for machinery used to undertake the construction of the dam.
- The height of the dam wall must not exceed 3 meters from the natural surface of the land.**
- The construction of the dam must be undertaken in a manner that prevents silt or sediments leaving the site including, but not limited to, the use of erosion and sediment control measures such as catch/diversion drains, re-vegetation, hay bale barriers, filter fences, sediment traps and basins.
- All works must be carried out in accordance with the permit application received by the Board and any additional information submitted relevant to that application.**

NOTES:

- Under section 202(1)(b)(i) of the Natural Resources Management Act 2004, you have a right of appeal to the Environmental Resources and Development Court against the imposition of any condition of this permit. The appeal must be instituted within six weeks of the date of permit issue. The appeal must also be served upon the Board within this time.
- This permit is not transferable.
- In South Australia, native vegetation is protected by the Native Vegetation Act 1991. In most cases, the clearance of native vegetation requires the consent of the Native Vegetation Council.
- The issue of this permit does not negate the requirement to comply with the provisions of other Acts that may impact on the activity undertaken pursuant to this permit.

TAKE NOTE that the permit holder, or a person acting on behalf of the permit holder, who contravenes or fails to comply with a condition of this permit is guilty of an offence, and such acts or omission may result in the variation, suspension or revocation of the permit.

11/08/2011
Date **Regional Manager, Eyre Peninsula NRM Board**

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Activity:

The activity cited on the permit is deliberately specific. The activity you are being contracted to undertake must match the description on the permit.

Land on which activity is permitted:

Check to make sure that the land you are being contracted to undertake work upon matches that on the permit.

Height of dam wall:

It is important to remember that a dam with a wall height over 3 metres requires development approval. When constructing a dam it is important to keep this in mind, as building higher than 3 metres constitutes a breach of the *Development Act 1993*.

Signed and dated:

Check to make sure that the permit is signed and dated.

Penalties may apply!

Ensure that you or your business are not be in breach of the Landscape Act and always work under a valid permit approval. If unsure whether the works you have been contracted to complete will require a permit, or if a permit has already been issued, please contact a Water Resources Assessment Officer. The serving of protection orders or criminal/civil enforcement notices may be undertaken by the Board for breaches of the Landscape Act. Financial penalties or prosecution may also apply.

Contact us

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86 Tasman Tce, Port Lincoln SA 5606
T. (08) 8688 3111 | F. (08) 8688 3110
E: ep.landscapeboard@sa.gov.au
www.landscape.sa.gov.au/ep

Permit Number:

This is a unique identifier. Refer to this number when seeking advice.

Expiry Date:

Permits are generally valid for 12 months. An expired permit is not a valid authorisation for works to be undertaken.

Permission is hereby granted to:

Make sure the name of the permit corresponds to that of the correct person or company.



Government of South Australia
Eyre Peninsula Landscape Board

