

Dams

OBLIGATIONS UNDER THE LANDSCAPE SOUTH AUSTRALIA ACT 2019



Are you thinking of building a new dam, deepening or enlarging an existing dam or cleaning out an on-stream dam?

These are just some examples of “Water Affecting Activities” (WAA) that may require a permit. This fact sheet provides important details on farm dam development and your obligations under the Landscape South Australia Act 2019 (the LSA Act).

Why control dam development?

New dam development can impact on existing water users and water-dependent ecosystems, and must be managed in a way that balances these existing needs with those for new development.

If there were no controls for the building of dams a number of problems could result:

- Reduced flows to downstream users;
- Reduced flows or changes to the timing of flows to ecosystems that depend on a certain flow regime;
- Erosion and/or sedimentation; and
- Increased salinity.

Rules are needed to protect existing downstream users and to ensure the resource is shared equitably between all water users and the environment, including native vegetation and native fauna.

Permit requirements

The LSA Act provides for the control of various activities that affect water, and this includes farm dams. Such activities are controlled through permits issued by the Northern and Yorke Landscape Board (the Board).

Permit application forms can be obtained from the Landscape SA NY Board website <https://www.landscape.sa.gov.au/ny/water/water-affecting-activities> or a Board office.

Permit applications should be lodged, with the prescribed fee, to the Board. **If the dam wall is higher than three (3) metres above the natural ground surface, or has a capacity greater than five (5) megalitres, a development application must be lodged with the local Council, rather than a WAA permit application.**

Note: If the local Council authorises the dam then a separate WAA permit is not required.

How long does it take?

Apply for your permit at least two months before you intend to undertake the activity. The time taken to process the application depends on the quality of the application, the nature of the activity and the time of year. Permits are usually valid for one year from date of issue.



Government of South Australia
Northern and Yorke
Landscape Board



Definitions for Farm Dams

What is an off-stream dam?

A dam, wall or other structure that is not constructed across a watercourse or drainage path and is designed to hold water diverted, or pumped, from a watercourse, a drainage path, an aquifer or from another source. Off-stream dams may capture a limited volume of surface water from the catchment above the dam.

What is an on-stream dam?

A dam, wall or other structure placed, or constructed on, in or across a watercourse or drainage path for the purpose of holding and storing the natural flow of that watercourse or the surface water.

What is a low flow bypass?

A low flow bypass is a structure, such as a small weir, used to direct low stream flows around dams and back to their normal course of flow. In this way, some water remains available to downstream environments, which may include fish, frogs and vegetation (this is known as an environmental flow). A low flow bypass is one of the many conditions that may be enforceable on your permit to construct an on-stream dam.

Criteria for issuing permits

During the assessment of a dam application, the Board often seeks comments from the local Council, which may result in further information being required before the application is considered.

The WAA Principles and Water Allocation Plans set out the relevant policies and principles by which any application for a farm dam will be assessed. These will vary across the Northern and Yorke region depending on the property location.

Some examples of the principles which guide farm dam development may include low flow bypasses for all on-stream dams; the construction of off-stream dams only; and avoiding ecologically sensitive areas or areas prone to erosion and salinity.

These principles cover criteria including (but not limited to);

- local soil conditions and salinity;
- remnant vegetation;
- aquatic ecosystems;
- dam construction and design;
- the number and size of dams;
- minimum flow requirements;
- impacts on downstream users;
- habitat for threatened species; and
- special criteria relating to on-stream dams.

A Board Officer may undertake a site inspection to determine if the site of the proposed dam is ecologically sensitive or prone to erosion and salinity.

Penalties may apply

Ensure you are not in breach of the LSA Act!

Undertaking a WAA without a permit or in breach of the permit conditions is an offence under the LSA Act. If you are unsure whether the works you are proposing to do will require a permit, call the Board for advice before undertaking any works.

The serving of protection orders or criminal/civil enforcement notices may be undertaken by the Board for breaches of the LSA Act.

Financial penalties or prosecution may also apply.

Note: WAA Permits do not allow for the taking of water in prescribed areas. This is dealt with separately by the issuing of a water licence. For more information in relation to water licensing, please refer to the website <https://www.waterconnect.sa.gov.au/Water-Management/Licences-and-Permits/SitePages/Home.aspx> or contact the Board.

Other Landscape SA N&Y Fact Sheets

Water affecting activities

Watercourse crossings

Best practice management for springs, soaks and waterholes

For more information

Northern and Yorke Landscape Board

155 Main North Road

Clare SA 5453

Ph: (08) 8841 3444

Hours: Monday-Friday, 9am-5pm

<https://www.landscape.sa.gov.au/ny/home>



Government of South Australia

Northern and Yorke
Landscape Board

