

Get up to date with waterpoint approvals on SA's pastoral land

Infrastructure development and maintenance is a vital part of running a successful pastoral business and contributes to good land management.

You are likely to need approval from the Native Vegetation Council, Landscape Board and other bodies if you are expanding waterpoints or establishing new waterpoints.

Waterpoints are a permanent or semi-permanent source of drinking water for stock and may be naturally occurring (i.e. springs, waterholes) or constructed (i.e. troughs and dams). It is critical that waterpoints are appropriately located and maintained in proper working order to ensure that stock have access to adequate water and to enable effective management of grazing pressure.

DID YOU KNOW?

- Installation of new, or modification of existing waterpoints and associated infrastructure (i.e. wing banks, walls and diversion structures) may require approvals under several different pieces of legislation, including:
 - *Landscape South Australia Act 2019*
 - *Native Vegetation Act 1991*
 - *Native Title Act 1993*
 - *Aboriginal Heritage Act 1988*
 - *Environmental Protection and Biodiversity Conservation Act 1999*
 - *Planning, Development and Infrastructure Act 2016*
- Native Vegetation Council (NVC) approval is likely to be required if waterpoints are expanded or new waterpoints are established.
- If development of new waterpoints increases the potential carrying capacity of your lease, approval from the Pastoral Board is required to vary the lease's stock maximum prior to increasing stock levels. Below are summaries of the approvals and considerations that are required under the different legislation.



Native Vegetation

Installing new waterpoint infrastructure or modifications to existing infrastructure may require approvals under the *Native Vegetation Act 1991*, for clearance associated with the infrastructure itself as well as the associated changes to grazing practices. Activities may include:

- Constructing a new dam and expansion of an existing dam:
 - Requires approval from the Native Vegetation Council (NVC).
 - Note no approval is needed to clear vegetation to repair or maintain an existing dam's structure and integrity.
- Installation of a new trough or infrastructure to catch water (i.e. wing bank, levies) and lay new pipelines:
 - If clearing native vegetation, approval is required.
- Drilling a new bore:
 - Investigation bores require approval under section 28 Native Vegetation Act.
 - If forming part of infrastructure consider the assessment pathway in the guideline.
- New vehicle tracks (i.e. to new waterpoints):
 - Clearance to maintain or establish a new vehicle track is permitted but the NVC is required to be notified. This can be achieved on the online notification portal.



DID YOU KNOW?



The addition of any new waterpoints may constitute a change in grazing practices and require further approvals (in addition to approvals for the clearance associated with the infrastructure).

- If there are ongoing practices with no appreciable change in grazing:
 - allowed under Regulation 8
 - no approval under Regulation 11 is required.
- If as a result of the development of new waterpoints you:
 - Graze a different stock species
 - Increase the number of domestic stock
 - Graze in a different manner or rate, even if it is the same species.

These are considered changed grazing practices and:

- If grazing is proposed outside of an existing watered area, and it is likely to have been previously grazed with some intensity, a management plan is required.
- If expanding the land available for grazing a clearance application is required.

Native Vegetation Branch

P: (08) 8303 9777

E: NVC@sa.gov.au

W: www.environment.sa.gov.au/topics/native-vegetation

Water Affecting Activities

Water affecting activities (WAA) are activities that have the potential to adversely affect the health and condition of surface water resources (including watercourses, lakes, wetlands, floodplains and dams), water or ground dependent ecosystems, and other water users. Regional landscape boards regulate these activities through Water Affecting Activity Control Policies, which outline activities that may require a permit.

Some of the activities that may require a permit, particularly for provision of water for stock, include but are not limited to:

- The construction, modification (including enlargement) or removal of dams or structures to collect or divert water, e.g.
 - Installing a new on-stream or off-stream dam.
 - Expanding the size of an existing dam.
 - New, or modifications to, wing banks, walls and diversion structures for water collection.
 - Desilting a dam (unless the maximum holding capacity of the dam doesn't change, or removed material is not deposited in a watercourse, lake or floodplain).
- Building structures, or obstructing, or depositing solid materials in a water course, lake or floodplain (e.g. for erosion control, planting vegetation, construction of water crossings, or dumping material).
- Excavating material from a watercourse, lake or the floodplain of a watercourse (such as excavating or cleaning soaks, rock holes, springs, waterholes, or on-stream dams).
- Taking water from a watercourse, lake, spring or waterhole.



Anyone planning to undertake the activities listed above should contact their regional Landscape Board for advice, prior to commencing work on new waterpoints or other WAAs.

If a permit is required, you'll need to submit an application to the relevant Landscape Board. Board staff will assess the proposed project against the principles of their WAA Control Policy and consider the risks of the project to the environment and other users. Assessments will also include consideration of Aboriginal Heritage, Native Title, threats to flora and fauna, native vegetation and biosecurity, however applications for these approvals are the responsibility of the applicant.

You can find your local Landscape Board [here](#).



Landscape South Australia – Eyre Peninsula

P: (08) 8688 3200
E: EPLBAdmin@sa.gov.au
W: www.landscape.sa.gov.au/ep/

Landscape South Australia – Murraylands and Riverland

P: (08) 8580 1800
E: mr.landscapeboard@sa.gov.au
W: www.landscape.sa.gov.au/mr/

Landscape South Australia – SA Arid Lands

P: (08) 8429 9666
E: SAALLandscapeBoard@sa.gov.au
W: www.landscape.sa.gov.au/saal/

Groundwater

The Department for Environment and Water (DEW) supports the sustainable management of water in South Australia by issuing licences and water allocations, measuring water use through metering, monitoring water levels/pressure and water quality, managing water in high demand areas and providing water for the environment.

Important water resources in South Australia are protected and managed by being ‘prescribed’ under the *Landscape South Australia Act 2019*, meaning it must be sustainably managed. If the water resource is prescribed, a water license will be required to take and use water from a prescribed water resource for most uses. Water Allocation Plans are the governing document for managing prescribed water resources and licenses are administered by DEW.



If you are planning an activity that could impact on a water resource or an ecosystem that depends on one, you may need a permit. This applies in both prescribed and non-prescribed water resource areas. Permits enable the below activities to be monitored and regulated to ensure our water resources remain sustainable into the future.

DEW’s Water Licensing Branch administers permits for the following activities:

- drilling, plugging, backfilling or sealing of a well*
- repairing, replacing or altering the casing, lining or screening of a well
- draining or discharging water directly or indirectly into a well
- using imported water** in the course of carrying on a business
- using effluent in the course of carrying on a business.

*‘wells’ are also known as ‘bores’; both terms are used interchangeably in this document.

**imported water is water that has been brought into the area/region by means of a pipeline, channel or water tanker (e.g. water from a desalination plant).

Further information on groundwater is available online [here](#).



Department for Environment & Water

Water licensing/Well Drillers Licence enquiries: (08) 8463 6876

Well Permits: (08) 8735 1134

State Drilling Inspector: (08) 8463 6841 or 0428 828 569

W: <https://www.environment.sa.gov.au/licences-and-permits/water-licence-and-permit-forms>

Aboriginal Heritage

The *Aboriginal Heritage Act 1988* protects Aboriginal remains and Aboriginal sites and objects. Aboriginal sites and objects are objects and areas of land that are of significance according to either Aboriginal tradition or Aboriginal archaeology, anthropology, or history (Aboriginal Heritage Act, section 3). It is the responsibility of all pastoral lessees to consider Aboriginal Heritage when undertaking works on their lease.

- It is an offence for a person, without the authority of the Minister for Aboriginal Affairs, to:
 - excavate for the purpose of uncovering any Aboriginal heritage (Aboriginal Heritage Act, section 21); and
 - damage, disturb or interfere with an Aboriginal site, object or remains (Aboriginal Heritage Act, section 23).
- In undertaking any works on land (or waters), a pastoral lessee needs to be aware of their obligation to not contravene the Aboriginal Heritage Act, *Native Title Act 1993* and any Indigenous Land Use Agreement (ILUA,) and seek independent legal advice as appropriate. Pastoral lessees can contact Aboriginal Affairs and Reconciliation (AAR) for further information.
- Native title rights may continue to exist over pastoral leases, and pastoral lessees could be obligated under the provisions of Native Title Act or a registered ILUA.
- Early engagement with AAR and the relevant Traditional Owners may assist in identifying whether Aboriginal heritage and/or native title rights is known to, or may, exist in an area of proposed works. Guidance can then be sought on avoiding damage, disturbance or interference with these areas.
- Should a pastoral lessee or their employee or agent discover an Aboriginal site, object or remains on their pastoral land they must stop work to avoid unlawful interference with the heritage and report the discovery to the Minister for Aboriginal Affairs as soon as practicable and comply with any direction from the Minister for the protection or preservation of the Aboriginal remains (Aboriginal Heritage Act, sections 20(1) and (3)).
- Native title and Aboriginal heritage are distinct and different laws, and where the area is determined native title land, early engagement could be commenced with the relevant Registered Native Title Body Corporate (RNTBC). The contact details for RNTBCs can be located on the [Office of the Registrar of Indigenous Corporations website](#).



Aboriginal Affairs and Reconciliation

P: (08) 7322 7057

E: AboriginalAffairsandReconciliation@sa.gov.au

W: www.agd.sa.gov.au/aboriginal-affairs-and-reconciliation

**For more information lessees can contact the Pastoral Unit on (08) 8429 0333
or DEW.Pastoral@sa.gov.au
www.environment.sa.gov.au/topics/landscape-sa/pastoral-leases-in-south-australia/pastoral-unit**

FAQ: What approvals do I need?

Why are approvals important?

Installation of new, or modification (including relocation) of existing waterpoints can be a valuable tool to improve pastoral production resilience through reducing grazing pressure in concentrated areas (e.g. where waterpoints are located close to fence lines) and enabling regeneration of degraded areas.

However, installation of new waterpoints to enable grazing in areas currently remote from water could impact on biodiversity and sensitive species in the rangelands (including both native plants and animals). It is therefore important to carefully plan waterpoint management activities and seek appropriate approvals.

Installing a new trough (including laying pipelines)

Approval may be required under the *Native Vegetation Act 1991* for several aspects:

- If clearing native vegetation to install pipelines and trough (i.e. physical footprint of trough and pipeline), approval is required.
- Depending on the location of the trough and subsequent effect on grazing practices, further approval under the Native Vegetation Act may be required:
 - If there are ‘ongoing practices’ with no appreciable change in grazing, no approval is required.
 - If the new waterpoint results in grazing an increased number of stock, or grazing in a different manner or rate, it is considered ‘changed grazing practices’ and may require a management plan.
 - If the new waterpoint expands the land available for grazing a clearance application is required.

Expanding the size of an existing dam

- Approval is required under the *Native Vegetation Act 1991* for clearance associated with the footprint of the dam.
 - Note no approval is needed to clear vegetation to repair or maintain an existing dam’s structure and integrity.
- Approval may be required under the *Landscape South Australia Act 2019* for expansion of a dam.
- Those proposing to undertake works need to be aware of requirements under other acts, including, but not limited to, the *Aboriginal Heritage Act 1988*, *Native Title Act 1993* and *Environment Protection and Biodiversity Conservation Act 1999*.

Creating a new wing bank (or levees for dam catchment (i.e. capturing watercourse flows))

- If clearing native vegetation approval is required under the *Native Vegetation Act 1991*.
- Approval may be required under the *Landscape South Australia Act 2019* for new wing banks or levees, or other structures used for diverting water.
- Those proposing to undertake works for new wing banks or levees, need to be aware of requirements under other acts, including, but not limited to, the *Aboriginal Heritage Act 1988*, *Native Title Act 1993* and *Environment Protection and Biodiversity Conservation Act 1999*.

Wing banks are diversion structures that extend from a dam, into a watercourse, to increase the diversion of water from a watercourse.

FAQ: What approvals do I need?

Installing a new dam (on-stream or off-stream)

- Approval is required under the Native Vegetation Act for:
 - Clearance associated with the footprint of the dam
 - Changed grazing practices
 - Expansion of land for grazing
- Depending on the size of the new dam, approval is required under the *Landscape South Australia Act 2019* or the *Planning, Development and Infrastructure Act 2016*.
- Those proposing to undertake works in relation to dams need to be aware of requirements under other acts, including, but not limited to, the *Aboriginal Heritage Act 1988*, *Native Title Act 1993* and *Environment Protection and Biodiversity Conservation Act 1999*.

On-stream dams, walls or other structures are those placed on or constructed across a watercourse or drainage path for the purpose of holding back and storing the natural flow of that watercourse and/or the surface water flowing along that drainage path.

Off-stream dams, walls or other structure are those not constructed across a watercourse or drainage path and are 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.

Desilting a dam

Approval under the *Landscape South Australia Act 2019* is not required if the desilting does not change the maximum holding capacity of the dam, and the removed material is not deposited in a watercourse, lake or floodplain.

Planning to take water from a watercourse, lake, spring or waterhole

- Approval may be required under the *Landscape South Australia Act 2019*.
- Those proposing to take water from natural water sources need to be aware of requirements under other acts, including, but not limited to, the *Aboriginal Heritage Act 1988*, *Native Title Act 1993* and *Environment Protection and Biodiversity Conservation Act 1999*.

Drilling a new bore and re-casing a bore

- A Well Permit is required for:
 - Drilling, plugging, backfilling or sealing of a well
 - Repairing, replacing or altering the casing, lining or screening of a well
- Work must be undertaken by a licensed driller.
- In addition, a separate water license may be required to take water.
- Approval under the *Native Vegetation Act 1991* may be required if clearing vegetation.

FAQ: What approvals do I need?

Installing new tracks that lead to new waterpoints

- Clearance to maintain or establish a new vehicle track (no more than 5m in width) is permitted, however the Native Vegetation Council is required to be notified.
- Requirements under other legislation including the *Aboriginal Heritage Act 1988*, *Native Title Act 1993* and *Environment Protection and Biodiversity Conservation Act 1999* should also be considered.

What if the activity I want to do isn't listed here?

- Please contact your regional Landscape Board for advice.

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or DEW.Pastoral@sa.gov.au**

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