

WATER ACT 1912—REGULATION

(Water (Part 5—Bore Licences) Regulation 1995)

NEW SOUTH WALES



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HIS Excellency the Governor, with the advice of the Executive Council, and in pursuance of the Water Act 1912, has been pleased to make the Regulation set forth hereunder.

KIM YEADON, M.P.,
Minister for Land and Water Conservation.

Citation

1. This Regulation may be cited as the Water (Part 5—Bore Licences) Regulation 1995.

Commencement

2. This Regulation commences on 1 September 1995.

Definitions

3. (1) In this Regulation:

“the Act” means the Water Act 1912.

(2) In this Regulation, a reference to a form is a reference to a Form set out in Schedule 1.

Application for Licence: sec. 113

4. (1) For the purposes of section 113 (1) of the Act, an application for a licence for a new bore or for enlarging, deepening or altering an existing bore must be in Form 1.

(2) For the purposes of section 113 (1) of the Act, the prescribed plans to accompany an application are plans showing:

- (a) the boundaries of the land occupied by the applicant; and
- (b) the site of the bore to be licensed; and
- (c) the boundaries of any land to be irrigated; and
- (d) the boundaries of the land of any other person to be supplied with water from the proposed works.

Form of licence: sec. 115

5. For the purposes of section 115 (1) of the Act, a licence under section 115 of the Act is to be in Form 2.

Application for renewal of licence: sec, 116

6. An application for renewed of a licence must be in a form approved by the Ministerial Corporation.

Licence fees: secs 115, 116

7. (1) For the purposes of sections 115 and 116 of the Act, the prescribed fee is:

- (a) \$48, for the issue or renewal of a licence for an artesian bore; or
- (b) \$151, for the issue or renewal of a licence for a bore, other than an artesian bore:
 - (i) if the water is proposed to be used for irrigation, industrial or recreational purposes; or
 - (ii) if the water is proposed to be used for town water supply purposes and not less than 60 megalitres per annum is proposed to be extracted.

(2) If a number of bores (not being artesian bores) are used by the same licensee for town water supply purposes and not less than 60 megalitres per annum is proposed to be extracted, a total fee of \$151 is payable for the issue or renewal of the licences for those bores.

Prescribed public authorities: see. 116A

8. For the purposes of section 116A (3) of the Act (nominal licence fees), the following are prescribed public authorities:

- A Department of the State
- State Rail Authority
- Olympic Co-ordination Authority

Forestry Commission

Pacific Power

A council of a local government area

A county council

Any board or joint committee in respect of works of water supply affecting more than one local government area

Payment of licence fee: sec. 116B

9. For the purposes of section 116B of the Act; the time prescribed for the payment of the fee for the issue or renewal of a licence is within 5 weeks after the date of notification by the Ministerial Corporation of the amount of the fee.

Water charges: sec. 117B

10. (1) For the purposes of section 117B (5) (c) of the Act, the maximum rate of the charge payable under section 117B (4) of the Act is:

- (a) if the water is used for town water supply purposes—\$1.62 per megalitre; or
- (b) if the water is used for irrigation, industrial or recreational purposes—\$4.85 per megalitre.

(2) For the purposes of section 117B (5) (d) of the Act, the charge referred to in section 117B (4) of the Act must be paid to the Ministerial Corporation within one month after a notice requiring payment has been served on the licensee:

- (a) by delivering it to the licensee; or
- (b) by leaving it at the property or premises on which the licensee resides or carries on business; or
- (c) by leaving it with a person apparently over the age of 14 years and apparently resident or employed on the property or premises on which the licensee resides or carries on business; or
- (d) by posting it to the licensee at the usual or last known place of residence or business of the licensee.

(3) For the purposes of section 117B (8A) (a) of the Act, the prescribed rate of interest is the rate for the time being prescribed under section 95 (1) of the Supreme Court Act 1970 for payment of interest on a judgment debt.

Payment of charges into Consolidated Fund: sec. 128

11. For the purposes of section 128 of the Act, all charges payable under Part 5 of the Act must be paid into the Consolidated Fund at the times and in the manner directed by the New South Wales Treasury Corporation.

Repeal

12. (1) The Water (Part 5) General Regulations are repealed.

(2) Any act, matter or thing that, immediately before the repeal of the Water (Part 5) General Regulations, had effect under those Regulations is taken to have effect under this Regulation.



SCHEDULE 1—FORMS

Form 1

(Cl. 4)

**APPLICATION FOR A BORE LICENCE UNDER PART 5 OF THE
WATER ACT 1912**

(Section 113, Water Act 1912)

SECTION 1

Applicant(s):

Surname: First Names:

Surname: First Names:

Postal Address:

..... Post Code: Telephone:

Progeny Address:

..... Post Code: Telephone:

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Location of work to be licensed	Portion/Lot/DP	Parish	County		
Nature of work to be licensed	<input type="checkbox"/> Proposed	<input type="checkbox"/> Alteration	Proposed depth in metres		
	<input type="checkbox"/> Existing Is application replacing an existing licence? <input type="checkbox"/> Yes <input type="checkbox"/> No	Is work to be altered already licensed? <input type="checkbox"/> Yes <input type="checkbox"/> No	Is work to replace an abandoned work? <input type="checkbox"/> Yes <input type="checkbox"/> No		
Details					
Type of work	<input type="checkbox"/> Bore <input type="checkbox"/> Spearpoints(s)	<input type="checkbox"/> Well <input type="checkbox"/> Artesian bore	<input type="checkbox"/> Excavation <input type="checkbox"/> Test bore		
Ultimate purpose for which water is to be used from the completed or converted work	<input type="checkbox"/> Stock <input type="checkbox"/> Domestic <input type="checkbox"/> Farming (Not irrigation)	<input type="checkbox"/> Waste disposal <input type="checkbox"/> Drainage	<input type="checkbox"/> Irrigation <input type="checkbox"/> Town water <input type="checkbox"/> Recreation <input type="checkbox"/> Sand and gravel washing <input type="checkbox"/> Industrial/commercial <input type="checkbox"/> Mining		
If application purpose is for town water, please provide in a separate sheet details of ALL existing town water bores and wells including: Bore No., Licence No., annual allocation and usage in megalitres.					
Complete if other landholders to be supplied with water	Name	Portion/Lot/DP	Parish	County	Purpose of supply

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SECTION 2 (complete this section if the application includes irrigation)

Description of property (from your rate notice or local Council)	Portion/Lot/DP	Parish	County	Total area in hectares	Is the property leased?
					<input type="checkbox"/> Yes <input type="checkbox"/> No
Details of crops to be irrigated	<input type="checkbox"/> Orchard <input type="checkbox"/> Vines <input type="checkbox"/> Other				Area in hectares
Any other irrigation from bores and wells	Number of bores and wells	Type of crop(s)			Area in hectares
Any other irrigation	From rivers, lakes etc. <input type="checkbox"/> Yes <input type="checkbox"/> No	Area authorised	From Ministerial Corporation channels <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No		Area authorised
	Details				

I/We apply for a licence to construct and use the works described above and to use the water obtained only for the purpose specified in the application.

Attached are:

1. PLANS showing:

- (a) the boundaries of the land occupied by me/us;
- (b) the site of the bore to be licensed;
- (c) the boundaries of any land to be irrigated;
- (d) the boundaries of the land of any other person to be supplied with water from the proposed works.

2. The prescribed FEE of \$

Dated this _____ day of _____ 19

Signature/s of applicant/s

Water Administration Ministerial Corporation.

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Form 2

(Cl. 5)

BORE LICENCE

(Section 115, Water Act 1912)

Date Issued _____ No. _____

Name and address of Licensee:

LOCATION OF LICENSED BORE

Portion/Lot/DP:

Parish:

County:

Nature and description of bore:

Purposes for which water may be used:

LOCATION OF LAND TO BE IRRIGATED

Portion/Lot/DP:

Parish:

County:

Area to be irrigated:	hectares	Period for which licence is issued:	Years
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Volume of water which may be taken annually: _____ megalitres

The bore described above and referred to in the application and plans deposited by the licensee is declared to be a licensed bore under the Water Act 1912.

This licence is subject to the terms, limitations and conditions, if any, set out in the attached statement.

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SCHEDULE 1—FORMS

EXPLANATORY NOTE

The object of this Regulation is to repeal and remake, without any major changes in substance, the provisions of the Water (Part 5) General Regulations. Part 5 of the Water Act 1912 relates to artesian wells and bore licences. The new Regulation deals with the following matters:

- (a) the forms of application for bore licences and renewal of licences and the forms of licences (clauses 4–6);
- (b) licence fees (clauses 7–9);
- (c) the payment of charges for water used by licensees (clauses 10 and 11);
- (d) other minor, consequential or ancillary matters (clauses 1–3 and 12).

This Regulation is made under Part 5 of the Water Act 1912, including section 129 (the general regulation making power) and sections 113, 115, 116, 116A, 116B, 117B and 128.

This Regulation comprises or relates to matters of a machinery nature.

This Regulation is made in connection with the staged repeal of subordinate legislation under the Subordinate Legislation Act 1989.
