

Water (Part 5--Bore Licences) Regulation 1995

As at 1 July 2018

See also:

Local Government Amendment (Parliamentary Inquiry Recommendations) Bill 2016
[Non-government Bill: Rev the Hon F J Nile, MLC]

1 Name of Regulation

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

2 Commencement

This Regulation commences on 1 September 1995.

3 Definitions

- (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.

4 Application for licence: sec 113

- (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.

5 Form of licence: sec 115

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

6 Application for renewal of licence: sec 116

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

7 Licence fees: secs 115, 116

- (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.

8 Prescribed public authorities: sec 116A

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

- A Department of the State
- Rail Corporation New South Wales
- NSW Trains
- Sydney Trains
- Sydney Metro
- Residual Transport Corporation
- Forestry Corporation
- 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

9 Payment of licence fee: sec 116B

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.

10 Water charges: sec 117B

(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 prescribed under section 101 of the *Civil Procedure Act 2005* with respect to the payment of interest on a judgment debt.

11 Payment of charges into Consolidated Fund: sec 128

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.

12 Repeal

- (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

(Clause 4)

APPLICATION FOR A BORE LICENCE UNDER PART 5 OF THE

(Section 113,)

SECTION 1

Applicant(s):

Surname:First Names:

Surname:First Names:

Postal Address:

Post Code:Telephone:

Property Address:

Post Code:Telephone:

Location of work to be licensed	Portion/Lot/ DP	Parish	County		
Nature of work to be licensed	Proposed	Alteration	Proposed depth in metres	Existing	
	Is work to replace an abandoned work?	Is work to be altered already licensed?	Is application replacing an existing licence?		
	Yes No	Yes No	Yes No		
Details					
Type of work	Bore	Well	Excavation		
	Spearpoints(s)	Artesian bore	Test bore		
Ultimate purpose for which water is to be	Stock			Sand	

used from the completed or converted work		Waste disposal	Irrigation	and gravel washing	Estimated annual usage in megalitres
	<input type="checkbox"/> Domestic		<input type="checkbox"/> Town water		
	<input type="checkbox"/> Farming (Not irrigation)	<input type="checkbox"/> Drainage	<input type="checkbox"/> Recreation	<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

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	Area authorised	From Ministerial Corporation channels	Area authorised	
	<input type="checkbox"/> Yes <input type="checkbox"/> No		<input type="checkbox"/> Yes <input type="checkbox"/> No		
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 thisday of19.

Signature/s of applicant/s

Water Administration Ministerial Corporation.

Form 2

(Clause 5)

BORE LICENCE

(Section 115,)

Date IssuedNo.

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
	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.

Historical notes

The following abbreviations are used in the Historical notes:

Am	amended	LW	legislation website	Sch	Schedule
Cl	clause	No	number	Schs	Schedules
Cll	clauses	p	page	Sec	section
Div	Division	pp	pages	Secs	sections
Divs	Divisions	Reg	Regulation	Subdiv	Subdivision
GG	Government Gazette	Regs	Regulations	Subdivs	Subdivisions
Ins	inserted	Rep	repealed	Subst	substituted

Table of amending instruments *Water (Part 5--Bore Licences) Regulation 1995* published in Gazette No 105 of 1.9.1995, p 6034 and amended as follows: *Olympic Co-ordination Authority Dissolution Act 2002 No 55*. Assented to 8.7.2002. Date of commencement, 1.7.2002, sec 2. *Transport Administration Amendment (Rail Agencies) Act 2003 No 96*. Assented to 10.12.2003. Date of commencement of Sch 3, 1.1.2004, sec 2 and GG No 197 of 19.12.2003, p 11271.

2005	No 28	<i>Civil Procedure Act 2005</i> . Assented to 1.6.2005. Date of commencement of Sch 5.50, 15.8.2005, sec 2 (1) and GG No 100 of 10.8.2005, p 4205.
2012	No 96	<i>Forestry Act 2012</i> . Assented to 21.11.2012. Date of commencement of Sch 4.52, 1.1.2013, sec 2 and 2012 (680) LW 21.12.2012.
2017	No 63	<i>Statute Law (Miscellaneous Provisions) Act (No 2) 2017</i> . Assented to 23.11.2017. Date of commencement of Sch 4.57, 14.1.2018, sec 2 (3).
2018	No 18	<i>Transport Administration Amendment (Sydney Metro) Act 2018</i> . Assented to 23.5.2018. Date of commencement, 1.7.2018, sec 2 and 2018 (275) LW 22.6.2018.

Table of amendments

Cl 8	Am 2002 No 55, Sch 1.14; 2003 No 96, Sch 3.25; 2012 No 96, Sch 4.52; 2017 No 63, Sch 4.57; 2018 No 18, Sch 2.22.
Cl 10	Am 2005 No 28, Sch 5.50.