

# Water (Part 5—Bore Licences) Regulation 1995

[1995-533]



New South Wales

## Status Information

### Currency of version

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### Provisions in force

The provisions displayed in this version of the legislation have all commenced.

### Authorisation

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New South Wales

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# Water (Part 5—Bore Licences) Regulation 1995



New South Wales

## 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 WATER ACT 1912

(Section 113, [Water Act 1912](#))

#### 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	
	<input type="checkbox"/> Proposed	<input type="checkbox"/> Alteration		<input type="checkbox"/> Existing
Nature of work to be licensed	Is work to replace an abandoned work?  <input type="checkbox"/> Yes <input type="checkbox"/> No	Is work to be altered already licensed?  <input type="checkbox"/> Yes <input type="checkbox"/> No	Proposed depth in metres	Is application replacing an existing licence?  <input type="checkbox"/> Yes <input type="checkbox"/> No
Details				
Type of work	<input type="checkbox"/> Bore <input type="checkbox"/> Well <input type="checkbox"/> Excavation <input type="checkbox"/> Spearpoints(s) <input type="checkbox"/> Artesian bore <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"/> Waste disposal <input type="checkbox"/> Domestic <input type="checkbox"/> Farming (Not irrigation) <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	Estimated annual usage in megalitres  
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 this                  day of                  19   .

Signature/s of applicant/s

Water Administration Ministerial Corporation.

**Form 2**

(Clause 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

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.