



Australian Capital Territory

# Water Resources Regulation 2007

## Subordinate Law SL2007-22

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The Australian Capital Territory Executive makes the following regulation under the *Water Resources Act 2007*.

Dated 31 July 2007.

JON STANHOPE  
Minister

KATY GALLAGHER  
Minister

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**Water Resources Act 2007**

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Authorised by the ACT Parliamentary Counsel—also accessible at [www.legislation.act.gov.au](http://www.legislation.act.gov.au)

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**1 Name of regulation**

This regulation is the *Water Resources Regulation 2007*.

**2 Commencement**

This regulation commences on the commencement of the *Water Resources Act 2007*.

*Note* The naming and commencement provisions automatically commence on the notification day (see Legislation Act, s 75 (1)).

**3 Dictionary**

The dictionary at the end of this regulation is part of this regulation.

*Note 1* The dictionary at the end of this regulation defines certain terms used in this regulation.

*Note 2* A definition in the dictionary (including a signpost definition) applies to the entire regulation unless the definition, or another provision of the regulation, provides otherwise or the contrary intention otherwise appears (see Legislation Act, s 155 and s 156 (1)).

**4 Notes**

A note included in this regulation is explanatory and is not part of this regulation.

*Note* See the Legislation Act, s 127 (1), (4) and (5) for the legal status of notes.

**5 Conditions of water access entitlements—Act, s 23 (1) (b)**

- (1) A water access entitlement is subject to the following conditions:
- (a) water to which the entitlement gives access may be taken only in accordance with a licence to take water that is based on the entitlement;
  - (b) water taken under a licence based on the entitlement must not be used on urban residential property;

- (c) for an entitlement to water for stock or domestic use—
    - (i) the water may be used only for that purpose; and
    - (ii) the water may be taken only from the place stated in the entitlement;
  - (d) for an entitlement to water in the Cotter or Googong catchment water management area—the water may be used only for urban water supply;
  - (e) for an entitlement granted under the Act, section 111 (Surviving allocations—surrender generally) that includes a statement under section 111 (4) (e) about where the water may be taken—the water may be taken only from that place.
- (2) The condition mentioned in subsection (1) (b) does not apply to—
- (a) an entitlement held by a water utility; or
  - (b) an entitlement that—
    - (i) was granted under the Act, section 111 (Surviving allocations—surrender generally) or section 202 (Water access entitlement for certain existing licence holders), whether or not it has been later transferred; and
    - (ii) allows the water to be used on a stated urban residential property.

**6 Exemptions from requirement for licence to take water—  
Act, s 28 (6) (e)**

- (1) On application, the authority may, by written notice given to a person, exempt the person from the requirement to hold a licence to take water for any of the following:

- 
- (a) the taking of water from hard surfaces at premises if it is to be used at the premises;

**Example**

rainwater that falls on the surface of a car park at premises could be collected into a small pond and used to irrigate part of the premises

*Note* An example is part of the regulation, is not exhaustive and may extend, but does not limit, the meaning of the provision in which it appears (see Legislation Act, s 126 and s 132).

- (b) the taking of water from a water body if it is to be used for road works or other construction;
- (c) the taking of leachate, or run-off containing impurities, from landfill if it is to be used for irrigation or other reuse on the landfill to retain the impurities within the landfill;
- (d) the taking of water from a water body on land if it is to be used for generating electricity for domestic use on the land and then returned to the water body;
- (e) the taking of water from a sediment retention pond if a sediment and erosion control plan provides for the pond;
- (f) the taking of water to be used for maintenance of stormwater drains or pipes;
- (g) the taking of water to be used for geothermal heating or cooling systems;
- (h) the taking of water to be used for testing a bore;
- (i) the taking of surface water to be used to establish trees or shrubs for non-commercial purposes on rural or public land.
- (2) The authority may give an exemption only if satisfied that giving the exemption will result in improved environmental outcomes or other public benefit.
- (3) An exemption may be given subject to conditions.
- (4) An exemption may be given for a limited period.

- (5) An exemption takes effect on—
  - (a) the date on which notice of the exemption is given to the person; or
  - (b) if a later date is stated in the notice—that date.

**7 Exemption from requirement for water access entitlement—reuse schemes—Act, s 30 (2) (a)**

- (1) This section applies to a person who—
  - (a) has applied for a licence to take water from a particular place on a waterway; but
  - (b) does not satisfy the requirement under the Act, section 30 (2) (a) (i) to hold a water access entitlement, a corresponding water access entitlement or a surviving allocation on which to base the taking of water from that place.
- (2) The authority may exempt the person from the requirement if—
  - (a) the person has discharged an amount of treated sewage (the *discharged amount*) into the waterway at a point upstream of the place; and
  - (b) the amount of water to be taken under the licence is not more than the discharged amount (less any part of the discharged amount in relation to which an exemption has already been given under this section).
- (3) The authority may give the exemption only if satisfied that—
  - (a) the treated sewage was discharged into the waterway as part of a reuse scheme; and
  - (b) giving the exemption would result in reduced demand on urban water supply or other improved environmental outcomes.



**8 Exemption from requirement for water access entitlement—transfer scheme—Act, s 30 (2) (a)**

A utility is exempt from the requirement mentioned in the Act, section 30 (2) (a) (i) in relation to water to be taken from the Cotter water management area if the water is to be transferred to the Googong water management area.

**9 Licence to take water—where water may be taken—Act, s 32 (2) (b)**

The following water management areas are prescribed:

- (a) Gudgenby;
- (b) Naas;
- (c) Paddys;
- (d) Upper Murrumbidgee;
- (e) Lower Murrumbidgee;
- (f) Upper Molonglo catchment.

**10 Exemptions from requirement for bore work licence—Act, s 37 (3)**

A bore work licence is not required for bore work in relation to any of the following:

- (a) a trench for the laying of pipes, cables or other equipment in relation to the supply of water, gas, electricity or telecommunications or the provision of sewerage or drainage;
- (b) a drain that is under the control of the Territory or the Commonwealth;
- (c) an excavation or land modifications in relation to a building, land development or a swimming pool;

- (d) an excavation for engineering or survey purposes if the excavation is less than 15m deep;
- (e) an excavation for a toilet;
- (f) an excavation, not deeper than 15m, for the installation of cathodic protection anodes or the measurement of water pressure;
- (g) a bore drilled not deeper than the watertable nearest the surface to obtain samples of water, or other material, for scientific research;
- (h) a bore comprising an excavation, not deeper than 3m, for conducting an underground test or extracting material for testing.

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## Dictionary

(see s 3)

*Note 1* The Legislation Act contains definitions and other provisions relevant to this regulation.

*Note 2* For example, the Legislation Act, dict, pt 1, defines the following terms:

- in relation to
- under.

*Note 3* Terms used in this regulation have the same meaning that they have in the *Water Resources Act 2007* (see Legislation Act, s 148). For example, the following terms are defined in the *Water Resources Act 2007*, dict:

- aquifer
- authority
- corresponding water access entitlement
- licence
- licence to take water
- stock or domestic use
- surviving allocation
- take water
- urban residential property
- urban water supply
- water access entitlement
- water management areas
- water utility
- waterway.

***sediment and erosion control plan*** means a sediment and erosion control plan—

- (a) required under an environmental protection agreement made under the *Environment Protection Act 1997*, part 7; and
- (b) approved by the authority.

***water body*** includes a waterway and an aquifer.

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## Endnotes

**1 Notification**

Notified under the Legislation Act on 31 July 2007.

**2 Republications of amended laws**

For the latest republication of amended laws, see [www.legislation.act.gov.au](http://www.legislation.act.gov.au).

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