



“ From 11 February 2008 all artificial water bodies that receive development approval and divert water away from a prescribed water resource will require a water licence. ”



Government of South Australia

Department of Water, Land and
Biodiversity Conservation

Water licences for marinas, canal estates and other artificial water bodies

Fact sheet 91



Under the *Natural Resources Management Act 2004* artificial water bodies, including marinas and canal estates located on prescribed water resources require a water licence.

The Minister for Environment and Conservation and the Minister for the River Murray announced that from 11 February 2008, all new developments approved after this date for artificial water bodies that take water from a prescribed water resource, will require a water licence under the *Natural Resources Management Act 2004*.

A water licence will be required for the initial fill and topping up to compensate for annual net evaporation losses.

This Fact Sheet gives details about which artificial water bodies require a licensed water allocation and those that are exempted or not covered by this policy. It also provides information on how the volume of water required will be determined and the conditions of the water licence.

Do I need a water licence?

From 11 February 2008 all artificial water bodies that receive development approval and divert water away from a prescribed water resource will require a water licence. This includes marinas and canal estates that take water from prescribed water resources in South Australia, in particular, the River Murray.

Coastal marinas and canal estates do not require a water licence where they are situated outside the boundaries of current prescribed water resources.

Exemption for minor works

Minor works that include earthworks such as minor dredging and channels that are excavated in the bank of a watercourse for boat access will not require a water licence.

Minor works are an authorised use of taking water and are deemed to be any excavation or infrastructure works adjacent to or within a prescribed water resource, which increases the surface of the water resource by no more than 190 square metres. This is approximately the size of, for example, a channel for a boat ramp or private mooring of one boat to a depth of one metre.

The exemption does not include farm dams, where water is collected to be taken at a later time.

The exemption of minor works specifically authorises the taking of water and not the construction itself. Minor works will still require the usual relevant approvals prior to construction (development approval or water affecting activity permit).



Water licence and allocation

Water users will require a water licence and water allocation endorsed on that licence. This will authorise the licensee to take a certain volume of water from the prescribed water resource and will contain conditions on the taking and use of that water.

Unless exempt, a water allocation is required to cover both the initial fill during the construction stage, and annual net evaporation losses. There is no new water from the River Murray available for allocation in South Australia, and an allocation may be obtained by transfer from an existing licensed allocation.

Under the *Natural Resources Management Act 2004* artificial water bodies, including marinas and canal estates located on prescribed water resources require a water licence. Taking water contrary to this policy is a breach of the Act and could result in the variation, suspension or cancellation of your water licence and being required to replace/ restore any work undertaken without approval.

Initial fill

The volume of water required for the initial fill at the construction stage will be initially determined from the information that the applicant provides, in particular engineering and concept drawings as part of the development application.

The initial fill is a one off amount that will occur in one water use year. For a marina where development is staged, the fill will occur in the water use year when each stage of development is completed, however the licensee will need to have a water allocation to cover the volume for initial fill prior to the start of the filling process. The volume only needs to be endorsed and held on the water licence in the year of filling. It is not a recurring volume.

The actual fill volume will be reviewed after construction to ensure that the actual size of the marina is within the specifications that were originally indicated. If the marina is larger the licensee will be required to obtain the additional water allocation to cover the initial fill.

If an artificial water body is constructed by enlarging an existing anabranch, backwater or other natural water body, the development application will need to clearly specify the extent of the enlargement and a licence and water allocation will only be required for the volume of the enlarged area.

It is possible that in some cases a trigger is set in terms of a water level in the prescribed resource for the timing of a one off fill to prevent possible detrimental impacts on other water users.

Annual net evaporation losses

This is an annual, recurring volume of water for annual net evaporation loss from an artificial water body. Net evaporation losses take account of average annual rainfall. Annual net evaporation losses will use a long-term net evaporation average and be consistent with loss calculations for water management operations of individual water resources. The volume required is 1 kilolitre per square metre of surface area of the artificial water body.

There will be no offsets for stormwater or local catchment flows or any additional water received by the artificial water body from sources other than the prescribed water resource.



Licence conditions

Water licences that authorise extraction of water for artificial water bodies will include standard licensing conditions. These include the location where the water allocation can be used and the source (which prescribed water resource) the allocation is to be taken from.

Water licences for artificial water bodies will have specific water (taking) allocation purposes:

artificial water bodies – construction, which covers the initial fill, and

artificial water bodies - maintenance, which covers annual net evaporation losses and refill.

Given the limitations on the metering of the water extraction of artificial water bodies the annual water use for individual water licences will be calculated as outlined in the previous section 'Water licence and allocation'.

Water restrictions

It is assumed that the annual water use of an artificial water body remains the volume of water to compensate for annual net evaporation losses each year, even during years when there may be restrictions placed on water extraction from a water resource.

If the authorised use of water for artificial water bodies is restricted, licensees will need to ensure that the volume of water they are authorised to take against their water licence is equivalent to the annual water use and is sufficient to meet the annual net evaporation losses. This may require the purchase or lease of additional water allocation. A condition on the licence will reflect this top up requirement.



Salinity monitoring

For artificial water bodies located on the River Murray salinity monitoring will be required to be undertaken by the licensee, and will form part of South Australia's accounting for salinity impact to the Murray-Darling Basin Authority. Salinity and water level monitoring will be determined according to the specific location of the marina, canal estate or other artificial water body, and specific licence conditions will be formulated to detail the monitoring requirement for the licensee.

How can I apply?

The Murraylands water licensing section of the Department of Water Land and Biodiversity Conservation administers the licensing and allocation process for the River Murray.

For further information about applications please contact:

Department of Water, Land and Biodiversity Conservation,

28 Vaughan Terrace or
P.O. Box 240
BERRI SA 5343

Telephone enquiries: (08) 8595 2053.

Special note:

This policy is for marinas and canal estates that receive development approval from 11 February 2008. Currently there is no requirement for existing marinas and canal estates that have been constructed or received development approval prior to 11 February 2008 to obtain a water licence and allocation for the topping up to compensate for annual evaporation losses.

Whether or not existing marinas, canal estates and other artificial water bodies will be required to obtain such a water licence and allocation in the future and if so, how they will obtain the necessary allocation, is subject of a review that will take place over the next six months until mid 2009. The review will link to investigations and discussions that are part of the development of the Water Allocation Plan for the River Murray.

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