



November 2010

Water licensing frequently asked questions

FAQ 2: Applying for different types of water licences and permits

This FAQ topic is one of a series from the Department of Water, designed to help water users and property owners understand their rights and responsibilities in accessing and taking water under the Rights in Water and Irrigation Act 1914.

The following frequently asked questions detail the permits and water licences that are available from the department and provide information on how you can apply for each.

1 Why does the department issue licences and permits?

The Department of Water is the state's water resource management agency. We manage and allocate water in Western Australia through licences and permits issued under the Rights in Water and Irrigation Act 1914.

2 What types of licences and permits does the Department of Water issue?

The department issues the following types of licences and permits under the Rights in Water and Irrigation Act 1914:

- A licence to construct or alter a well – S26D (bore) (form 1)
- A permit to interfere with bed and banks – S11/17/21A (form 3P)
- A licence to take water – 5C (forms 3G or 3S)

Licence exemptions may apply. To determine whether you need a water licence or permit, refer to FAQ 1: Proclaimed areas and water licensing in Western Australia or contact your local Department of Water office.

3 What does a licence to construct or alter a well allow me to do?

A licence to construct or alter a well allows you to construct, alter or deepen a bore, well or excavation to access groundwater and may include exploratory, monitoring or production bores.

Please note that a licence to construct or alter a well:

- is a legal document with terms, conditions and limits which must be complied with

- does not allow you to take or use the water from the bore. You will need a separate licence to take water if you want to take or use this water
- requires that the person constructing or altering the well (bore) is a certified driller
- is non-renewable.

Once a bore or excavation has been constructed a 'Form 2 – Information to be provided on completion of a non-artesian bore' (or a form 2a for an artesian bore) must be submitted to the Department of Water within the time specified in the licence conditions.

If emergency works are needed for the repair or replacement of a bore, well or excavation, please contact your local Department of Water office to find out your licensing obligations.

4 What does a permit to interfere with bed and banks allow me to do?

A permit to interfere with bed and banks allows you to alter, obstruct or interfere with the bed or banks of a watercourse (including the placement of a dam). For more detailed information on the different types of permits and when they are required please refer to supplementary information for bed and banks permits.

Please note that a permit to interfere with bed and banks:

- is a legal document with terms, conditions and limits which must be complied with
- does not allow you to take or use the water from the watercourse. You will need a separate licence to take water if you want to take or use this water in both proclaimed and unproclaimed areas
- may be required where access to the watercourse is via a public road or reserve, subject to approval from the authority responsible for the road or reserve
- may require a person to obtain relevant approvals from other agencies, as the department is not obliged to consider the safety of the works when granting a permit.

5 What does a licence to take water allow me to do?

A licence to take water allows you to take a specified amount of water (the entitlement) from a proclaimed (and in certain circumstances an unproclaimed) groundwater or surface water resource.

Please note that a licence to take water:

- is a legal document with terms, conditions and limits which must be complied with

- does not give you ownership of the water resource (as all water is vested in the crown and the department grants you access to this water for your use under a licence, exemption, riparian or other right in accordance with the Rights in Water and Irrigation Act 1914.)
- may be transferred, traded or leased to another person subject to the department's approval (refer FAQ 4 - Transfers, trades and agreements).
- It is recommended that you:
 - keep your licence in a secure place where it can be regularly checked to ensure you are complying with the terms and conditions of your licence
 - apply to renew your licence prior to the licence expiry date (refer to FAQ 3: Amendments, renewals and obligations of being licence/permit holder).
 - apply to amend your licence if you want to change the volume (entitlement), activity or location of the water source on your licence (refer to FAQ 3: Amendments, renewals and obligations of being licence/permit holder).

6 Do I need a licence to take water for dewatering purposes?

A licence to take water is required for dewatering purposes, unless a dewatering exemption applies (see below):

Please contact your local Department of Water office to find out if you need a licence.

7 How do I apply for a licence to construct or alter a well, a permit to interfere with bed and banks or a licence to take water?

We recommend contacting your local Department of Water office to discuss your proposed development or water needs.

Our officers will inform you if a licence is required and direct you to the appropriate application forms.

Application forms are available online or you can request an officer to email or post them out to you.

When completing your application form, please ensure you:

- complete all relevant sections of the form, sign it, and forward it to your local department office via post, fax or signed scan via email

and

- demonstrate that you have the authority to carry out the activities, including legal access to the site (written evidence may be required).

8 What does the department consider when assessing and making a decision on an application?

Each application is assessed on an individual, transparent and equitable basis in accordance with the requirements of the Rights in Water and Irrigation Act 1914, licensing policies and water allocation plans.

The assessment of licence and permit applications and ongoing management of licensed water entitlements is vital to optimising the use of our water resources. Consideration is given to both the short and long term economic, environmental and social impacts of granting and/or refusing licences as outlined in the Rights in Water and Irrigation Act 1914.

A general licence assessment will take into consideration the following:

- Is the application in the public interest, environmentally acceptable and ecologically sustainable?
- Does the application prejudice current and future needs for water or is it, in the opinion of the department, likely to have a detrimental effect on another licensee's use of water?
- Can the water be provided for by another source?
- Is the application in keeping with local practices or a water allocation plan approved by the department?
- Is the proposed development consistent with current land use planning, requirements and policies of other government agencies, or any intergovernmental agreement or arrangement?

A licence assessment may not be limited to these considerations. The department may require an applicant to provide further information to enable an assessment to be undertaken on a case-by-case basis.

More information can be found in our licensing policies and water allocation plans.

9 How does the department assess an application?

Applications are generally assessed in the order in which they are received (first-in first-served).

After an initial assessment, the department will clarify any issues that will need to be resolved before the assessment can be completed, such as:

- the requirement for any further information and the timeframe for submitting the information to the department (see question 10)
 - if we need to inspect of the site identified on the application
 - if your application needs to be referred to another government agency
 - current water availability
 - further details regarding your proposed use of water
- 

- the need to advertise your application for public comment (see question 11).

A decision on your application may be delayed pending the completion of assessments of other applications received before yours, as these may impact on how much water is available for your application.

10 How long do I have to provide information to the department to support my licence application?

You may be required to provide additional information to support your application, which may include, but is not limited to:

- proof of legal access to the land
- reports on water resource investigations
- hydrogeological or hydrological monitoring reports
- operating strategies
- water conservation/efficiency plans.

If any of the above are required, you will be provided with guidance on how these reports or proposals should be prepared and how much time you have to submit them as part of your application.

The department has established guidelines for the timely submission of additional information. Applicants will be advised of this time span in writing.

If the additional information is incomplete or not provided by the required time the department will return your incomplete application.

For further information refer to the following policies:

- Operational policy no. 5.11: Timely submission of required further information
- Operational policy no. 5.08: Use of operating strategies in the water licensing process
- Operational policy no. 5.12: Hydrogeological reporting associated with a groundwater well licence

11 When is advertising of an application required?

You may be required to advertise your licence or permit application in situations where:

- The proposed development is likely to have a significant impact on the water resource (both groundwater and surface water)

or

- You are requesting a groundwater licence to take more than 100 000 kL/yr, or an increase in the entitlement on your existing groundwater licence by more than 100 000 kL/yr.

12 In what circumstances can an application for a licence and/or permit be refused?

It is not always possible to grant a licence or permit. Situations which may result in a refusal include:

- You are not eligible to hold a water licence.
- Your application is considered environmentally unacceptable or unsustainable.
- Your application is inconsistent with a relevant local by-law.
- Your application is inconsistent with an approved water allocation plan.
- You cannot prove you have the means or financial resources to carry out the proposed development listed on your application.
- You have previously committed an offence against the Rights in Water and Irrigation Act 1914.
- The water resource is fully allocated and there is not enough water available to meet your requirements as listed on your application.

13 If I am not satisfied with the department's decision regarding my application, can I request a review?

If unsatisfied, an applicant may request a review of the department's decision through the State Administrative Tribunal.

A review of a decision may be sought where the department has:

- refused your water licence application

or

- applied terms, conditions or restrictions on your approved licence or permit that you disagree with.

Note: A State Administrative Tribunal fee may apply when proceeding with your review application.

The contact information for the State Administrative Tribunal is:

12 St Georges Terrace

PERTH WA 6000

GPO Box U1991

PERTH WA 6845

Telephone: 08 9219 3111

Toll-free: 1300 306 017

Facsimile: 08 9325 5099

<www.sat.justice.wa.gov.au>

More information

This FAQ topic only deals with processes and approvals required under the Rights in Water and Irrigation Act 1914 refer <www.slp.wa.gov.au>.

Other legislation can apply to the activity you wish to undertake and it is your responsibility to ensure you have all the required approvals.

For further related FAQ topics please visit the Department of Water website <www.water.wa.gov.au> *Doing business with us > Water licencing > FAQs* or *contact your local department office*.

