



Australian Capital Territory

# **Water Resources Regulation 2007**

**SL2007-22**

made under the

**Water Resources Act 2007**

**Republication No 5**

**Effective: 16 June 2017**

Republication date: 16 June 2017

Last amendment made by [A2017-20](#)

## About this republication

### The republished law

This is a republication of the *Water Resources Regulation 2007*, made under the *Water Resources Act 2007* (including any amendment made under the *Legislation Act 2001*, part 11.3 (Editorial changes)) as in force on 16 June 2017. It also includes any commencement, amendment, repeal or expiry affecting this republished law to 16 June 2017.

The legislation history and amendment history of the republished law are set out in endnotes 3 and 4.

### Kinds of republications

The Parliamentary Counsel's Office prepares 2 kinds of republications of ACT laws (see the ACT legislation register at [www.legislation.act.gov.au](http://www.legislation.act.gov.au)):

- authorised republications to which the *Legislation Act 2001* applies
- unauthorised republications.

The status of this republication appears on the bottom of each page.

### Editorial changes

The *Legislation Act 2001*, part 11.3 authorises the Parliamentary Counsel to make editorial amendments and other changes of a formal nature when preparing a law for republication. Editorial changes do not change the effect of the law, but have effect as if they had been made by an Act commencing on the republication date (see *Legislation Act 2001*, s 115 and s 117). The changes are made if the Parliamentary Counsel considers they are desirable to bring the law into line, or more closely into line, with current legislative drafting practice.

This republication does not include amendments made under part 11.3 (see endnote 1).

### Uncommenced provisions and amendments

If a provision of the republished law has not commenced, the symbol **U** appears immediately before the provision heading. Any uncommenced amendments that affect this republished law are accessible on the ACT legislation register ([www.legislation.act.gov.au](http://www.legislation.act.gov.au)). For more information, see the home page for this law on the register.

### Modifications

If a provision of the republished law is affected by a current modification, the symbol **M** appears immediately before the provision heading. The text of the modifying provision appears in the endnotes. For the legal status of modifications, see the *Legislation Act 2001*, section 95.

### Penalties

At the republication date, the value of a penalty unit for an offence against this law is \$150 for an individual and \$750 for a corporation (see *Legislation Act 2001*, s 133).



Australian Capital Territory

# Water Resources Regulation 2007

made under the

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Australian Capital Territory

# Water Resources Regulation 2007

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made under the

**Water Resources Act 2007**

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**1 Name of regulation**

This regulation is the *Water Resources Regulation 2007*.

**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 (2) (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 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;
  - (c) 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;
  - (d) the taking of water from a sediment retention pond if a sediment and erosion control plan provides for the pond;
  - (e) the taking of water to be used for maintenance of stormwater drains or pipes;
  - (f) the taking of water to be used for geothermal heating or cooling systems;
  - (g) the taking of water to be used for testing a bore;
  - (h) 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.

**8A Exemption from requirement for water access entitlement—road works, earthworks, construction or landscaping—Act, s 30 (2) (a)**

- (1) The authority may exempt a person from the requirement mentioned in the Act, section 30 (2) (a) (i) in relation to surface water if the water is to be used for—
- (a) road works, earthworks or other construction; or
  - (b) landscaping.

**Examples—landscaping**

- 1 establishing new plants along a street
- 2 establishing vegetation, including an erosion control blanket to stabilise the terrain, where road works or earthworks have been completed

*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).

- (2) The authority may give the exemption only if satisfied that giving the exemption will result in improved environmental outcomes or other public benefit.

**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 (2)**

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.

**10A Coordination group applicable legislation—Act, s 67E (1) (b)**

The following legislation is prescribed:

- (a) *Public Health Act 1997*;
- (b) *Utilities Act 2000*, part 14;
- (c) *Water Resources Act 2007*.

**11 Membership of coordination group—Act, s 67E (1) (h)**

(1) The following people are prescribed:

- (a) if a council is constituted for an area which is wholly or partly in the Australian capital water catchment region—a representative nominated by the council;
- (b) a representative of ICON Water Limited, who is nominated by ICON Water Limited;
- (c) a representative of the South East Local Board of the Local Land Services, who is nominated by the board.

(2) In this section:

*area*—see the *Local Government Act 1993* (NSW), dictionary.

*Australian capital water catchment region* means the catchment area of the Murrumbidgee River upstream of Burrinjuck Dam.

*council*—see the *Local Government Act 1993* (NSW), dictionary.

*ICON Water Limited* means the incorporated body registered under the *Corporations Act* as ICON Water Limited (ACN 069 381 960).

***Local Land Services*** means the statutory corporation with the corporate name Local Land Services established under the [Local Land Services Act 2013](#) (NSW), section 8 (Constitution of Local Land Services).

***South East Local Board*** means the Local Land Services local board established under the [Local Land Services Act 2013](#) (NSW), section 27 (Local Boards) for the region described as South East in that [Act](#), schedule 1 (Local Land Services regions).

## 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.

## Endnotes

### 1 About the endnotes

Amending and modifying laws are annotated in the legislation history and the amendment history. Current modifications are not included in the republished law but are set out in the endnotes.

Not all editorial amendments made under the *Legislation Act 2001*, part 11.3 are annotated in the amendment history. Full details of any amendments can be obtained from the Parliamentary Counsel's Office.

Uncommenced amending laws are not included in the republished law. The details of these laws are underlined in the legislation history. Uncommenced expiries are underlined in the legislation history and amendment history.

If all the provisions of the law have been renumbered, a table of renumbered provisions gives details of previous and current numbering.

The endnotes also include a table of earlier republications.

### 2 Abbreviation key

A = Act	NI = Notifiable instrument
AF = Approved form	o = order
am = amended	om = omitted/repealed
amdt = amendment	ord = ordinance
AR = Assembly resolution	orig = original
ch = chapter	par = paragraph/subparagraph
CN = Commencement notice	pres = present
def = definition	prev = previous
DI = Disallowable instrument	(prev...) = previously
dict = dictionary	pt = part
disallowed = disallowed by the Legislative Assembly	r = rule/subrule
div = division	reloc = relocated
exp = expires/expired	renum = renumbered
Gaz = gazette	R[X] = Republication No
hdg = heading	RI = reissue
IA = Interpretation Act 1967	s = section/subsection
ins = inserted/added	sch = schedule
LA = Legislation Act 2001	sdiv = subdivision
LR = legislation register	SL = Subordinate law
LRA = Legislation (Republication) Act 1996	sub = substituted
mod = modified/modification	<u>underlining</u> = whole or part not commenced or to be expired

## Endnotes

3 Legislation history

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### 3 Legislation history

#### **Water Resources Regulation 2007 SL2007-22**

notified LR 31 July 2007

s 1, s 2 commenced 31 July 2007 (LA s 75 (1))

remainder commenced 1 August 2007 (s 2 and see [Water Resources Act 2007](#) A2007-19, s 2 and [CN2007-8](#))

as amended by

#### **[Water Resources Amendment Act 2010](#) A2010-31 sch 1 pt 1.2**

notified LR 1 September 2010

s 1, s 2 commenced 1 September 2010 (LA s 75 (1))

sch 1 pt 1.2 commenced 18 October 2010 (s 2 and [CN2010-10](#))

#### **[Water Resources Amendment Act 2013](#) A2013-27 sch 1 pt 1.2**

notified LR 21 August 2013

s 1, s 2 commenced 21 August 2013 (LA s 75 (1))

sch 1 pt 1.2 commenced 22 August 2013 (s 2)

#### **[Water Resources \(Catchment Management Coordination Group\) Amendment Act 2015](#) A2015-25 pt 3**

notified LR 18 August 2015

s 1, s 2 commenced 18 August 2015 (LA s 75 (1))

pt 3 commenced 19 August 2015 (s 2)

#### **[Planning, Building and Environment Legislation Amendment Act 2017 \(No 2\)](#) A2017-20 pt 12**

notified LR 15 June 2017

s 1, s 2 commenced 15 June 2017 (LA s 75 (1))

pt 12 commenced 16 June 2017 (s 2)



## 4 Amendment history

### Commencement

s 2 om LA s 89 (4)

### Exemptions from requirement for licence to take water—Act, s 28 (2) (e)

s 6 hdg sub [A2010-31](#) amdt 1.2

s 6 am [A2013-27](#) amdt 1.2; pars renum R3 LA

### Exemption from requirement for water access entitlement—road works, earthworks, construction or landscaping—Act, s 30 (2) (a)

s 8A ins [A2013-27](#) amdt 1.3

### Exemptions from requirement for bore work licence—Act, s 37 (2)

s 10 hdg sub [A2010-31](#) amdt 1.3

### Coordination group applicable legislation—Act, s 67E (1) (b)

s 10A ins [A2017-20](#) s 24

### Membership of coordination group—Act, s 67E (1) (h)

s 11 ins [A2015-25](#) s 7

am [A2017-20](#) s 25, s 26

## Endnotes

### 5 Earlier republications

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#### 5 Earlier republications

Some earlier republications were not numbered. The number in column 1 refers to the publication order.

Since 12 September 2001 every authorised republication has been published in electronic pdf format on the ACT legislation register. A selection of authorised republications have also been published in printed format. These republications are marked with an asterisk (\*) in column 1. Electronic and printed versions of an authorised republication are identical.

<b>Republication No and date</b>	<b>Effective</b>	<b>Last amendment made by</b>	<b>Republication for</b>
R1 1 Aug 2007	1 Aug 2007– 17 Oct 2010	not amended	new regulation
R2 18 Oct 2010	18 Oct 2010– 21 Aug 2013	<a href="#">A2010-31</a>	amendments by <a href="#">A2010-31</a>
R3 22 Aug 2013	22 Aug 2013– 18 Aug 2015	<a href="#">A2013-27</a>	amendments by <a href="#">A2013-27</a>
R4 19 Aug 2015	19 Aug 2015– 15 June 2017	<a href="#">A2015-25</a>	amendments by <a href="#">A2015-25</a>

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