



Farm dams - have you considered everything?

When building a farm dam, it is important to make sure that the appropriate consent or licence has been obtained. Make sure that the dam is carefully located so that it is effective, safe and has minimal impacts on neighbours and the environment. All legal requirements, such as local council regulations, or consents from government agencies such as Department of Primary Industry (DPI), also apply.

Licence

Unless a farm dam is part of your harvestable right you will need a licence or consent from the Department of Water and Energy (DWE). More information of whether you need a licence is found in the information sheets *What are rural landholders, basic rights to water and Farm dams - do you need a licence?*

Minimal impacts and erosion control

Seek expert advice regarding farm dam design and location before commencing construction of any farm dam. Even if you do not require a licence for your farm dam, it is still your responsibility to minimise impacts on your neighbours and the environment. Discuss the matter with your neighbours before constructing a new dam.

Also ensure that during all stages of construction you provide adequate erosion control and minimise disturbance to waterways, areas of native vegetation, sites of cultural significance and in coastal areas, avoid disturbing acid sulfate soils.

Consents

Apart from determining whether your new farm dam needs a licence/ approval, you may need other consents.

1 Designated Developments under the Environmental Planning and Assessment Act 1979

Consent from local government is required for dams:

1. with a maximum surface area of more than 0.5 hectares located:
 - (i) in or within 40 metres of a natural waterbody, wetland or an environmentally sensitive area, or
 - (ii) in an area of high watertable, or acid sulfate, sodic or saline soils
2. with a surface area of water of more than 20 hectares or a maximum total water volume of more than 800 megalitres.

2 Local Planning Regulations

In many local government areas local environment plans and other planning regulations require consent for construction of dams.

3 Designated Floodplains

If you are considering construction on a designated floodplain you will need to seek consent from DWE regarding flood flow diversion impacts.

4 Fish Passage

Under the Fisheries Management Act 1994, any new dam or modification to an existing dam may require the owner to provide for fish passage. Contact your local DPI office for further advice. All licensed works **must** be referred but works not licensed **may** still require fish passage.

Where do I get more information?

Contact the water licensing officer at your local Department of Water and Energy office

26 Honeysuckle Drive
Newcastle West

t (02) 4904 2500

e information@dwe.nsw.gov.au

Note: This information does not constitute legal advice.