

Code for self-assessable developments for taking overland flow water for stock and domestic purposes

WSS/2013/631

Version 9.04

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Version History

Version	Date	Notes
2.00	05/08/2005	Endorsed.
2.01	01/11/2005	Conversion to new XML template.
3.00	09/11/2005	Amended to list the amended Fitzroy water resource plan and correct minor errors.
4.00	20/05/2008	Amended to include Gulf and Mitchell Water Resource Plans, change to stock or domestic, clarification of operational works, other minor amendments and conversion to new SharePoint template.
4.01	23/06/2008	Update expiry date to 6 months from today.
4.02	12/01/2010	Make changes associated with the implementation of the <i>Sustainable Planning Act 2009</i> (replaced Integrated Planning Act 1997 on 18 December 2009). Update departmental name.
5.00	05/08/2010	Made changes to be consistent with other codes.
6.00	26/07/2011	Amendments include: reference to wild rivers declaration removed, minor update to Executive summary, ensure that legislative references are correct, and reinsertion of water resource plan areas that restrict the stock or domestic water that can be taken in the section titled 'Limitation on storage volume'.
7.00	09/11/2011	Minor amendment in 'Executive summary': addition of 'where the works have been made self-assessable development'. Removal of heading 'Limitation on storage volume' as this heading does not accurately reflect the statutory right provided under section 20 of the <i>Water Act 2000</i> .
8.00	15/11/2011	Other minor amendments.
9.00	08/12/2011	Updated to reflect release of the Water Resource (Fitzroy Basin) Plan 2011.
9.01	28/02/2014	Updated departmental references. Deleted performance requirements in Table 1 no longer applicable. Amended responsibilities and definitions sections. Policy ID number changed from WAM/2005/2017 to WSS/2013/631.
9.02	01/07/2016	Updated departmental template.
9.03	06/12/2016	Section references updated to be consistent with changes from the Water Reform and Other Legislation Amendment Act 2014.

9.04	03/07/2017	Amendments associated with implementation of the <i>Planning Act 2016</i> (replaced <i>Sustainable Planning Act 2009</i> on 3 July 2017). Updated definition for domestic purposes.
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Approval

Position	Name	Date
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1 Development to which this code applies

This code applies to the construction of operational works that take overland flow water for stock or domestic purposes authorised under section 96 of the *Water Act 2000* (Water Act).

This code applies if operational works that take overland flow water for stock and domestic purposes are identified as self-assessable development in the Water Regulation 2016 (Water Regulation).

2 Purpose

The purpose of this code is to ensure that operational works that take overland flow water for stock or domestic purposes are:

- consistent with the objectives of the applicable water plan or the Water Regulation
- no larger than necessary to meet the requirements for water for stock or domestic purposes (i.e. limited to the determined volumetric capacity)
- constructed to, as far as practicable, minimise the impact of the works on overland flow with regard to neighbouring properties and downstream users of overland flow water
- consistent with the landholder's authority to take overland flow water under the Water Act.

3 Scope

Operational works that take overland flow water include:

- storages, sumps, drains, embankments, channels, pipes and pumps for taking, or that can be used for taking, overland flow water.
- storages that are connected to the works mentioned in paragraph (a).
- works that make, or that can be used to make, the original connection between the storages mentioned in paragraph (b) and the works mentioned in paragraph (a).

This code does not apply to:

- works for taking overland flow water for stock or domestic purposes exceeding the maximum volume calculated in accordance with mandatory requirements (see section titled 'Mandatory requirements')
- works for taking overland flow water for a purpose other than stock or domestic purposes.

Notification of works

The owner of land on which the works are constructed must notify their local departmental office of the location and capacity of the works constructed under this code within 60 business days of completing the works.

This notification must include the 'Notification form self-assessable works to take overland flow water' (form W2F082) available on the department's website at www.business.qld.gov.au.

For works located in the catchments of the water plans listed below:

- Water Plan (Baffle Creek Basin) 2010
- Water Plan (Border Rivers) 2003
- Water Plan (Burdekin Basin) 2007
- Water Plan (Calliope River Basin) 2006
- Water Plan (Condamine and Balonne) 2004
- Water Plan (Cooper Creek) 2011
- Water Plan (Fitzroy Basin) 2011
- Water Plan (Gulf) 2007
- Water Plan (Mitchell) 2007
- Water Plan (Moreton) 2007
- Water Plan (Whitsunday) 2010

the following applies:

- Prior to constructing works under this code, a landholder must determine the stock or domestic requirements for the parcel of land on which the works will be located. This is done by completing 'Part F Annual water requirements worksheet' (worksheet) on the notification form.
- The construction of the works on a parcel of land must not result in the total water storage capacity ¹being more than the stock or domestic requirements calculated using the worksheet.

Example: A parcel of land already has a 20 megalitres (ML) dam that is used for stock or domestic purposes. Using the worksheet, the landholder calculates an annual requirement of 60 ML. Under this code, the landholder may only build a further 40 ML of stock or domestic storage, to take the total storage to 60 ML.

3.1 Performance outcomes

Table 1 below specifies the performance outcomes that must be satisfied. The performance outcomes of the code will be satisfied if the acceptable outcomes are adopted.

Table 1: Performance outcomes and acceptable outcomes

Performance outcomes	Acceptable outcomes
Physical impacts of overland flow works on neighbouring properties are minimised.	<ul style="list-style-type: none"> • The overland flow works are contained within the property boundaries.

¹ The total water storage capacity for a parcel of land means the total volume of all stock or domestic storages on the parcel

Performance outcomes	Acceptable outcomes
	<ul style="list-style-type: none"> • At full supply level the area inundated is contained within the property boundaries. • Any bywash resulting from the overland flow works, and any water diverted away from contaminated areas, exits the property as close as practicable to the same location at which it exited the property prior to construction of the works.

3.2 Other legislative requirements

A person constructing works that take overland flow water must also ensure they comply with any other relevant state and federal laws.

4 Definitions

Bywash means water that is diverted from a dam or reservoir and is usually associated with a pipe or other structure to prevent uncontrolled overtopping.

Water for **domestic purposes** is limited to all purposes for which water is used ordinarily in or in connection with a dwelling house and garden not exceeding 0.5 hectares. It does not include water used in any business, commercial or manufacturing purposes carried on, in or in connection with a dwelling house.

Overland flow water is defined in the *Water Act 2000*.

Property means one or more contiguous parcels of land, operated as a single enterprise.

Water for **stock purposes** is limited to the volume necessary for the watering of animals of a number that would normally be depastured on the land on which the water is used, having regard to any seasonal fluctuations in the carrying capacity of the land. It does not include stock held in close concentration for a purpose other than grazing, such as in a feedlot. Nor does it include taking large quantities of water for storage and use at a later time when water may not otherwise be available.