

Exemption requirements for constructing authorities for the take of water without a water entitlement

WSS/2013/666

Version 3.06

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Version History

Version	Date	Comments
1.00	5/05/2011	Endorsed by Director-General.
2.00	6/07/2011	Amendments include: minor amendments to better define constructing authorities, purposes for which water may be taken, legislative responsibilities, works requirements and matters for consideration for the constructing authority; inclusions of three mandatory conditions relating to the flow of water and depth of water in waterholes or lakes; and requirements for the constructing authority to keep records for the take of water.
3.00	27/09/2013	Endorsed by Director, Water Services Support. Amendments include: streamlining of document content to simplify; inclusion of an amended diagram; application of new template.
3.01	16/05/2014	Title of the document has been amended in line with changes to section 52AAB of the Water Regulation 2002 which was passed on 15 May 2014. Previous title was <i>Protocol—Authorised taking of water without a water entitlement</i> . Changed document ID number from WAP/2011/4768 to WSS/2013/666.
3.02	06/12/2016	Amended to update section references to be consistent with the Water Reform and Other Legislative Amendment Act 2014. Updated departmental template.
3.03	19/12/2017	Minor amendment associated with implementation of the Water Plan (Great Artesian Basin and Other Regional Aquifers) 2017 which replaced Water Plan (Great Artesian Basin) 2006 on the 2 September 2017.
3.04	21/08/2018	Amendment to minimum requirements to specify a maximum permissible volume that may be taken under this exemption.
3.05	11/10/2019	Amendment to sections 2 and 3 regarding notification and record keeping requirements for the take of overland flow water. Amendment to section 2 regarding notification of water taken from a QPWS managed area.
3.06	07/07/2020	Amendments to section 1 to clarify exemption regarding take of OLF water, section 2 to identify constructing authority as the responsible entity, section 4 to clarify minimum requirements for extraction from bed sands and to remove the permissible maximum volume of 50 ML.

Approval

Position	Name	Date
Director, Divisional Support (Water)	Ian Gordon	07/07/2020

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1 Introduction

The exemptions that are outlined under this document may only be used by a constructing authority:

- defined under schedule 2 of the *Acquisition of Land Act 1967*, including state government departments and local governments
- for the take of water in accordance with sections 23 and 24 of the Water Regulation 2016 (Water Regulation) without the need for a water authority for the purpose of constructing or maintaining infrastructure that the constructing authority may lawfully construct or maintain
- in accordance with all requirements in this document.

To clarify, the take of underground water and overland flow water is permitted under section 101 of the Water Act 2000 (Water Act) unless limited under the Water Regulation, water plan or moratorium notice. If a limiting instrument does apply, the take of water must comply with the requirements of the limiting instrument, and any additional requirements under this exemption.

The requirements outlined below provide protection for other water users and the environment to ensure there are minimal adverse impacts as a result of the take of water. This exemption does not exempt the user from meeting the requirements of other legislation or obtaining any other authority that may be required before commencing the take of water (e.g. owner's consent, vegetation clearing permits, development approvals or accepted development requirements, requirements under the *Stock Route Management Act 2002*).

The minimum requirements in section 4 must be achieved to be eligible for an exemption from having to apply for and obtain a water authority granted under the Water Act.

Contractors, subcontractors and other agents engaged by a contracting authority may also use the exemption requirements, however only the constructing authority may submit a notification in accordance with the minimum requirements.

Inability to comply with all requirements in this exemption, means that an appropriate authorisation under the Water Act will be required prior to taking water.

2 Notification

The constructing authority must notify the chief executive, in writing, 10 business days, (or a shorter period approved by the chief executive) before taking any water under section 99 of the Water Act.

The notification must include the:

- name of the constructing authority, including the name of the agent or contractor or other entity engaged by the constructing authority, and contact details of the responsible person.
- purpose for which the water will be taken
- name(s) of the water source(s) from which the water is intended to be taken including a river, creek, lake, spring, aquifer or overland flow catchment
 - if overland flow water is to be taken, the relevant works number of the overland flow storage must be provided
- location(s) from where the water is intended to be taken, including latitudinal and longitudinal coordinates (in decimal degrees with the specified datum and/or eastings/northings), adjacent

lot on plan details and if the location is within a Queensland Parks and Wildlife Service managed area.

- proposed commencement and completion dates
- anticipated volume of water to be taken
- written permission from the relevant interim resource operations licence (IROL), resource operations licence (ROL) or distribution operations licence (DOL) holders, if the water is to be taken from within a water supply scheme area

This information should be provided using the template in Attachment 1.

Following notification, the chief executive may also impose, by notice, conditions or restrictions additional to the requirements of this exemption, on a constructing authority relating to the take of water.

3 Recording the take of water

The constructing authority must record details of the water taken. For each take of water, the minimum information that must be recorded includes:

- the date(s) the water was taken
- the time the take commenced and ceased
- the purpose for which the water was taken
- the source of water (e.g. the name of the watercourse, lake, spring, aquifer or overland flow)
 - if the source is overland flow, the relevant works number of the overland flow storage water is taken from
- the location(s) from where the water was taken, including latitudinal and longitudinal coordinates, and adjacent lot on plan details
- the volume of water taken on each occasion
- any identified impacts on the environment and measures to remedy such impacts
- any concerns or issues raised by other water users and arrangements put in place to address these.

A constructing authority taking water from a non-flowing waterhole or lake must also record:

- the estimated depth of the waterhole at full supply level
- the calculated depth of the waterhole at 75 per cent of full supply level (see Attachment 2)
- the estimated depth of the waterhole or lake at the commencement of the take of water
- the estimated depth of the waterhole or lake at the cessation of the take of water.

The constructing authority must keep records of water taken under the authorisation for each location from which water has been taken for a period of two years from commencement of the take of water.

4 Minimum requirements

The minimum requirements outlined below must be achieved for this exemption to apply:

1. The take of water from the following sources is prohibited:
 - a. springs located within the Water Plan (Great Artesian Basin and Other Regional Aquifers) 2017 area.
 - b. underground water, unless taken through an existing lawfully constructed bore.
2. The constructing authority must provide notification to the chief executive.
3. The constructing authority must record details of the take of water.
4. If water is taken within a water supply scheme area managed under an IROL, ROL or DOL, prior written approval to take the water is required from the licensee.
5. If there is a flow in the watercourse – take of water from a watercourse must stop if the take causes the flow immediately downstream of the point of take to cease.
6. If there is no flow in the watercourse – the take of water is from a waterhole (natural) or a lake during periods of 'no flow' must not reduce the depth of the waterhole or lake to (whichever is the greater):
 - a. Less than 0.5 metres
 - b. Less than 75 per cent of its full supply level (see Attachment 2).
7. Unless limited under the Water Regulation, water plan or moratorium notice, the maximum permissible volume of take must be taken at the point of take or from the same source.

Attachment 1—Mandatory information requirements for notification

Notification requirement	Details
Name of the constructing authority (generally a Local Government or State Government department)	
Name of agent, contractor or other entity engaged by the constructing authority	
Contact details of the responsible person	
Purpose for which the water will be taken	
Name(s) of the water source(s) (river, creek, lake, spring, aquifer or overland flow) from which the water is intended to be taken	
Overland flow works number (if water taken from an overland flow storage)	
Location(s) (lot/plan, street address, latitude/longitude in decimal degrees with the specified datum and/or northing/easting) of where the water is intended to be taken	
Proposed commencement date (must be no less than 10 business days from lodgement date) and proposed completion date	
Anticipated volume of water to be taken during each year (i.e. between 1 July to 30 June) or part thereof	
For water to be taken from within the area benefited by a water supply scheme, written approval from the IROL, ROL or DOL holder	Attach documents as required
Maps and/or aerial photos to show the proposed sites for water to be taken (e.g. cadastral maps, QLD Globe map)	Attach documents as required
Method of take (e.g. water truck, stationary pump)	
Estimated rate of take (l/s, ML/day)	
Is the site located within a QPWS area?	Yes/No – provide details where applicable

Attachment 2—Calculating the depth of a waterhole or lake

