

OSW/2020/5467 Exemption requirements for constructing authorities for the take of water without a water entitlement

OSW/2020/5467

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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.
4.00	29/09/2020	Amendments to remove reference to section 101 of the Water Act 2000 and requirement 7 in section 4; provide clarification on who can use the document and who can submit notifications; provide clarification on when an entitlement is required and other approvals required under legislation; provide clarification in section 4 the take of water must not be within 5 kilometres of a groundwater dependent ecosystem spring and must not exceed 2 megalitres in a water year. Updated copyright statement. Document ID update to: 5467
4.01	09/02/2021	Departmental rebranding. Amendment to include lodgment of notification online.

Approval

Position	Name	Date
Director, Divisional Support (Water)	Ian Gordon	09/02/2021

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1.0 Introduction

Section 99 of the Water Act 2000 (Water Act), in combination with sections 23 and 24 of the Water Regulation 2016 (Water Regulation) provides a statutory authorisation for a constructing authority to take water, subject to the condition that the taking of water by a constructing authority is done in accordance with this document. A constructing authority is defined in schedule 2 of the Acquisition of Land Act 1967 and includes state government departments and local governments.

Contractors, subcontractors and other agents engaged by a constructing authority may also take water on behalf of a constructing authority for the purpose of constructing or maintaining infrastructure, provided it is done in accordance with the requirements set out in this document.

The requirements provide protection for other water users and the environment to ensure there are minimal adverse impacts as a result of the take of water.

If all the requirements cannot be met, an appropriate authorisation or entitlement under the Water Act will be required prior to taking water or the taking of water may be considered a breach under the Water Act.

This document 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. For example, landowner's consent or approval under the Vegetation Management Act 1999, Stock Route Management Act 2002, Planning Act 2016 or other relevant legislation.

2.0 Notification requirements

The constructing authority, contractor, subcontractor or other agent acting on the constructing authority's behalf, must notify the chief executive 10 business days (or a shorter period approved by the chief executive) before taking any water under section 99 of the Water Act, using:

- the form in Appendix 1; or
- the online lodgement - <https://www.business.qld.gov.au/industries/mining-energy-water/water/authorisations/industry-government>.

Following notification, the chief executive may impose, by notice, additional conditions to the requirements set out in this document.

3.0 Recordkeeping requirements

The constructing authority, contractor, subcontractor or other agent acting on the constructing authority's behalf, must record details of the water taken and retain the records for a period of two years. For each take of water, the minimum information that must be recorded includes:

- the date 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, underground water or overland flow)
 - if applicable, the relevant works number of the overland flow storage
- the location from where the water was taken, including latitudinal and longitudinal coordinates including the specified datum, and adjacent lot on plan details

- the volume of water taken
- 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, contractor, subcontractor or other agent acting on the constructing authority's behalf that are 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 Appendix 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

4.0 Additional requirements

In addition to the requirements set out in sections 2 and 3, the requirements outlined below must also be achieved to comply with this document.

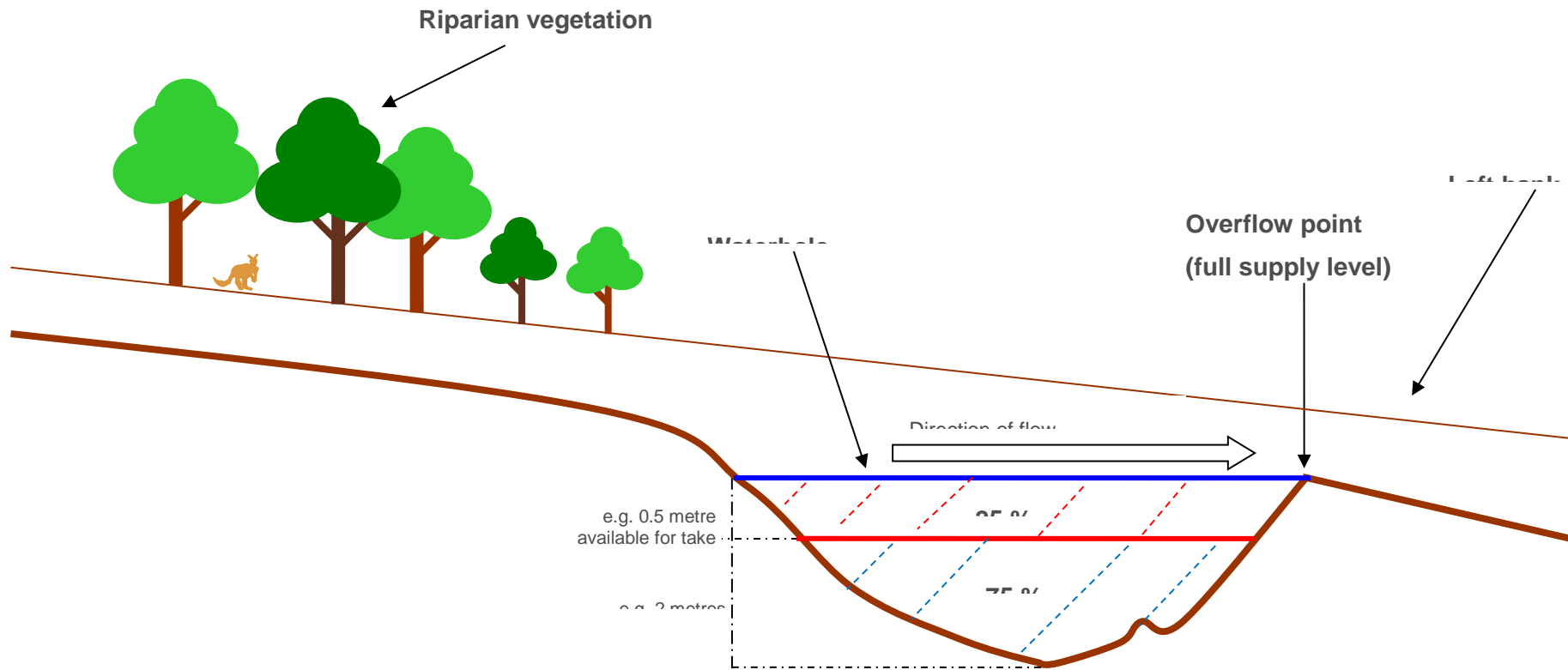
1. The take of water from a groundwater unit, listed in schedule 3 of the Water Plan (Great Artesian Basin and Other Regional Aquifers) 2017, within 5 kilometres of a spring identified in the GABORA groundwater dependent ecosystems springs layer on the Queensland Globe, must not exceed 2 megalitres in a water year.
2. The take of underground water must be through an existing, lawfully constructed bore.
3. If there is a flow in the watercourse, the take of water must stop if the take causes the flow, immediately downstream of the point of take, to cease.
4. If there is no flow in the watercourse, the take of water from a naturally occurring waterhole or lake 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 Appendix 2)

Appendix 1: Mandatory requirements for notification

Collection of information as part of this notification is authorised under section 99 of the *Water Act 2000* and will be used by the department for processing your notification. Contact details provided will be used by the department for the purpose of communications under the *Water Act 2000*. For these purposes disclosure to other third parties may be required by or of the department. The information may be searchable, disclosed to and used by the public as allowed, authorised or required by legislation.

Notification requirement	Details
Name of the constructing authority (Local Government or State Government department)	<input type="checkbox"/> Tick here if you are notifying as the constructing authority
Constructing authority – contact details of the responsible person	
Name of contractor, subcontractor or other agent acting on the constructing authority's behalf and the contract reference number	<input type="checkbox"/> Tick here if you are notifying as a contractor or subcontractor
Contractor, subcontractor or other agent – contact details of the responsible person	
Purpose for which the water will be taken	
Name(s) of the water source(s) (watercourse, lake, spring, underground water or overland flow) from which the water is intended to be taken	
If applicable, overland flow works number (if water is 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 interim resource operation licence, resource operation licence, distribution licence holder	Attach documents as required
Notification if through a metered entitlement	Attach a completed "Notification of the volume of water taken by a constructing authority from a metered entitlement" (W2F107) form, published on the Business Queensland website , 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)	
Provide details, if the site is within a Queensland Parks and Wildlife Services area.	

Appendix 2: Calculating the depth of a waterhole or lake



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