



## **Code for self-assessable development for taking overland flow water using limited capacity works**

Approved:



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Graeme Milligan  
**General Manager, Water Accounting and Management**

# 1. Summary

This Code applies where a water resource plan, regulation or wild river declaration authorises the take of overland flow water using works with a limited capacity (or small scale) and allows these works to be self-assessable development.

Operational works (works) that are self-assessable development do not require a development permit – therefore, **a landholder may construct these works without approval provided the works comply with this Code**. Non-compliance is an offence under the *Integrated Planning Act 1997* (IPA) and may lead to penalties.

Water taken by works constructed under this Code may be used for any purpose allowed for in the relevant water resource plan. Works for this Code does not include works that are connected, physically or by any device able to transfer water, to any other works used or able to be used for storing water (refer to section 5.3).

Limited capacity works that take overland flow water may include storages, sumps, drains, embankments, and channels that can be used for taking overland flow water that adhere to the conditions specified in the water resource plan and this code. The maximum capacity (in megalitres) for these works is prescribed in certain water resource plans (please refer to the relevant water resource plan for your area).

The intent of the authorisation to take overland flow water using these works is to provide landholders means of taking limited quantities of overland flow water without the need for a water licence and without putting the water resource plan objectives at risk.

Water taken by works constructed under this Code will only be authorised where construction of works comply with requirements stated in the water resource plan and this code. Such requirements include:

- volumetric capacity restrictions
- independence of storages
- prohibiting take of overland flow water for specified purposes
- notification of works
- performance requirements about the works.

Note: Works constructed under this Code may require other approvals. Refer to section 4 of this Code – Other legislative responsibilities.

## 2. The purpose of this code

The purpose of this Code is to ensure that works for taking overland flow water that have a limited capacity, where the water taken using these works can be used for any purpose:

- are consistent with the landholder's authority to take overland flow water
- do not place the water resource plan objectives at risk
- are limited to a specified volumetric capacity
- are constructed independently to other works as per conditions stated in this code
- are not used for a prohibited purpose
- are constructed to, as far as practicable, minimise the impact of the works on overland flow with regard to neighbouring properties, the environment and downstream users of overland flow water.

## 3. Scope of code

This Code applies to limited capacity works in a water resource plan area, where the plan has made these works self-assessable development under the IPA.

### Meaning of works

Works that take overland flow water include storages, sumps, drains, embankments, and channels that can be used for taking overland flow that adhere to the conditions specified in the water resource plan and this Code. These works must not exceed the volumetric capacity specified in the water resource plan, must be independent of other storages, and not be used for any purpose prohibited in the water resource plan.

To remove any doubt this Code **does not** apply to:

- overland flow works where the storage associated with the works is of a greater volume than the maximum volume specified in the relevant water resource plan
- overland flow works that are connected by a water transfer device
- overland flow works constructed for purposes prohibited in the water resource plan
- works that interfere with water in a watercourse, lake or spring.

## 4. Other legislative responsibilities

A person constructing overland flow works under this Code must also ensure they comply with any other relevant state and federal laws including, but not limited to:

- *Vegetation Management Act 1999* – this Act places limitations on the clearing of native vegetation. A landholder must ensure they have any necessary permits prior to clearing a site for the construction of a new storage
- *Environmental Protection Act 1994* – this Act places obligations on landholders in respect of ensuring that their actions do not result in harm to the environment
- Other provisions of the *Water Act 2000*
- *Aboriginal Cultural Heritage Act 2004* – this Act places an obligation on people to take all reasonable and practicable measures to ensure an activity they are undertaking does not harm aboriginal cultural heritage
- *Wild Rivers Act 2005*
- local town planning schemes.

## 5. Mandatory requirements

Consistent with the *Integrated Planning Act 1997* (IPA), a person constructing works under this Code must comply with these requirements.. Failure to do so is a breach of this Code and is an offence under IPA.

### 5.1 Notification of works

- a) The owner of land on which the works are constructed must notify the local office of the Department of Natural Resources and Water of the location and capacity of the works within 30 business days of completing the works.
- b) Notification must consist of a completed copy of the form in Attachment 1 of this Code.

### 5.2 Limitation on storage volume

Prior to constructing works under this Code, a landholder must determine the maximum volumetric capacity of the works. This is done by referring to the water resource plans that allow overland flow water to be taken using works of a limited capacity (or small scale) for the entire, or parts of the plan area,

### 5.3 Independence of storage

All storages must be independent of other storages. Storage works must not be connected, physically or by any device able to transfer water, to any other works used or able to be used for storing water. For example, a works must not share common walls and must not be connected by means of a pump, pipe, channel etc.

### 5.4 Purposes excluded

Storages must not be used for purposes prohibited by the relevant water resource plan.

## 6. Performance requirements

The table below specifies performance requirements that must be satisfied. For each performance requirement, an “acceptable solution” is provided. The performance requirements will be satisfied if the acceptable solutions are adopted.

Performance requirements	Acceptable solutions
<p>A) Physical impacts of the overland flow works on neighbouring properties are to be minimised.</p>	<p>A1 The overland flow works are contained within the property boundaries.</p> <p>A2 At full supply level the area inundated is contained within the property boundaries.</p> <p>A3 Any by-wash 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 as which it exited the property prior to commencement of the works</p>
<p>B) Natural ecosystems and water quality of significant natural wetlands, lakes, and springs are to be maintained.</p>	<p>B1 Locate works a distance greater than 1 km of significant wetlands, lakes, or springs.</p>

## 7. Definitions

This part defines particular words used in this Code.

**Department** means the Department of Natural Resources and Water.

**Lake** includes:

- (a) a lagoon, swamp or other natural collection of water, whether permanent or intermittent; and
- (b) the bed and banks and any other element confining or containing the water.

### ***Overland flow water***

1. Overland flow water means water, including floodwater, flowing over land otherwise than in a watercourse or lake—
  - (a) after having fallen as rain or in any other way; or
  - (b) after rising to the surface naturally from underground.
2. Overland flow water does not include—
  - (a) water that has naturally infiltrated the soil in normal farming operations, including infiltration that has occurred in farming activity such as clearing, replanting and broad-acre ploughing; or
  - (b) tailwater from irrigation if the tailwater recycling meets best practice requirements; or
  - (c) water collected from roofs for rainwater tanks.

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

### ***Significant wetlands, lakes or springs:***

- a) An index of the wetlands is listed in *Environment Australia (2001). A Directory of Important Wetlands in Australia Third Edition*. Environment Australia, Canberra or future updates of this document; or
- b) Listed in a Regional Strategy Plan or Planning Scheme; or
- c) Shown on a 1:100 000 topographic map.

Further information including the extent, values and a map of the wetland can be found on the Department of Environment and Water Resources website:  
<http://www.environment.gov.au/water/environmental/wetlands/index.html>

***Spring*** means the land to which water rises naturally from below the ground and the land over which the water then flows.

### ***Watercourse***

1. Watercourse means a river, creek or stream in which water flows permanently or intermittently—
  - (a) in a natural channel, whether artificially improved or not; or
  - (b) in an artificial channel that has changed the course of the watercourse; but, in any case, only—
  - (c) unless a regulation under paragraph (d), (e) or (f) declares otherwise—at every place upstream of the point (**point A**) to which the high spring tide ordinarily flows and reflows, whether due to a natural cause or to an artificial barrier; or
  - (d) if a regulation has declared an upstream limit for the watercourse—the part of the river, creek or stream between the upstream limit and point A; or
  - (e) if a regulation has declared a downstream limit for the watercourse—the part of the river, creek or stream upstream of the limit; or
  - (f) if a regulation has declared an upstream and a downstream limit for the watercourse—the part of the river, creek or stream between the upstream and the downstream limits.
2. Watercourse includes the bed and banks and any other element of a river, creek or stream confining or containing water.

***Water resource plan*** means the water resource plan for the area to which the application relates.

# Attachment 1: Notification form

## Purpose of this form

To allow landowners to notify self-assessable limited capacity works constructed to take overland flow

### PART 1 Owners details

#### 1.1 Name(s) *Specify the full name of all registered owners of the land.*

  


#### 1.2 Mailing address *Any correspondence will be delivered to this address*

  


State  Postcode  Country (if not Australia)

#### 1.3 Contact person's details

(if different from above) Title  Mr  Mrs  Ms  Miss  Other please specify

Name

Preferred Phone  Alternate Phone  Facsimile

### PART 2 Description of land

**Specify the Lot on Plan numbers of the land on which the works are located.**

Lot on Plan

### PART 3 Capacity of works and construction date

Estimated capacity of new storage

Date of construction of works

#### NOTE: Contact details for further information, or to return the completed notification form:

**Ayr**  
 Little Drysdale Street  
 PO Box 591  
 AYR Q 4807  
 Ph: 07 4761 2223  
 Fax: 07 4761 2211

**Blackall**  
 Court House  
 Shamrock Street  
 PO Box 288  
 BLACKALL Q 4472  
 Ph: 07 4657 4813  
 Fax: 07 4657 4908

**Bundaberg**  
 16-32 Enterprise Street  
 PO Box 1167  
 BUNDABERG Q 4670  
 Ph: 07 4131 5845  
 Fax: 07 4131 5896

**Emerald**  
 99 Hospital Road  
 PO Box 19  
 EMERALD Q 4720  
 Ph: 07 4987 9300  
 Fax: 07 4987 9333

**Gatton**  
 Gatton Research Station  
 Warrego Highway  
 Locked Mail Bag 1009,  
 MS 437  
 GATTON Q 4343  
 Ph: 07 5466 222  
 Fax: 07 5466 2282

**Goondiwindi**  
 24-26 McLean St,  
 Locked Bag 4  
 GOONDIWINDI Q 4390  
 Ph: 07 4671 6100  
 Fax: 07 4671 3163

**Gympie**  
 27 O'Connell Street  
 Locked Bag 383  
 GYMPIE Q 4570  
 Ph: 07 5480 5316  
 Fax: 07 5480 5302

**Ingham**  
 Halifax Road  
 PO Box 1293  
 INGHAM Q 4850  
 Ph: 07 4777 2822  
 Fax: 07 4777 2863

**Longreach**  
 Landsborough Highway  
 PO Box 210  
 LONGREACH Q 4730  
 Ph: 07 4650 1900  
 Fax: 07 4650 1902

**Mackay**  
 22-30 Wood Street  
 PO Box 63  
 MACKAY Q 4740  
 Ph: 07 4967 0995  
 Fax: 07 4957 3747

**Mareeba**  
 167 Walsh Street  
 PO Box 156  
 MAREEBA Q 4880  
 Ph: 07 4048 4850  
 Fax: 07 4092 2366

**Rockhampton**  
 209 Bolsolver Street  
 PO Box 1762  
 ROCKHAMPTON Q 4700  
 Ph: 07 4938 4600  
 Fax: 07 4927 3079

**St George**  
 126 Alfred Street  
 PO Box 310  
 ST GEORGE Q 4487  
 Ph: 07 4625 3299  
 Fax: 07 4625 3892

**Toowoomba**  
 203 Tor St  
 PO BOX 318  
 TOOWOOMBA Q 4350  
 Ph: 07 4688 1000  
 Fax: 07 4688 1188

**Townsville**  
 187-209 Stanley Street  
 PO Box 5318  
 TOWNSVILLE Q 4810  
 Ph: 07 4799 7314  
 Fax: 07 4799 7971

**Warwick**  
 Cnr Guy and Fitzroy  
 Streets  
 PO Box 2  
 WARWICK Q 4370  
 Ph: 07 4661 0200  
 Fax: 07 4661 5215

**Woolloongabba**  
 Landcentre Floor 3  
 Cnr Main & Vulture Sts  
 PO Box 1653  
 COORPAROO DC  
 Q 4151  
 Ph: 07 3224 7676  
 Fax: 07 3224 2933