

## Guidelines Notification of existing overland flow works (Water Act 2000)

### Notifying of existing works

**Works that take overland flow water and are used solely for stock and domestic purposes must not be notified.**

All other existing works taking overland flow water are authorised to continue taking water, provided the owner of the works gives the department notice of the works within 12 months from commencement of the new overland flow rules in their area. If works are not notified, the take of water by them will be unauthorised and in breach of the *Water Act 2000*, and may attract a penalty.

The person lodging the notification form is required to provide a statutory declaration that the information provided is true and the best information able to be provided. An owner, or lessee, of land can lodge the notification on behalf of all co-owners or lessees of the land.

The information required in the notification includes the following:

- owners names
- location of works
- layout of works
- details of works, e.g. storages, pumps, sumps, diversion channels, etc.

As part of the notification the chief executive can also seek any further information required about the works after the notice and information are given.

### What is overland flow?

Overland flow is water that runs across the land after rainfall, either before it enters a watercourse or after it overflows from river banks as floodwater. Overland flow water does not include 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
- tailwater from irrigation if the tailwater recycling meets best practice requirements.

### What is meant by existing works?

Under the Water Resource Plan (WRP) 'existing works' means works that take overland flow and:

- were in existence prior to the commencement of the moratorium notice for that catchment or basin
- were completed under the moratorium notice by the stated completion date or
- if a variation to a moratorium notice was granted, were completed in accordance with the variation.

Existing works do not include works that allow the taking of overland flow water for stock and domestic purposes only.

### Moratoriums and moratorium notices issued under *Water Act 2000*

A moratorium notice is a notice published by the Minister for a part of the State if the Minister is satisfied action should be taken to protect natural ecosystems or to protect existing water entitlements and other authorities under the *Water Act 2000* to take or interfere with water.

Moratoriums have been established in basins or catchments that are undergoing the development of a Water Resource Plan and Resource Operations Plan (ROP). To understand if notification is required in your water resource plan area please refer to the NRW website on overland flow

<[http://www.nrw.qld.gov.au/water/management/overland\\_flow/index.html](http://www.nrw.qld.gov.au/water/management/overland_flow/index.html)> or contact your local NRW office.

## What works require notification?

Landowners are required to notify the department of works that take overland flow water. This includes both works that **actively** take water such as:

- Storages that directly take overland flow water whether they take via a controlled or uncontrolled gravity-fed system, or by pumping, such as ring tanks that water harvest from a flood runner or overland flow path.
- Any storage that has multiple sources of water of which one source is overland flow water.
- Any storage that is connected to other storages that directly take overland flow water. For example, if you capture overland flow water directly in one dam, but are able to pump water from that dam into a second dam, then you need to notify the department of both dams.
- Details of which storages are connected to which. However, details of the way they are connected (for example, the size of pumps or pipes used) are not required.
- Pumps that are used to take overland flow water from a flood runner or overland flow path.
- Collection sumps or excavations that take overland flow water. These may be stand-alone water storage or may be ancillary works to a larger water-harvesting scheme.
- Structures used to hold or pond water to increase the infiltration of water, as in the case of ponded pastures.

And works that **passively** take water, such as:

- Levees, diversion banks, or drains used to direct water into a dam or used to divert water to increase the amount of water that infiltrates the soil (for example, beneficial flooding).
- Levees or diversion banks to slow the movement of overland flow water, except for works for soil conservation.

## What works are not required to be notified?

You do not need to include:

- Works that are only for taking water for stock or domestic purposes.
- Pumps that are only used to take water out of a storage and pump it directly on to crops.
- Any pumps or other works such as pipelines that are used to connect water storages that store overland flow water. However, the property plan does need to show which storages are connected to which.
- Works that solely take or store water from a watercourse, lake or spring including the taking of supplemented water from a Water Supply Scheme.
- Works for another purpose that incidentally results in a minor increase in the infiltration of water or where there is no benefit to the landholder in terms of additional water taken (for example, where a road or a flood-mitigation levee alters flow paths).
- Works (normally of a minor nature) that interfere with overland flow but are not associated with or result in the take or use of overland flow water.

In summary, works that 'interfere' with overland flow water that were not built with the intention to capture overland flow water (eg fences, roads and flood mitigation structures) do not require notification.

## General details on notification

### Who must complete the form?

The notification form must be completed by a person authorised by the owners of the land.

### Is there a fee?

There is no fee for submitting the notification form.

### Where and when can the notification form be lodged?

The notification form can be lodged at any Department of Natural Resources and Water (NRW) office within one year of the commencement of the Water Resource Plan.

Notification must be received by:

- 4 August 2008 for the Burdekin Basin plan area
- 3 November 2008 for the Gulf and Mitchell plan areas

#### **Request for more information**

If the information you provide is incomplete, the department may request further information about your works.

### **Questions about the notification process**

#### **What happens after I have lodged a Notification form?**

The form will be checked and processed. The details will be registered on the department's database. Once registered, a letter of acknowledgement will be sent to you, confirming the registered details.

#### **Do I need to send in plans and drawings showing the works?**

No, plans and drawings are not required. It is sufficient to complete the form, with a sketch of the layout of works for the whole property. Alternatively please provide an A4 sized property map that shows the same detail. The map must be clear and preferably in black text to allow for electronic scanning.

Please ensure that where multiple works are involved that they are numbered on the sketch and that the same number is used on the notification form.

#### **What if I am not sure about the volume or dimensions of the works?**

If you are not sure of the volume of the existing works you may have the works formally certified by an accredited engineer or surveyor. This certification can be attached to notification form. However, this is not a requirement of notification. Alternatively Water Fact Sheets are available from the department that assist in calculating the volume of water stored.

#### **What if I have already provided information to NRW for works taking overland flow?**

You may have provided information during the development of the Water Resource Plan, administration of the moratorium notice, or for other water related projects. However because notification is a statutory process under the WRP you are obligated to provide the details on the approved form.

You may want to contact your local NRW office and arrange an appointment to view and discuss works details.

#### **What happens if I do not notify existing works?**

The Water Resource Plans authorise the owner of existing works to continue taking overland flow water for any purpose for one year after the commencement date, and from the time the owner gives the department notice of the works in the approved form with any further information required.

To continue uninterrupted use of existing works after the dates specified in the applicable water resource plans, NRW must be notified of the works. NRW will accept notifications for existing works after these dates. However on receipt of a notification NRW may ask the owner to demonstrate the works comply with the definition of existing works in the WRP.

It is important to note that if works are not notified by these dates, the water taken can ONLY be used for stock and domestic purposes until NRW receive notification of the works. The unauthorised take of water is an offence under section 808 of the *Water Act 2000* and penalties apply.

#### **Can I modify or reconfigure my existing works before or after notification?**

The notification of existing works must occur before considering any reconfiguration or modification of these works. The reconfiguration of existing overland flow works requires the prior approval of the department, in the form of a development permit. An application for a permit is assessed against the 'Code for assessable development for operational works taking overland flow water'. A copy of the code is available on the department's website or at any NRW office.

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## **Further information**

Further information on notifying the department of existing works and assistance on how to complete the notification form can be obtained from any NRW service centre.

**Appendix A - Checklist for completing the notification form**

**Appendix B - Example of existing works requiring notification for representative farms.**

**Appendix C - Example of a completed Notification form**

### Checklist for completing the "Notification of existing overland flow works" form

#### Purpose of the form

The form is a document approved for use within the State of Queensland under the provisions of the *Water Act 2000* and a Water Resource Plan that stipulates landowners give the chief executive notice of the works in the approved form.

#### Structure of the form

The form has two sections.

**Section 1** - requests details on ownership, general location and layout of all the works on your property, a summary of the number of dams and their capacity, plus a declaration under the Oaths Act that the information is true and the best available.

**Section 2** - requests the dimensions and volume of a single dam/storage including a description of the ancillary works. A separate Section 2 should be completed for each overland flow dam/storage and its ancillary works. For example if you have four dams/storages to notify the chief executive of, then you will need to submit four versions of Section 2.

Notification requires a Section 1 to be completed and as many copies of Section 2 as required.

A form can be completed for a farming enterprise. For example, a form could be lodged on behalf of a family business, even if some works are located on land owned by one person (e.g. a husband) and other works are on land owned by his wife.

## SECTION 1

### Part A - Owner details

#### NRW Client Number

Landowners who already hold a Water Licence, Interim Water Allocation or Water Permit are allocated a NRW client number. This number appears on the first page and at the bottom of the Water Licence, Interim Water Allocation or Water Permit. If you have a client number please include this on the form.

#### Name

Include the details of the owners of the land on which the works are located including contact details. The details must be completed as follows:

- For one individual, clearly write in upper case the applicant's full name as given names followed by surname. For example: **PAUL JOHN SMITH**
- For two individuals, clearly write the full name of all individuals as given names followed by surname, both persons separated by a semi-colon. For example: **PAUL JOHN SMITH; TINA ROSE JONES**
- For a number of individuals clearly write all the full names as given names followed by surname as a list, the full name of each person should be separated by a semi-colon. For example: **PAUL JOHN SMITH; TINA ROSE JONES; LISA MARY SMITH; PETER FREDRICK WATSON; etc** (for all persons owning the land on which the works are located)
- Where the applicant is a corporation, write the complete name of the incorporated body. For example: **PAUL JOHN SMITH PTY LTD**
- For incorporated associations, use the authorising officer's name. For example: **PAUL SMITH ACTING UNDER THE AUTHORITY OF THE BUNYA MOUNTAINS BRIDGE SOCIETY INC**
- For other legal entity names or bodies holding land under trust. **DIRECTOR-GENERAL, DEPARTMENT OF EDUCATION, BILOELA STATE HIGH SCHOOL**

**Attention (Optional)**

If necessary, use this section to write the title of the position held by a person acting for the applicant. This information is usually only necessary for corporations or similar bodies. For example: THE MANAGING DIRECTOR

**Mailing Address**

Information provided within these sections of the form will be used for the service of all official documents and any correspondence relating to the notification of works. Enter the information, as you would want it to appear on an envelope addressed to the applicant. For example: UNIT 3, 12 SHORT STREET, ROCKHAMPTON QLD 4370

**Contact Person's Details**

You should use this section to provide the department with the details of one nominated contact person. If required, information provided within these sections of the form will be used for personal or telephone contact about matters relevant to the application.

**Part B - Declaration**

The declaration must be made under the *Oaths Act 1867*. Therefore the owner/s or a person authorised by the owner/s of the land is required to enter his/her name and signature which is to be witnessed by a Justice of the Peace, Solicitor, or other person recognised under this Act.

The declaration statement will confirm that the information contained in and attached to the form is true to the best of the landowner's knowledge, and that all the works identified on the notification form were legally constructed either prior to the introduction of the moratorium for the area or in accordance with the moratorium.

**Note - The information collected is under the authority of the *Water Act 2000* and the *Integrated Planning Act 1997* for the purpose of ensuring the sustainable management and efficient use of water and other resources. The information in the notification form will be publicly viewable at departmental offices.**

**Part C - General location of works**

State the name of the Local Authority (Shire) in which the works are located, along with the Water Resource Plan Area, and local catchment name in which the overland flow water contributes.

**Example:**

*If your property is located in Tara Shire write Tara in the box provided.*

*If your property is located within the Moonie River Water Resource Plan Area, tick the Moonie box under Water Resource Plan Area.*

*If the water taken by your dam would normally flow into Teelba Creek being the nearest watercourse to the works, then this is the name of the local catchment for you to describe in the box.*

**Part D - Layout of works on a property**

Sketch a plan showing the location of the all the water storages that require notifying and their ancillary works. In addition to the works show property boundaries, Lot on Plan descriptions, and the location of overland flow path or paths that exist on your property.

Each dam or water storage should be numbered on the sketch with the same number as described in Part G.

This sketch should also reflect the linkages that exist between various infrastructure components and should be made in black ink so that it is suitable for electronic scanning.

Alternatively, you may attach a layout of works on an A4 size property map.

### Part E - Summary of works

This section asks you nominate how many dams you are notifying the chief executive of and the combined storage capacity of these dams in megalitres.

For example: If you have to notify the chief executive of four dams write the number 4 in the first box. If the total capacity of the dams is 360 megalitres write this value in the boxes provided.

### Part F - Real property description of land

Specify the real property description (Lot/Plan) on which each storage and the ancillary works are located. All the benefited land parcels where the water is to be used should be included.

**Note:**

Land is usually described as a Lot on Plan and you will find these on the local government rates notice or a valuation notice (eg Lot **13**, Plan **RP134507**). Separately list each parcel of land as Lot, Plan.

Provide a separate attachment if more than 4 parcels needs to be listed on the form.

## SECTION 2

**A separate sheet should be completed for each overland flow storage and ancillary works. If more than one dam/storage exists please copy the relevant pages as many times as necessary.**

### Part G - Details of major works

#### Storage number/Storage name

For each storage/dam allocate a number which matches the number shown on the sketch of the property layout in Part D of the form or on the attached property map. If the dam/storage has a name please write it in the space provided.

#### STORAGE/DAM or EXCAVATION

#### Source of water

Describe the source or sources of water for the dam/storage being notified. This includes dams or water storages, source water other than overland flow water from underground water, recycled tailwater and water from a watercourse, lake or spring. If water is taken from a watercourse or groundwater and supplied to the dam or storage then please include details of any licences under which the water is taken.

**Note: Water Licenses are not required to take underground water in certain areas. Please check with your local NRW office.**

#### Type of storage

Place a tick in the box that appropriately describes the type of storage being notified.

Answer the questions concerning natural lakes/lagoons and bunded areas by placing a tick in either the YES or NO box.

#### Storage dimensions

Calculate the dimensions according to the diagram that applies to the type of storage you have identified. Describe the dimensions of the storage in the relevant boxes provided including maximum volume, maximum surface area, and the date of completion.

Provide detail on whether the dam/storage has a bywash. Place a tick in the YES or NO box.

#### Construction date

The construction date is the date the dam, excavation or storage was completed in accordance with the dimensions entered on the notification form. For water storages that were developed in stages, the construction date is the date the last stage of works was done. If the works were in existence when a property was purchased and you are unaware of the construction date, please insert the date you purchased the property and include a note that clearly indicates this is the case.

As a guide, for works with a construction date prior to 1st January 2000 and if the day is not known, then a month/year-only response can be provided. If the works were constructed prior to 1995 then provision of the year of construction will suffice.

**Purpose**

Describe the purpose or use of the water being stored in the dam such as irrigation or aquaculture. Some other purposes that are common are feedlot supply, piggery supply, mining use, industrial water supply, town water supply or capture agricultural effluent. If the dam has more than one purpose, please describe all the purposes for which the water is used. For example irrigation and feedlot water supply, or irrigation and aquaculture.

**Location**

Describe the location of the works in the Lot and Plan boxes provided.

**Part H - Ancillary works to the storage/dam, excavation or excavated tank**

**ANCILLARY SUMP used to take overland flow water**

As with the storage details, describe the details of any ancillary excavations, collection sumps, and return channels that act as a water storage. Information such as depth, capacity, and surface area are all required.

**Location**

Describe the location of the ancillary sump in the Lot and Plan boxes provided.

**PUMPS used to take overland flow water**

Provide the details of the number of existing pump units used to take overland flow such as water harvesting pumps, dual irrigation and water harvesting pumps, re-lift pumps, etc. A table is provided to enter the detail of each pump unit. Information such as the pump type, inlet and outlet size, pump discharge and duty head, and whether the pump is metered are required.

**Note: Only those pumps that take overland flow are required to be listed on the form and NOT irrigation pumps or pumps that distribute water from a water storage. Some of the more common types of pumps are Centrifugal, MFV, Axial Flow, and Submersible.**

**Location**

Describe the location of the pumps in the Lot and Plan boxes provided.

**DIVERSION CHANNELS or BANKS/ LEVEES/ DRAINS used to take overland flow water**

Works that actively or passively direct overland flow water, such as levees, diversion banks or drains into a dam/storage from an overland flow path are required to be shown in Part D of the notification form. Briefly describe these works in the space provided as shown in the sketch of the property layout. For example: (1) 1.5 km diversion bank, (2) 0.6 km below-ground catch drain, (3) etc.

**Note: Only those works that take overland flow are required to be described.**

**Location**

Describe the location of the channels/levees in the Lot & Plan boxes provided.