

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

WSS/2013/630

Version 7.06

Last reviewed 11/10/2019

This publication has been compiled by Department of Natural Resources, Mines and Energy.

© State of Queensland, 2019

The Queensland Government supports and encourages the dissemination and exchange of its information. The copyright in this publication is licensed under a Creative Commons Attribution 3.0 Australia (CC BY) licence.

Under this licence you are free, without having to seek our permission, to use this publication in accordance with the licence terms.



You must keep intact the copyright notice and attribute the State of Queensland as the source of the publication.

Note: Some content in this publication may have different licence terms as indicated.

For more information on this licence, visit <http://creativecommons.org/licenses/by/3.0/au/deed.en>

The information contained herein is subject to change without notice. The Queensland Government shall not be liable for technical or other errors or omissions contained herein. The reader/user accepts all risks and responsibility for losses, damages, costs and other consequences resulting directly or indirectly from using this information.

Version History

Version	Date	Comments
1.00	10/04/2007	Current.
2.00	24/06/2008	Code for self-assessable development for taking Gulf and code water using small scale storages converted to Code for self- assessable development for taking overland flow water using flow limited capacity works. References to 'small scale storages' overland replaced with 'limited capacity works' as the Burdekin, Mitchell and other water resource plans (WRP) allow for up to 250ml capacity of works. Removal of reference to specific WRPs to make this code apply to the relevant plan areas across the state.
2.01	10/07/2008	Replace Code for self-assessable development for taking flow water using small scale storages with Code for self-assessable development for taking overland flow water using overland limited capacity works.
3.00	05/08/2010	Make changes associated with the Temporary State Planning Policy 1/10 Protecting Wetlands of High Ecological Significance in Great Barrier Reef, change from the <i>Integrated Planning Act 1997</i> to the <i>Sustainable Planning Act 2009</i> , change departmental name from Departmental Natural Resources and Water to Queensland Department of Environment and Resource Management and ensure consistency with other codes.
4.00	26/07/2011	Amendments include: some references to wild rivers declaration removed, minor update to Executive summary, ensure that legislative references are correct and reinstate reference to water resource plans that have limited capacity and the maximum volumetric capacity that applies to each area.
5.00	09/11/2011	Addition of the maximum volumetric capacity for the Cooper Creek water resource plan area.
6.00	15/11/2011	Ensure that the water resource plans are detailed in full in section titled 'Limitation on storage volume' and other minor amendments.
7.00	08/12/2011	Amended to include limited capacity for Fitzroy Basin.
7.01	28/02/2014	Updated departmental references. Deleted performance requirements in Table 2 no longer applicable. Amended responsibilities and definitions sections. Changed policy ID number from WAM/2007/3029 to WSS/2013/630.
7.02	14/04/2015	Updated to include limited capacity for Burnett Basin. Removed references to Wild Rivers declarations.
7.03	01/07/2016	Updated departmental template.
7.04	06/12/2016	Section references updated to be consistent with changes from the Water Reform and Other Legislation Amendment Act 2014
7.05	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).
7.06	11/10/2019	Amendments associated with implementation of the <i>Mineral Resources and Other Legislation Amendment Regulation 2019</i> . Updated departmental template.

Approval

Position	Name	Date
Director, Operations Support (Water)	Ian Gordon	14/10/2019

Table of contents

1	Development to which this code applies	1
2	Purpose	1
3	Scope	1
3.1	Notification of works	1
3.2	Limitation on storage volume	2
3.3	Independence of storage	2
3.4	Performance outcomes	2
3.5	Other legislative requirements.....	2
4	Definitions	3

1 Development to which this code applies

This code applies to the taking of overland flow water using limited capacity works by landholders and constructing authorities.

This code applies if limited capacity works for taking overland flow are identified as self-assessable development under the Water Regulation 2016 (Water Regulation).

2 Purpose

The purpose of this code is to ensure that works for taking overland flow water that have a limited capacity are:

- consistent with the requirements of the applicable Water Plan and the Water Regulation
- limited to a specified volumetric capacity
- constructed independently to other works
- constructed, as far as practicable, to minimise the impact of the works on overland flow with regard to neighbouring properties, the environment and downstream users of overland flow water
- in accordance with any authorisation to take overland flow water for constructing authorities or landholders.

3 Scope

Operational works that take overland flow water include:

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

- a) overland flow works where the storage associated with the works is of a greater volume than the maximum volume specified in the Water Regulation
- b) overland flow works that are connected by a water transfer device
- c) overland flow works constructed for purposes prohibited in the Water Regulation
- d) operational works that take overland flow water for stock or domestic purposes that have been made self-assessable development.

3.1 Notification of works

The department must be notified of the location and capacity of works constructed under this code within 60 business days by:

- The owner of the land on which the works are constructed
or
- If the works were constructed by a constructing authority, the constructing authority.

This notification must include a completed copy of the form titled 'Notification of existing overland flow works' (form W2F019) available on the department's website at www.business.qld.gov.au.

3.2 Limitation on storage volume

Landholders

Works constructed under this code by landholders must not exceed the limited capacity prescribed in Schedule 9 of the Water Regulation.

Constructing authorities

Works constructed under this code by a constructing authority must not exceed a capacity of 5 megalitres for the areas prescribed in Schedule 9 of the Water Regulation.

3.3 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, works must not share common walls and must not be connected by means of a pump, pipe, channel, etc.

3.4 Performance outcomes

Table 2 below specifies the performance outcomes that must also 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. • 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

3.5 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.

Limited capacity means the volumetric limit specified in the Water Regulation.

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

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