

Queensland

Queensland uses the term 'overland flow'. Overland flow is water that runs across the land after rainfall, either before it enters a watercourse, after it leaves a watercourse as floodwater, or after it rises to the surface naturally from underground. Most water in rivers and underground reserves originates as overland flow. If too much water is intercepted before it reaches a watercourse, or if too much floodwater is intercepted before it returns to a watercourse, there can be serious implications for:

- towns, industries and farms that rely on watercourses for water supplies
- landholders who rely on beneficial flooding
- the maintenance of healthy waterways
- groundwater recharge
- ecosystems relying on periodic inundation.

A person may harvest overland flow for any purpose unless there is a moratorium notice, a WRP or wild river declaration that limits or alters the water that may be harvested. Rules in WRPs established under the Queensland *Water Act 2000* regulate the building of works that harvest overland flow either actively or passively.

Works that harvest overland flow actively include:

- pumps, storages, sumps, drains and pipes used to harvest and store it
- any storage connected to another one used to harvest it, and the connecting infrastructure
- structures used to hold it for ponded pastures.

Works that harvest overland flow passively include:

- levees or diversion banks used to direct it into dams or to slow it down to increase the amount harvested. This does not include works used in soil conservation.

WRPs do not regulate works that interfere with, but were not built specifically to harvest overland flow; however, local planning laws may still regulate the building of these structures, which include:

- contour banks
- fences
- roads.

Where the construction of overland flow works is regulated, the development may be either assessable or self-assessable development under the Queensland *Sustainable Planning Act 2009*. Currently, the harvesting of overland flow is regulated in the following water resource plan areas:

- Border Rivers

- Condamine and Balonne
- Moonie
- Warrego, Paroo and Nebine.

In all of these areas, the harvesting of overland flow requires:

- no increase in overland flow take permitted for purposes other than listed in the WRP in these plan areas
- no increase in overland flow take permitted for irrigation purposes
- an authorisation to harvest overland flow for purposes other than stock and domestic
- a development permit under the Queensland *Sustainable Planning Act 2009* for most works for harvesting overland flow.

New South Wales

Landholders in most New South Wales rural areas are allowed to collect a proportion of the rainfall runoff on their property and store it in one or more dams of up to a certain size. This is known as a 'harvestable right'. Harvestable right water is generally intended for essential stock and household use but can be used for any purpose.

All rural landholders in New South Wales are able to maintain or build farm dams. There are several categories of farm dams that do not require a licence:

- harvestable right dams
- dams built before 1999 used only for stock and domestic purposes
- dams up to one megalitre on small properties.

In addition to rainfall runoff harvesting, New South Wales has addressed floodplain harvesting. Floodplain harvesting is the collection, abstraction, or impoundment of water flowing across floodplains.

Harvesting of on-farm rainfall runoff is not included within the definition of floodplain harvesting; however, because rainfall runoff can be harvested by the same infrastructure as floodplain abstractions, it is important to specify the regulatory distinction between the two types of water abstraction. All rainfall runoff harvesting must be in accordance with the harvestable rights order by which the area is constituted as provided for under Chapter 3, Part 1, Division 2 of the New South Wales *Water Management Act 2000*. Within most of New South Wales, the allowable maximum harvestable right is currently 10% of average annual runoff. The runoff is primarily a function of rainfall, evaporation, soil type, topography, and vegetation cover. The allowable runoff harvesting volume is converted to a maximum harvestable right dam capacity, using a publicly available, web-based calculator. The allowable harvestable right volume of runoff will be assumed to have been abstracted and will be factored into the assessment of floodplain harvesting abstractions.

New South Wales Floodplain Harvesting Policy outlines how floodplain harvesting abstractions will be managed within long-term average annual abstraction limits under water sharing plans and the Murray–Darling Basin Ministerial Council Cap where applicable. There will be no growth in overall abstractions on a valley-wide basis as a result of the implementation of this policy. All floodplain harvesting activities will require a water supply work approval and a floodplain harvesting water access licence issued under the New South Wales *Water Management Act 2000*.

Victoria

The Northern Region Sustainable Water Strategy for Victoria discusses the impacts of interception activities. Interception activities are a risk to water availability because they capture rainfall before it becomes surface runoff or groundwater recharge. These activities include small catchment dams (for farms or domestic and stock use), changes in land use and the impact of forest regeneration due to bushfires. Historically, these activities have not required a water entitlement (except for small catchment dams for irrigation or commercial purposes, which have required a licence since 2002); however, they can reduce the amount of water available to downstream entitlement holders and the environment.

Unlike dams for commercial and irrigation use, dams for domestic and stock use are not licensed and therefore can continue to be built without scrutiny of their impact on downstream users and the environment. In Victoria, rights to water for domestic and stock use (private rights) are specified in s8 of the Victorian *Water Act 1989*. Under this section, people are able to access water without a formal entitlement and free of charge under specific arrangements in the Victorian *Water Act 1989*. This includes farm dams for domestic and stock purposes.

Based on current estimates, unlicensed dams capture 6% of the available runoff generated by landscape in northern Victoria. At a local level, the impact of unlicensed dams can be even greater.

Several actions have been highlighted in the Northern Region Sustainable Water Strategy to manage the impacts of stock and domestic use. Some key actions will be:

- requiring the registration of all new or altered domestic and stock dams within
- rural residential areas and promoting sustainable use in accordance with guidelines for reasonable domestic and stock use;
- monitoring growth in domestic and stock use
- clarifying the need to obtain a Victorian *Water Act 1989* s51 licence for harvesting water for uses other than domestic and stock purposes.

South Australia

The South Australia Government's Water for Good strategy identifies a number of projects to increase the volume of water collected from storm water harvesting, both within Adelaide and in rural South Australia. These projects involve storing and treating storm water in wetlands and

aquifers to improve water quality. Only a small number of such projects are within the South Australian MDB region. Landscape water rights within the South Australian MDB region include water access entitlements in the Marne Saunders and Eastern Mount Lofty Ranges for water flowing over the land, whether modified or not, excluding water contained in a watercourse.

Australian Capital Territory

The Australian Capital Territory Government's Think Water Act Water strategy for sustainable water resource management in the Australian Capital Territory, outlines actions the Australian Capital Territory government plans to improve management of storm water runoff, including adopting water sensitive urban design principles.