



**Queensland  
Government**

**Natural Resources  
and Mines**

# New Works for Capturing Contaminated Agricultural Runoff

*This information sheet currently applies to t to the Border Rivers, the Condamine-Balonne, the Fitzroy, the Georgina-Diamantina, the Moonie, and the Warrego/ Paroo/ Bulloo/ Nebine catchments.*

*If you are a landholder in these catchments and you are intending to construct works to capture contaminated agricultural runoff you must obtain a development permit from the Department of Natural Resources and Mines first.*

## Introduction

The *Water Act 2000* allows for a Water Resource Plan to regulate the taking of overland flow water.

Overland flow water is water that runs across the land after rainfall, either before it enters a watercourse or after it leaves a watercourse as floodwater.

Regulation of overland flow water is necessary to ensure that the environmental flows and security of water allocations provided for in a Water Resource Plan are protected.

Currently, the taking of overland flow water is regulated in the areas covered by the Border Rivers, the Condamine-Balonne, the Fitzroy Basin, the Georgina-Diamantina, the Moonie, and the Warrego/ Paroo/ Bulloo/ Nebine Water Resource Plans.

These Water Resource Plans regulate both existing and proposed new works for taking overland flow, and replace the moratoriums on taking overland flow water in these catchments.

Where necessary other Water Resource Plans will regulate the taking of overland flow water.

## Works for taking overland flow water

Works that take water either actively or passively are regulated.

Works that actively take water include:

- pumps, storages, sumps, drains and pipes used to take and store overland flow water
- any storage connected to another storage used to take overland flow water, and the connecting infrastructure
- structures used to hold overland flow water for ponded pastures.

Works that passively take water include:

- levees or diversion banks for directing overland flow into a dam
- levees or diversion banks to slow the movement of overland flow water, except for works used in soil conservation.

Works that interfere with, but were not built with the intention of capturing overland flow water (eg fences, roads and flood mitigation structures) are not affected by the new rules.

## Dams for capturing contaminated agricultural runoff water

Contaminated agricultural runoff water means overland flow water that contains, or is likely to contain, nutrients or farm chemicals at levels potentially harmful to the quality of water in the watercourse. In catchments where overland flow works are regulated, new dams for capturing contaminated agricultural runoff, including those commonly referred to as "best management practice" or BMP dams will also be regulated

There are benefits to the environment from ensuring that contaminated water is contained. However, to protect environmental flows and water entitlements, it is important that limits are placed on growth in overland flow development. A landholder who operates an enterprise that could result in potentially

contaminated water leaving their property is not entitled to a greater share of available water than other landholders such as organic growers or landholders who do not apply chemicals or nutrients that may pose a threat to water ecosystems or the quality of water in a watercourse.

### **Is a water entitlement required?**

A specific water entitlement is not required to take contaminated agricultural runoff water – the right to do so is provided in the relevant water resource plans. However, a development permit to construct works for taking contaminated runoff **is** required.

### **Is a development permit required?**

Works for taking contaminated agricultural runoff are assessable development in those catchments where overland flow is regulated. This means that a development permit, issued under the *Integrated Planning Act 1997*, is required prior to constructing the works.

An application for a development permit is assessed against the *Code for Assessable Development for Works that Allow Taking Overland Flow Water*. The Code provides certain requirements that must be met before an approval is given. In general, the Code only allows for new contaminated agricultural runoff works as a last resort. This means that the applicant must demonstrate that there is a need to take the runoff water and that there is no alternative to constructing the new works.

The Code requires that:

- If a landholder has an alternative, existing option for taking the contaminated water, this should be used in preference to constructing a new storage.
- If a landholder cannot use an existing storage (eg because it is not practical to get water to the storage) then the landholder may be required to reconfigure the existing storage – for example, by reducing the size of the existing storage and building a new storage in another location – thus ensuring that the total amount of overland flow water taken remains the same.
- The proposed storage must be no larger than necessary to take the contaminated water.
- The proposed works for taking contaminated agricultural runoff must be designed to minimise the amount of water that becomes contaminated.

In addition to the above criteria, a landholder must also have a land and water management plan, approved under the *Water Act 2000*. This requirement is to ensure that the proposed new dam forms part of a best practice system for managing water on the property. Guidelines for developing a Land and Water Management Plan are available from any Natural Resources and Mines office or the department's website.

In the future, it is expected that the requirement for a land and water management plan can be replaced with a requirement to comply with an industry best management program. The Department is progressing this option with industry bodies.

### **Requirements do not alter landholder's duty of care**

None of the requirements in respect of constructing contaminated agricultural runoff dams affects the responsibilities of a landholder under the *Environmental Protection Act 1994* and other laws to ensure that their actions do not cause environmental harm.

### **Further information**

You can obtain further information, or a copy of the codes, by phoning, faxing or emailing the department, or by visiting the department's website.

Phone: (07) 4688 1025 (Toowoomba)  
or 1800 822 100 (Rockhampton)

Fax: (07) 4688 1478 (Toowoomba)  
or (07) 4927 3079 (Rockhampton)

[Overlandflow.SouthWest@nrm.qld.gov.au](mailto:Overlandflow.SouthWest@nrm.qld.gov.au)

[Overlandflow.CentralWest@nrm.qld.gov.au](mailto:Overlandflow.CentralWest@nrm.qld.gov.au)  
for the Fitzroy and Georgina-Diamantina catchments.

[www.nrm.qld.gov.au/water/management/overlandflow](http://www.nrm.qld.gov.au/water/management/overlandflow)

**Remember** if you are planning to construct works for taking contaminated agricultural runoff you must obtain a development permit first. To apply for a development permit you must demonstrate that you cannot use your existing works to take the runoff, and have a land and water management plan that has been approved by the Department.