## State code 10: Taking or interfering with water

[State Development Assessment Provisions Guidance Material: State code 10: Taking or interfering with water](https://www.business.qld.gov.au/industries/mining-energy-water/water/authorisations/assessment-approvals/assessed-water-development) which provides direction on how to address this code.

**Table 10.1: Development and relevant provisions of the code**

| **Development** | **Relevant provisions of the code** |
| --- | --- |
| For works that take or interfere with water in a **watercourse**, **lake** or **spring** | Table 10.2 – General: PO1 – PO4 |
| For works that take or interfere with **underground water** | Table 10.2 – General: PO1 – PO4  Table 10.2 – **Underground water**: PO5 – PO6 |
| For works that take **overland flow water**, where prescribed by regulation under the *Water Act 2000* | Table 10.2 – General: PO1 – PO4  Table 10.2 – **Overland flow water**: PO7 – PO8 |
| For works that take **overland flow water**, where the works are reconfiguring **existing works** | Table 10.2 – General: PO1 – PO4  Table 10.2 – **Overland flow water**: PO7 – PO8  Table 10.2 – Reconfiguring **existing works**: PO9 – PO12 |
| For works that take **overland flow water** in a limited catchment area identified in a **water plan**  Note: Limited catchment areas are listed in table 10.3. | Table 10.2 – General: PO1 – PO4  Table 10.2 – **Overland flow water**: PO7 – PO8  Table 10.2 – Limited catchment area: PO13 |
| For works that take **overland flow water** which is **contaminated agricultural run-off water** | Table 10.2 – General: PO1 – PO4  Table 10.2 – **Overland flow water**: PO7 – PO8  Table 10.2 – **Contaminated agricultural run-off water**: PO14 – PO15 |
| Contaminated agricultural run-off water in a Queensland Murray Darling Basin catchment | Table 10.2 – General: PO1 – PO4  Table 10.2 – **Overland flow water:** PO7 – PO8  Table 10.2 – **Contaminated agricultural run-off water**: PO14– PO16 |
| For works that take **overland flow water** as part of an **environmentally relevant activity** or under an **environmental authority** | Table 10.2 – General: PO1 – PO4  Table 10.2 – **Overland flow water**: PO7 – PO9  Table 10.2 – **Environmentally relevant activity**: PO17 |
| For works that take **overland flow water**, incidental to capturing **coal seam gas water** | Table 10.2 – General: PO1 – PO4  Table 10.2– **Overland flow water**: PO7 – PO8  Table 10.2 – **Coal seam gas water**: PO18 |
| For works that take **overland flow water**, under a **water entitlement** | Table 10.2– General: PO1 – PO4  Table 10.2– **Overland flow water**: PO7 – PO8 |
| For works that take **overland flow water** for the purpose of **water sensitive urban design**, for developments in urban areas | Table 10.2– General: PO1 – PO4  Table 10.2– **Overland flow water**: PO7 – PO8 |

**Table 10.2: All development**

| **Performance outcomes** | **Acceptable outcomes** | **Response** |
| --- | --- | --- |
| **General** | | |
| **PO1** Works do not cause an unacceptable impact on natural ecosystems. | No acceptable outcome is prescribed. | Complies with PO# / AO#  Use this column to indicate whether compliance is achieved with the relevant PO or AO (or if they do not apply), and explain why |
| **PO2** Works do not cause an unacceptable impact on other users’ ability to access the resource. | No acceptable outcome is prescribed. |  |
| **PO3** Works do not cause an unacceptable impact on the physical integrity of the **watercourse, lake or spring**. | No acceptable outcome is prescribed. |  |
| **PO4** Works are consistent with any of the following, to the extent they are relevant to the proposed development:   1. a **water plan**; 2. a **water management protocol**; 3. a moratorium notice issued under the *Water Act 2000*. | No acceptable outcome is prescribed. |  |
| **Underground water** | | |
| **PO5** Works maintain the natural ecosystem processes of the **underground water** system. | No acceptable outcome is prescribed. |  |
| **PO6** Works do not unacceptably impact on connectivity between **underground water** and water in a **watercourse**, **lake** or **spring**. | No acceptable outcome is prescribed. |  |
| **Overland flow water** | | |
| **PO7** Works to take **overland flow water** are for one of the following:   1. for an activity prescribed by regulation under the *Water Act 2000*; or 2. for reconfiguring **existing works**; or 3. in a **limited catchment area** identified in a **water plan**; or 4. for **contaminated agricultural run-off water**; or 5. part of an **environmentally relevant activity** or under an **environmental authority**; or 6. incidental to capturing **coal seam gas water**; or 7. consistent with a **water entitlement**; or 8. for the purpose of **water sensitive urban design**; for developments in urban areas. | No acceptable outcome is prescribed. |  |
| **PO8** Works are located, constructed and operated in a way that do not adversely impact on neighbouring properties. | **AO8.1** Works are contained within the property boundaries.  AND  **AO8.2** At full supply level, the area inundated is contained within the property boundaries.  AND  **AO8.3** **Bywash** resulting from the 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 boundary prior to construction of the works. |  |
| **Reconfiguring Existing works** | | |
| **PO9** Development altering existing works do not increase the overall take of **overland flow water**. | **AO9.1** Development altering existing works must not result in an increase to any of the following:   1. the capacity of the works to store water; or 2. the rate at which the works take water; or 3. the average volume of water taken by the works. |  |
| **PO10** Works do not involve reconfiguration of natural water bodies or bunded areas. | No acceptable outcome is prescribed. |  |
| **PO11** Works do not involve reconfiguration of the storage capacity of any of the following:   1. a **lake** that was not used for irrigation or other **intensive stocking** or production; or 2. land being used for irrigated or dryland agriculture or areas surrounded by **levees** designed to prevent the land becoming inundated; or 3. naturally occurring infield storages. | No acceptable outcome is prescribed. |  |
| **PO12** New works are located within the **same premises** as the **existing works**. | No acceptable outcome is prescribed. |  |
| **Limited catchment area** | | |
| **PO13** In the **limited catchment areas**, any works for storing water are:   1. not larger than necessary for storing water other than **overland flow water**; or 2. designed to take **floodwater** overflowing from any adjacent **watercourse**. | **AO13.1** In the limited catchment areas, the **incidental take of overland flow water**:   1. is located within the sub-catchment/management area listed in table 10.3, column 2 for the relevant limited catchment area; and 2. is stored in a local catchment area that is less than or equal to the area of the limited catchment area specified in table 10.3, column 3. |  |
| **Contaminated agricultural run-off water** | | |
| **PO14 Contaminated agricultural run-off water** is captured and stored using existing works unless additional storage is required. | No acceptable outcome is prescribed. |  |
| **PO15** Works to take **contaminated agricultural run-off water**:   1. are not be larger than required to contain **contaminated agricultural run-off water**; and 2. allow for water that is not **contaminated agricultural run-off water** to be passed through the works. | No acceptable outcome is prescribed. |  |
| **Contaminated agricultural run-off water in a Queensland Murray Darling Basin catchment** | | |
| **PO16** Works to contain **contaminated agricultural run-off water** in a **Queensland Murray Darling Basin catchment**:   1. do not increase the volume of **overland flow water** taken in a **water year**; and 2. allow for the release of water when an **acceptable quality of water** is achieved. | No acceptable outcome is prescribed. |  |
| **Environmentally relevant activity** | | |
| **PO17** Works only capture the volume of **overland flow water** necessary for the operation of the **environmentally relevant activity** or **environmental authority** under the *Environmental Protection Act 1994.* | No acceptable outcome is prescribed. |  |
| **Coal seam gas water** | | |
| **PO18** Works for coal seam gas water:   1. are not larger than required to store **coal seam gas** **water** for the **beneficial use** of the resource under chapter 8 of the *Waste Reduction and Recycling Act 2011*; 2. are designed to take **floodwater** from any adjacent **watercourse**; 3. are designed to contain **coal seam gas water** that could be stored in an existing alternative storage. | No acceptable outcome is prescribed. |  |

## Reference tables

**Table 10.3: Limited catchment area parameters**

| **Column 1: Water plan area** | **Column 2: Sub-catchment/ management area** | **Column 3: Area of local catchment** |
| --- | --- | --- |
| Fitzroy Basin | Fitzroy, Lower Mackenzie, Upper Mackenzie, Lower Dawson, Upper Dawson, Isaac Connors, Nogoa and Comet | 250 hectares |
| Burnett Basin | Coastal Burnett Overland Flow Area | 25 hectares |