Protection & Assessment Policy Implementation Task Team: Source Directed Controls

Water Uses *Section 21*

- Taking water
- Storing water
- Impeding/diverting flow
- Streamflow reduction
- Altering watercourse
- Disposal of underground water
- Recreational use
- Waste discharge
- Controlled activity *Section 37*
  - Irrigation of waste
  - Modification of precipitation
  - Power generation which alters flow
  - Aquifer recharge
- Controlled activity *Section 38*
  - Activity declared to be a controlled activity under sec 38

Permissible Water Use *Section 22*

1. Without a licence
2. Authorisation by a licence
3. Controlled activities authorised by licence

Conditions *Section 22(2)*

- Protection
- Comply with standards & practices *sec 26(1)*
- No waste of water
- Seepage, runoff & return flow to resource as directed
- Cannot be authorised without preliminary reserve

4. Permissible under *Schedule 1*

- Reasonable domestic use
- Small gardening (not commercial)
- Watering of animals (not feedlots)
- Store & use roof runoff
- Emergencies
- Recreation (if lawful access)
- Discharge waste & runoff to person(s) licensed to treat/dispose

5. Continuation of existing lawful use *secs 32-35*

- Has taken place at any time in period 2 years before commencement of Act
- Declared as lawful use under *section 33*
- Was authorised by or under any law before commencement of Act
- Identified as streamflow reduction activity *section 36(1)* – 2yr rule applies
- Identified as controlled activity *section 37(1)* – 2 yr rule applies

6. In terms of general authorisation *sec 39*

- Subject to regulations *section 26* (standards, practices, registration)
- Subject to conditions *section 29*
  - protection & management of resource
  - return flow & discharge of waste
  - controlled activity
  - storage & streamflow reduction
- May apply to specific resource *section 39(1)*
- May apply to geographical area *section 39(1)*
- Specify start date and end date

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2. Authorisation by a licence

- ♦ Subject to regulations under *section 26*:
  - Registration
  - Standards & practices
  - Monitoring
  - Impact assessments
- ♦ Regs may differentiate between resources, resource classes & geographical areas
- ♦ Conditions for granting of licence *section 29*:
  - Protection
  - Other users
  - Water management
- ♦ Essential requirements of licence
  - Specify use
  - Specify property & person
  - Period for which valid
  - Review date

Licensing procedure:

i. Apply for licence
   - Individual *sec 40*
   - Compulsory *sec 43*
ii. Supply information *sec 41*
iii. Impact assessment *sec 41(2)*
iv. Notify I&APs *sec 41(4)*
v. Record of decision *sec 42*

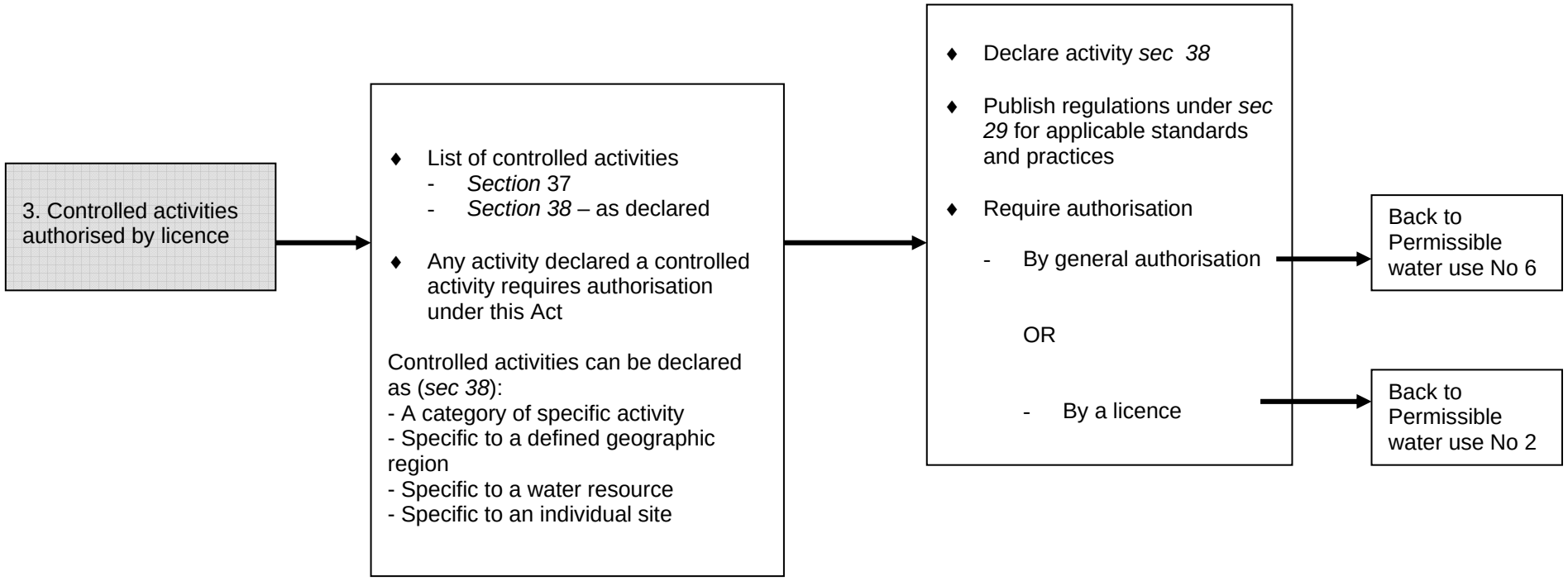
Review of licences *Section 49*

- ♦ Specified periods *sec 49(1)*
- ♦ Degradation of resource quality *sec 49(2)*
- ♦ Meet requirements of the Reserve *sec 49(2)*
- ♦ Changes in socio-economic circumstances *sec 49(2)*

Contraventions of licence conditions *Sections 53-54*

If person fails to
- Comply with licence conditions
- Comply with Act
- Pay charges *chapter 5*

Then remedies include
- ♦ Directive
- ♦ Suspension of licence
- ♦ Withdrawal of licence


3. Controlled activities authorised by licence
List of controlled activities
- Section 37
- Section 38 – as declared
Any activity declared a controlled activity requires authorisation under this Act
Controlled activities can be declared as (sec 38):
- A category of specific activity
- Specific to a defined geographic region
- Specific to a water resource
- Specific to an individual site
Declare activity sec 38
Publish regulations under sec 29 for applicable standards and practices
Require authorisation
- By general authorisation
OR
- By a licence
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