

Water Resources (Water Available from Areas) Determination 2019 (No 2)

Disallowable instrument DI2019–191

made under the

Water Resources Act 2007, s17 (Amounts of water available from areas)

EXPLANATORY STATEMENT

Section 17 of the *Water Resources Act 2007* (the *Act*) requires the Minister to determine the amounts of surface and ground water available from areas supplying water for the use of the Australian Capital Territory. The determination is also required to meet the Territory's obligations under the Basin Plan, made under the *Water Act 2007* (Cwlth).

When making the determination, section 17 (2) of the Act requires the Minister to take the following into account:

- the Environmental Flow Guidelines;
- the total water resources of the Territory;
- any studies and research undertaken by the Environment Protection Authority to establish sustainable yields for the water management area.

This instrument determines the total annual water available from water and sub-water management areas available to the ACT and reflects the current Environmental Flow Guidelines.

For all water and sub-water management areas except Cotter and Googong, total surface water available for taking is 10% of the flow greater than the 80th percentile. In the Cotter and Googong water management areas, the 80th percentile is protected and available take is total flow less the 80th percentile flow.

In the Lower Molonglo and Central Molonglo water management areas, water available for take can include, respectively, the Canberra treated sewage effluent returned to river from the Molonglo Water Quality Control Centre (approximately 30,600ML/yr¹) and Queanbeyan's effluent returned to river from the Queanbeyan Sewage Treatment Plant (approximately 3,250ML/yr), subject to total net water take remaining below the ACT net Sustainable Diversion Limit.

¹ ML denotes megalitres, i.e. 1,000,000 litres, 1 GL equals 1000 ML

Total groundwater available for taking is equal to 10% of the estimated recharge to groundwater.

The amounts in schedule 1 have been developed through the ACT Source model and are based on the rules in the current environmental flow guidelines, the total water resources of the Territory, the requirements of the Basin Plan and specific investigations undertaken by the ACT Government to establish sustainable yields of surface and groundwater within catchments under ACT responsibility.

The instrument revokes the *Water Resources (Water Available from Areas) Determination 2019* (DI2019-39).

Regulatory impact statement

Section 34 of the *Legislation Act 2001* provides that if a proposed subordinate law or disallowable instrument (the proposed law) is likely to impose appreciable costs on the community, or a part of the community, then, before the proposed law is made, the Minister administering the authorising law (the administering Minister) must arrange for a regulatory impact statement to be prepared for the proposed law.

A regulatory impact statement is not required for this instrument as it is not expected to impose appreciable costs on the community or part of the community.