

Water Resources (Water Available from Areas) Determination 2024

Disallowable instrument DI2024–8

made under the

Water Resources Act 2007, s 17 (Amounts of water available from areas)

EXPLANATORY STATEMENT

Section 17 of the *Water Resources Act 2007* (the *Act*) requires the Minister to determine the total amounts of surface and ground water available for taking in each water management area. The determination is also required to meet the Territory's obligations under the *Basin Plan 2012* (Cwlth), made under the *Water Act 2007* (Cwlth).

The Minister determined the amounts of water available for taking through the *Water Resources (Water Available from Areas) Determination 2019 (No 2)* (DI2019-191). This instrument does not change the amounts of water available for taking, which remain the same as determined in DI2019-191. The basis for the amounts determined in 2019 is described further below.

This instrument corrects the volumes and descriptions of the components of the ACT's Sustainable Diversion Limit so that they are consistent with the Territory's Water Resource Plan accredited under the *Basin Plan 2012* (Cwlth).

The instrument corrects the runoff dam take volume from 4.2 GL¹ to 4.64 GL and inserts a reference to the 4.9 GL per annum shared reduction amount (towards the Basin-wide water recovery target).

In 2019, in determining the amounts of water available for taking, the Minister took the following into account as required under section 17 (2) of the Act:

- 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.

¹ GL denotes gegalitres, i.e. 1,000,000,000 litres

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, treated effluent returned to the river from the Molonglo Water Quality Control Centre and the Queanbeyan Sewage Treatment Plant respectively. Total net water take must remain below the ACT net Sustainable Diversion Limit.

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

The amounts in schedule 1 were developed in 2019 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 commences on the day after its notification day.

This instrument repeals the *Water Resources (Water Available from Areas) Determination 2019 (No 2)* (DI2019-191).

Regulatory Impact Statement (RIS)

A RIS is not required for this determination due to section 36 (1) (a) of the Legislation Act, which provides that a RIS need not be prepared for a matter that is not of a legislative nature, including, for example, a matter of a machinery, administrative, drafting or formal nature.

Human Rights

The Standing Committee on Justice and Community Safety (Legislative Scrutiny Role) terms of reference require consideration of human rights impacts, among other matters. In this case, no human rights are impacted.