

# Surface Water Allocation Decision Framework

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## **Background**

When making a decision under the *Water Management Act 1999* that is based wholly or partly on an assessment of the quantity of water available or the period or periods during which water is available from a water resource, the Minister must take into account:

- (a) the needs of the major ecosystems that depend on that water resource for water; and
- (b) any effect that the decision may have on the commercial operations of major users of water from that water resource.

The Surface Water Allocation Decision Framework (the Framework; Table 1) sets out volumetric, spatial and temporal parameters for surface water allocation in Tasmania. Subject to the application of appropriate conditions, an allocation that is consistent with the Framework can generally be considered to be an allocation that:

- (a) is consistent with the Objectives of the *Water Management Act 1999* and any relevant water management plan; and
- (b) could not reasonably be expected to lead to material environmental harm or serious environmental harm; and
- (c) will not have a significant adverse impact on other persons taking water from the relevant water resource or on the commercial operations of a major user of water from that water resource.

Approval of an application for a water licence or variation to a water licence under the Framework is therefore consistent with the requirements for the Minister's approval.

## **Determination of Applications**

Where an application for a water licence or variation to a water licence fits within the criteria set out in the Framework, the application will generally be approved under delegated authority subject to operational considerations. It may be necessary to obtain additional information in order to make a determination with respect to operational conditions. In most cases, it is expected that standard conditions (Attachment A) will apply.

Under some circumstances, the operational aspects of a proposal may dictate that, in addition to standard conditions, specific conditions are necessary to avoid adverse impacts on the environment and other users of the water resource.

Where an application for a water licence or variation to a water licence does not fit within the criteria set out in the Framework, the application will generally be refused unless it can otherwise be shown to meet the statutory requirements of the *Water Management Act 1999*, particularly in regard to consistency with the objectives of the Act. Approval in such an instance would, however, have to be provided by an officer holding delegated authority at a senior level or the Minister.

**Table 1 Surface Water Allocation Decision Framework**

<b>Surety Level</b>	<b>Notional reliability</b>	<b>Allocation Limit</b>	<b>Period</b> (See Note 1)
1	Available whenever water is there.	The amount of water that can be taken by a person under section 48(2) of the <i>Water Management Act 1999</i> is regulated under section 4 of <i>Water Management Regulations 2009</i> .  (Note: generally not licensed)	
5	The full volume of allocation is likely to be available in at least 8 out of 10 years	The volume of water available at 80% reliability at the local, sub-catchment and catchment scale*  *less the EWR	1 December to 30 April inclusive (See Note 2) <b>OR</b> 1 May to 30 November inclusive
6	The full volume of allocation is likely to be available between 5 and 8 years out of ten	A 20% share of the volume of water available between 50% and 80% reliability at the local, sub-catchment and catchment scale	1 May to 30 November inclusive  (Note: no summer allocation)
7	The full volume of allocation is likely to be available less than 5 out of 10 years	Any Surety Level 7 allocation is to be included within the volume of water available at Surety Level 5 and 6 at the subcatchment and catchment scales (See Note 3)	1 May to 30 November inclusive  (Note: no summer allocation)

**All allocation limits are determined using the Tasmanian Sustainable Yields future dry scenario climate data.**

**Note No. 1:** This Framework sets out notional take periods that will generally be applied. Take periods other than those in this Framework may exist in some catchments where an alternative period is considered to be more practicable. However, each allocation within the same catchment should be based on consistent take periods.

**Note No. 2:** When calculating the volume of water available for allocation at Surety Level 5 during summer (1 December - 30 April), all existing allocations at any surety level must be deducted from the allocation limit. **DPIPWE are currently reviewing summer allocations. While this review is being undertaken, applications for summer water will not be progressed. The only exception is where a Water Management Plan has determined summer water is available for allocation for a particular region.**

**Note No. 3:** Surety Level 7 water is allocated only where Surety Level 5 or 6 water is available at the sub-catchment and catchment, but not at the off-take.

**Note No. 4:** Where the requirements of a Water Management Plan and this Framework conflict, the Water Management Plan's requirements prevail.

**Note No. 5:** In addition to this framework, conditions of a water allocation and Restriction Protocols will manage access to water on a daily basis.

**Note No. 6:** Standard conditions (Attachment A) are to be applied to all water allocations.

**Note No. 7:** Where any of the circumstances set out in Attachment B are encountered, an application must be referred to the Manager, Water Assessment Branch for advice and assessment.

**Note No. 8:** This framework applies to both consumptive and non-consumptive water allocations.

## Attachment A – Standard Water Licence Conditions (New Allocations)

Surety Level	Condition No.	Condition	Applicable
1	1	The licence holder must maintain records that demonstrate the quantity of water taken. When directed by the Minister, the licence holder must provide the Minister with the records in the form specified by the Minister.	all allocations
5 and 6	1	The licence holder must maintain records that demonstrate the quantity of water taken. When directed by the Minister, the licence holder must provide the Minister with the records in the form specified by the Minister.	all allocations
5 and 6	2	Whenever the licence holder is taking water under this allocation, at least fifty (50) percent of the instantaneous stream flow at the offtake point must be passed downstream.	all allocations
5 and 6	3	When condition 2 cannot be met, due to stream flows exceeding the maximum capacity of the outlet structure, the licence holder must keep the outlet structure fully open until such time as condition 2 can be met.	in stream dam allocations
7	1	The licence holder must maintain records that demonstrate the quantity of water taken. When directed by the Minister, the licence holder must provide the Minister with the records in the form specified by the Minister.	all allocations
7	2	The licence holder may only take water under this allocation when flows at the offtake point exceed the threshold flow of XXML/day.	all allocations
7	3	Whenever the licence holder is taking water under this allocation, at least fifty (50) percent of the instantaneous stream flow above the threshold flow, at the offtake point, must be passed downstream.	all allocations
7	4	When condition 3 cannot be met, due to stream flows exceeding the maximum capacity of the outlet structure, the licence holder must keep the outlet structure fully open until such time as condition 3 can be met.	in stream dam allocations
8	1	The licence holder must maintain records that demonstrate the quantity of water taken. When directed by the Minister, the licence holder must provide the Minister with the records in the form specified by the Minister.	all allocations
8	2	The licence holder may only take water under this allocation when notification to do so has been provided by an Authorised Officer.	all allocations

**Note No.1:** Additional non-standard conditions may apply to a Water Allocation.

**Note No. 2:** The Surety Level 7, condition 2, threshold flow will be based on a bank-full flow as determined by a consultant's report and verified by the Water Assessment Branch.

## Attachment B – Circumstances for Referral to the Manager, Water Assessment Branch

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1. The design or operational aspects of the proposal have potential to impact on the environment or downstream users of the water resource. Examples include the following.
  - a. The impoundment, diversion or release of water may lead to material environmental harm<sup>1</sup> or serious environmental harm<sup>2</sup>.
  - b. A proposal involving water transfer from one water resource to another, where connectivity does not already exist.
  - c. A proposal involving water transfer upstream.
  - d. A proposed allocation linked to an in-stream storage with a capacity in excess of its allocation(s).
  - e. A proposed allocation exceeds 1000 ML.
  - f. A proposed allocation where the rate of extraction may significantly impact on hydrology. This may occur, for example, in flashy rivers or where a very high rate of extraction is proposed.
  - g. A proposed allocation where the use of water may lead to material environmental harm or serious environmental harm. Under section 58 of the *Water Management Act 1999*, the Minister may determine that a water allocation of a licence may be used only in accordance with conditions for the avoidance, minimisation or management of associated environmental risks. *Environmental risk* means a material risk that a water allocation may, in respect of any water resource or land, cause –
    - a rise in underground water levels; or
    - soil waterlogging; or
    - increased salination; or
    - increased soil erosion; or
    - the destabilisation of the bank or bed of a watercourse; or
    - the degradation of a riverine or estuarine environment; or
    - a deterioration of water quality.
2. All proposed allocations at Surety Level 7.
3. Proposed allocations from a water resource where the total sum of allocations will exceed >70% of the total volume of water available, during the relevant take period, for allocation at Surety Level 5 and 6 at the subcatchment or catchment level<sup>3</sup>.
4. Any circumstance where the Minister's delegate considers that the proposed allocation may result in an adverse impact on the environment and/or downstream users of the water resource.
5. All proposed summer water allocations (until WAT is updated to reflect climate change scenarios).

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<sup>1</sup> As described in section 5 of the *Environmental Management and Pollution Control Act 1994*

<sup>2</sup> As described in section 5 of the *Environmental Management and Pollution Control Act 1994*

<sup>3</sup> Only the first allocation within a particular subcatchment is required to be referred, subject to Water Assessment Branch advice