

# Basin Plan Water Resource Plan Requirements Position Statement 3K Take in the context of a Water Resource Plan

<b>POLICY ISSUE</b>	<b>What take is included and what take is not included in a Water Resource Plan?</b>
<b>REFERENCES</b>	<i>Basin Plan 2012 (Cth) (s1.07, s10.08, s10.09, s10.10)</i>

<b>MDBA POSITION STATEMENT</b>
<ol style="list-style-type: none"> <li>1. Section 1.07 defines 'forms of take' as any of the following:               <ol style="list-style-type: none"> <li>a. Take from a watercourse;</li> <li>b. Take from a regulated river;</li> <li>c. Take by floodplain harvesting;</li> <li>d. Take by runoff dams;</li> <li>e. Net take by commercial plantations;</li> <li>f. Take from groundwater;</li> <li>g. Take under basic rights.</li> </ol> </li> <li>2. Water taken under the forms above may be for consumptive or environmental purposes. Planned environmental water is not a form of take defined in s1.07.</li> <li>3. Section 10.08 requires a water resource plan (WRP) to identify all forms of take (as defined in s1.07) that occur within the Sustainable Diversion Limit (SDL) resource unit. This includes water taken for consumptive and environmental uses.</li> <li>4. Once these forms of take have been identified, the WRP must set out:               <ol style="list-style-type: none"> <li>a. the portion of these forms of take considered as held environmental water (s10.09(2)); and</li> <li>b. the portion taken for consumptive use (s10.10).</li> </ol> </li> <li>5. The consumptive forms of take identified in s10.10 should be consistent with the forms of take identified in the Baseline Diversion Limit (BDL).</li> <li>6. It is possible there may be other forms of take that are listed or covered by those listed in s1.07; for example roof runoff. When this occurs, this form is excluded from Chapter 10 Part 3 (s10.08-10.14) requirements, even if the State has licenses or permits for that type of take.</li> <li>7. In the development of the WRP, a situation may arise where a consumptive form of take is identified under s10.08 and s10.10 that is <u>not</u> included in the surface water BDL. If this occurs, one of the two following circumstances apply:               <ol style="list-style-type: none"> <li>a. Situation 1: The Basin State allows a new form of take to commence,</li> </ol> </li> </ol>

<b>MDBA Reference</b>	D16/24854	<i>Accessed:</i>
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that didn't occur prior to 2009. In this case, the BDL volume will not be amended and the form of take not previously identified in the BDL will need to be met within the existing SDL volume (ie the volume of another form of take will need to reduce).

- b. Situation 2: The Basin State advises an improved estimate of a form of take that existed prior to 2009. In this case, the Basin State can request to have the BDL volume amended (refer to Position Statement 3D) or can choose to manage the take within the existing SDL.
8. Where a form of take has not been listed under s10.08, the take is still required to be considered for other parts of the WRP requirements such as Part 5 and Part 9.
9. This Position Statement should be read in conjunction with Position Statement 3G – Characteristics of Water Access Rights and Position Station 3D – Changes to the BDL.

### **Rationale**

1. This paper aims to clarify:
  - a. the forms of take included and not included in a WRP to meet the requirements of Chapter 10 Part 3 of the Basin Plan; and
  - b. the relationship between forms of take identified under s10.10 and the Baseline Diversion Limit for an SDL resource unit.
2. 'Form of take' is a specific term that refers to the forms listed under s1.07. Take not listed under s1.07 is not a 'form of take' for the purpose of Chapter 10 Part 3.
3. Consumptive use is defined in the Water Act, under s4, to mean *the use of water for private benefit consumptive purposes including irrigation, industry, urban and stock and domestic use.*
4. Figure 1 provides a diagrammatic representation of the forms of take and how they relate to the requirements of Chapter 10 Part 3.

Figure 1

