

# Water Resources (Water Use and Catchment General Code) Determination 2023

**Notifiable instrument NI2023–824**

made under the

**Water Resources Act 2007, s 15A (Environmental values for waterways)**

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## **1 Name of instrument**

This instrument is the *Water Resources (Water Use and Catchment General Code) Determination 2023*.

## **2 Commencement**

This instrument commences on the day after its notification.

## **3 Determination**

I determine that the Code set out in the schedule identifies the environmental values for the waterways of the ACT.

Shane Rattenbury MLA  
Minister for Water, Energy and Emissions Reduction  
15 December 2023

SCHEDULE



**ACT**  
Government

# Water Use and Catchment General Code

Environment Planning and Sustainable Development Directorate

Authorised by the ACT Parliamentary Counsel—also accessible at [www.legislation.act.gov.au](http://www.legislation.act.gov.au)

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## Introduction

The purpose of this code is to identify waters of the Australian Capital Territory in terms of the permitted water uses and environmental values, and to identify the water quality and streamflow criteria related to the full protection of these uses and values.

To facilitate the management of the Territory's water resources, and to ensure integrated land and water planning and management, the development of policies has been undertaken in a total catchment context. Waters of the ACT and their catchments have been classified into three Water Use Catchment categories as identified in Figure 1. These are:

- Conservation
- Water Supply
- Drainage and Open Space.

The classification of the catchment relates to the predominant water use or environmental value within that catchment. The mechanisms for ensuring that the principles relating to each of these catchments are implemented will generally be one of:

- the identification of appropriate provisions in the relevant land use policies in the Territory Plan
- the issue of licences to discharge to streams or to divert or abstract water for use or to undertake activities on or in waters
  - the preparation of management plans by the relevant authority responsible for the land management and the preparation of water-sharing plans by the relevant authority responsible for administration of the Territory's water resources.

These licences or plans must not be inconsistent with either the Territory Plan or the National Capital Plan.

The objectives and policies relating to each water catchment classification are set out in the following pages.

## Part A Conservation Catchments

The Conservation Catchments incorporate those lakes, streams and wetlands for which the primary value is conservation of aquatic habitats (natural and modified), migratory routes or landscape qualities. The Conservation policies allow for a range of other uses, which are generally compatible with, but secondary to, the primary value. These other uses are: recreation (swimming, fishing, boating, waterscape), or other uses including discharge (wastewater, stormwater), water supply (domestic, irrigation, stock), and streamflow regulation that can be managed such that they are consistent with the primary value.

### Part A(1) Objectives

The objectives of the Conservation Catchment policies are to:

- a) protect and conserve the water quality and aquatic habitats of highly valued lakes, rivers and streams
- b) make provision for a range of water uses and environment values that are compatible with the conservation values of the catchments
- c) ensure that water and catchment land use are consistent with maintaining ecological sustainability and the conservation values of the catchments
- d) ensure that the streamflow and quality of discharges from the catchments are consistent with protection of environment values of downstream waters
- e) protect and conserve the water quality of groundwater resources of the Territory.

### Part A(2) Policies

#### Element 1: Water Use and Environmental Values

Water within the Conservation Catchments may be used only for purposes set out in Schedule 1, and in accordance with the location of the water uses or prescribed environmental values set out in Schedule 2.

##### Schedule 1: Conservation Catchment Policies

Purposes for which water may be used or prescribed environmental values

- Aquatic habitat – mountain streams (AQUA/1)
- Aquatic habitat – lowland streams (AQUA/2)
- Aquatic habitat – urban lakes and ponds (AQUA/3)
- Aquatic habitat – urban wetlands (AQUA/5)
- Aquatic habitat – mountain reservoirs (AQUA/6)
- Discharge – treated wastewater
- Discharge – stormwater
- Domestic water supply (DOM/1)
- Fishing
- Hydro-electric power generation
- Irrigation water supply (IRRIG)
- Waterscape (VIEW)
- Stockwater supply (STOCK)
- Streamflow regulation
- Water based recreation – boating (REC/2)\*
- Water based recreation – swimming (REC/1)

\* Excluding petroleum powered boats except where authorised for safety and training purposes

Schedule 2: Conservation Catchment Policies		
Catchment	Description	Water Uses and Environment Values*
Murrumbidgee	Angle Crossing to Molonglo River	DOM/1, IRRIG, STOCK, REC/1, REC/2, VIEW, AQUA/1, AQUA/2, Discharge – stormwater
	Molonglo River to ACT Border	STOCK, REC/1, REC/2, VIEW, AQUA/1, AQUA/2, Discharge – wastewater and stormwater
Paddys	Head to Cotter River	VIEW, REC/1, STOCK, DOM/1, AQUA/2, Discharge – stormwater
Gudgenby and Naas	Head to Murrumbidgee**	DOM/1, STOCK, VIEW, AQUA/1, AQUA/2, Discharge – stormwater
Cotter	Cotter Dam to Murrumbidgee	VIEW, AQUA/2, REC/1, REC/2, Hydro-electric power generation, Discharge – stormwater
Tarpaulin	Head to Murrumbidgee	DOM/1, IRRIG, STOCK, REC/1, REC/2, VIEW, AQUA/1, AQUA/2, Discharge – wastewater and stormwater
Molonglo	ACT–NSW Border to Queanbeyan River	STOCK, IRRIG, VIEW, AQUA/2, Discharge – stormwater
	Queanbeyan River to Fyshwick	STOCK, IRRIG, VIEW, AQUA/2, Discharge – wastewater and stormwater, REC/2
	Fyshwick to Dairy Flat Road	STOCK, IRRIG, VIEW, AQUA/2, Discharge – stormwater, REC/2, waterskiing
	Dairy Flat Road to Lake Burley Griffin	STOCK, IRRIG, VIEW, AQUA/2, AQUA/5, Discharge – stormwater, REC/2
	Lake Burley Griffin – East Basin	REC/2, VIEW, AQUA/1, FISH, Discharge – stormwater
	Lake Burley Griffin – Central Basin	REC/2, VIEW, FISH, Discharge – stormwater
	Lake Burley Griffin – West Basin to Tarcoola Reach	REC/1, REC/2, VIEW, FISH, Discharge – stormwater
	Yarramundi Reach	REC/2, VIEW, AQUA/1, FISH, Discharge – stormwater
	Scrivener Dam to LMWQCC***	STOCK, VIEW, AQUA/2, Discharge – stormwater, REC/2, IRRIG
	LMWQCC*** to Murrumbidgee River	VIEW, AQUA/2, Discharge – wastewater, REC/2, Discharge – stormwater
Queanbeyan	ACT Border to Molonglo River	STOCK, IRRIG, VIEW, AQUA/2, Discharge – stormwater, REC/2
Jerrabomberra	Canberra Ave to Lake Burley Griffin	VIEW, AQUA/5, Discharge – stormwater
<p>* Fishing permitted in all waters</p> <p>** Potential future Tennent Reservoir water supply scheme in this section</p> <p>*** Lower Molonglo Water Quality Control Centre</p> <p>Water use designations are set down in the National Capital Plan.</p>		

## **Element 2: Protection of Water Quality**

- a) Land water use and protection measures shall be consistent with maintaining the water quality appropriate to the relevant water uses and environmental values set out in Schedule 2.
- b) Land use and management provisions shall be consistent with land use capability.
- c) Land use development and management provisions shall be consistent with minimising erosion and discharge of sediments.
- d) Provision shall be made for the collection and treatment of domestic and industrial liquid wastes.
- e) Provision shall be made for the collection and treatment of urban stormwater pollutants.
- f) Recreation areas shall be located in zones in which the water quality is consistent with the water quality criteria for the protection of the prescribed water use.
- g) Total discharge (loading) of various constituents emanating from the catchment shall not exceed the sustainable loading on receiving waters.
- h) Discharge of wastewater shall not be permitted to groundwater resources.

## **Element 3: Protection of Streamflow**

- a) Streamflow diversions shall be restricted to authorised diversions.
- b) Lake and reservoir releases shall be consistent with the protection of downstream ecology and water uses.

## **Element 4: Protection of Stream Environs**

- a) Land uses and protection measures within stream environs and floodplains shall be consistent with the protection of the floodplains.
- b) Sand and gravel removal and channel stabilisation works may be undertaken as required to rehabilitate and stabilise aquatic habitats and flood channels.

## **Element 5: Protection of Groundwater Yield**

- a) The abstraction of groundwater shall be consistent with authorised abstractions.

## Part B Water Supply Catchments

The Water Supply Catchments incorporate those reservoirs and streams for which the primary value is domestic water supply. The Water Supply Catchment policies allow for a range of other uses, which are generally compatible with but secondary or ancillary to the primary value. These other uses include conservation (natural and modified habitat, migration), waterscape, recreation (controlled), and stockwater supply.

### Part B(1) Objectives

The objectives of the Water Supply Catchment policies are to:

- a) make provision for domestic water supply as the predominant water use
- b) ensure that water and catchment land uses are consistent with maintaining a safe and reliable water supply (protection of quality and quantity) and other values of the catchment
- c) make provision for a range of other water uses and environmental values that are compatible with use of the water for domestic water supply
- d) ensure that the streamflow and quality of discharges from the catchment are consistent with the protection of environmental values of downstream waters
- e) protect and conserve the water quality of groundwater resources of the Territory.

### Part B(2) Policies

#### Element 6: Water Use and Environment Values

Water within the Water Supply Catchments may only be used for purposes set out in Schedule 3, and in accordance with the location of water uses or prescribed environment values set out in Schedule 4.

##### Schedule 3: Water Supply Catchment Policies

Purposes for which water may be used or prescribed environmental values:

- Aquatic habitat - mountain streams (AQUA/1)
- Aquatic habitat - mountain reservoirs (AQUA/6)
- Domestic water supply (DOM/1)
- Fishing
- Hydro-electric power generation
- Stockwater supply (STOCK)
- Waterscape (VIEW)
- Water storage

##### Schedule 4: Water Supply Catchment Policies

Catchment	Description	Water Uses and Environment Values
Cotter	Headwaters to Corin Reservoir	VIEW, AQUA/1, Discharge – stormwater
	Corin Reservoir	DOM/1, VIEW, AQUA/6, Discharge – stormwater
	Corin Dam to Bendora Dam (incl. Reservoir)	DOM/1, VIEW, AQUA/1, AQUA/6, Hydro-electric power generation, Discharge – stormwater
	Bendora Dam to Cotter Reservoir	DOM/1, VIEW, AQUA/1, Hydro-electric power generation, Discharge – stormwater
	Cotter Reservoir	DOM/1, VIEW, AQUA/6, Discharge – stormwater



### **Element 7: Protection of Water Quality**

- a) Land and water uses and protection measures shall be consistent with maintaining water quality appropriate to the relevant water uses and environmental values set out in Schedule 4.
- b) Residential use and camping shall be excluded from the catchment.
- c) Discharge of wastewater shall not be permitted within the catchment.
- d) Construction activities shall be consistent with minimising erosion and discharge of sediments.
- e) Recreation activities shall be controlled to minimise the potential of pollution of waters.
- f) Total discharge (loading) of various streamflow constituents emanating from the catchment shall not exceed the sustainable loading on receiving waters.
- g) Discharge of wastewater shall not be permitted to groundwater resources.

### **Element 8: Protection of Streamflow**

- a) Streamflow diversions shall be consistent with authorised diversion.
- b) Reservoir releases shall be consistent with protection of downstream ecology and water uses.
- c) Sites shall be established as required to provide storage and maintain supply during extended drought periods.

### **Element 9: Protection of Stream Environs**

- a) Land uses and protection measures within the reservoir and stream environs and floodplains shall be consistent with the protection of the floodplains.

### **Element 10: Protection of Groundwater Yield**

- a) Abstraction of groundwater shall be consistent with authorised abstractions.

## Part C Drainage and Open Space Catchments

The Drainage and Open Space Catchments incorporate those lakes and streams for which the primary value is drainage of the catchment and associated provision of open space. The Drainage and Open Space Catchment policies allow for a range of other uses, which are generally compatible with but secondary or ancillary to the primary use. These other uses include: conservation (modified habitats), recreation (fishing, swimming, boating), and waterscape, or other uses such as water supply (irrigation, stockwater supply) and discharge (wastewater), which can be managed such that they are compatible with the primary value.

### Part C(1) Objectives

The objectives of the Drainage and Open Space Catchment policies are to:

- a) make provision for urban, open space and rural drainage as the predominant water use
- b) make provision for a range of other non-drainage water uses and environmental values that are compatible with the drainage function of the catchment
- c) ensure that water and catchment land uses are consistent with maintaining the predominant drainage function and other values of the catchment
- d) ensure that the streamflow and quality of discharges from the catchment are consistent with the protection of downstream environment values
- e) protect and conserve the water quality of groundwater resources of the Territory.

### Part C(2) Policies

#### Element 11: Water Use and Environment Values

Water within the Drainage and Open Space Catchments may be used only for the purposes set out in Schedule 5, and in accordance with the location of the water uses or prescribed environmental values set out in Schedule 6.

#### Schedule 5: Drainage and Open Space Catchment Policies

Purposes for which water may be used or prescribed environmental values:

- Aquatic habitat – lowland streams (AQUA/2)
- Aquatic habitat – urban lakes and ponds (AQUA/3)
- Aquatic habitat – urban drains and streams (AQUA/4)
- Aquatic habitat – urban wetland (AQUA/5)
- Discharge – treated wastewater
- Discharge – stormwater
- Fishing
- Irrigation water supply (IRRIG)
- Stockwater supply (STOCK)
- Water based recreation – swimming (REC/1)
- Water based recreation – boating (REC/2)\*
- Waterscape (VIEW)

\* Excluding petroleum powered boats except where authorised for safety and training purposes

<b>Schedule 6: Drainage and Open Space Catchment Policies</b>		
<b>Catchment</b>	<b>Description</b>	<b>Water Uses and Environment Values*</b>
Tuggeranong	Head to Lake Tuggeranong	Discharge – stormwater, IRRIG, VIEW, AQUA/2, AQUA/3
	South arm of Lake	Discharge – stormwater, VIEW, REC/2, IRRIG, AQUA/3
	Kambah Wetland	Discharge – stormwater, VIEW, IRRIG, AQUA/3
	North arm of Lake	Discharge – stormwater, VIEW, REC/2, IRRIG, AQUA/5
	Main basin of Lake	Discharge – stormwater, VIEW, REC/1, REC/2, IRRIG, AQUA/3
	Lake Tuggeranong Dam to Murrumbidgee River	Discharge – stormwater, VIEW, AQUA/4
Lower Stranger Pond	Head to Murrumbidgee River	Discharge – stormwater, VIEW, IRRIG, AQUA/3, AQUA/4
Point Hut Pond	Head to Murrumbidgee River	Discharge – stormwater, VIEW, REC/2, IRRIG, AQUA/3, AQUA/4
Gooromon Ponds	NSW Border to Ginninderra Creek	Discharge – stormwater, STOCK, VIEW, AQUA/4
Woolshed	Head to Molonglo River	Discharge – stormwater, STOCK, AQUA/2
Jerrabomberra	ACT Border to Canberra Ave	STOCK, IRRIG, Discharge – wastewater and stormwater, AQUA/4
Sullivans	Head to Lake Burley Griffin	Discharge – stormwater, STOCK, IRRIG, VIEW, AQUA/4
Yarralumla	Head to Molonglo River	Discharge – stormwater
Weston	Head to Molonglo River	Discharge – stormwater
Ginninderra	Headwaters to Lake Ginninderra	Discharge – stormwater, AQUA/2, AQUA/3, AQUA/4, VIEW, REC/2, IRRIG
	Lake Ginninderra – Upstream of Ginninderra Drive	Discharge – stormwater, IRRIG, AQUA/3, VIEW
	Lake Ginninderra – Eastern arm	Discharge – stormwater, AQUA/3, VIEW, REC/1, REC/2, IRRIG
	Lake Ginninderra – South basin	Discharge – stormwater, AQUA/3, VIEW, REC/2, IRRIG
	Lake Ginninderra – Main basin	Discharge – stormwater, AQUA/3, VIEW, REC/1, REC/2, IRRIG
	Dam to ACT border	Discharge – stormwater, AQUA/3, AQUA/4, VIEW, IRRIG
Halls	Headwaters to Ginninderra Creek	Discharge – stormwater, AQUA/3, AQUA/4, VIEW
* Fishing permitted in all waters		

## **Element 12: Protection of Water Quality**

- a) Land and water uses and protection measures shall be consistent with maintaining the water quality appropriate to the relevant water uses and environmental values set out in Schedule 6.
- b) Land use and protection measures shall be consistent with the land use capability.
- c) Land development and construction activities shall be consistent with minimising erosion and discharge of sediments.
- d) Provisions shall be made for the collection and treatment of domestic and industrial wastewater.
- e) Provision shall be made for the collection and treatment of urban stormwater pollutants and the protection of associated open space corridors.
- f) Water-based and related recreation areas shall be located in zones of water quality that are consistent with the water quality appropriate to the use.
- g) Total discharge (loading) of various streamflow constituents emanating from the catchments shall not exceed the sustainable loading on receiving waters.
- h) Discharge of wastewater shall not be permitted to groundwater resources.

## **Element 13: Protection of Streamflow**

- a) Drainage shall be provided to intercept and transfer the 100-year annual exceedance probability (AEP) storm clear of residential leases, as is consistent with public safety.
- b) Streamflow diversions shall be consistent with authorised diversions.
- c) Lake releases shall be consistent with the protection of downstream ecology and water uses.
- d) Retardation measures shall be provided where appropriate to limit peak flows to levels within the capacity of downstream channels.

## **Element 14: Protection of Stream Environs**

- a) Land uses and protection measures within floodways shall be consistent with the protection of the drainage corridors.
- b) Provision shall be made for the accommodation of sportsgrounds and cycleways within the floodway above the two-year annual exceedance probability (AEP) level where practicable.
- c) Sand and gravel removal, and channel stabilisation works, may be undertaken as required to rehabilitate and stabilise aquatic habitats and flood channels.

## **Element 15: Protection of Groundwater Yield**

- a) Abstraction of groundwater shall be consistent with authorised abstractions.

Figure 1: Water Use Catchments

