

Coastal harvestable rights and excluded works

This factsheet provides information on how excluded works affect the maximum harvestable rights dam capacity for a landholding.

Types of excluded works

In the Harvestable Rights (coastal-draining catchments) Order 2022, an excluded work is:

- a) a dam identified as an excluded work in **clauses 1 - 4 of Schedule 1 to the Water Management (General) Regulation 2018**. These include dams:
- solely for the **control or prevention of soil erosion**: from which no water is reticulated or pumped, and the structural size of which is the minimum necessary to fulfil the erosion control function, and that are located on a minor stream
 - solely for **flood detention and mitigation** from which no water is reticulated or pumped and that are located on a minor stream
 - solely for the **capture, containment and recirculation of drainage and/or effluent**, to prevent the contamination of a water source, that are located on a minor stream
 - approved in writing by the Minister used solely for **specific environmental management purposes** that are located on a minor stream.
- b) a dam that **cannot capture rainfall runoff**, for example, a turkey's nest dam.

Under the *Water Management Act 2000* and the Water Management (General) Regulation 2018, excluded works can be constructed and used without the need for a water supply work approval or a water access licence.

How excluded works affect the capacity of harvestable rights dams

The presence of excluded works on a landholding has no impact on the calculation of the harvestable right dam capacity with reference to 10 per cent average annual regional rainfall runoff (rainfall runoff) in coastal-draining areas. This ensures that the historical 10 per cent rainfall runoff right is retained by all landholders. In the central inland-draining catchments harvestable rights area and in the Western Division, an excluded work has no impact on the calculation of the maximum harvestable right dam capacity

However, in **coastal-draining catchments**, if a landholder wants to exercise a harvestable right of more than 10 per cent rainfall runoff, excluded works are considered when determining the maximum harvestable right dam capacity. This is because these works can already capture natural flows which would otherwise have contributed to downstream flows.

Landholders in coastal-draining catchments who have an excluded work, or works, on their landholding must **determine the area of the landholding that drains into the excluded work** in order to calculate their maximum harvestable right dam capacity. This area needs to be converted to a percentage of the total area of the landholding.

The *Maximum harvestable rights dam capacity calculator* deducts the portion of the landholding that drains into the excluded work from the total area of the landholding when calculating the maximum harvestable right dam capacity with reference to 30 per cent of rainfall runoff.

Constructing an excluded work after harvestable rights dams

If a landholder is capturing water in a Type 2 harvestable rights dam and later constructs and uses an excluded work, a new maximum harvestable right dam capacity must be calculated on the online calculator. This must account for the portion of the landholding that drains into the excluded work.

The existing harvestable rights dams on a landholding may need to be reduced in size, or a water supply work approval and water access licence obtained to cover the capacity of the dam, or dams, that exceed the new maximum harvestable right dam capacity.

Scenario

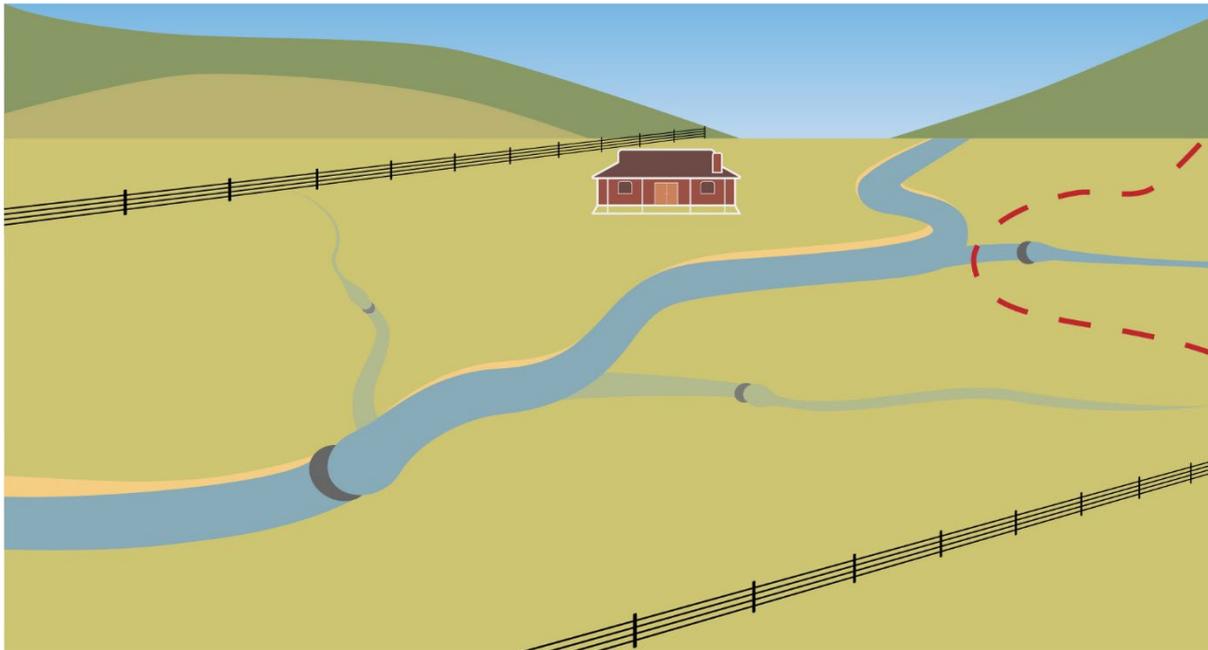
A landholder in a coastal-draining catchment would like to construct additional harvestable rights dams to take advantage of the new 30 per cent of rainfall runoff harvestable rights limit. The landholder already has an excluded work – a dam for the control of soil erosion – and harvestable rights dams on their landholding.

Step 1

The landholder determines the area of their landholding which drains into the excluded work:

10 hectares of the 125-hectare landholding drains into the excluded work, which equals 8 per cent of the landholding.

Figure 1. Landholding with an area of land draining into an excluded work, marked by the red dashed line.



Step 2

The landholder uses the [online calculator](#) to determine the maximum harvestable right dam capacity (MHRDC) for the landholding. The landholder inputs 8 per cent as the portion of the landholding that drains into the excluded work. The calculator determines the combined:

- dam capacity of all harvestable rights dams on the landholding with reference to 10 per cent of rainfall runoff is 9.38 megalitres ML
- maximum dam capacity of all harvestable rights dams on the landholding with reference to 30 per cent of rainfall runoff is 26.63 ML.

Step 3

The landholder determines the capacity of the existing harvestable rights dam on the landholding:

- one harvestable rights dam has a capacity of 5 ML

Step 4

The landholder has a few options to capture, store and use harvestable rights water including:

- enlarge an existing dam or build a new harvestable rights dam/s to a combined capacity (of all harvestable rights dams on the landholding) of 9.38 ML – this is the dam capacity with reference to 10 per cent rainfall runoff. These dams would be Type 1 dams and the water can be used for any purpose
- enlarge an existing dam/s to a combined capacity equal to or less than 26.63 ML – this is the maximum harvestable right dam capacity with reference to 30 per cent rainfall runoff

- construct a new harvestable rights dam/s with a combined capacity of up to 17.25 ML – this is the difference between the dam capacity volumes with reference to 30 per cent and 10 per cent of rainfall runoff.

Note - Any dams that increase the total harvestable rights dam capacity on the landholding to more than 9.38 ML would be Type 2 dams. Water in Type 2 dams can only be used for domestic consumption, stock watering and extensive agriculture. A notification form also needs to be submitted before constructing or using any new Type 2 dams.

Read the [Types of harvestable rights dams](#) fact sheet for more information on Type 1 and Type 2 dams.