



Queensland

Water Act 2000

Water Resource (Baffle Creek Basin) Plan 2010

Current as at 5 November 2010

Information about this reprint

This plan is reprinted as at 5 November 2010.

This page is specific to this reprint. A table of reprints is included in the endnotes.

Also see endnotes for information about when provisions commenced.

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The spelling of certain words or phrases may be inconsistent with other reprints because of changes made in various editions of the Macquarie Dictionary (for example, in the dictionary, 'lodgement' has replaced 'lodgment').

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Queensland

Water Resource (Baffle Creek Basin) Plan 2010

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Water Resource (Baffle Creek Basin) Plan 2010

[reprinted as in force on 5 November 2010]

Chapter 1 Preliminary

1 Short title

This plan may be cited as the *Water Resource (Baffle Creek Basin) Plan 2010*.

2 Purposes of plan

The following are the purposes of this plan—

- (a) to define the availability of water in the plan area;
- (b) to provide a framework for sustainably managing water and the taking of water;
- (c) to identify priorities and mechanisms for dealing with future water requirements;
- (d) to provide a framework for minimising, where practicable, degradation in natural ecosystems;
- (e) to regulate the taking of overland flow water.

3 Definitions

The dictionary in schedule 9 defines particular words used in this plan.

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Chapter 2 Plan area and water to which plan applies

4 Plan area

This plan applies to the area shown as the plan area on the map in schedule 1.

5 Catchment areas

Each part of the plan area that is within a catchment area shown on the map in schedule 2 is a catchment area for this plan.

6 Subcatchment areas

Each part of the plan area that is within a subcatchment area shown on the map in schedule 2 is a subcatchment area for this plan.

7 Information about areas

- (1) The exact location of the boundaries of the plan area, catchment areas and subcatchment areas is held in digital electronic form by the department.
- (2) The information held in digital electronic form can be reduced or enlarged to show the details of the boundaries.

8 Nodes

- (1) A node mentioned in this plan is a place on a watercourse in the plan area.
- (2) The location of each node is shown on the map in schedule 1 and described in schedule 3.
- (3) Each node is identified on the map by a number.

9 Water to which plan applies

This plan applies to the following water in the plan area—

- (a) water in a watercourse or lake;
- (b) water in a spring not connected to—
 - (i) artesian water; or
 - (ii) subartesian water connected to artesian water;
- (c) overland flow water, other than water in springs connected to—
 - (i) artesian water; or
 - (ii) subartesian water connected to artesian water.

Chapter 3 Outcomes for sustainable management of water

10 Outcomes for water in plan area

Water is to be allocated and sustainably managed in a way that—

- (a) recognises the natural state of watercourses, lakes and springs has changed because of the taking of, and interfering with, water; and
- (b) seeks to achieve a balance in the following outcomes—
 - (i) the general outcomes mentioned in section 11;
 - (ii) the ecological outcomes for the plan area mentioned in section 12 or 13.

11 General outcomes

Each of the following is a general outcome for water in the plan area—

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- (a) to provide for the use of all existing water entitlements and other authorisations to take or interfere with water;
- (b) to provide for the continued use of all existing overland flow works;
- (c) to make water available to support—
 - (i) population growth in towns and communities dependent on surface water resources in the plan area; and
 - (ii) growth in industries, including agriculture and aquaculture, dependent on surface water resources in the plan area; and
 - (iii) stock or domestic purposes in the plan area;
- (d) to maintain flows that support water related aesthetic, economic and recreational values in the plan area, including, for example, tourism;
- (e) to support, as far as practicable, surface water and groundwater interactions;
- (f) to encourage continual improvement in the efficient use of water;
- (g) to support water-related cultural values in the plan area, including the values of the traditional owners of the plan area.

12 Ecological outcomes

- (1) Each of the following is an ecological outcome for water in the plan area—
 - (a) to minimise changes to the natural variability of flows that support aquatic ecosystems;
 - (b) to provide for the continued capability of one part of an aquatic system to be connected to another, including by maintaining flows that—

-
- (i) allow for the movement of native aquatic species between riverine, floodplain, wetland, estuarine and marine environments; and
 - (ii) support natural processes such as breeding, growth and migration in riverine, floodplain, wetland, estuarine and marine environments; and
 - (iii) support river-forming processes;
- (c) to minimise changes to natural variability in water levels to support natural ecological processes, including maintaining refugia associated with waterholes and lakes;
 - (d) to minimise adverse impacts on aquatic ecosystems immediately downstream of new water resource development;
 - (e) to improve understanding of the matters affecting flow ecology responses of ecosystems within the plan area.
- (2) In this section—
- refugia* means the habitat required by a species during a time of stress, for example, drought.

13 Specific ecological outcomes

Each of the following is a specific ecological outcome for water in the plan area—

- (a) to maintain the near-natural flow regime that supports waterholes and estuarine ecosystems in the Eurimbula Creek catchment area and Worthington Creek catchment area;
- (b) to minimise changes to flows that maintain existing brackish habitat downstream of barrages in the Broadwater Creek catchment area;
- (c) in the Baffle Creek catchment area—
 - (i) to maintain connectivity between Baffle Creek and its adjacent floodplain system including lakes; and

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- (ii) to maintain the near-natural flow regime that provides for intermittent brackish habitat through the entire length of the Baffle Creek estuary; and
 - (iii) to minimise changes to the low flow regime that provides for riffle habitat and maintains waterholes; and
 - (iv) to minimise changes to the persistence of waterholes;
- (d) to minimise changes to the flow regime that maintains brackish habitat in the upper reaches of Littabella Creek estuary.

Chapter 4 Performance indicators and objectives

14 Performance indicators for environmental flow objectives

The performance indicators for the environmental flow objectives are the following—

- (a) mean annual flow;
- (b) median annual flow.

15 Environmental flow objectives

The environmental flow objectives for this plan are stated in schedule 4.

Chapter 5 Strategies for achieving outcomes

Part 1 Preliminary

16 Decisions to be consistent with environmental flow objectives

Decisions about the allocation or management of water in the plan area, other than a decision about a water permit, must be consistent with the environmental flow objectives stated in schedule 4.

17 Assessing impact of decisions

- (1) The IQQM computer program's simulation for the simulation period is used to assess consistency with the objectives.
- (2) If it is not practicable to use the IQQM computer program, another assessment method approved by the chief executive may be used.
- (3) The chief executive may approve an assessment method for subsection (2) only if the chief executive is satisfied the method will assess consistency with the objectives at least as accurately as the IQQM computer program.

18 Decisions are not to increase amount of water taken

- (1) The chief executive is not to make a decision about the allocation or management of water in the plan area that would increase the average volume of water allowed to be taken under any authorisation in the plan area.
- (2) Subsection (1) does not apply to a decision about—
 - (a) a water permit; or
 - (b) reinstating an expired water licence; or

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- (c) replacing an original licence if the licence is to be replaced with 2 or more water licences; or
 - (d) replacing an expired licence with 1 or more licences; or
 - (e) granting a licence mentioned in section 39 or 40; or
 - (f) unallocated water.
- (3) In this section—

average volume, of water allowed to be taken under an authorisation, means the total volume of water simulated to have been taken under the authorisation during the simulation period if the authorisation was in existence for the whole of the simulation period, divided by the number of years in the simulation period.

19 Measuring devices

A measuring device is to be used to measure the volume of water taken under a water entitlement to take water from a watercourse, lake or spring.

Note—

For the compulsory use of meters for taking water in the State, see the *Water Regulation 2002*, part 7.

Part 2 Unallocated water

Division 1 Continued moratorium and interim arrangements for applications

20 Continued effect of moratorium notice—Act, s 46(3)

- (1) This section continues, in part, the effect of the moratorium notice published on 16 July 2004 and amended on 27 September 2008.

-
- (2) Until the resource operations plan is approved, an application made under the Act will not be accepted, if granting the application would have 1 or more of the following effects on water to which this plan applies—
- (a) increase the amount of water that may be taken;
 - (b) change the location from which water may be taken;
 - (c) increase the rate at which water may be taken;
 - (d) change the flow conditions under which water may be taken;
 - (e) increase or change the interference with the water.
- (3) Subsection (2) does not apply to an application—
- (a) for a water permit; or
 - (b) to replace an expired water licence; or
 - (c) to subdivide an existing water licence or amalgamate 2 or more existing water licences; or
 - (d) for a water licence to interfere with water in Bottle Creek at Wills Road made by the Gladstone Regional Council; or
 - (e) mentioned in section 22(2).

21 Particular applications made before 16 July 2004

- (1) This section applies to an application—
- (a) for a water licence to take or interfere with water in the plan area; and
 - (b) made under the Act, or the repealed Act, before 16 July 2004; and
 - (c) not finally decided before the commencement of this plan.
- (2) The application must be refused if granting the application would have 1 or more of the following effects on water to which this plan applies—

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- (a) increase the amount of water that may be taken;
 - (b) change the location from which water may be taken;
 - (c) increase the rate at which water may be taken;
 - (d) change the flow conditions under which water may be taken;
 - (e) increase or change the interference with the water.
- (3) This section does not apply to an application to—
- (a) reinstate, under section 221 of the Act, an expired water licence; or
 - (b) amalgamate, under section 224 of the Act, 2 or more water licences; or
 - (c) replace, under section 225 of the Act, an original licence with 2 or more water licences; or
 - (d) replace, under section 229 of the Act, an expired licence with 1 or more licences.

22 Interim arrangements for applications about unallocated water

- (1) This section applies until the resource operations plan states a process for dealing with unallocated water.
- (2) An application for a water licence, made under section 206 of the Act, may be accepted and dealt with if the application relates to the use of unallocated water for—
- (a) a State purpose; or
 - (b) stock or domestic purposes.
- (3) Any volume of water allocated in relation to an application mentioned in subsection (2) must be granted from—
- (a) for water to be used for a State purpose—the strategic or general reserve; or
 - (b) for water to be used for stock or domestic purposes—the general reserve.

Division 2 Unallocated water reserves

Subdivision 1 Strategic and general reserves

23 Unallocated water held as strategic reserve and general reserve

Unallocated water in the plan area is divided into a strategic reserve and a general reserve.

Subdivision 2 Unallocated water held as strategic reserve

24 Purpose for which unallocated water held as strategic reserve may be granted

Unallocated water held as a strategic reserve may be granted only if the water is to be taken for a State purpose.

25 Volumetric limits

The total of the nominal entitlements for all water licences to take unallocated water granted from the strategic reserve in a catchment area mentioned in schedule 5, part 1, column 1 is stated in schedule 5, part 1, column 2 opposite the area.

26 Period for which water is granted for particular State purpose

- (1) This section applies to the volume of water granted from the strategic reserve for either of the following State purposes—
 - (a) a project of State significance;
 - (b) a project of regional significance.

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- (2) The volume of water is granted only for the life of the project and on conclusion of the project the volume of water returns to the strategic reserve.

27 Projects that may be considered to be of regional significance

The chief executive may consider a particular project to be a project of regional significance for the plan area only if the chief executive considers the project is significant for a region in the plan area having regard to the following—

- (a) the outcomes under chapter 3;
- (b) the economic or social impact the project will have on the region;
- (c) the public interest and the welfare of people in the region;
- (d) any other relevant consideration.

Subdivision 3 Unallocated water held as general reserve

28 Purpose for which unallocated water held as general reserve may be granted

Unallocated water held as a general reserve may be granted for any purpose.

29 Volumetric limits

The total of the nominal entitlements for all water licences to take unallocated water granted from the general reserve in a catchment area mentioned in schedule 5, part 2, column 1 is stated in schedule 5, part 2, column 2 opposite the area.

Division 3 Other limitations on granting unallocated water

30 Restrictions on taking water from lakes

A water licence to take unallocated water, granted from either the strategic or general reserve, must not authorise the taking of water from a lake.

31 Pass flow conditions for taking unallocated water

- (1) Water licences to take water from a watercourse granted from the strategic or general reserve must include a pass flow condition.
- (2) In deciding the pass flow condition, the chief executive must consider—
 - (a) existing downstream entitlement holders; and
 - (b) the daily volumetric limit to be stated on the licence.
- (3) The pass flow condition must be at least—
 - (a) for the Baffle Creek catchment area, the greater of the following—
 - (i) the flow, expressed in megalitres a day, worked out by multiplying the catchment area upstream of the proposed point of take, expressed in square kilometres, by 0.3561;
 - (ii) 86.4ML a day; or
 - (b) for the Littabella Creek catchment area, the greater of the following—
 - (i) the flow, expressed in megalitres a day, worked out by multiplying the catchment area upstream of the proposed point of take, expressed in square kilometres, by 1;
 - (ii) 43ML a day; or

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- (c) for the Broadwater Creek, Eurimbula Creek or Worthington Creek catchment area—86.4ML a day.
- (4) This section does not apply to a water licence to take water from an impoundment.
- (5) In this section—

pass flow condition means a condition on a water licence to take water that states the rate of flow in a watercourse that must, while water is being taken under the licence, be passing immediately downstream of the point on the watercourse at which water is taken under the licence.

Division 4 Dealing with unallocated water under the resource operations plan

32 Process for dealing with unallocated water

- (1) The resource operations plan includes the process for dealing with unallocated water in the plan area.
- (2) In preparing and implementing the process the chief executive is to consider the following—
 - (a) the purpose for which the water is required;
 - (b) the efficiency of existing and proposed water use practices;
 - (c) the extent to which water is being taken under existing authorisations in the plan area;
 - (d) the availability of an alternative water supply for the purpose for which the water is required;
 - (e) the impact the proposed taking of, or interfering with, the water may have on existing water users in the plan area;
 - (f) whether the proposed taking or interfering is likely to have a direct adverse effect on groundwater flows;

- (g) the streamflows required to maintain the following—
 - (i) the longitudinal connectivity of low flow habitats throughout river systems in the plan area;
 - (ii) the wetted habitats at riffles and other stream bed features;
 - (iii) the natural seasonality of flows and zero flows;
 - (iv) the replenishment of refuge pools that enable movement of in-stream biota;
 - (v) the lateral connectivity between rivers in the plan area and their adjacent riverine environments including floodplains;
 - (h) the impact the taking of, or proposed taking of, water may have on the following—
 - (i) water quality;
 - (ii) the natural movement of sediment;
 - (iii) the bed and banks of a watercourse or lake;
 - (iv) riparian vegetation;
 - (v) habitats for native plants and animals;
 - (vi) the movement of fish and other aquatic species;
 - (vii) the recreational and aesthetic values of the plan area;
 - (viii) cultural values, including, for example, cultural values of the traditional owners of the plan area;
 - (ix) the ecological values of watercourses, lakes or springs.
- (3) Subsection (2) does not limit the matters the chief executive may consider.

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Part 3 Interference with water in a watercourse, lake or spring

33 Application of pt 3

This part applies to applications, made under section 206 of the Act, for a water licence to interfere with water in a watercourse, lake or spring by impounding the flow of water.

34 Limitations on interference with water

- (1) The water licence may be granted only if the proposed impoundment is to be used—
 - (a) to supply water for stock or domestic purposes; or
 - (b) to provide a pumping pool to enable water to be taken under an authorisation.
- (2) However, the water licence may also be granted if the proposed impoundment is related to—
 - (a) a proposed water licence to take water that is allocated under the process mentioned in section 32(1); or
 - (b) a proposed water licence, for the Gladstone Regional Council, to interfere with water in Bottle Creek at Wills Road.

35 Interference with water for the provision of a pumping pool

- (1) This section applies if the proposed interference with water is to provide a pumping pool to enable water to be taken under an authorisation.
- (2) The proposed storage capacity of the pumping pool must not be greater than the capacity required to enable the pump to function properly while minimising the impact the proposed interference may have on the following—
 - (a) in-stream water levels;

-
- (b) a matter mentioned in section 32(2)(h)(i) to (ix).
- (3) In deciding the application, the chief executive must also consider any alternative methods for providing for the operation of the pump that may minimise the impact mentioned in subsection (2).

Example—

a pump well constructed in bed sand

36 Interference with water related to the granting of unallocated water

- (1) This section applies if the proposed interference with water is related to the granting of unallocated water.
- (2) The interference must not be greater than is necessary for the purpose of taking the unallocated water.
- (3) In deciding the application, the chief executive must consider the impact the proposed interference may have on in-stream water levels and the matters mentioned in section 32(2)(h)(i) to (ix).
- (4) A water licence to interfere with water, granted in association with a water licence to take water granted from the release of unallocated water, must include a pass flow condition.
- (5) In deciding the pass flow condition, the chief executive must consider existing downstream entitlement holders.
- (6) The pass flow condition must be at least—
- (a) for the Baffle Creek catchment area, the greater of the following—
- (i) the flow, expressed in megalitres a day, worked out by multiplying the catchment area upstream of the proposed point of take, expressed in square kilometres, by 0.3561;
- (ii) 86.4ML a day; or
- (b) for the Littabella Creek catchment area, the greater of the following—

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- (i) the flow, expressed in megalitres a day, worked out by multiplying the catchment area upstream of the proposed point of take, expressed in square kilometres, by 1;
 - (ii) 43ML a day; or
 - (c) for the Broadwater Creek catchment area—86.4ML a day.
- (7) In this section—

pass flow condition means a condition on a water licence, to interfere with water by impounding the flow of water in a watercourse, that states the minimum rate of flow in the watercourse below which water interfered with under the licence must be allowed to pass freely downstream of the location of the interference.

37 Interference with water in Baffle Creek, Eurimbula Creek catchment and Worthington Creek catchment

There must not be any interference with water by impounding the flow of water in any of the following—

- (a) Baffle Creek;
- (b) Eurimbula Creek catchment area;
- (c) Worthington Creek catchment area.

Part 4 Replacing authorities and granting water licences

38 Water licences to replace local government authorities

The chief executive will replace the authority mentioned in schedule 6, column 1, and continued under section 1037 of the

Act, with the water licence to take water stated for the authority in schedule 6, column 2.

39 Granting particular water licences to relevant entity

- (1) A relevant entity is allocated water under a water licence to take water from Bottle Creek for domestic use if the entity gives the chief executive notice in the approved form, and any further information requested by the chief executive, of any existing works to take water from Bottle Creek within 60 business days after the commencement of this plan.
- (2) However, a grant of water under subsection (1) is subject to the limitations mentioned in schedule 7, part 1, item 1, and imposed by the chief executive in granting a water licence for taking the water under section 212 of the Act.
- (3) In this section—
relevant entity means an entity, mentioned in section 213(e)(viii) of the Act, using existing works to take water from Bottle Creek for domestic use.

40 Granting particular water licences to owner of relevant lots

- (1) The owner of a relevant lot is allocated water under a water licence to take water from lakes on the relevant lot if the owner gives the chief executive notice in the approved form, and any further information requested by the chief executive, of any existing works to take water from the lakes within 60 business days after the commencement of this plan.
- (2) However, any grant of water under subsection (1) is subject to the following limitations imposed by the chief executive in granting a water licence for taking the water under section 212 of the Act—
 - (a) for lot 54 on RP865516—the limitations mentioned in schedule 7, part 2, item 1; or

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- (b) for lot 32 on FD109—the limitations mentioned in schedule 7, part 2, item 2.
- (3) In this section—
relevant lot means—
 - (a) lot 54 on RP865516; or
 - (b) lot 32 on FD109.

Part 5 Water licences to take water from watercourse, lake or spring

Division 1 Form of water licences to take water from watercourse, lake or spring

41 Elements of water licences to take water from watercourse, lake or spring

- (1) A water licence to take water from a watercourse, lake or spring in the plan area must state—
 - (a) 1 of the following purposes for which the water may be taken under the licence—
 - (i) stock and domestic;
 - (ii) rural;
 - (iii) any; and
 - (b) the maximum rate at which the water may be taken under the licence; and
 - (c) the daily volumetric limit for the licence; and
 - (d) the nominal entitlement for the licence; and

-
- (e) the conditions, if any, for the licence, including flow conditions and conditions for storing water taken under the licence; and
 - (f) the monthly volumetric limit, if any, for the licence.
- (2) However, subsection (1)(d) does not apply to a water licence granted under the process under section 40 or the water licence commonly known as licence 46952B.

Division 2 Criteria for amending existing water entitlements to achieve plan outcomes

42 Definition for div 2

In this division—

amended water licence means an existing water licence to take water from a watercourse, lake or spring amended under section 217 of the Act.

43 Purpose to be stated on water licence

The purpose stated on an amended water licence is to be—

- (a) if the purpose stated on the existing licence is stock or domestic—‘stock and domestic’; or
- (b) if the purpose stated on the existing licence is agriculture, irrigation, stock intensive or a similar purpose—‘rural’; or
- (c) otherwise—‘any’.

44 Maximum rates for taking water

- (1) The maximum rate at which water may be taken under an amended water licence is—

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- (a) for an existing water licence that states a maximum rate—the stated rate; or
 - (b) for an existing water licence that does not state a maximum rate but for which a related development permit—
 - (i) states a pump size mentioned in schedule 8, column 1—the rate stated in schedule 8, column 2 for the pump size; or
 - (ii) states a pump size other than a pump size mentioned in schedule 8, column 1—the rate decided by the chief executive having regard to the rates stated for similar pump sizes in schedule 8, column 2; or
 - (c) for another existing water licence—the rate decided by the chief executive having regard to—
 - (i) the purpose of the licence; and
 - (ii) an estimate or measurement of the rate at which water can be taken under the licence.
- (2) However, for subsection (1)(b), if the licence holder satisfies the chief executive that the maximum rate at which water has been taken is different from the rate decided under the subsection, the maximum rate is the rate decided by the chief executive having regard to the following—
- (a) the conditions under which the water may be taken;
 - (b) the water-taking capacity of the pump to which the development permit relates (the *existing pump*);
 - (c) the irrigation or water distribution system related to the existing pump during the period of not more than 10 years immediately before the commencement of this plan;
 - (d) the efficiency of the water use associated with the existing pump or system mentioned in paragraph (c).

45 Daily volumetric limit

- (1) The daily volumetric limit for an amended water licence is—
 - (a) for an existing water licence that states the volume of water that may be taken in a day—the stated volume; or
 - (b) for an existing water licence that does not state a volume but for which a related development permit—
 - (i) states a pump size mentioned in schedule 8, column 1—the daily volumetric limit stated in schedule 8, column 3 for the pump size; or
 - (ii) states a pump size other than a pump size mentioned in schedule 8, column 1—the daily volumetric limit decided by the chief executive having regard to the daily volumetric limits stated for similar pump sizes in schedule 8, column 3; or
 - (c) for another existing water licence—the daily volumetric limit decided by the chief executive having regard to—
 - (i) the purpose of the licence; and
 - (ii) an estimate or measurement of the rate at which water can be taken under the licence.
- (2) However, for subsection (1)(b), if the licence holder satisfies the chief executive that the water-taking capacity of the pump is different from the daily volumetric limit decided under the subsection, the daily volumetric limit is the volume decided by the chief executive having regard to the following—
 - (a) the conditions under which the water may be taken under the licence;
 - (b) the water-taking capacity of the pump to which the development permit relates (the *existing pump*) under normal operating conditions;
 - (c) the irrigation or water distribution system related to the existing pump during the period of not more than 10 years immediately before the commencement of this plan;

[s 46]

- (d) the efficiency of the water use associated with the existing pump or system mentioned in paragraph (c).
- (3) The chief executive must ensure the daily volumetric limit for a water licence is not more than the total volume that could be taken in a day at the maximum rate decided, for the licence, under section 44.

46 Nominal entitlement

The nominal entitlement for an amended water licence is—

- (a) for an existing water licence that states the volume of water that may be taken in a period of 12 months—the stated volume; or
- (b) for an existing water licence that states the area that may be irrigated—the volume decided by the chief executive having regard to the volume of water required for the licence’s intended purpose, but not more than the volume, expressed in megalitres, calculated by multiplying the area, in hectares, by—
 - (i) for the Baffle Creek catchment area—12; or
 - (ii) for the Littabella Creek catchment area—9; or
 - (iii) for the Blackwater Creek subcatchment area—5; or
 - (iv) for the Deepwater Creek subcatchment area—10; or
- (c) for another existing water licence—the volume decided by the chief executive having regard to the following—
 - (i) the conditions under which water may be taken under the licence;
 - (ii) the water-taking capacity of any works for taking water under the licence;
 - (iii) the volume required for the licence’s intended purpose;

- (iv) the annual volumes of water estimated by the chief executive to have been taken under the licence during the period, of not more than 10 years, immediately before the commencement of this plan;
- (v) the efficiency of the use of the water mentioned in subparagraph (iv).

47 Monthly volumetric limit

- (1) This section applies to an existing water licence that states an area that may be irrigated.
- (2) The monthly volumetric limit for the amended water licence is the volume decided by the chief executive having regard to the volume of water required for the licence's intended purpose, but not more than the volume, expressed in megalitres, calculated by multiplying the area, in hectares, by 2.

48 Conditions for amended water licences

- (1) In deciding the conditions, including flow conditions under which water may be taken under an amended water licence, the chief executive must consider the conditions stated on the existing water licence being amended.
- (2) Water licence 46952B is to have the following conditions—
 - (a) pumping from a lake is prohibited if the water level in the lake is less than 2m below full supply level;
 - (b) water taken under the authority of the licence must not be placed in storage.
- (3) Water licence 35284B is to have the condition that water must not be taken under the authority of the licence unless the flow of water over the barrage at Blackwater Creek is at least 1ML a day.

[s 49]

49 Storing water taken under a water licence

- (1) This section applies if the chief executive decides to impose a condition on an amended water licence that states the works that may be used to store the water taken under the licence.
- (2) The chief executive must consider the capacity of any existing overland flow works being used to store the water.

Part 6 Regulating overland flow water

50 Limitation on taking overland flow water—Act, s 20(6)

- (1) This section limits the overland flow water that may be taken under section 20(6) of the Act.
- (2) A person may only take overland flow water—
 - (a) for stock or domestic purposes; or
 - (b) for another purpose if the works for taking the overland flow water have a capacity of not more than 20ML; or
 - (c) under a water licence; or
 - (d) of not more than the amount necessary to satisfy the requirements of—
 - (i) an environmental authority issued under the *Environmental Protection Act 1994*; or
 - (ii) a development permit for carrying out an environmentally relevant activity, other than a mining or petroleum activity, under the *Environmental Protection Act 1994*; or
 - (e) that is contaminated agricultural runoff water; or
 - (f) under section 52.
- (3) In this section—

contaminated agricultural runoff water means overland flow water that contains, or is likely to contain, excess nutrients or farm chemicals at levels potentially harmful to the quality of water in a watercourse.

51 Notification of particular existing overland flow works

- (1) This section applies to the owner of land on which existing overland flow works with a capacity of more than 20ML are situated.
- (2) The owner must give the chief executive notice of the works, in the approved form, and any other information about the works reasonably required by the chief executive.

52 Taking water using particular existing overland flow works authorised

- (1) This section applies to the owner of land on which existing overland flow works are situated, other than works for taking only the overland flow water that may be taken under section 50(2)(a) to (e).
- (2) The owner may—
 - (a) continue to use the existing overland flow works to take overland flow water for 1 year after the commencement of this plan; and
 - (b) if the owner complies with section 51, further continue to use the works to take overland flow water.
- (3) In this section—

existing overland flow works includes works that—

 - (a) are a reconfiguration of existing overland flow works (the *original works*); and
 - (b) do not increase the average annual volume of water taken above the average annual volume taken using the original works.

[s 53]

53 Granting water licences for using particular existing overland flow works

- (1) This section applies if the resource operations plan states a process, under section 212 of the Act, for the allocation of water under a water licence to replace an authority under section 52(2)(b).
- (2) Under the process, the chief executive—
 - (a) must consider—
 - (i) the average annual volume of overland flow water that could have been taken, immediately before the commencement of this plan, using the existing overland flow works to which the authority relates; and
 - (ii) the annual volumes of overland flow water estimated by the chief executive to have been taken using the works during the period, of not more than 10 years, immediately before the commencement of this plan; and
 - (b) may consider the extent to which the works, immediately before the commencement of this plan, allowed—
 - (i) the taking of other water under another authorisation; or
 - (ii) the storage of other water taken under another authorisation.
- (3) The process may require the authority or licence holder to give the chief executive a certificate, from a registered professional engineer, stating information about the works, including the capacity of the works and the rate at which the works may take water.
- (4) In this section—

registered professional engineer means a person registered as a registered professional engineer under the *Professional Engineers Act 2002*.

54 Water licences to take overland flow water

A water licence to take overland flow water is to state—

- (a) 1 of the following purposes for which water may be taken under the licence—
 - (i) rural;
 - (ii) any; and
- (b) at least 1 of the following—
 - (i) the maximum rate at which water may be taken under the licence;
 - (ii) the daily volumetric limit for the licence;
 - (iii) the nominal entitlement for the licence;
 - (iv) the maximum volume of water that may be stored under the licence; and
- (c) the conditions, if any, for the licence.

55 Relationship with Sustainable Planning Act 2009

- (1) Works that allow the taking of overland flow water are assessable development for the *Sustainable Planning Regulation 2009*, schedule 3, part 1, table 4, item 3(c)(i).
- (2) Subsection (1) does not apply to—
 - (a) works mentioned in subsection (3); or
 - (b) the repair or maintenance of either of the following works if the repair or maintenance does not alter the design of the works—
 - (i) existing works mentioned in section 52(1);
 - (ii) works constructed under a development permit.
- (3) The following works that allow the taking of overland flow water are self-assessable development for the *Sustainable Planning Regulation 2009*, schedule 3, part 2, table 4, item 1(b)(ii)—

[s 56]

- (a) works for taking overland flow water for stock or domestic purposes only;
- (b) works mentioned in section 50(2)(b);
- (c) works for taking only the overland flow water mentioned in section 50(2)(d).

Chapter 6 Monitoring and reporting requirements

56 Monitoring

- (1) The monitoring requirements for this plan are—
 - (a) water monitoring for—
 - (i) stream flows; and
 - (ii) taking and diverting water; and
 - (b) natural ecosystems monitoring for—
 - (i) volume, frequency, duration and timing of stream flows; and
 - (ii) information on hydraulic habitat requirements of ecological assets in the plan area; and
 - (c) groundwater developments; and
 - (d) other water and natural ecosystem monitoring required by the chief executive.
- (2) The monitoring requirements are to be achieved by—
 - (a) monitoring programs administered by the chief executive and relevant State agencies; and
 - (b) other monitoring programs considered by the chief executive to be relevant to the matters mentioned in subsection (1).
- (3) In this section—

ecological assets includes a species, a group of species, a biological function, an ecosystem and a place of natural value.

hydraulic habitat requirements, of an ecological asset, means the hydraulic or physical attributes of the flow regime that are—

- (a) required for a particular biological process or response to happen in relation to the asset; or
- (b) necessary to maintain the long-term biological integrity of the asset.

57 Minister's report on plan—Act, s 53

- (1) The Minister's report on this plan must be prepared—
 - (a) for the first report—for the financial year in which the resource operations plan commences; and
 - (b) for subsequent reports—for each subsequent financial year this plan is in force; and
 - (c) for each report—within 6 months after the end of the financial year to which the report relates.
- (2) If the Minister is satisfied about any of the matters mentioned in section 60, the report, in its assessment of the effectiveness of the implementation of the plan in achieving the plan's outcomes, must include a consideration of the matters.

Chapter 7 Implementing and amending this plan

58 Implementation schedule

- (1) This section states the proposed arrangements for implementing this plan.

[s 59]

- (2) Within 1 year after the commencement of this plan, it is proposed to prepare a resource operations plan to—
 - (a) amend existing water licences to be consistent with this plan; and
 - (b) establish a process to deal with unallocated water available for future water requirements in the plan area; and
 - (c) establish a process for granting water under water licences for taking overland flow water; and
 - (d) implement the monitoring requirements mentioned in chapter 6.

59 Minor or stated amendment of plan—Act, s 57

The following types of amendment may be made to this plan under section 57(b) of the Act—

- (a) an amendment or addition of a node;
- (b) an amendment to subdivide a catchment area or subcatchment area;
- (c) an amendment of the capacity mentioned in section 50(2)(b);
- (d) an amendment or addition of a monitoring or reporting requirement under chapter 6;
- (e) an amendment of section 20 if notice of the amendment is published as if it were a moratorium notice under section 26 of the Act.

60 Amending or replacing plan

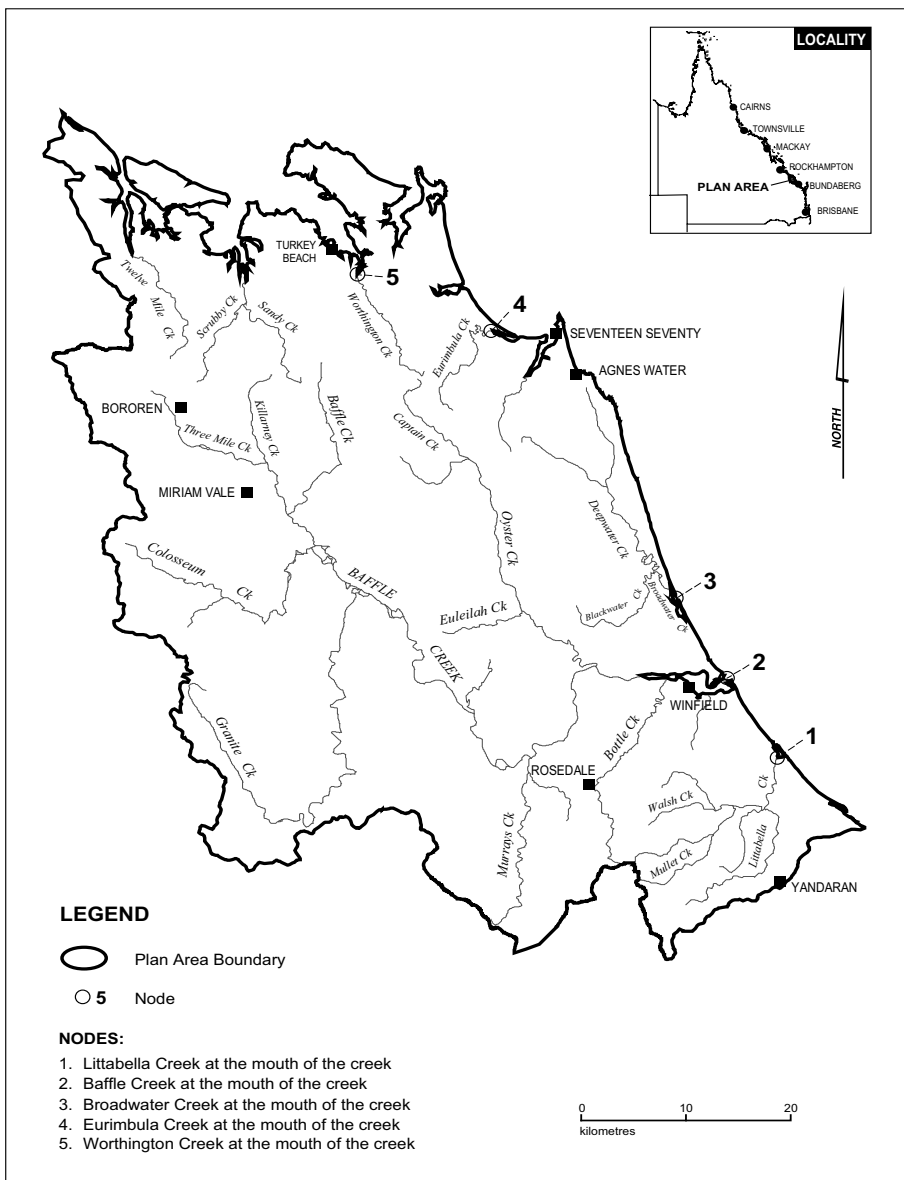
The Minister must consider amending this plan or preparing a new plan to replace this plan if the Minister is satisfied—

- (a) in relation to this plan's general outcomes under section 11—

- (i) water licences in the plan area are not sufficient to meet water needs sourced from the plan area having regard to—
 - (A) the extent to which water is being taken under the licences; and
 - (B) the efficiency of present, and expected future, water use; and
 - (C) emerging requirements for additional water; and
 - (D) water savings that may be made from improvements in the efficiency of water use or the use of water from other sources, including, for example, recycled water; and
 - (E) the likely timeframe in which additional water will be required; and
- (ii) there are economically viable and ecologically sustainable uses for additional water; or
- (b) this plan's ecological outcomes under section 12, or specific ecological outcomes under section 13, are not being achieved.

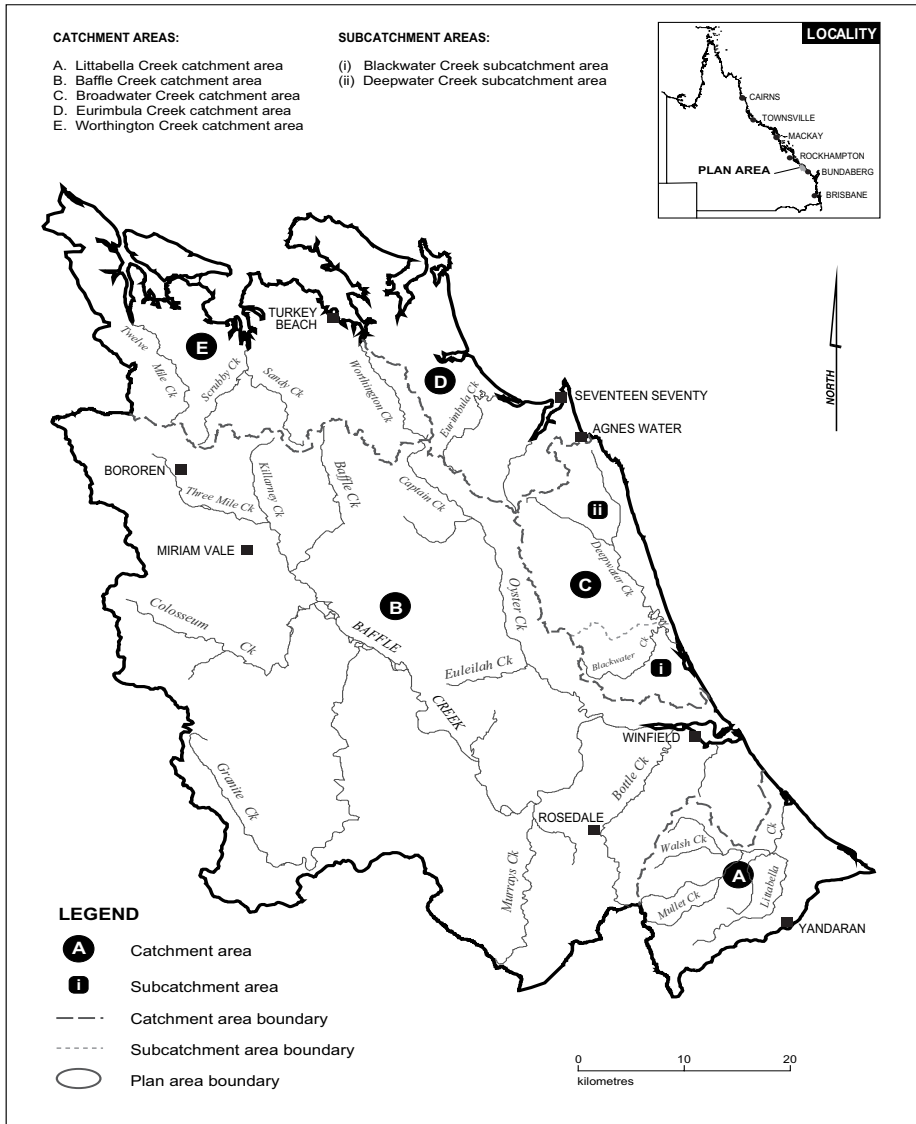
Schedule 1 Plan area

sections 4 and 8



Schedule 2 Catchment areas and subcatchment areas

sections 5 and 6



Schedule 3 Nodes

section 8

Column 1	Column 2
Node	Location
1	Littabella Creek at the mouth of the creek
2	Baffle Creek at the mouth of the creek
3	Broadwater Creek at the mouth of the creek
4	Eurimbula Creek at the mouth of the creek
5	Worthington Creek at the mouth of the creek

Schedule 4 Environmental flow objectives

section 15

Part 1 Basin-wide flow objectives

At any point on a watercourse in the plan area—

- (a) the mean annual flow, expressed as a percentage of the mean annual flow for the pre-development flow pattern, be at least 70%; and
- (b) the median annual flow, expressed as a percentage of the median annual flow for the pre-development flow pattern, be at least 60%.

Part 2 Specific flow objectives

At each node mentioned in column 1 of the table below—

- (a) the mean annual flow, expressed as a percentage of the mean annual flow for the pre-development flow pattern, be at least the percentage stated for the node in the table, column 2; and
- (b) the median annual flow, expressed as a percentage of the median annual flow for the pre-development flow pattern, be at least the percentage stated for the node in the table, column 3.

Table

Column 1	Column 2	Column 3
Node	Mean annual flow percentage	Median annual flow percentage
1	84	73
2	97	95
3	95	91
4	98	98
5	99	99

Schedule 5 Total volumes for unallocated water

sections 25 and 29

Part 1 Strategic unallocated water

Column 1	Column 2
Catchment area	Total volume
Baffle Creek catchment area	3000ML

Part 2 General unallocated water

Column 1	Column 2
Catchment area	Total volume
Littabella Creek catchment area	5000ML
Baffle Creek catchment area	5000ML
Broadwater Creek catchment area	1000ML
Eurimbula Creek catchment area	500ML
Worthington Creek catchment area	100ML

Schedule 6 Water licence to replace local government authority

section 38

Column 1	Column 2
Continued authority	Water licence to take water
<p>the authority granted in the Order in Council published in the gazette on 7 October 1967, at page 470, authorising the Miriam Vale Shire Council to take water from Baffle Creek</p>	<p>licensee—Gladstone Regional Council period—10 years location—lot 163 on FD876 purpose—any maximum rate—25 litres/second daily volumetric limit—0.5ML nominal entitlement—73ML water year—1 July to 30 June</p>

Schedule 7 Limitations on particular licences

sections 39 and 40

Part 1

Item	Limitation
1	<p>period—10 years location—Bottle Creek purpose—any maximum rate—20 litres/second daily volumetric limit—1.4ML nominal entitlement—10ML water year—1 July to 30 June</p>

Part 2

Item	Limitation
1	<p>period—10 years location—lot 54 on RP865516 purpose—rural maximum rate—210 litres/second daily volumetric limit—15.1ML maximum drawdown limit—2m condition—Water taken under this licence must not be placed in storage.</p>
2	<p>period—10 years location—lot 32 on FD109 purpose—rural maximum rate—20 litres/second daily volumetric limit—1.4ML maximum drawdown limit—2m condition—Water taken under this licence must not be placed in storage.</p>

Schedule 8 Rates and pump sizes

sections 44 and 45

Column 1	Column 2	Column 3
Pump size (millimetres)	Maximum rate (litres/second)	Daily volumetric limits (megalitres/day)
32	10	0.7
40	16	1.1
50	31	2.2
65	55	4
80	78	5.6
100	114	8.2
125	139	10
150	179	12.9
200	264	19
250	360	25.9
300	416	30
350	466	35
375 to 400	575	43.2
450	733	55
500	838	65.8
600 to 610	1100	86.4
660	1683	132
800	2237	184

Schedule 9 Dictionary

section 3

annual flow volume, for a point on a watercourse or a node, means the total volume of flow, at the point or node, in a period of 12 months starting on 1 July.

authorisation means a water licence, water permit or other authority to take water given under the Act or the repealed Act, other than a permit for stock or domestic purposes.

catchment area see section 5.

daily volumetric limit, for a water licence, means the maximum volume of water that may be taken under the licence in a day.

existing overland flow works means works allowing the taking of overland flow water that—

- (a) were in existence on 27 September 2008; or
- (b) were started by, but not completed, on 27 September 2008 and—
 - (i) if a variation to a moratorium notice was granted for the works under section 27 of the Act—have been, or are being, completed in accordance with the moratorium notice, as varied; or
 - (ii) if subparagraph (i) does not apply—were completed by 27 March 2009; or
- (c) for works mentioned in the moratorium notice mentioned in section 20(1) as works to which the moratorium notice does not apply—were started before the commencement of this plan.

existing water licence means a water licence in force immediately before the commencement of this plan.

flow regime means the entire range of flows at a point in a watercourse, including variations in the watercourse height, discharge, seasonality, annual variability and event duration.

general reserve means a volume of unallocated water available for allocation for any purpose.

IQQM computer program means the department's Integrated Quantity and Quality Modelling computer program, and associated statistical analysis and reporting programs, that simulate daily stream flows, flow management, storages, releases, infrastructure, water diversions, water demands and other hydrologic events in the plan area.

maximum drawdown limit means the water level, below the water level for full supply, at which pumping from a lake is prohibited.

mean annual flow, at a point on a watercourse or a node, means the total volume of flow at the point or node in the simulation period, divided by the number of years in the simulation period.

median annual flow, at a point on a watercourse or a node, means the annual flow volume at the point or node that is equalled or exceeded in 50% of the years in the simulation period.

monthly volumetric limit, for a water licence, means the maximum volume of water that may be taken under the licence in a month.

node see section 8.

nominal entitlement see the *Water Regulation 2002*, section 65.

plan area means the area shown as the plan area on the map in schedule 1.

pre-development flow pattern means the pattern of water flows, during the simulation period, decided by the chief executive using the IQQM computer program as if—

- (a) there were no dams or other water infrastructure in the plan area; and
- (b) no water was taken under authorisations in the plan area.

project of regional significance means a project the chief executive considers, under section 27, to be a project of regional significance for the plan area.

project of State significance means a project declared under the *State Development and Public Works Organisation Act 1971*, section 26, to be a significant project.

pumping pool means a pool of water near a pump in a watercourse, lake or spring that ensures the water level of the watercourse, lake or spring is appropriate to enable the pump to function properly.

resource operations plan means the resource operations plan to implement this plan.

simulation period means the period from 1 July 1889 to 30 June 2007.

started, for existing overland flow works, means all of the following apply to the existing overland flow works—

- (a) construction of the works had physically begun or, if construction had not physically begun, a contract had been entered into to begin construction;
- (b) an independently verifiable construction program existed for progressive construction towards completion of the works;
- (c) detailed design plans existed showing, among other things, the extent of the works;
- (d) if a permit was required for the works under the repealed *Local Government Act 1993*, section 940—the permit had been issued;
- (e) if a development permit was required for the works—the permit had been given.

State purpose means—

- (a) a project of State significance; or
- (b) a project of regional significance; or
- (c) town water supply.

strategic reserve means a volume of unallocated water available only for allocation for a State purpose.

subcatchment area see section 6.

this plan means this water resource plan.

traditional owners, of an area, means the Aboriginal people who identify as descendants of the original inhabitants of the area.

unallocated water means water available for allocation in the plan area.

waterhole means a part of a watercourse that contains water after the watercourse ceases to flow, other than a part of a watercourse that is within the storage area of a dam on the watercourse.

works that allow the taking of overland flow water include—

- (a) storages, sumps, drains, embankments, channels and pumps for taking, or that can be used for taking, overland flow water; and
- (b) storages that are connected to the works mentioned in paragraph (a); and
- (c) works that make, or that can be used to make, the original connection between the storages mentioned in paragraph (b) and the works mentioned in paragraph (a).

Endnotes

1 Index to endnotes

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2 Date to which amendments incorporated

This is the reprint date mentioned in the Reprints Act 1992, section 5(c). However, no amendments have commenced operation on or before that day. Future amendments of the Water Resource (Baffle Creek Basin) Plan 2010 may be made in accordance with this reprint under the Reprints Act 1992, section 49.

3 Key

Key to abbreviations in list of legislation and annotations

Key	Explanation	Key	Explanation
AIA	= Acts Interpretation Act 1954	(prev)	= previously
amd	= amended	proc	= proclamation
amdt	= amendment	prov	= provision
ch	= chapter	pt	= part
def	= definition	pubd	= published
div	= division	R[X]	= Reprint No. [X]
exp	= expires/expired	RA	= Reprints Act 1992
gaz	= gazette	reloc	= relocated
hdg	= heading	renum	= renumbered
ins	= inserted	rep	= repealed
lap	= lapsed	(retro)	= retrospectively
notfd	= notified	rv	= revised edition
num	= numbered	s	= section
o in c	= order in council	sch	= schedule
om	= omitted	sdiv	= subdivision
orig	= original	SIA	= Statutory Instruments Act 1992
p	= page	SIR	= Statutory Instruments Regulation 2002
para	= paragraph	SL	= subordinate legislation
prec	= preceding	sub	= substituted
pres	= present	unnum	= unnumbered
prev	= previous		

4 Table of reprints

Reprints are issued for both future and past effective dates. For the most up-to-date table of reprints, see the reprint with the latest effective date.

If a reprint number includes a letter of the alphabet, the reprint was released in unauthorised, electronic form only.

Reprint No.	Amendments included	Effective	Notes
1	none	5 November 2010	

5 List of legislation

Water Resource (Baffle Creek Basin) Plan 2010 SL No. 306

made by the Governor in Council on 4 November 2010

notfd gaz 5 November 2010 pp 656–7

commenced on date of notification

exp 1 September 2021 (see SIA s 54)

Notes—(1) The expiry date may have changed since this reprint was published. See the latest reprint of the SIR for any change.

(2) An explanatory note was prepared.

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