

Queensland



Subordinate Legislation 2000 No. 27

Water Resources Act 1989

**WATER MANAGEMENT (COOPER CREEK)
PLAN 2000**

TABLE OF PROVISIONS

Section		Page
PART 1—PRELIMINARY		
1	Short title	3
2	Object of plan and its achievement	3
3	Definitions	3
PART 2—PLAN AREA AND WATER TO WHICH PLAN APPLIES		
4	Plan area	4
5	Water to which plan applies	4
PART 3—PRINCIPLES AND POLICIES FOR EXERCISING STATE WATER RIGHTS		
<i>Division 1—Preliminary</i>		
6	Application of pt 3	4
7	Principles prevail over policies	4
<i>Division 2—Principles</i>		
8	General principles	5
9	Environmental principles	5
<i>Division 3—Policies</i>		
10	Beneficial flooding	5
11	Increasing water use efficiency	5
12	Water flow patterns	6

PART 4—LICENCES AND PERMITS

Division 1—Restrictions

13	Restriction on purpose for which licence or permit may be issued	6
14	Restriction on issuing licence or permit for irrigation	7
15	Restriction on issuing licence for in-stream water storage development . .	7
16	Restriction on issuing licence or permit to take or use underground water	7
17	Restriction on amending licence or permit	8

Division 2—Criteria for deciding applications for, and imposing conditions on, licences and permits

18	Criteria for deciding licence and permit applications and imposing conditions on licences and permits	8
----	---	---

PART 5—REVIEWING AND AMENDING PLAN

19	Reviewing plan	9
20	Amending plan under section 25K(3) of Act	9

PART 6—MISCELLANEOUS

21	Inspecting maps	10
----	---------------------------	----

SCHEDULE 1 11

GREAT ARTESIAN BASIN RECHARGE AREAS

SCHEDULE 2 12

PLAN AREA

SCHEDULE 3 13

**ALLOWABLE TOTAL VOLUMETRIC INCREASE IN
IN-STREAM WATER STORAGE CAPACITY FOR
SUB-CATCHMENTS**

PART 1—PRELIMINARY

Short title

1. This water management plan may be cited as the *Water Management (Cooper Creek) Plan 2000*.

Object of plan and its achievement

2.(1) The object of this plan is to provide a framework for making decisions about licences (other than licences for referable dams not located on a watercourse) and permits to take, use or store water in the plan area.

(2) The object is to be achieved by—

- (a) establishing principles and policies for exercising State water rights; and
- (b) establishing criteria to be considered by the chief executive in—
 - (i) deciding applications for the issue or amendment of licences and permits; and
 - (ii) imposing conditions on licences and permits.

Definitions

3. In this plan—

“**plan area**” means the area declared under section 4 to be the plan area.

“**recharge area**” means a Great Artesian Basin recharge area shown on the map in schedule 1.

“**State water rights**” means the right vested in the State under section 3 of the Act to the use and flow and control of water.

“**stock route**” means a road or route ordinarily used for travelling stock or declared under an Act to be a stock route.

PART 2—PLAN AREA AND WATER TO WHICH PLAN APPLIES

Plan area

4. The plan area for this plan is the Cooper Creek catchment shown on the map in schedule 2.

Water to which plan applies

5. This plan applies to water in the following sources in the plan area—

- (a) each watercourse;
- (b) each subartesian aquifer in a recharge area;
- (c) each subartesian aquifer that is in a declared subartesian area and hydraulically connected to a watercourse in the plan area.

PART 3—PRINCIPLES AND POLICIES FOR EXERCISING STATE WATER RIGHTS

Division 1—Preliminary

Application of pt 3

6. The principles and policies stated in this part apply to the exercise of State water rights in the plan area.

Principles prevail over policies

7. If there is an inconsistency between a principle stated in division 2 and a policy stated in division 3, the principle prevails to the extent of the inconsistency.

Division 2—Principles

General principles

8.(1) Water resources must be managed—

- (a) in a sustainable and integrated way recognising water use impacts affecting the plan area as a whole; and
- (b) having regard to relevant national and international obligations, including obligations relevant to South Australia.

(2) Residents in the plan area are entitled to a water supply sufficient for a reasonable standard of living and local environment.

Environmental principles

9.(1) Variable and seasonal water flow patterns must be maintained.

(2) Water resources for ecologically significant areas, including, for example, landscapes and wetlands, having a significant aesthetic, cultural, tourism or wilderness value must be protected.

(3) If the plan area is threatened with serious or irreversible environmental damage, measures to prevent the damage must not be postponed merely because of lack of full scientific certainty about the ecology of the area, or the impact on the ecology of failing to apply the measures.

Division 3—Policies

Beneficial flooding

10. Beneficial flooding in the plan area will be recognised as contributing significantly to pastoral activities and flood plain ecosystems.

Increasing water use efficiency

11. Increasing water use efficiency will be recognised as contributing significantly to achieving environmental and production outcomes and future water needs.

Water flow patterns

12. The volume of water allowed to be taken under licences and permits issued for the plan area after this plan commences will be minimal and not affect variable and seasonal water flow patterns.

PART 4—LICENCES AND PERMITS***Division 1—Restrictions*****Restriction on purpose for which licence or permit may be issued**

13.(1) The chief executive may issue a licence or permit to take, use or store water for a following purpose only—

- (a) domestic use;
- (b) town water supply;
- (c) watering—
 - (i) stock—
 - (A) of not more than the number normally depastured on the land to which the licence or permit application relates, having regard to seasonal fluctuations in the land's stock carrying capacity; and
 - (B) not held in close concentration for a purpose other than grazing; or
 - (ii) stock travelling on a stock route;
- (d) use in emergency circumstances, including, for example, for fire fighting;
- (e) irrigating—
 - (i) crops for feeding stock, if the crop area is no greater than 10 ha; or
 - (ii) horticultural crops on an area of not more than 2 ha.

(2) Despite subsection (1), the chief executive may issue a licence or permit to take, use or store water from an aquifer in a recharge area only for a purpose mentioned in subsection (1)(a) to (d).

Restriction on issuing licence or permit for irrigation

14. The chief executive may issue a licence or permit for irrigating only if—

- (a) an existing development is dependent on the irrigation; and
- (b) the works to be used for the irrigation were, immediately before 1 May 1998—
 - (i) in existence; and
 - (ii) capable of being used for the existing development.

Restriction on issuing licence for in-stream water storage development

15.(1) The chief executive may issue a licence for an in-stream water storage development for a sub-catchment mentioned in schedule 3, column 1 only if—

- (a) the total increase in licensed in-stream water storage capacity for the sub-catchment after 30 April 1998 is less than the volume stated in column 2 of the schedule opposite the sub-catchment; and
- (b) for an in-stream water storage for purposes other than town water supply—the maximum capacity of the storage is 200 ML; and
- (c) the annual volume of water permitted to be taken from the storage by licensed works does not exceed the storage's licensed capacity.

(2) However, subsection (1)(a) and (b) do not apply if the licence is for an in-stream water storage development in existence immediately before 1 May 1998.

Restriction on issuing licence or permit to take or use underground water

16.(1) The chief executive may issue a licence or permit to take or use

underground water only if the chief executive is satisfied the rate at which the water is to be taken will not exceed the underground water recharge rate.

(2) In this section—

“**recharge rate**”, for underground water, means the rate at which water flows to an aquifer from watercourses hydraulically connected to the aquifer.

Restriction on amending licence or permit

17. The chief executive must not amend a licence or permit in a way that authorises the licensee or permittee to apply the benefit of the licence or permit to land other than the land stated in the licence or permit before the amendment was made.

Division 2—Criteria for deciding applications for, and imposing conditions on, licences and permits

Criteria for deciding licence and permit applications and imposing conditions on licences and permits

18.(1) The chief executive must consider the following criteria in deciding an application for the issue or amendment of a licence or permit to take, use or store water in the plan area, or in imposing conditions on the licence or permit—

- (a) the purpose for which the water is intended to be taken, used or stored;
- (b) the impact of the proposed taking, use or storage on the ecological values of in-stream environments;
- (c) the efficiency of the proposed taking, use or storage;
- (d) the availability of an alternative water supply for the intended purpose;
- (e) any restriction of the proposed taking, use or storage on the movement of fish and other aquatic species;
- (f) any adverse impact of the proposed taking, use or storage on the relationship between underground and surface water;

- (g) whether the volume of water taken under the licence or permit should be restricted or metered.

(2) The chief executive must also consider the following criteria in deciding an application for the issue or amendment of a licence or permit for irrigating, or imposing conditions on a licence or permit for irrigating—

- (a) the nature and extent of any existing development that is dependent on the water and for which the water is to be used;
- (b) the condition of any works intended to be used for taking, using or storing the water;
- (c) the history of use of the works.

(3) This section does not limit the matters, not inconsistent with the principles and policies in part 3, that the chief executive may consider in deciding an application for the issue or amendment of a licence or permit to take, use or store water in the plan area, or in imposing conditions on the licence or permit.

PART 5—REVIEWING AND AMENDING PLAN

Reviewing plan

19. The chief executive must review this plan to decide whether its provisions remain appropriate if its implementation, including the extent of works authorised under licences and permits issued under the plan, impacts adversely on the following—

- (a) the hydraulics or hydrology of the plan area;
- (b) ecological responses to stream flows in the plan area;
- (c) other matters affecting the sustainability of water resources in the plan area.

Amending plan under section 25K(3) of Act

20. An amendment of the following type may be made under section 25K(3) of the Act—

- (a) an amendment of part 4, division 1 to add or change a restriction on issuing a licence or permit;
- (b) an amendment of part 4, division 2 to add or change a criterion for deciding licences or permits, or imposing conditions on the licences or permits.

PART 6—MISCELLANEOUS

Inspecting maps

21. A map mentioned in this plan may be inspected at the head office or a relevant regional office of the department.¹

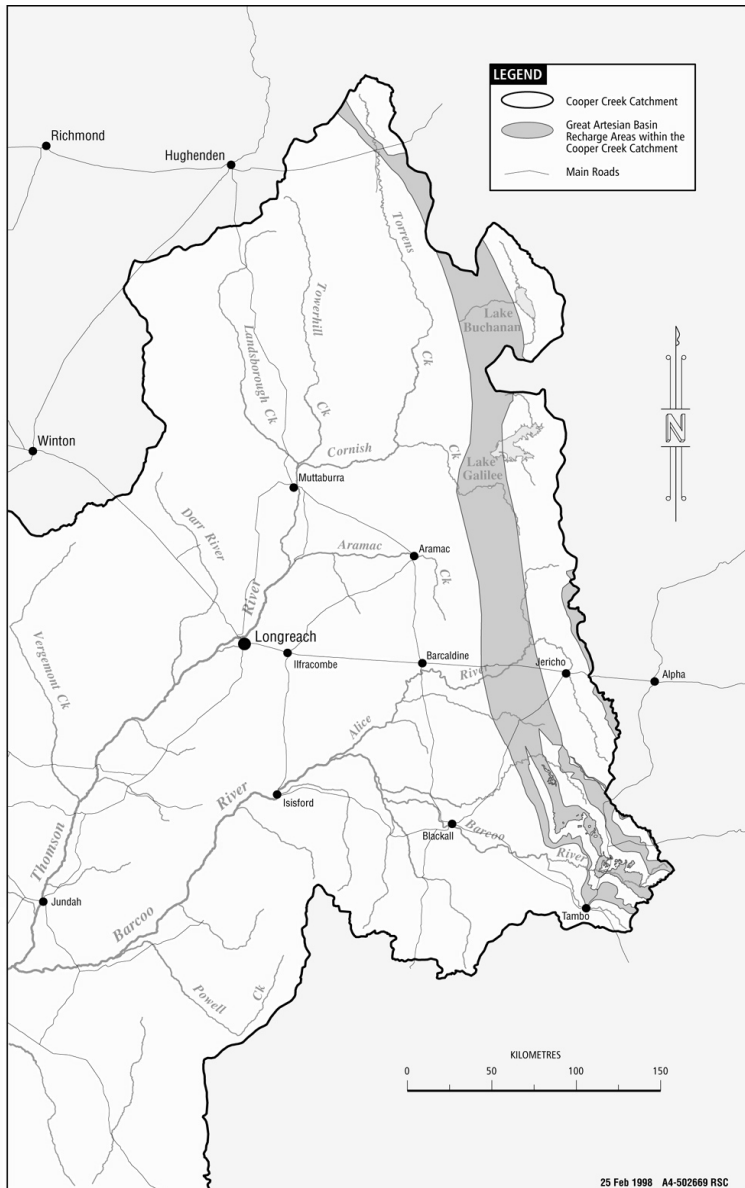
¹ The head office of the department is located at 41 George Street, Brisbane. Relevant regional offices of the department are located at—

- c/- Court House, Shamrock Street, Blackall
- 43 Alfred Street, Charleville
- 38-40 Daintree Street, Cloncurry
- 99 Hospital Road, Emerald
- Arid Zone Research Institute, Landsborough Highway, Longreach.

SCHEDULE 1

GREAT ARTESIAN BASIN RECHARGE AREAS

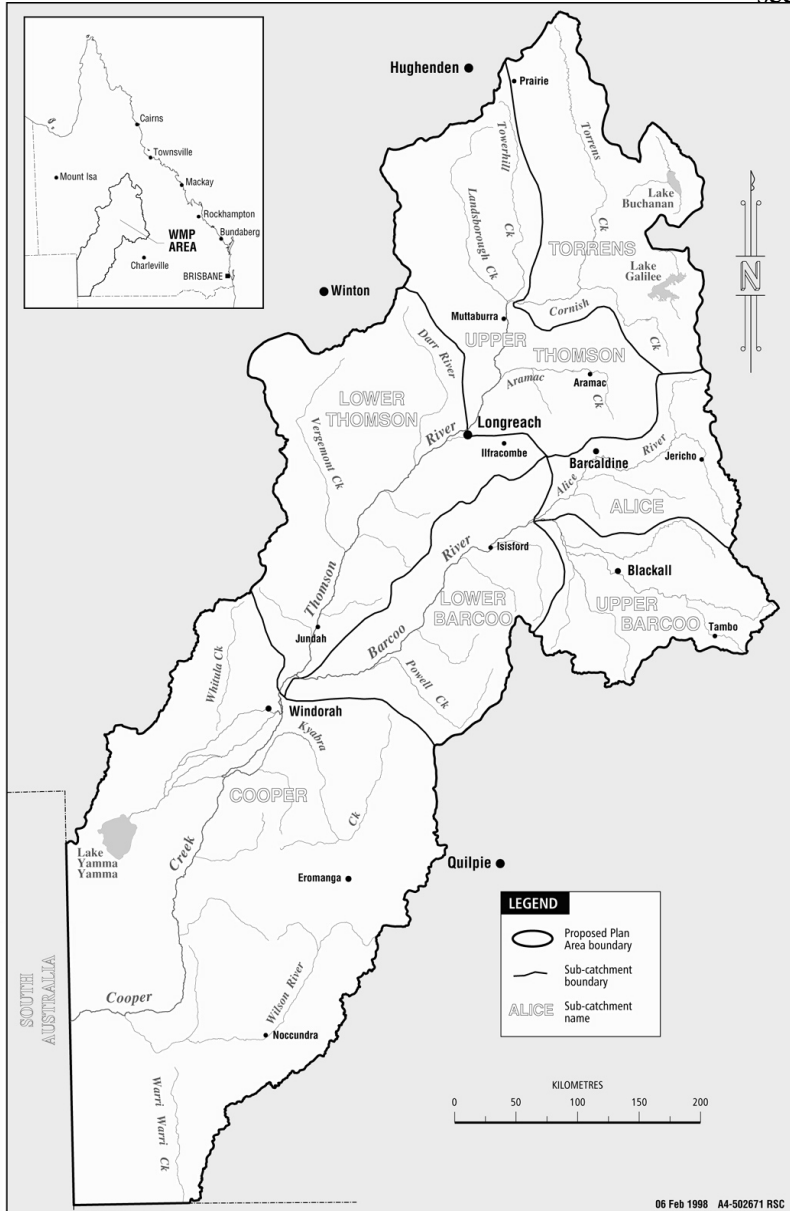
section 3



SCHEDULE 2

PLAN AREA

section 4



SCHEDULE 3**ALLOWABLE TOTAL VOLUMETRIC INCREASE IN
IN-STREAM WATER STORAGE CAPACITY FOR
SUB-CATCHMENTS**

section 15

Sub-catchment	Volume (ML)
Alice	190
Cooper	380
Torrens	660
Upper Barcoo	320
Lower Barcoo	640
Upper Thomson	4 210*
Lower Thomson	840

* The figure for the Upper Thomson sub-catchment includes provision for an additional 3 000 ML for Longreach town water supply storage.

ENDNOTES

1. Made by the Minister for Natural Resources on 7 February 2000.
2. Approved by Governor in Council on 10 February 2000.
3. Notified in the gazette on 11 February 2000.
4. Laid before the Legislative Assembly on . . .
5. The administering agency is the Department of Natural Resources.