



Queensland

Water Resource (Gulf) Amendment Plan (No. 1) 2015

Subordinate Legislation 2015 No. 99

made under the

Water Act 2000

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1 Short title

This plan may be cited as the *Water Resource (Gulf) Amendment Plan (No. 1) 2015*.

2 Plan amended

This plan amends the *Water Resource (Gulf) Plan 2007*.

3 Amendment of s 8 (Declaration about watercourse—Act, s 1006(2))

(1) Section 8—

insert—

(2A) The owner of land within 1 km of a prescribed watercourse may take groundwater that is water in the watercourse for stock or domestic purposes.

(2) Section 8(2A) and (3)—

renumber as section 8(3) and (4).

4 Amendment of s 11 (Water to which plan applies)

Section 11(2), after ‘following’—

insert—

underground

5 Replacement of ss 12–16

Sections 12 to 16—

omit, insert—

12 Outcomes for water in plan area

(1) This chapter states the outcomes for the sustainable management of water to which this plan applies.

[s 5]

- (2) Without limiting subsection (1), the outcomes include the allocation and management of water in a way that—
 - (a) recognises that the natural state of watercourses, lakes, springs and aquifers has changed because of the taking of, and interfering with, water; and
 - (b) achieves a balance in the following outcomes—
 - (i) the economic outcomes mentioned in section 13;
 - (ii) the social outcomes mentioned in section 14;
 - (iii) the ecological outcomes mentioned in sections 15.

13 Economic outcomes

Each of the following is an economic outcome for water in the plan area—

- (a) provision for the continued use of all water entitlements and other authorisations to take or interfere with water;
- (b) protection of the probability of being able to take water under a water allocation, including—
 - (i) water for the supply of urban water for Mount Isa City; and
 - (ii) water to support growth in the mining industry in north-west Queensland;
- (c) availability of water to support growth in industries dependent on water in the plan area;
- (d) provision for the taking of water in Lake Mary Kathleen;

- (e) availability of water in the following areas to support growth in irrigated agriculture—
 - (i) Gilbert River catchment area;
 - (ii) Flinders River catchment area;
 - (iii) Nicholson River catchment area;
 - (iv) Lower Leichhardt River subcatchment area;
- (f) availability of water in the following areas to help Indigenous communities in those areas achieve their economic aspirations—
 - (i) Cape York Peninsula Region area;
 - (ii) Flinders River catchment area;
 - (iii) Gilbert River catchment area;
 - (iv) Morning Inlet catchment area;
 - (v) Settlement Creek catchment area;
 - (vi) Staaten River catchment area;
 - (vii) Gregory River subcatchment area;
- (g) encouragement of continual improvement in the efficient use of water;
- (h) support of tourism in the plan area, including, for example, by protecting flows that support the natural aesthetics of watercourses and their surroundings;
- (i) support of commercial fishing in the Gulf of Carpentaria, including, for example, by protecting flood flows that may deliver nutrients and water to estuarine and marine environments to stimulate growth and movement of native aquatic animals, including fish, prawns and crabs.

14 Social outcomes

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

- (a) availability of water for the following purposes—
 - (i) support of population growth in towns and communities dependant on water in the plan area;
 - (ii) help of Indigenous communities in the following areas achieve their social aspirations—
 - (A) Cape York Peninsula Region area;
 - (B) Flinders River catchment area;
 - (C) Gilbert River catchment area;
 - (D) Morning Inlet catchment area;
 - (E) Settlement Creek catchment area;
 - (F) Staaten River catchment area;
 - (G) Gregory River subcatchment area;
- (b) support of water-related cultural values of Aboriginal and Torres Strait Islander communities in the plan area;
- (c) promotion of a cooperative approach between the State and relevant Northern Territory government agencies to water resource management;
- (d) maintenance of flows that support water-related aesthetic, cultural and recreational values in the plan area.

15 Ecological outcomes

- (1) Each of the following is an ecological outcome for water in the plan area—

- (a) maintenance of the natural variability of flows that support the habitats of native plants and animals and migratory birds in watercourses, floodplains, wetlands, lakes and springs;
- (b) provision for the continued capability of a part of a river system to be connected to another part, including by maintaining flood flows that—
 - (i) allow for the movement of native aquatic animals between riverine, floodplain, wetland, estuarine and marine environments; and
 - (ii) deliver nutrients and organic matter throughout the plan area to support natural processes such as breeding, growth and migration in riverine, floodplain, wetland, estuarine and marine environments; and
 - (iii) deliver water and sediment throughout the plan area to support river-forming processes;
- (c) minimisation of changes to natural variability in water levels to support natural ecological processes, including the maintenance of refugia associated with waterholes and lakes;
- (d) maintenance of the permanence of water in naturally perennially flowing watercourses and in river bed sands that provide water to support native plants and animals, particularly during dry seasons;
- (e) the promotion of improved understanding of the matters affecting flow-related health of ecosystems in the plan area;

[s 5]

- (f) maintenance of water in the bed sands of the Gilbert River between AMTD 317km and AMTD 263km—
 - (i) to provide aquatic habitat for native aquatic plants and animals, particularly during dry seasons; and
 - (ii) to support riparian vegetation; and
 - (iii) to contribute to the flow of water in the Gilbert River;
 - (g) maintenance of the permanence of water flows in the Gregory River and Lawn Hill Creek to provide aquatic habitat for native aquatic plants and animals, particularly during dry seasons;
 - (h) maintenance of flood flows to the estuarine and marine environments of the Gulf of Carpentaria to stimulate breeding, growth and migration of native aquatic animals;
 - (i) maintenance of the natural variability of flood flows that inundate, and deliver nutrients, organic matter and sediment to, the wetlands of the areas known as the Southern Gulf Aggregation and the Southeast Karumba Plain Aggregation;
 - (j) maintenance of flows in the Gilbert River to provide brackish estuarine habitat suitable for juvenile banana prawn development.
- (2) Each of the following is an additional ecological outcome for groundwater in the plan area—
- (a) maintenance of groundwater contributions to the flow of water in watercourses, lakes and springs;
 - (b) the support of ecosystems dependent on groundwater, including, for example, riparian vegetation, wetlands and waterholes;

(c) allocation and management of groundwater in a way that is compatible with the outcomes of the *Water Resource (Great Artesian Basin) Plan 2006* to the greatest practicable extent.

(3) In this section—

refugia means the habitat required by a species during a time of stress, including, for example, drought.

6 **Amendment of ch 4 hdg (Performance indicators and objectives for surface water in Upper Leichhardt River subcatchment area)**

Chapter 4, heading, ‘in Upper Leichhardt River subcatchment area’—

omit.

7 **Amendment of s 17 (Performance indicators for environmental flow objectives)**

(1) Section 17(a)—

omit, insert—

(a) for assessing periods of low flow at a node—

(i) the number of periods of no flow of more than 1 month but less than 6 months; and

(ii) the number of periods of no flow of 6 months or more; and

(iii) the proportion of no flow days; and

(iv) median non-zero daily flow; and

(2) Section 17(b), ‘node 1’—

omit, insert—

a node

[s 8]

(3) Section 17—

insert—

- (c) for assessing periods of wet season flow at a node—median wet season flow.

8 Amendment of s 18 (Environmental flow objectives)

Section 18, ‘in the Upper Leichhardt River subcatchment area’—

omit, insert—

in the plan area

9 Amendment of ch 5, pt 1, div 2, sdiv 3 hdg (Dealing with unallocated water under resource operations plan generally)

Chapter 5, part 1, division 2, subdivision 3, heading, ‘under resource operations plan’—

omit.

10 Replacement of ss 28 and 29

Sections 28 and 29—

omit, insert—

28 Particular unallocated water held as indigenous, strategic or general reserve

Unallocated water in the plan area is held as—

- (a) for the Morning Inlet, Settlement Creek and Staaten River catchment areas—an indigenous reserve or a strategic reserve; or
- (b) for the Flinders River catchment, Gilbert River catchment and Gregory River subcatchment areas—an indigenous reserve, a strategic reserve or a general reserve; or
- (c) for any other area—a strategic reserve or a general reserve.

29 Granting unallocated water

The process for granting unallocated water is a process stated in the *Water Regulation 2002*, part 2, division 1C.

11 Amendment of s 30 (Preparing and implementing process in resource operations plan generally)

(1) Section 30, heading, ‘in resource operations plan’—
omit, insert—

for granting unallocated water

(2) Section 30(1) and (3)—
omit.

(3) Section 30(2) and (4)—
renumber as section 30(1) and (2).

12 Amendment of s 32 (Purpose for which indigenous unallocated water may be granted)

Section 32, ‘Morning Inlet catchment area, Settlement Creek catchment area, Staaten River catchment area or the Gregory river’—

omit, insert—

Flinders River catchment area, Gilbert River catchment area, Morning Inlet catchment area, Settlement Creek catchment area, Staaten River catchment area or the Gregory River

13 Amendment of s 33 (Volumetric limits for indigenous unallocated water)

Section 33, ‘licences’—

omit, insert—

entitlements

[s 14]

14 Amendment of s 34 (When strategic unallocated water may be granted)

Section 34, 'Lake Corella or'—

omit.

15 Replacement of s 35 (Volumetric limits for strategic unallocated water in Lake Corella or Lake Mary Kathleen)

Section 35—

omit, insert—

35 Volumetric limits for strategic unallocated water in Lake Mary Kathleen

The total of the annual volumetric limits for all water entitlements to take strategic unallocated water from Lake Mary Kathleen is stated in schedule 7, part 1, column 2.

16 Amendment of s 36 (Volumetric limits for strategic unallocated water granted for State purpose)

Section 36, 'licences'—

omit, insert—

entitlements

17 Amendment of s 37 (Period for which strategic unallocated water is granted for particular State purpose)

(1) Section 37(1), 'licences'—

omit, insert—

entitlements

(2) Section 37(1)(a)—

omit, insert—

(a) a coordinated project;

(3) Section 37(2)—

omit, insert—

- (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.

18 Amendment of s 39 (Volumetric limits for general unallocated water)

Section 39, 'licences'—

omit, insert—

entitlements

19 Insertion of new s 39A

Chapter 5, part 1, division 2, subdivision 6—

insert—

39A Condition for general unallocated water in Flinders and Gilbert River catchments

Water entitlements granted from the general reserve in the Flinders River and Gilbert River catchment areas must include—

- (a) at least 1 pass flow condition; and
- (b) a condition stating the transfer of water under the entitlement must be done in accordance with the group B water transfer rules.

20 Amendment of s 42 (Assessing impact of decisions)

Section 42, 'IQQM'—

omit, insert—

prescribed assessment

21 Amendment of s 43 (Accepting and deciding particular applications to interfere with water)

- (1) Section 43, heading, from 'Accepting' to 'interfere'—

omit, insert—

Limitations on interference

- (2) Section 43(1), from ‘applies’ to ‘application’—

omit, insert—

applies to an application, made under section 206 of the Act, for a water licence

- (3) Section 43(2), from ‘chief’ to ‘application’—

omit, insert—

application may be granted

- (4) Section 43(2)(b), from ‘authorisation’—

omit, insert—

authorisation; or

- (5) Section 43(2)—

insert—

(d) related to the granting of unallocated water under the process stated in the Water Regulation 2002, part 2, division 1C; or

(e) to provide improved security for town water supplies.

- (6) Section 43(3), from ‘The’ to ‘if—’—

omit, insert—

Also, the application may be granted only if—

- (7) Section 43(3)—

insert—

(c) for a purpose mentioned in subsection (2)(e)—

(i) the chief executive is satisfied that approving the application would not adversely impact other water users or the outcomes of the plan; and

(ii) there is a demonstrated need for an increased reliability of the water supply.

(8) Section 43(4), from ‘chief’ to ‘greater than’—

omit, insert—

application must not be granted if the application is for a proposed interference or increase in interference for a purpose mentioned in subsection (2)(b) or (c) and the proposed storage capacity is greater than

(9) Section 43(5)—

omit, insert—

(5) If the application is for a Flinders River or Gilbert River catchment area general reserve related water licence and the application is granted, the water licence must include at least 1 pass flow condition.

(10) Section 43(6)—

insert—

Flinders River or Gilbert River catchment area general reserve related water licence means a water licence to interfere with water that is related to a water entitlement to take unallocated water from the general reserve in the Flinders River or Gilbert River catchment areas.

22 Insertion of new s 56

Chapter 5, part 2, division 3, subdivision 1—

insert—

56 Taking water for stock or domestic purposes

(1) For section 20A(5) of the Act, an owner of land may take water, in any way, from a watercourse (other than a part of a watercourse used for distribution of water by a scheme licence holder),

[s 23]

lake or spring in the plan area for stock or domestic purposes.

Editor's note—

Maps of the parts of watercourses used for distribution of water by a scheme licence holder (supplemented zones) are included in the resource operations plan (attachment 3) which is available on the department's website.

(2) In this section—

scheme licence holder means—

- (a) the holder of a resource operations licence for the Julius Dam Water Supply Scheme; or
- (b) the holder of a resource operations licence for the Moondarra Dam Water Supply Scheme; or
- (c) the holder of a distribution operations licence for the Julius Dam and Moondarra Dam water supply schemes.

23 Amendment of s 83 (Relationship with Sustainable Planning Act 2009)

(1) Section 83(1) and (2), '3(c)(ii)'—

omit, insert—

3(c)(i)

(2) Section 83(2)(b), '1(e)'—

omit, insert—

1(b)(i)

24 Amendment of s 95 (Implementation schedule)

Section 95—

insert—

- (3) Within 3 years after the commencement of this subsection, it is proposed to commence a process

to make unallocated water available for future water requirements in the plan area.

25 Omission of s 97 (Amending or replacing plan)

Section 97—

omit.

26 Replacement of sch 1 (Plan area)

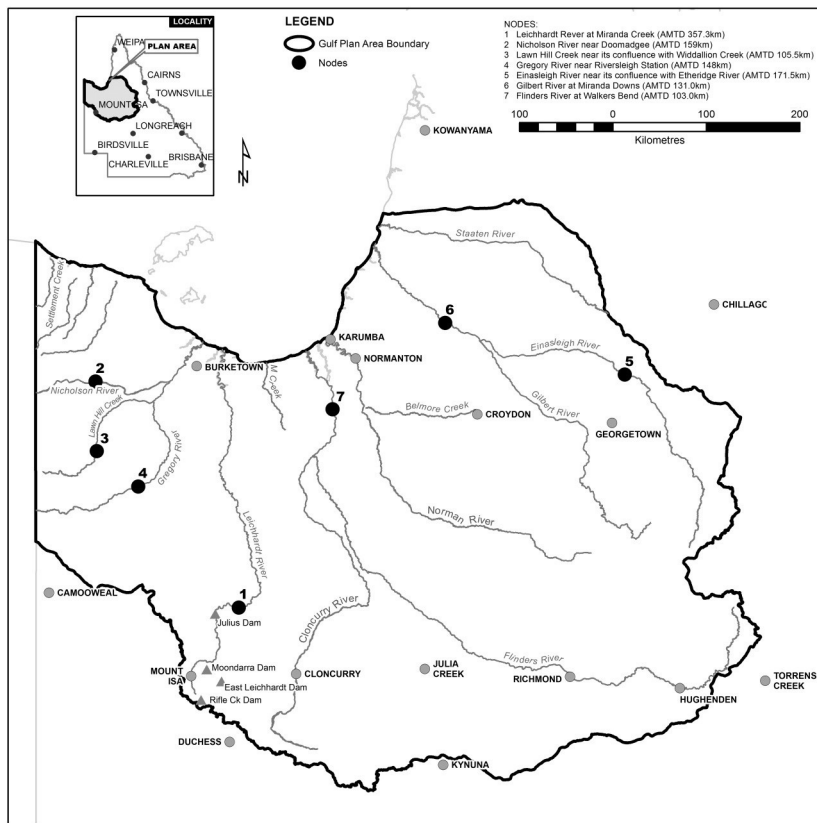
Schedule 1—

omit, insert—

[s 27]

Schedule 1 Plan area

sections 4 and 10



27 Amendment of sch 4 (Nodes)

Schedule 4, table—

insert—

6	Gilbert River at Miranda Downs (at AMTD 131.0km)
7	Flinders River at Walkers Bend (at AMTD 103.0km)

28 Replacement of sch 5 (Environmental flow objectives)

Schedule 5—

*omit, insert—***Schedule 5 Environmental flow objectives**

section 18

Part 1 Low flow objectives

- 1 At node 1—
 - (a) the number of periods of no flow of more than 1 month but less than 6 months in the simulation period be not more than 150; and
 - (b) the number of periods of no flow of 6 months or more in the simulation period be not more than 80; and
 - (c) the number of days on which the daily flow equals or exceeds the median non-zero daily flow, expressed as a percentage of the number of days on which the daily flow for the pre-development flow pattern equals or exceeds the median non-zero daily flow, in the simulation period be at least 50%.
- 2 At node 6, the proportion of no flow days in the simulation period be no more than 28%.
- 3 At node 7, the proportion of no flow days in the simulation period be no more than 70%.

Part 2 Medium to high flow objectives

- 1 At each node mentioned in table 2, column 1—
 - (a) the mean annual flow in the simulation period, expressed as a percentage of the mean annual flow for the pre-development flow pattern in the simulation period, be at least the percentage stated for the node in column 2 of the table; and
 - (b) the median annual flow ratio in the simulation period, expressed as a percentage of the median annual flow for the pre-development flow pattern in the simulation period, be at least the percentage stated for the node in column 3 of the table; and
 - (c) the 10% daily flow be equalled or exceeded on at least the number of days in the simulation period, expressed as a percentage, stated for the node in column 4 of the table; and
 - (d) the 1.5 year daily flow volume in the simulation period, expressed as a percentage of the 1.5 year daily flow volume for the pre-development flow pattern in the simulation period, be at least the percentage stated for the node in column 5 of the table; and
 - (e) the 5 year daily flow volume in the simulation period, expressed as a percentage of the 5 year daily flow volume for the pre-development flow pattern in the simulation period, be at least the percentage stated for the node in column 6 of the table; and

- (f) the 20 year daily flow volume in the simulation period, expressed as a percentage of the 20 year daily flow volume for the pre-development flow pattern in the simulation period, be at least the percentage stated for the node in column 7 of the table.

Table 2

Column 1	Column 2	Column 3	Column 4	Column 5	Column 6	Column 7
Node	Mean annual flow	Median annual flow	10% daily flow	1.5 year daily flow volume	5 year daily flow volume	20 year daily flow volume
1	63%	37%	5%	37%	70%	72%
6	93%	89.5%	–	93%	97%	98%
7	90%	78%	–	90%	96.5%	98%

Part 3 Wet season flow objectives

- 1 At each node mentioned in table 3, column 1, the median wet season flow in the simulation period, expressed as a percentage of the median wet season flow for the pre-development flow pattern in the simulation period, be at least the percentage stated for the node in column 2 of the table.

Table 3

Column 1	Column 2
Node	Median wet season flow
6	90%
7	75%

[s 29]

29 Replacement of sch 6A (Total volumes for indigenous unallocated water)

Schedule 6A—

omit, insert—

Schedule 6A Total volumes for indigenous unallocated water

section 33

Column 1	Column 2
Area	Total volume (ML)
Cape York Peninsula Region area	1000
Flinders River catchment area	8500
Gilbert River catchment area	17,000
Morning Inlet catchment area	50
Settlement Creek catchment area	1500
Gregory River subcatchment area	1000
Staaten River catchment area other than the part of the area that is within the Cape York Peninsula Region area	1500

30 Amendment of sch 7 (Total volumes for strategic unallocated water)

(1) Schedule 7, part 1—

omit, insert—

Part 1 Water from Lake Mary Kathleen

Column 1	Column 2
Lake	Total volume
Lake Mary Kathleen	1100ML

- (2) Schedule 7, part 2, table, entry for Flinders River catchment area, column 2, '20,000ML'—

omit, insert—

17,850ML

- (3) Schedule 7, part 2, table, entry for Nicholson River subcatchment area, column 2, '4400ML'—

omit, insert—

4282ML

- (4) Schedule 7, part 2, table, entry for Norman River catchment area, column 2, '2000ML'—

omit, insert—

1000ML

31 Amendment of sch 8 (Total volumes for general unallocated water)

- (1) Schedule 8, table, entry for Flinders River catchment area, column 2, '80,000ML'—

omit, insert—

239,650ML

- (2) Schedule 8, table, entry for Gilbert River catchment area, column 2, '15,000ML'—

omit, insert—

467,000ML

32 Amendment of sch 13 (Dictionary)

- (1) Schedule 13, definitions *East Leichhardt Dam land*, *Lake Corella*, *Mount Isa Mines Limited*, *project of State significance* and *State purpose*—

omit.

- (2) Schedule 13—

insert—

coordinated project means a coordinated project under the *State Development and Public Works Organisation Act 1971*.

median wet season flow, for a node, means the total volume of flow during the months of January, February and March that is equalled or exceeded in 50% of years in the simulation period.

pass flow condition means a condition on a water entitlement that provides for flows consistent with the environmental flow objectives.

prescribed assessment computer program means—

- (a) for the Flinders and Gilbert River catchments—the Source computer program; or
- (b) for the Leichhardt River catchment—the IQQM computer program.

proportion of no flow days, for a node, means the total number days on which the flow at the node is less than 5ML/day, expressed as a percentage of the total number of days, in the simulation period.

Source computer program means the computer program known as Source, and associated statistical analysis and reporting programs, that simulate daily stream flows, flow management, storages, releases, instream infrastructure, water

diversions, water demands and other hydrologic events in the plan area.

State purpose means—

- (a) a coordinated project; or
 - (b) a project of regional significance; or
 - (c) town water supply; or
 - (d) ecotourism in the Cape York Peninsula region area, Morning Inlet catchment area, Settlement Creek catchment area, Staaten River catchment area or the Gregory River subcatchment area.
- (3) Schedule 13, definition *pre-development flow pattern*, 'IQQM' —
- omit, insert—*
- prescribed assessment
-

ENDNOTES

- 1 Approved by the Governor in Council on 20 August 2015.
- 2 Notified on the Queensland legislation website on 21 August 2015.
- 3 The administering agency is the Department of Natural Resources and Mines.

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