



Queensland

*Water Act 2000*

# Water Resource (Georgina and Diamantina) Plan 2004

Reprinted as in force on 31 March 2006

Reprint No. 1A

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# Information about this reprint

This plan is reprinted as at 31 March 2006. The reprint shows the law as amended by all amendments that commenced on or before that day (Reprints Act 1992 s 5(c)).

The reprint includes a reference to the law by which each amendment was made—see list of legislation and list of annotations in endnotes. Also see list of legislation for any uncommenced amendments.

This page is specific to this reprint. See previous reprint for information about earlier changes made under the Reprints Act 1992. A table of reprints is included in the endnotes.

**Also see endnotes for information about—**

- **when provisions commenced**
- **editorial changes made in earlier reprints.**

## **Dates shown on reprints**

**Reprints dated at last amendment** All reprints produced on or after 1 July 2002, hard copy and electronic, are dated as at the last date of amendment. Previously reprints were dated as at the date of publication. If a hard copy reprint is dated earlier than an electronic version published before 1 July 2002, it means the legislation was not further amended and the reprint date is the commencement of the last amendment.

If the date of a hard copy reprint is the same as the date shown for an electronic version previously published, it merely means that the electronic version was published before the hard copy version. Also, any revised edition of the previously published electronic version will have the same date as that version.

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Queensland

# Water Resource (Georgina and Diamantina) Plan 2004

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# **Water Resource (Georgina and Diamantina) Plan 2004**

[as amended by all amendments that commenced on or before 31 March 2006]

## **Part 1 Preliminary**

### **1 Short title**

This water resource plan may be cited as the *Water Resource (Georgina and Diamantina) Plan 2004*.

### **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 reversing, where practicable, degradation that has occurred in natural ecosystems, including, for example, stressed rivers;
- (e) to regulate the taking of overland flow water.

### **3 Definitions**

The dictionary in schedule 3 defines particular words used in this plan.

## Part 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 Information about plan area

- (1) The exact location of the plan area boundary 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 boundary.<sup>1</sup>

### 6 Water to which plan applies

- (1) This plan applies to the following water in the plan area—
  - (a) surface water;
  - (b) overland flow water, other than water in springs connected to—
    - (i) artesian water; or
    - (ii) subartesian water connected to artesian water;
  - (c) hydraulically-linked subartesian water not connected to artesian water.
- (2) In subsection (1)—

**surface water** means the following—

  - (a) water in a watercourse or lake;
  - (b) water in springs not connected to—
    - (i) artesian water; or
    - (ii) subartesian water connected to artesian water.

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<sup>1</sup> The boundary location in digital electronic form may be inspected at the department's head office, Brisbane.

## **Part 3**

# **Outcomes for sustainable management of water**

### **7 Outcomes, including ecological outcomes, for the plan area**

Water is to be allocated and managed in a way that seeks to achieve a balance in the following outcomes—

- (a) to make water available to sustain current levels of, and to support growth in, economic activity in the plan area while recognising the social and cultural values of communities in the basins;
- (b) to achieve ecological outcomes consistent with maintaining the ecological integrity and natural function of in-stream, wetland and floodplain ecosystems, both in the plan area and downstream of the plan area in South Australia, including, for example, maintaining—
  - (i) pool habitats, and native plants and animals associated with the habitats, in watercourses; and
  - (ii) the near pristine condition of the riverine habitats and associated native plants and animals in the basins; and
  - (iii) the natural abundance and species richness of native plants and animals associated with habitats within watercourses, riparian zones, floodplains and wetlands; and
  - (iv) active river-forming processes, including sediment transport; and
  - (v) connections between waterholes, particularly at times of low flow;
- (c) to maintain, both in the plan area and downstream of the plan area in South Australia, water quality at levels that maintain the ecological integrity and natural function of in-stream and floodplain ecosystems and the viability of economic, social, cultural and other activities that do not threaten the integrity and function;

- (d) to promote a continual improvement in water use efficiency, both in the plan area generally and on individual properties;
- (e) to promote improved understanding of the matters affecting the health of riverine and associated systems in the basins;
- (f) consistency with the *Lake Eyre Basin Agreement Act 2001*.

## **Part 4                      Strategies for achieving    outcomes**

### **Division 1                Preliminary**

#### **8                      Strategies**

- (1) This part states the strategies for achieving the outcomes mentioned in part 3.
- (2) The strategies—
  - (a) form part of a broad framework for the management of natural resources; and
  - (b) complement other activities for advancing the sustainable management of water.

#### **9                      Decisions about taking water**

- (1) The chief executive must not make a decision, about the allocation or management of water in the plan area, that would increase the total volume of water that may be taken in the plan area.
- (2) Subsection (1) does not apply to a decision—
  - (a) about a water permit; or



- (b) about reinstating or replacing an expired authorisation; or
- (c) under the *Integrated Planning Act 1997* about taking overland flow water mentioned in section 10(1)(a) or (e); or
- (d) to grant a water licence to a local government for town water supply purposes; or
- (e) to grant a water licence to an owner of land, other than land adjoining a watercourse, lake or spring, to take water for stock or domestic purposes using works that were in existence before 21 November 2001; or
- (f) about unallocated water, made under section 18.

## **Division 2                      Regulation of overland flow water**

### **10            Limitation on taking overland flow water—Act, s 20(6)**

- (1) A person may not take overland flow water other than—
  - (a) for stock or domestic purposes;<sup>2</sup> or
  - (b) under an authority under section 12; or
  - (c) under an authorisation; or
  - (d) unallocated water granted to the person under the resource operations plan; or
  - (e) overland flow water—
    - (i) of not more than the amount necessary to satisfy the requirements of—
      - (A) an environmental authority under the *Environmental Protection Act 1994*; or
      - (B) a development permit for carrying out an environmentally relevant activity, other than a mining or petroleum activity, under the *Environmental Protection Act 1994*; or

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<sup>2</sup> See the Act, section 20(4).

(ii) that is contaminated agricultural runoff water.

(2) In this section—

*contaminated agricultural runoff water* has the meaning given by the ‘Code for Assessable Development for Operational Works for Taking Overland Flow Water’.<sup>3</sup>

## 11 Decisions about taking overland flow water

(1) In deciding an application under the Act or the *Integrated Planning Act 1997* about taking overland flow water, the chief executive must consider whether granting the application is likely to adversely affect—

- (a) cultural values, including, for example, cultural values of local Aboriginal communities; or
- (b) natural aquatic ecosystems, including, for example, natural wetlands; or
- (c) users of overland flow water downstream of the area to which the application relates; or
- (d) connections between waterholes, particularly at times of low flow; or
- (e) the floodplain downstream of the area to which the application relates.

(2) However, subsection (1) does not apply to an application—

- (a) for a water permit; or
- (b) to reinstate or replace an expired licence.

## 12 Taking water using existing works or reconfiguration of existing works authorised

(1) Subsection (2) applies to the owner of land on which either of the following is situated—

- (a) existing works;<sup>4</sup>

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<sup>3</sup> A copy of the code is available on the department’s website.

<sup>4</sup> See schedule 3, definition *existing works*, paragraph 2.

- (b) works that—
  - (i) are a reconfiguration of existing works; and
  - (ii) do not increase the average annual volume of water taken above the average annual volume taken using the existing works.
- (2) The owner may continue to take overland flow water, using the works—
  - (a) for 1 year after the commencement of this plan; and
  - (b) if the owner gives the chief executive notice of the works, in the approved form, and any further information required by the chief executive about the works—after the notice and information are given.

### **13 Granting water licences for authorities under s 12**

- (1) This section applies if—
  - (a) an owner of land is authorised under section 12 to continue taking overland flow water using works; and
  - (b) the chief executive is satisfied there has been, or may be, an increase in the average annual volume of overland flow water taken using the works above the average annual volume that could have been taken under the operating arrangements in place immediately before the commencement of this plan.
- (2) The chief executive must—
  - (a) under section 212<sup>5</sup> of the Act, grant a water licence to replace the authority under section 12; and
  - (b) impose a condition on the licence to ensure the average annual volume of overland flow water that may be taken using the works is not more than the average annual volume that could have been taken under the operating arrangements in place immediately before the commencement of this plan.

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5 Section 212 (Granting a water licence under a plan or declaration process) of the Act

#### **14 Granting or amending water licences under the resource operations plan**

- (1) For granting, under section 212 of the Act, a water licence to replace an authority under section 12, the resource operations plan—
  - (a) must state the parts of the plan area in which an authority may be replaced by a water licence; and
  - (b) must state the works to which each authority relates; and
  - (c) must consider the extent to which the works allow the taking of—
    - (i) overland flow water under an authority under section 12; and
    - (ii) water under another authorisation; and
  - (d) to achieve the outcomes of this plan, may reduce the volume of overland flow water that may be taken in a part of the plan area mentioned in paragraph (a) by deciding—
    - (i) the volume of overland flow water available for allocation in the part; and
    - (ii) the share available under each authority to take overland flow water in the part.
- (2) The resource operations plan may also decide the share of the water mentioned in subsection (1)(d)(i) available under a water licence granted under section 13 for a part of the plan area mentioned in subsection (1)(a).
- (3) Section 217 of the Act applies to the amendment of the licence for consistency with the resource operations plan.

#### **15 Relationship with Integrated Planning Act 1997**

- (1) Works that allow taking overland flow water, other than works mentioned in subsection (3), are assessable development for the *Integrated Planning Act 1997*, schedule 8, part 1, item 3B(c)(i).

- (2) Subsection (1) does not apply to repairs or maintenance to works mentioned in section 12 or works constructed under a development permit, that do not alter the design of the works.
- (3) Works for taking overland flow water for stock or domestic purposes are self-assessable development for the *Integrated Planning Act 1997*, schedule 8, part 2, item 9A(b)(i).

## **Division 3                      Strategic reserve**

### **16            Unallocated water held as strategic reserve**

Unallocated water is held as a strategic reserve and dealt with under this division.

### **17            Limitation on allocation of unallocated water**

- (1) The allocation of unallocated water is limited to—
  - (a) water for a use mentioned in schedule 2, column 2; and
  - (b) the total annual volume mentioned for the use in schedule 2, column 1.
- (2) Subsection (1)(b) applies to surface water.
- (3) However, the chief executive may instead allow an equivalent volume of water to be taken as overland flow water or subartesian water hydraulically-linked to surface water.
- (4) For subsection (3), an equivalent volume is the volume, decided by the chief executive, that would have an equivalent impact on the stream flow downstream of the part of the plan area from which the water would be taken.

### **18            Dealing with unallocated water**

Unallocated water may be—

- (a) granted under a licence granted under section 212<sup>6</sup> of the Act for a project of State significance; or

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<sup>6</sup> Section 212 (Granting a water licence under a plan or declaration process) of the Act

- (b) granted or reserved under a process in the resource operations plan.

## **19 Matters chief executive must consider**

- (1) In dealing with unallocated water, the chief executive must consider—
  - (a) the need for, and efficiency of, present and proposed uses of water, including—
    - (i) the extent to which water is being taken under current authorisations in the plan area; and
    - (ii) emerging requirements in the plan area for additional water and the likely timeframe in which the additional water will be required; and
    - (iii) alternative water sources including, for example, recycled water and water savings from improvements in the efficiency of water use; and
  - (b) the availability of an alternative water supply for the purpose for which the water is required; and
  - (c) the impact the proposed taking of, or interfering with, the water may have on the following—
    - (i) water quality;
    - (ii) the draw-down levels in waterholes;
    - (iii) the natural movement of sediment;
    - (iv) low flows;
    - (v) waterholes and wetlands;
    - (vi) connections between waterholes, particularly at times of low flow;
    - (vii) the floodplain downstream of the proposed taking or interfering;
    - (viii) inundation of habitats;
    - (ix) the movement of fish and other aquatic species;
    - (x) recreation and aesthetic values;

- (xi) cultural values, including, for example, cultural values of local Aboriginal communities; and
  - (d) imposing flow conditions under which water may be taken or interfered with under any water entitlement granted, to protect low flows and other ecologically significant flows; and
  - (e) whether the proposed taking or interfering with, or the proposed use of, water is likely to have an adverse effect on groundwater; and
  - (f) whether the proposed taking or interfering with, or the proposed use of, water is likely to lead to degradation, particularly salinity, of land or downstream watercourses both in the plan area and downstream of the plan area in South Australia; and
  - (g) the impact the proposed taking of, or interfering with, the water may have on water users.
- (2) Subsection (1) does not limit the matters the chief executive may consider.

## **Division 4                      Miscellaneous provisions**

### **20            Matters chief executive must consider**

- (1) In granting a water licence to a local government for town water supply purposes, other than under operations that were in existence before 21 November 2001, the chief executive must consider whether a planning study, satisfactory to the chief executive, has been completed that—
- (a) demonstrates the need for the water; and
  - (b) addresses the matters mentioned in section 19(1).
- (2) Subsection (1) does not limit the matters the chief executive may consider.

## **21 Measuring devices**

- (1) A measuring device must be used to measure the volume of water taken under a licence to take water in the plan area.
- (2) Subsection (1) applies in the circumstances mentioned and on the day a regulation prescribes the matters mentioned in section 1014(2)(d) of the Act, in relation to meters.

## **Part 5 Monitoring and reporting requirements**

### **22 Monitoring**

- (1) The monitoring requirements for the plan are—
  - (a) water monitoring for—
    - (i) volume, frequency, duration and season of streamflows; and
    - (ii) taking water; and
    - (iii) water quality; and
  - (b) natural ecosystems monitoring, for the condition of riverine habitats including the following—
    - (i) waterholes and lake ecosystems;
    - (ii) stream-bed habitats;
    - (iii) upper and in-channel riparian zones;
    - (iv) floodplains;
    - (v) wetlands.
- (2) The monitoring requirements are to be achieved by—
  - (a) monitoring programs undertaken by community groups with relevant State or interstate agencies; and
  - (b) monitoring programs administered by relevant State or interstate agencies.



### **23 Minister's report on plan—Act, s 53**

The Minister's report<sup>7</sup> on this plan must be prepared—

- (a) for the first report—after the commencement of the resource operations plan; or
- (b) for subsequent reports—for each financial year this plan is in force and within 6 months after the end of the financial year to which the report relates.

## **Part 6                      Implementing and amending this plan**

### **24 Implementation schedule**

The proposed arrangement for implementing this plan is to prepare, within 3 years after the commencement of this plan, a resource operations plan making unallocated water available for allocation.

### **25 Minor amendment of plan—Act, s 57**

An amendment or addition of a monitoring requirement under part 5 may be made to this plan under section 57(b) of the Act.

### **26 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 authorisations in the plan area are not sufficient to meet the water needs of a project of State significance having regard to—

- (a) the extent to which water is being taken under the authorisations; and

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<sup>7</sup> See section 54 (Matters the report must include) of the Act.

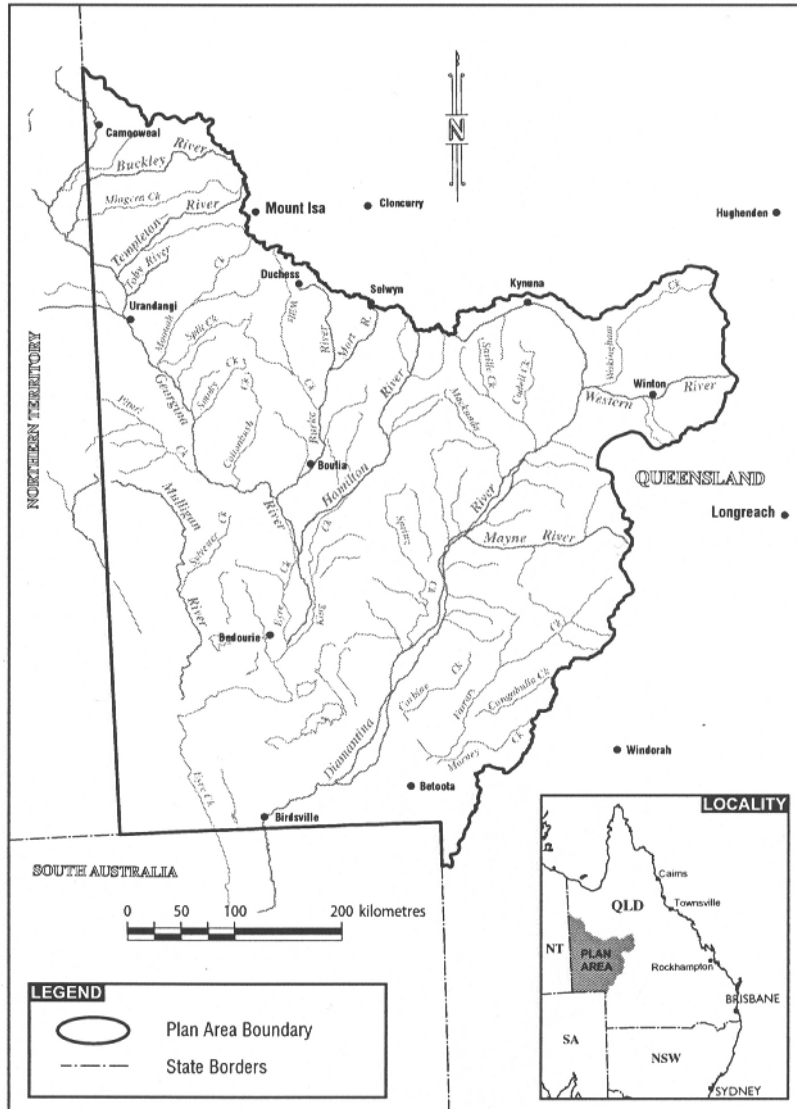
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- (b) the efficiency of present, and expected future, water use; and
- (c) emerging requirements for additional water; and
- (d) alternative water sources including, for example, recycled water and water savings from improvements in the efficiency of water use; and
- (e) the likely timeframe in which additional water will be required.

# Schedule 1 Plan area

section 4



## **Schedule 2      Allocation of unallocated water**

section 17

<b>Column 1</b>	<b>Column 2</b>
<b>Annual volume</b>	<b>Use</b>
1 500ML	A project of State significance
12 000ML	Any

## Schedule 3      Dictionary

### section 3

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

***existing works***—

1. *Existing works* means works that—
  - (a) allow taking overland flow water; and
  - (b) either—
    - (i) were in existence on 21 November 2001; or
    - (ii) were started, but not completed by 21 November 2001 but were completed by 31 May 2002.
2. The term does not include works that allow taking overland flow water only for stock or domestic purposes.<sup>8</sup>

***groundwater*** means water from an underground source.

***hydraulically-linked***, in relation to subartesian water, means there is a direct connection between the subartesian water and surface water to the extent that—

- (a) if the aquifer is full and surface water is removed, subartesian water begins, within approximately 1 day, to flow to the surface, replacing the surface water removed; and
- (b) if the aquifer is not full, surface water begins, within approximately 1 day, to seep into the aquifer causing the water level in the aquifer to rise.

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

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<sup>8</sup> See section 20 (Authorised taking of water without water entitlement) of the Act.

### Schedule 3 (continued)

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

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

***started***, for existing works, means—

- (a) construction of the works had physically started, or if construction had not physically started, a contract had been entered into to start construction; and
- (b) an independently verifiable construction program existed for progressive construction towards completion of the works; and
- (c) detailed design plans existed showing, among other things, the extent of the works; and
- (d) if a permit under the *Local Government Act 1993*, section 940<sup>9</sup> was required for the works—the permit had been issued; and
- (e) if a development permit was required for the works—the permit had been given.

***surface water*** see section 6.

***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 or weir on the watercourse.

***works that allow taking overland flow water*** include—

- (a) storages, sumps, drains, embankments, channels, pipes 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

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<sup>9</sup> *Local Government Act 1993*, section 940 (Issue of permit)

**Schedule 3 (continued)**

- (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

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### 2 Date to which amendments incorporated

This is the reprint date mentioned in the Reprints Act 1992, section 5(c). Accordingly, this reprint includes all amendments that commenced operation on or before 31 March 2006. Future amendments of the Water Resource (Georgina and Diamantina) Plan 2004 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
o in c	= order in council	s	= section
om	= omitted	sch	= schedule
orig	= original	sdiv	= subdivision
p	= page	SIA	= Statutory Instruments Act 1992
para	= paragraph	SIR	= Statutory Instruments Regulation 2002
prec	= preceding	SL	= subordinate legislation
pres	= present	sub	= substituted
prev	= previous	unnum	= unnumbered



## 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	6 August 2004	
1A	2006 SL No. 49	31 March 2006	

## 5 List of legislation

### **Water Resource (Georgina and Diamantina) Plan 2004 SL No. 152**

approved by the Governor in Council on 5 August 2004

notfd gaz 6 August 2004 pp 1080–1

commenced on date of notification

exp 1 September 2014 (see SIA s 54)

Note— (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

amending legislation—

### **Water Resource (Great Artesian Basin) Plan 2006 SL No. 49 s 1, pt 7 div 6**

notfd gaz 31 March 2006 pp 1282–5

commenced on date of notification

Note—An explanatory note was prepared

## 6 List of Annotations

### **Water to which plan applies**

s 6 sub 2006 SL No. 49 s 59