



*Water Act 2000*

# **Water Resource (Calliope River Basin) Plan 2006**

**Reprinted as in force on 18 December 2009**

**Reprint No. 1A**

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# Information about this reprint

This plan is reprinted as at 18 December 2009. 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 reprints 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.**

## Spelling

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Queensland

# Water Resource (Calliope River Basin) Plan 2006

## Contents

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		Page
<b>Part 1</b>	<b>Preliminary</b>	
1	Short title . . . . .	3
2	Purposes of plan . . . . .	3
3	Definitions . . . . .	3
<b>Part 2</b>	<b>Plan area and water to which plan applies</b>	
4	Plan area . . . . .	4
5	Information about plan area . . . . .	4
6	Water to which plan applies . . . . .	4
<b>Part 3</b>	<b>Outcomes for sustainable management of water</b>	
7	Outcomes for water in plan area . . . . .	4
8	General outcomes . . . . .	5
9	Ecological outcomes . . . . .	5
<b>Part 4</b>	<b>Strategies for achieving outcomes</b>	
<b>Division 1</b>	<b>Preliminary</b>	
10	Strategies . . . . .	6
11	Decisions about taking water . . . . .	6
<b>Division 2</b>	<b>Water in watercourse, lake or spring</b>	
12	Annual volumetric limit for taking water from watercourse, lake or spring . . . . .	7
<b>Division 3</b>	<b>Regulation of overland flow water</b>	
13	Limitation on taking overland flow water—Act, s 20(6) . . . . .	8
14	Decisions about taking overland flow water . . . . .	9
15	Taking water using existing works or reconfiguration of existing works authorised . . . . .	9
16	Granting water licences for authorities under s 15 . . . . .	10
17	Granting or amending water licences under the resource operations plan . . . . .	11

Contents

---

18	Relationship with Sustainable Planning Act 2009 . . . . .	12
<b>Division 4</b>	<b>Unallocated water</b>	
19	Limitation on allocation of unallocated water . . . . .	12
20	Dealing with unallocated water . . . . .	13
21	Matters chief executive must consider . . . . .	13
<b>Division 5</b>	<b>Miscellaneous provisions</b>	
22	Measuring devices . . . . .	14
<b>Part 5</b>	<b>Monitoring and reporting requirements</b>	
23	Monitoring. . . . .	15
24	Minister's report on plan—Act, s 53 . . . . .	16
<b>Part 6</b>	<b>Implementing and amending this plan</b>	
25	Implementation schedule . . . . .	16
26	Minor or stated amendment of plan—Act, s 57 . . . . .	16
27	Amending or replacing plan . . . . .	17
<b>Schedule 1</b>	<b>Plan area</b> . . . . .	18
<b>Schedule 2</b>	<b>Dictionary</b> . . . . .	19
 <b>Endnotes</b>		
1	Index to endnotes. . . . .	21
2	Date to which amendments incorporated. . . . .	21
3	Key . . . . .	21
4	Table of reprints . . . . .	22
5	List of legislation. . . . .	22
6	List of annotations . . . . .	22

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# Water Resource (Calliope River Basin) Plan 2006

[as amended by all amendments that commenced on or before 18 December 2009]

## Part 1 Preliminary

### 1 Short title

This water resource plan may be cited as the *Water Resource (Calliope River Basin) Plan 2006*.

### 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;
- (e) to regulate the taking of overland flow water.

### 3 Definitions

The dictionary in schedule 2 defines particular words used in this plan.

[s 4]

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## **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 boundary of the plan area 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.

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

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

- (a) water in a watercourse, lake or spring;
- (b) overland flow water.

## **Part 3                      Outcomes for sustainable management of water**

### **7            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 8;
- (ii) the ecological outcomes mentioned in section 9.

## 8 General outcomes

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

- (a) to provide for the use of all water entitlements and other authorisations in the plan area;
- (b) to provide for the continued use of all existing works;
- (c) to make water available to sustain current levels of, and to provide for appropriate growth in, economic activity in the plan area;
- (d) to support the water-related social and cultural values of communities in the plan area;
- (e) to encourage continual improvement in the efficient use of water.

## 9 Ecological outcomes

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

- (a) to support natural ecosystems by minimising changes to natural flow regimes;
- (b) to maintain adequate water flows to protect the health of riparian vegetation and aquatic ecosystems in the plan area;
- (c) to maintain adequate freshwater outflows to The Narrows and the natural wetlands in the plan area.

(2) In this section—

*The Narrows* means the estuarine passage between Curtis Island and the mainland that extends from Kangaroo Island to the mouth of Raglan Creek.

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

### **Division 1 Preliminary**

#### **10 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.

#### **11 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) A decision mentioned in subsection (1) includes a decision about an application for a water licence, made but not decided before the commencement of this plan.
- (3) Subsections (1) and (2) do not apply to a decision—
  - (a) about a water permit; or
  - (b) about reinstating or replacing an expired water licence; or
  - (c) about taking overland flow water mentioned in section 13(1)(a) or (e); or
  - (d) 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 4 March 2004; or



- (e) about unallocated water made under section 19; or
- (f) required to be made under the resource operations plan.

## **Division 2                      Water in watercourse, lake or spring**

### **12            Annual volumetric limit for taking water from watercourse, lake or spring**

The annual volumetric limit for a water licence to take water from a watercourse, lake or spring is—

- (a) for a licence that states the volume of water that may be taken in a water year—the stated volume; and
- (b) for a licence that states the area that may be irrigated under the licence—the volume decided by the chief executive having regard to the volume of water required to efficiently irrigate the area, but not more than the volume, expressed in megalitres, calculated by multiplying the area, in hectares, by 7; and
- (c) for another 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, being used or authorised to be used, for taking water under the licence;
  - (iii) 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;
  - (iv) the efficiency of the use of the water mentioned in subparagraph (iii).

[s 13]

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## Division 3 Regulation of overland flow water

### 13 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; or
  - (b) for another purpose, other than ponded pasture or water spreading, using works that allow the taking of overland flow water; or
  - (c) under an authorisation to take unallocated water granted to the person under the resource operations plan; or
  - (d) under another authorisation; or
  - (e) overland flow water 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
  - (f) overland flow water of not more than the amount necessary to divert the water around a mine site; or
  - (g) overland flow water that is contaminated agricultural runoff water; or
  - (h) under an authority under section 15.

- (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’.

*Editor’s note—*

A copy of the code is available on the department’s website.

***ponded pasture*** means constructing banks or otherwise modifying naturally wet areas to impound water to use it mainly for growing fodder for grazing.

***water spreading*** means using shallow earth walls to divert or delay the movement of water across its natural flow path to increase beneficial infiltration of the soil by the water, mainly for growing fodder for grazing.

***works***—

- (a) means works having a capacity of not more than 5ML; and
- (b) does not include works that are connected, physically or by any device able to transfer water, to any other works used or able to be used for storing water.

#### **14 Decisions about taking overland flow water**

- (1) In deciding an application under the Act or the *Sustainable Planning Act 2009* about taking overland flow water, the chief executive must consider whether granting the application is likely to adversely affect—
  - (a) natural aquatic ecosystems, including, for example, natural wetlands; or
  - (b) users of overland flow water 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.

#### **15 Taking water using existing works or reconfiguration of existing works authorised**

- (1) This section applies to the owner of land on which existing works are situated, other than works that allow the taking of overland flow water under section 13(1)(a) to (g).

[s 16]

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

## **16 Granting water licences for authorities under s 15**

- (1) This section applies if—
  - (a) an owner of land is authorised under section 15 to continue taking overland flow water using existing 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 for the works in place immediately before the commencement of this plan.
- (2) The chief executive may—
  - (a) under section 212 of the Act, grant a water licence to replace the authority under section 15; 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

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arrangements for the works in place immediately before the commencement of this plan.

## **17 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 15, or amending a water licence granted under section 16, the chief executive—
  - (a) must have regard to—
    - (i) the capacity to take water of the works to which the authority or licence relates; and
    - (ii) the annual volumes of water estimated by the chief executive to have been taken by the works during the period, of not more than 10 years, immediately before the commencement of this plan; and
  - (b) may have regard to the extent to which the works allowed the taking of water under another authorisation immediately before the commencement.
- (2) Subsection (1) does not limit the matters to which the chief executive may have regard.
- (3) The chief executive 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) A water licence granted or amended under the resource operations plan may include the following—
  - (a) the maximum volume of water, in megalitres, that may be taken under the licence;
  - (b) the average annual volume of water, in megalitres, that may be taken under the licence;
  - (c) the maximum rate at which water may be taken under the licence;

[s 18]

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- (d) a condition stating that water taken under the licence must be measured in the way stated in the resource operations plan.

## **18 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) works to which section 15 applies;
    - (ii) works constructed under a development permit.
- (3) The following works are self-assessable development for the *Sustainable Planning Regulation 2009*, schedule 3, part 2, table 4, item 1(b)(ii)—
  - (a) works that allow the taking of overland flow water only for stock or domestic purposes;
  - (b) works for taking overland flow water mentioned in section 13(1)(b);
  - (c) works for taking only the overland flow water mentioned in section 13(1)(e).

## **Division 4 Unallocated water**

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

- (1) The allocation of unallocated water is limited to a total annual volume of 5500ML for all purposes.

- (2) For purposes of town water supply, the allocation of unallocated water is limited to a total annual volume of 500ML.
- (3) Despite subsection (2), the chief executive may allow more than 500ML for purposes of town water supply if the allocation of 500ML is not sufficient for the purposes and there is no other viable water supply.

## **20 Dealing with unallocated water**

Unallocated water may be granted under a process in the resource operations plan.

## **21 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 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 connectivity of habitats that are dependent on flows in the river system;
    - (iii) the natural seasonality of flows;

[s 22]

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- (iv) estuarine ecosystems;
  - (v) the natural movement of sediment;
  - (vi) inundation of habitats;
  - (vii) the movement of fish and other aquatic species;
  - (viii) recreation and aesthetic values of the plan area;
  - (ix) cultural values, including, for example, cultural values of local Aboriginal communities; and
- (d) imposing flow conditions to protect low flows and other ecologically significant flows; and
  - (e) the impact the proposed taking of, or interfering with, the water may have on water users in the plan area.
- (2) Subsection (1) does not limit the matters the chief executive may consider.

## **Division 5                      Miscellaneous provisions**

### **22            Measuring devices**

- (1) A measuring device must be used to measure the volume of water taken in the plan area under a water licence to take water from a watercourse, lake or spring, that states an annual volumetric limit.
- (2) Subsection (1) applies—
  - (a) from the day the water entitlements are declared to be metered entitlements under the *Water Regulation 2002*, part 7; and
  - (b) in the circumstances mentioned in part 7 of the regulation.



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## Part 5                      Monitoring and reporting requirements

### 23      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) 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—

*hydraulic habitat requirements*, of an ecological asset, are the biophysical conditions created by aspects of the flow regime that are—

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

[s 24]

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## **24 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 water year in which the resource operations plan commences; and
  - (b) for subsequent reports—for each water year this plan is in force; and
  - (c) for each report—within 6 months after the end of the water year to which the report relates.
- (2) If the Minister is satisfied about any of the matters mentioned in section 27, 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.

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

## **25 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.

## **26 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 of the capacity of works mentioned in section 13(1)(b);
- (b) an amendment or addition of the type of works that allow the taking of overland flow water mentioned in section 13 or 15;

- (c) an amendment of the types of water entitlements for which a measuring device must be used under section 22;
- (d) an amendment or addition of a monitoring or reporting requirement under part 5.

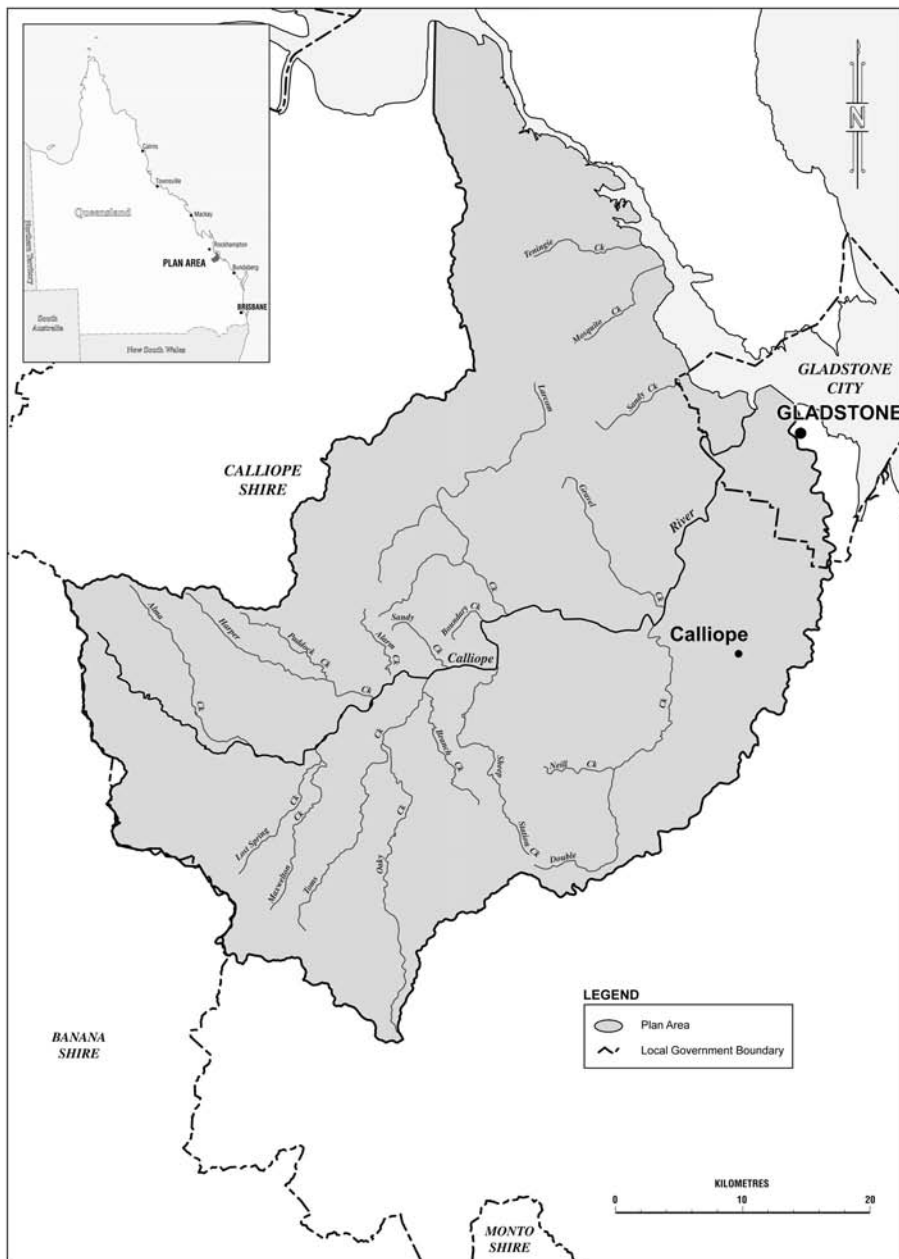
## **27 Amending or replacing plan**

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

- (a) authorisations in the plan area are not sufficient to meet emerging requirements for additional water; or
- (b) there is a risk that taking, or interfering with, subartesian water in the plan area may significantly impact on the plan's outcomes; or
- (c) there is a risk that taking, or interfering with, subartesian water in the plan area may significantly affect—
  - (i) the availability of water for existing water entitlements; or
  - (ii) the water requirements of natural ecosystems; or
  - (iii) the quality of water; or
- (d) this plan's ecological outcomes under section 9 are not being achieved.

# Schedule 1 Plan area

section 4



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## Schedule 2 Dictionary

### section 3

**annual volumetric limit**, for a water licence, means the maximum volume of water that may be taken under the licence in a water year.

**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.

**ecological asset** includes a species, a group of species, a biological function, an ecosystem or a place of natural value for which water is critical.

**existing works**—

- 1 *Existing works* means works that—
  - (a) allow the taking of overland flow water; and
  - (b) either—
    - (i) were in existence on 4 March 2004; or
    - (ii) were started by 4 March 2004 and completed by 7 May 2004.
- 2 The term does not include works that allow the taking of overland flow water only for stock or domestic purposes.

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

**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

Schedule 2

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- (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, 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.

***works that allow the taking of 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
- (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

	Page
2 Date to which amendments incorporated . . . . .	21
3 Key . . . . .	21
4 Table of reprints . . . . .	22
5 List of legislation . . . . .	22
6 List of annotations . . . . .	22

### 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 18 December 2009. Future amendments of the Water Resource (Calliope River Basin) Plan 2006 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
0A	none	15 December 2006	R0A withdrawn, see R1
1	—	15 December 2006	
1A	2009 SL No. 280	18 December 2009	

## 5 List of legislation

### **Water Resource (Calliope River Basin) Plan 2006 SL No. 320**

approved by the Governor in Council on 14 December 2006

notfd gaz 15 December 2006 pp 1861–5

commenced on date of notification

exp 1 September 2017 (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.

amending legislation—

### **Sustainable Planning Regulation 2009 SL No. 280 ss 1–2, pt 9 div 35**

notfd gaz 27 November 2009 pp 1001–6

ss 1–2 commenced on date of notification

remaining provisions commenced 18 December 2009 (see s 2)

## 6 List of annotations

### **Decisions about taking overland flow water**

**s 14** amd 2009 SL No. 280 s 162

### **Relationship with Sustainable Planning Act 2009**

**prov hdg** amd 2009 SL No. 280 s 163(1)

**s 18** amd 2009 SL No. 280 s 163(2)–(3)