



Queensland

Water Act 2000

Water Resource (Gulf) Plan 2007

Current as at 24 November 2011

Information about this reprint

This plan is reprinted as at 24 November 2011. 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.**

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Queensland

Water Resource (Gulf) Plan 2007

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Water Resource (Gulf) Plan 2007

[as amended by all amendments that commenced on or before 24 November 2011]

Chapter 1 Preliminary

1 Short title

This water resource plan may be cited as the *Water Resource (Gulf) Plan 2007*.

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 establishing water allocations to take supplemented surface water;
- (e) to provide a framework for reversing, where practicable, degradation that has occurred in natural ecosystems;
- (f) to regulate the taking of overland flow water;
- (g) to regulate the taking of groundwater.

3 Definitions

The dictionary in schedule 13 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 Groundwater management areas

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

6 Catchment areas

Each part of the plan area that is within a catchment area shown on the map in schedule 3 is a catchment area for this plan.

7 Subcatchment areas

Each part of the plan area that is within a subcatchment area shown on the map in schedule 3 is a subcatchment area for this plan.

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

- (1) Groundwater in an aquifer under a prescribed watercourse, or under land within 1km of a prescribed watercourse, is declared to be water in the watercourse.
- (2) Subsection (1) does not apply to water the chief executive is satisfied is not hydraulically connected to the water in the watercourse.
- (3) In this section—

prescribed watercourse means each of the following—

- (a) the Nicholson River to the extent it is downstream of node 2;
- (b) Lawn Hill Creek to the extent it is downstream of node 3;
- (c) the Gregory River to the extent it is downstream of node 4;
- (d) the Leichhardt River;
- (e) the Cloncurry River;
- (f) the Flinders River;
- (g) the Gilbert River;
- (h) the Einasleigh River to the extent it is downstream of node 5;
- (i) the Norman River;
- (j) the Staaten River.

9 Information about areas

- (1) The exact location of the boundaries of the plan area, groundwater management areas, 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.

10 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 4.
- (3) Each node is identified on the map by a number.

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11 Water to which plan applies

- (1) This plan applies to the following water (*surface water*) in the plan area—
 - (a) water in a watercourse or lake;
 - (b) water in springs not connected to—
 - (i) GAB artesian water; or
 - (ii) GAB subartesian water;
 - (c) overland flow water, other than water in springs connected to—
 - (i) GAB artesian water; or
 - (ii) GAB subartesian water.
- (2) This plan also applies to the following water (*groundwater*) in the plan area—
 - (a) artesian water that is not GAB artesian water;
 - (b) subartesian water that is not GAB subartesian water.
- (3) In this section—

GAB artesian water means artesian water in the plan area under the *Water Resource (Great Artesian Basin) Plan 2006*.

GAB subartesian water means subartesian water connected to artesian water that is in the plan area under the *Water Resource (Great Artesian Basin) Plan 2006*.

Chapter 3 Outcomes for sustainable management of water

12 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, springs and aquifers has changed because of water infrastructure and the taking of water; and
- (b) seeks to achieve a balance in the following outcomes—
 - (i) the general outcomes mentioned in section 13;
 - (ii) the general ecological outcomes mentioned in sections 14 and 15;
 - (iii) the specific ecological outcomes mentioned in section 16.

13 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 overland flow works;
- (c) to provide for the continued use of all existing water bores;
- (d) to protect the probability of being able to take water under a water allocation, including for the supply of urban water for Mount Isa City and water to support growth in the mining industry in north-west Queensland;
- (e) to allocate and manage water within a wild river area in a way that is compatible with the wild river declaration for the area;
- (f) to make water available to support growth in industries dependent on water in the plan area;
- (g) to make water in Lake Corella and Lake Mary Kathleen available to be taken;

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- (h) to make water available to support population growth in towns and communities dependent on water in the plan area;
- (i) to make water in the following areas available to support growth in irrigated agriculture—
 - (i) the Gilbert River catchment area;
 - (ii) the Flinders River catchment area;
 - (iii) the Nicholson River catchment area;
 - (iv) the Lower Leichhardt River subcatchment area;
- (j) to make water available for helping indigenous communities in the Cape York Peninsula Region area or the Gulf wild river areas to achieve their economic and social aspirations;
- (k) to encourage continual improvement in the efficient use of water;
- (l) to support water-related cultural values of Aboriginal and Torres Strait Islander communities in the plan area;
- (m) to support tourism in the plan area, including, for example, by protecting flows that support the natural aesthetics of watercourses and their surroundings;
- (n) to support 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;
- (o) to promote a cooperative approach between the State and relevant Northern Territory government agencies to water resource management, including through the sharing of information;
- (p) to ensure water is available to support natural ecosystem processes.

14 General ecological outcomes for both surface water and groundwater

- (1) Each of the following is a general ecological outcome for water in the plan area—
 - (a) to maintain 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) to provide for the continued capability of one part of a river system to be connected to another, 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) to minimise changes to natural variability in water levels and to support natural ecological processes, including maintaining refugia associated with waterholes and lakes;
 - (d) to maintain 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) to promote improved understanding of the matters affecting flow-related health of ecosystems in the plan area.

- (2) In this section—

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

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15 General ecological outcomes for groundwater only

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

- (a) to maintain groundwater contributions to the flow of water in watercourses, lakes and springs;
- (b) to support the ecosystems dependent on groundwater, including, for example, riparian vegetation, wetlands and waterholes;
- (c) to allocate and manage groundwater in a way that is compatible with the outcomes of the *Water Resource (Great Artesian Basin) Plan 2006* to the greatest practicable extent.

16 Specific ecological outcomes

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

- (a) to ensure water in the bed sands of the Gilbert River between AMTD 317km and AMTD 263km is maintained—
 - (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;
- (b) to maintain 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;
- (c) to maintain flood flows to the estuarine and marine environments of the Gulf of Carpentaria to stimulate breeding, growth and migration of native aquatic animals;
- (d) to maintain 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.

Chapter 4 Performance indicators and objectives for surface water in Upper Leichhardt River subcatchment area

Part 1 Environmental flow objectives

17 Performance indicators for environmental flow objectives

The performance indicators for the environmental flow objectives are—

- (a) for assessing periods of low flow at node 1—
 - (i) period of no flow; and
 - (ii) median non-zero daily flow; and
- (b) for assessing periods of medium to high flow at node 1—
 - (i) mean annual flow; and
 - (ii) median annual flow; and
 - (iii) 10% daily flow; and
 - (iv) 1.5 year daily flow volume; and
 - (v) 5 year daily flow volume; and
 - (vi) 20 year daily flow volume.

18 Environmental flow objectives

The environmental flow objectives for surface water in the Upper Leichhardt River subcatchment area are stated in schedule 5.

Part 2 Water allocation security objectives

19 Performance indicators for water allocation security objectives

The performance indicators for the water allocation security objectives for taking supplemented surface water are—

- (a) annual supplemented water sharing index; and
- (b) monthly supplemented water sharing index.

20 Water allocation security objectives

The water allocation security objectives for supplemented surface water in the Upper Leichhardt River subcatchment area are stated in schedule 6.

Chapter 5 Strategies for achieving outcomes

Part 1 Strategies for both surface water and groundwater

Division 1 Preliminary

21 Application of pt 1

This part applies to both surface water and groundwater.

22 Measuring devices

- (1) A measuring device must be used to measure the volume of water taken under the following water entitlements in the plan area—
 - (a) an interim water allocation;
 - (b) a water allocation;
 - (c) a water licence to take water from a watercourse, lake, spring or aquifer, 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 the regulation.

23 Matters to be considered for environmental management rules

- (1) In deciding the environmental management rules to be included in the resource operations plan, the chief executive must consider—
 - (a) 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 streambed features;
 - (iii) the natural seasonality of flows and zero flows;
 - (iv) the replenishment of refuge pools that enable movement of instream biota;
 - (v) groundwater flows;
 - (vi) the contributions from aquifers to the flow of water in watercourses;
 - (vii) the lateral connectivity between rivers in the plan area and their adjacent riverine environments, including floodplains; and
 - (b) the impact the taking of, or proposed taking of, or interfering with, 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) the inundation of habitats;
 - (v) the movement of fish and other aquatic animals;
 - (vi) the recreation and aesthetic values of the plan area;
 - (vii) cultural values including, for example, cultural values of local Aboriginal or Torres Strait Islander communities.

-
- (2) Subsection (1) does not limit the matters the chief executive may consider.

24 Matters to be considered for water sharing rules

- (1) In deciding the water sharing rules to be included in the resource operations plan for authorisations to take water in a part of the plan area, the chief executive must consider—
- (a) for rules relating to supplemented surface water—
 - (i) any existing water sharing rules; and
 - (ii) the extent to which any existing water supply arrangements are linked to the natural occurrence of streamflows; and
 - (iii) the frequency, duration, magnitude and timing of limited water availability; and
 - (b) for rules relating to unsupplemented surface water or groundwater—
 - (i) any existing water sharing arrangements; and
 - (ii) the local availability of water that may be taken from streamflows, waterholes, bed sands or aquifers; and
 - (iii) the conditions for taking water decided under section 68 or 75; and
 - (iv) the daily volumetric limits decided under section 73; and
 - (v) the annual volumetric limits decided under section 74 or 87; and
 - (vi) the impact on authorisations to take water in the plan area; and
 - (vii) for rules relating to unsupplemented surface water in the bed sands of the Gilbert River between AMTD 317km and AMTD 263km—the water that is available for taking from the bed sands during

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periods when water ceases to flow over the bed sands.

- (2) Subsection (1) does not limit the matters the chief executive may consider.

Division 2 Unallocated water

Subdivision 1 Continued moratorium and interim arrangements

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

- (1) This section continues, in part, the effect of the moratorium notice published on 6 June 2003.
- (2) This section applies to an application under the Act or the repealed Act if granting the application would have 1 or more of the following effects on water to which this plan applies—
- (a) increase the average volume of water allowed to be taken under authorisations;
 - (b) increase interference with the water;
 - (c) change the location from which the water may be taken;
 - (d) increase the maximum rate for taking the water;
 - (e) change the conditions under which the water may be taken;
 - (f) change the purpose for which the water may be taken.
- (3) Until the resource operations plan is approved—
- (a) the application will not be accepted; and
 - (b) if the application was received but not decided before the commencement of this plan—the application will not be decided.
- (4) This section does not apply to an application—

- (a) mentioned in section 26(2); or
- (b) to which section 43 applies; or
- (c) for a water permit; or
- (d) to reinstate or replace an expired water licence; or
- (e) to subdivide an existing water licence or amalgamate 2 or more existing water licences; or
- (f) about an interim water allocation.

26 Interim arrangements for applications about unallocated water

- (1) This section applies until the resource operations plan states a process for deciding the applications mentioned in subsection (2).
- (2) The chief executive may accept and decide an application about unallocated water—
 - (a) in Lake Corella or Lake Mary Kathleen; or
 - (b) to be used for—
 - (i) a State purpose; or
 - (ii) stock or domestic purposes.
- (3) The water for a water licence granted for an application under subsection (2) may be granted only from strategic unallocated water.
- (4) If the water is from Lake Corella or Lake Mary Kathleen, for section 35, the water must be included in working out the total of the annual volumetric limits for water licences to take water from the lake.
- (5) If the water is for a State purpose, for section 36, the water must be included in working out the total of the annual volumetric limits for water licences to take water for a State purpose.

Subdivision 2 Project of regional significance

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 Dealing with unallocated water under resource operations plan generally

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

- (1) Unallocated water in the Morning Inlet, Settlement Creek and Staaten River catchment areas is held as an indigenous reserve or a strategic reserve.
- (2) Unallocated water in the Gregory River subcatchment area is held as an indigenous reserve, a strategic reserve or a general reserve.
- (3) Unallocated water in another part of the plan area, other than the Upper Leichhardt River subcatchment area, is held as a strategic reserve or a general reserve.

29 Granting unallocated water

- (1) Unallocated water held as an indigenous, strategic or general reserve may be granted from the reserve only under a water licence granted under a process stated in the resource operations plan.
- (2) Unallocated water in the Upper Leichhardt River subcatchment area may be granted only under a water entitlement granted under a process stated in the resource operations plan.

30 Preparing and implementing process in resource operations plan generally

- (1) Unallocated water may be dealt with only under a process in the resource operations plan.
- (2) In preparing and implementing the process, the chief executive must 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 in the plan area is being taken under authorisations;
 - (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 matters mentioned in section 23(1)(a) and (b).
- (3) The resource operations plan must state that use, for irrigation, of water taken under a water licence granted under the process requires a land and water management plan approved under section 77 of the Act.

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- (4) Subsection (1) does not limit the matters the chief executive may consider.

31 Additional requirements for dealing with unallocated water that is groundwater

The process in the resource operations plan for dealing with unallocated water must provide that the chief executive may require a person interested in obtaining a water licence to take groundwater from the Nicholson groundwater management area or the Einasleigh groundwater management area to—

- (a) investigate the likely impact the proposed taking of water may have on groundwater or surface water flows; and
- (b) give the results of the investigation to the chief executive.

Subdivision 4 Limitations on granting unallocated water from indigenous reserve

32 Purpose for which indigenous unallocated water may be granted

Unallocated water held as an indigenous reserve (*indigenous unallocated water*) may be granted only for helping indigenous communities in the Cape York Peninsula Region area or the Gulf wild river areas to achieve their economic and social aspirations.

33 Volumetric limits for indigenous unallocated water

The total of the annual volumetric limits for all water licences to take indigenous unallocated water from each area mentioned in schedule 6A, column 1, is stated opposite the area in column 2 of the schedule.

Subdivision 5 Limitations on granting unallocated water from strategic reserve

34 When strategic unallocated water may be granted

Unallocated water held as a strategic reserve (*strategic unallocated water*) may be granted only if it is to be taken—

- (a) from Lake Corella or Lake Mary Kathleen, for any purpose; or
- (b) for a State purpose.

35 Volumetric limits for strategic unallocated water in Lake Corella or Lake Mary Kathleen

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

36 Volumetric limits for strategic unallocated water granted for State purpose

The total of the annual volumetric limits for all water licences to take strategic unallocated water for a State purpose in a catchment area or subcatchment area mentioned in schedule 7, part 2, column 1, is stated opposite the area in schedule 7, part 2, column 2.

37 Period for which strategic unallocated water is granted for particular State purpose

- (1) This section applies to water licences to take strategic unallocated water for either of the following State purposes—
 - (a) a project of State significance;
 - (b) a project of regional significance.

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- (2) Water granted for a project is granted only for the life of the project and the right to take the water returns to the State on the conclusion of the project.

Subdivision 6 Limitations on granting unallocated water from general reserve

38 Purpose for which general unallocated water may be granted

Unallocated water held as a general reserve (*general unallocated water*) may be granted for any purpose.

39 Volumetric limits for general unallocated water

The total of the annual volumetric limits for all water licences to take general unallocated water from a catchment area or subcatchment area mentioned in schedule 8, column 1, is stated opposite the area in schedule 8, column 2.

Part 2 Additional strategies for surface water

Division 1 Preliminary

40 Application of pt 2

The strategies stated in this part apply to surface water in addition to the strategies stated in part 1.

41 Decisions consistent with objectives

Decisions about the allocation or management of surface water, other than a decision about a water permit, must be consistent with—

- (a) the environmental flow objectives; and
- (b) the water allocation security objectives.

42 Assessing impact of decisions

- (1) The IQQM computer program's simulation for the simulation period is used to assess consistency with the environmental flow objectives and the water allocation security 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.

43 Accepting and deciding particular applications to interfere with water

- (1) This section applies to the chief executive in making a decision about an application to interfere with, or increase the interference with, surface water in a watercourse, waterhole, lake or spring by impounding the flow of the water.
- (2) The chief executive may accept and decide the application only if the purpose of the proposed interference or increase in interference is—
 - (a) to store water for stock or domestic purposes; or
 - (b) to provide a pumping pool to enable water to be taken under an authorisation in existence at the commencement of this plan; or

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- (c) to store water for a purpose not related to the taking of water under a water entitlement.

Examples of a purpose for subsection (2)(c)—

community landscaping or retaining water for flood mitigation purposes

- (3) The chief executive may approve the application if—
 - (a) the chief executive is satisfied the proposed interference or increase in interference is necessary for a purpose mentioned in subsection (2); and
 - (b) the proposed storage capacity is no greater than is necessary for the purpose of the proposed interference or increase in interference having regard to—
 - (i) the impact the proposed interference or increase in interference may have on the following—
 - (A) instream water levels;
 - (B) the natural movement of sediment;
 - (C) the bed and banks of a watercourse or lake;
 - (D) riparian vegetation;
 - (E) habitat for native plants and animals;
 - (F) movement of fish and other aquatic species;
 - (G) cultural and ecological values of the watercourse, waterhole, lake or spring; and
 - (ii) for a purpose mentioned in subsection (2)(a)—
 - (A) existing water supplies for the property to which the application relates, including existing weirs, groundwater and dams taking overland flow water; and
 - (B) the availability of water at the proposed storage site.
- (4) However, the chief executive must not approve an application for a proposed interference or increase in interference for a

purpose mentioned in subsection (2)(b) or (c) if the proposed storage capacity is greater than—

- (a) for a purpose mentioned in subsection (2)(b)—10ML;
or
 - (b) for a purpose mentioned in subsection (2)(c)—250ML.
- (5) This section does not apply to an application about unallocated water.
- (6) In this section—

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.

Division 2 Strategies for supplemented surface water only

Subdivision 1 Resource operations licences and distribution operations licences

44 Water allocations to be managed under a resource operations licence

The following water allocations are to be managed under a resource operations licence—

- (a) water allocations converted from interim water allocations to take water for the Julius Dam Water Supply Scheme;
- (b) water allocations granted to replace the Lake Moondarra authority;
- (c) water allocations granted under section 51.

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45 Water allocation to which water is to be distributed under a distribution operations licence

Supplemented surface water to be distributed through water infrastructure owned by the Mount Isa Water Board to either of the following holders is to be distributed under a distribution operations licence—

- (a) the holder of a water allocation that is converted from an interim water allocation to take water for the Julius Dam Water Supply Scheme;
- (b) the holder of a water allocation granted to replace the Lake Moondarra authority.

46 Matters to be considered for infrastructure operating rules

- (1) In deciding the infrastructure operating rules to be included in the resource operations plan for water infrastructure or proposed infrastructure for supplemented surface water, the chief executive must consider—
 - (a) the impact of the infrastructure or proposed infrastructure's operation on the following—
 - (i) instream water levels;
 - (ii) bed and banks of watercourses;
 - (iii) riparian vegetation; and
 - (b) the extent to which artificial variations in instream water levels and flows may adversely affect natural ecosystems; and
 - (c) the impact of the transfer of water between watercourses; and
 - (d) the likelihood of fish deaths caused by the operation of the infrastructure; and
 - (e) the matters mentioned in section 23(1)(a) and (b).

- (2) Subsection (1) does not limit the matters the chief executive may consider.

47 Critical water supply arrangements

- (1) This section applies if the resource operations plan includes infrastructure operating rules and water sharing rules for resource operations licences or distribution operations licences applying to the plan area.
- (2) The resource operations plan also must state the critical water supply arrangements that are to be implemented by each holder of a resource operations licence, or distribution operations licence, for the Julius Dam Water Supply Scheme or Lake Moondarra.

Subdivision 2 Establishing water allocations

48 Purpose of sdiv 2

This subdivision—

- (a) provides for—
- (i) converting interim water allocations for the Julius Dam Water Supply Scheme into water allocations under the resource operations plan; and
 - (ii) replacing the Lake Moondarra authority with water allocations under the resource operations plan; and
 - (iii) granting, under the resource operations plan, water allocations to Mount Isa Water Board to take water for distribution loss; and
- (b) prescribes requirements applying to the water allocations mentioned in paragraph (a).

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49 Converting interim water allocation for Julius Dam Water Supply Scheme

Each interim water allocation to take water for the Julius Dam Water Supply Scheme must be converted, under the resource operations plan, to a water allocation to take supplemented surface water.

50 Replacing authority to take water from Lake Moondarra

The chief executive must, under the resource operations plan, grant to each of the following a water allocation to take supplemented surface water to replace the Lake Moondarra authority—

- (a) Mount Isa Mines Limited or, if that company transfers mining lease 8058 to another person before the water allocation is granted, the other person;
- (b) Mount Isa City Council.

51 Granting water allocations for distribution loss

The chief executive must, under the resource operations plan, grant the following to Mount Isa Water Board—

- (a) a water allocation to take supplemented surface water for the Julius Dam Water Supply Scheme for distribution loss; and
- (b) a water allocation to take supplemented surface water from Lake Moondarra for distribution loss.

52 Elements of a water allocation

A water allocation to take supplemented surface water must state the following—

- (a) the location from which water may be taken under the allocation;

- (b) the purpose for which the water may be taken under the allocation;
- (c) the nominal volume, mentioned in section 55, for the allocation;
- (d) the priority group to which the allocation belongs.

53 Location for taking water under particular water allocations

- (1) This section applies in relation to the following—
 - (a) a water allocation to take supplemented surface water converted from an interim water allocation to take water for the Julius Dam Water Supply Scheme;
 - (b) a water allocation to take supplemented surface water granted to replace the Lake Moondarra authority.
- (2) The location for taking water stated on the water allocation must include the place at which water could have been taken under the previous authority for the water allocation.
- (3) In this section—

previous authority means—

 - (a) for a water allocation converted from an interim water allocation to take water for the Julius Dam Water Supply Scheme—the interim water allocation; or
 - (b) for a water allocation granted to replace the Lake Moondarra authority—the Lake Moondarra authority.

54 Purpose of water allocation

The purpose stated on a water allocation to take supplemented surface water must be—

- (a) for a water allocation granted under section 51—‘distribution loss’; or
- (b) for another water allocation—‘any’.

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55 Nominal volume for water allocation

The nominal volume for a water allocation to take supplemented surface water is—

- (a) for a water allocation granted under section 51—1250ML; or
- (b) for another water allocation—
 - (i) if the water allocation is for taking water from the Julius Dam Water Supply Scheme—the volume stated on the interim water allocation from which the water allocation was converted; or
 - (ii) if the water allocation is for taking water from Lake Moondarra—12500ML.

56 Priority group for water allocation

- (1) A water allocation to take supplemented surface water for the Julius Dam Water Supply Scheme belongs to the high priority group.
- (2) A water allocation to take supplemented surface water from Lake Moondarra belongs to the medium priority group.

Division 3 Strategies for unsupplemented surface water only

Subdivision 1 Preliminary

57 Restrictions on taking water from waterhole or lake

- (1) This section applies to the chief executive in making a decision about a water licence to take unsupplemented surface water from a waterhole or lake.
- (2) The chief executive must—

-
- (a) consider the impact the taking may have on the cultural or ecological values of the waterhole or lake; and
 - (b) impose a condition on the licence about maintaining the cultural or ecological values of the waterhole or lake.

Example for paragraph (b)—

a condition that the water may be taken only if the water level in the waterhole or lake is above the level that is 0.5m below the level at which it naturally overflows

- (3) However, the chief executive need not impose a condition mentioned in subsection (2)(b) if the chief executive is satisfied—
 - (a) the taking of water from the waterhole or lake will not adversely affect its cultural or ecological values; or
 - (b) for an existing water licence—the holder of the licence would suffer economic hardship if the condition were imposed.

Subdivision 2 Unsupplemented surface water that was groundwater in aquifers

58 Application of sdiv 2

This subdivision applies to groundwater declared to be water in a watercourse under section 8 (*declared water*).

59 Existing water licences for declared water

- (1) This section applies to an existing water licence to take declared water.
- (2) At the commencement of this plan, the licence is taken to be a water licence to take unsupplemented surface water.
- (3) The chief executive must amend the licence to ensure it is consistent with the requirements, under subdivision 4,

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applying to water licences to take unsupplemented surface water.

60 Taking declared water using existing water bores authorised

- (1) This section applies to an owner of an existing water bore that takes declared water if the owner did not, before the commencement of this plan, require a water licence to take the water.
- (2) The owner may continue to use the bore to take the declared water 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 water bore and the taking of water using the bore, the owner may continue to use the bore to take the declared water—
 - (a) after the notice is given; and
 - (b) until the owner is granted a water licence under section 61.
- (4) Subsections (2) and (3) do not authorise the owner to take more than the relevant annual volumetric limit of declared water for the owner.
- (5) In this section—

relevant annual volumetric limit, of declared water for an owner of an existing water bore that takes declared water, means the annual volume of declared water the owner was taking before 17 October 2003.

61 Granting water licences for authorities under s 60

- (1) The chief executive must, under section 212 of the Act, grant a water licence to take unsupplemented surface water to a person authorised under section 60(3) to continue to take declared water.
- (2) The licence must be consistent with subdivision 4.

- (3) However, despite section 74, the annual volumetric limit for the licence must be the relevant annual volumetric limit of declared water for the owner under section 60.

Subdivision 3 Replacing authorities with water licences and granting or amending water licences

62 Water licences to replace local government authorities

- (1) This section applies to the authorities mentioned in schedule 9, column 1, continued under section 1037 of the Act.
- (2) Within 30 business days after the commencement of this plan, the chief executive must replace each authority with the water licence to take water described for the authority in schedule 9, column 2.

63 Water licence for holder of mining lease 8058

Within 30 business days after the commencement of this plan, the chief executive must grant the water licence to take water described in schedule 10, part 1, to—

- (a) Mount Isa Mines Limited; or
- (b) if Mount Isa Mines Limited transfers mining lease 8058 to another person before the licence is granted—the other person.

64 Water licence for Cloncurry Shire Council

Within 30 business days after the commencement of this plan, the chief executive must grant the water licence to take water described in schedule 10, part 2, to the Cloncurry Shire Council.

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65 Water licence for owner of East Leichhardt Dam land

Within 30 business days after the commencement of this plan, the chief executive must grant the water licence to interfere with water described in schedule 10, part 3, to—

- (a) Argylla Mountains Pastoral Pty Ltd ACN 059843999; or
- (b) if the company mentioned in paragraph (a) transfers the East Leichhardt Dam land to another person before the licence is granted—the other person; or
- (c) if the East Leichhardt Dam land becomes unallocated State land under the *Land Act 1994* before the licence is granted—the State, as represented by the department.

66 Water licence for the State

Within 30 business days after the commencement of this plan, the chief executive must grant the water licence to interfere with water described in schedule 10, part 4, to the State, as represented by the department.

67 Amending water licence 43709J

- (1) This section applies to water licence 43709J held by the Cloncurry Shire Council.
- (2) Within 30 business days after the commencement of this plan, the chief executive must amend the licence to make it consistent with the licence described in schedule 11.

68 Conditions for water licences granted or amended under sdiv 3

- (1) This section applies if environmental management rules, infrastructure operating rules, or water sharing rules are included in the resource operations plan.
- (2) The chief executive must amend a water licence granted or amended under this subdivision to impose conditions giving effect to the rules.

Subdivision 4 Water licences to take or interfere with unsupplemented surface water

69 Application of sdiv 4

This subdivision applies to a water licence to take, or interfere with, unsupplemented surface water in a watercourse, lake or spring, other than a water licence granted or amended under subdivision 3.

70 Water licence to take unsupplemented surface water

A water licence to take unsupplemented surface water must state the following—

- (a) the purpose for which water may be taken under the licence;
- (b) the maximum rate at which water may be taken under the licence;
- (c) the daily volumetric limit for the licence;
- (d) the annual volumetric limit for the licence;
- (e) if a condition, including, for example, a flow condition or a condition about storing water taken under the licence, applies to the licence—the condition.

71 Purpose to be stated on water licence

The purpose stated on a water licence to take unsupplemented surface water must be—

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

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72 Maximum rates for taking unsupplemented surface water

- (1) The maximum rate at which unsupplemented surface water may be taken under a water licence is—
 - (a) for a licence that states a maximum rate—the stated rate; and
 - (b) for a licence, other than a licence mentioned in section 59 or granted under section 61, that does not state a maximum rate but for which a related development permit for the licence—
 - (i) states a pump size mentioned in schedule 12, column 1—the rate stated for the pump size in schedule 12, column 2; or
 - (ii) states a pump size other than a pump size mentioned in schedule 12, column 1—the rate decided by the chief executive having regard to the rates stated for similar pump sizes in schedule 12, column 2; and
 - (c) for a licence other than a licence to which paragraph (a) or (b) applies—the rate decided by the chief executive having regard to—
 - (i) the nature 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 can be taken is different from the rate decided under the subsection, the maximum rate at which unsupplemented surface water may be taken under the licence 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 mentioned in paragraph (c).

73 Daily volumetric limit for taking unsupplemented surface water

- (1) The daily volumetric limit for a water licence to take unsupplemented surface water is—
 - (a) for a licence that states a daily volumetric limit—the stated volume; and
 - (b) for a licence, other than a licence mentioned in section 59 or granted under section 61, that does not state a daily volumetric limit but for which a related development permit for the licence—
 - (i) states a pump size mentioned in schedule 12, column 1—the daily volumetric limit stated in schedule 12, column 3, for the pump size; or
 - (ii) states a pump size other than a pump size mentioned in schedule 12, 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 12, column 3; and
 - (c) for a licence other than a licence to which paragraph (a) or (b) applies—the daily volumetric limit decided by the chief executive having regard to—
 - (i) the nature 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

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is different from the daily volumetric limit decided under the subsection, the daily volumetric limit for the licence is the daily volumetric limit 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*) 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;
 - (d) the efficiency of the water use mentioned in paragraph (c).
- (3) The chief executive must ensure the daily volumetric limit for a water licence to take unsupplemented surface water is not more than the total volume that could be taken in a day at the maximum rate decided, for the licence, under section 72.

74 Annual volumetric limit for taking unsupplemented surface water

The annual volumetric limit for a water licence to take unsupplemented surface water is—

- (a) for a licence that states the volume of water that may be taken in a period of 12 months—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 for the licence’s intended purpose but not more than the volume, expressed in megalitres, calculated by multiplying the area, in hectares, by 12; and
- (c) for a licence other than a licence to which paragraph (a) or (b) applies—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 of water 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).

75 Conditions for taking unsupplemented surface water

- (1) The chief executive may impose on a water licence to take unsupplemented surface water any condition the chief executive is satisfied is necessary to ensure the purposes and outcomes of this plan are achieved.
- (2) In deciding the flow conditions under which water may be taken under an existing water licence to take unsupplemented surface water, the chief executive must have regard to the conditions already applying to the licence.

76 Storing unsupplemented water taken under a water licence

- (1) Without limiting section 75(1), the chief executive may impose, on a water licence to take unsupplemented water, a condition that states the works that may be used to store the water taken under the licence.
- (2) In deciding whether to impose the condition mentioned in subsection (1), the chief executive must have regard to the capacity of any existing overland flow works being used to store the water.

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77 Conditions giving effect to rules

- (1) Subsection (2) applies to any environmental management rules, infrastructure operating rules or water sharing rules included in the resource operations plan.
- (2) The chief executive must—
 - (a) amend water licences in existence at the commencement of the resource operations plan to impose conditions giving effect to the rules; and
 - (b) impose conditions giving effect to the rules on water licences granted after the commencement.

Subdivision 5 Regulation of overland flow water

78 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 any purpose using works that allow the taking of overland flow water and have a capacity of not more than 250ML; or
 - (c) under a water licence; or
 - (d) 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
 - (e) overland flow water that is contaminated agricultural run-off water; or
 - (f) under an authority under section 79.

(2) In this section—

contaminated agricultural run-off 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.

79 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 78(1)(a) to (e).
- (2) The owner may continue to use the existing overland flow works to take overland flow water for 1 year after the commencement of this plan.
- (3) Also, if the owner gives the chief executive notice of the existing overland flow works, in the approved form, 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—
 - (a) after the notice and information are given; and
 - (b) until the owner is granted a water licence under the Act.
- (4) 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 80]

80 Granting or amending water licences under the resource operations plan

- (1) This section applies if the resource operations plan states a process for—
 - (a) granting, under section 212 of the Act, a water licence to replace an authority under section 79(3) for existing overland flow works; or
 - (b) amending a water licence mentioned in paragraph (a).
- (2) In following the process and granting or amending a water licence, 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 by the works during the period, of not more than 10 years, immediately before the commencement; and
 - (b) may consider the extent to which the works, immediately before the commencement, allowed—
 - (i) the taking of other water under another authorisation; or
 - (ii) the storage of other water taken under another authorisation.
- (3) Subsection (2) does not limit the matters the chief executive may consider.
- (4) The process must provide that 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.

81 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(f).
- (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 79 applies;
 - (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(e)—
 - (a) works for taking overland flow water only for stock or domestic purposes;
 - (b) works mentioned in section 78(1)(b);
 - (c) works for taking only the overland flow water mentioned in section 78(1)(d).

Part 3 Additional strategies for groundwater

Division 1 Preliminary

82 Application of pt 3

The strategies stated in this part apply to groundwater in addition to the strategies stated in part 1.

83 Relationship with Sustainable Planning Act 2009

- (1) In the Great Artesian Basin groundwater management area, all works for taking groundwater are assessable development for the *Sustainable Planning Regulation 2009*, schedule 3, part 1, table 4, item 3(c)(ii).
- (2) In another part of the plan area—
 - (a) works for taking groundwater for other than stock or domestic purposes are assessable development for the *Sustainable Planning Regulation 2009*, schedule 3, part 1, table 4, item 3(c)(ii); and
 - (b) works for taking groundwater for stock or domestic purposes are self-assessable development for the *Sustainable Planning Regulation 2009*, schedule 3, part 2, table 4, item 1(e).

Division 2 Strategies for Nicholson and Einisleigh groundwater management areas

84 Limitation on taking or interfering with water—Act, s 20(6)

In the Nicholson groundwater management area and the Einisleigh groundwater management area, a person may not take or interfere with groundwater other than—

- (a) for stock or domestic purposes; or
- (b) for monitoring the quality of the water or controlling the salinity of the water; or
- (c) under a water licence or water permit.

85 Water licence to take groundwater

- (1) A water licence to take groundwater in the Nicholson groundwater management area or the Einisleigh groundwater management area must state—
 - (a) the purpose for which the water may be taken under the licence; and
 - (b) the annual volumetric limit for the licence.
- (2) Despite subsection (1)(b), a water licence to take groundwater for dewatering may, but need not, state an annual volumetric limit.

86 Purpose to be stated on water licence

The purpose stated on a water licence to take groundwater in the Nicholson groundwater management area or the Einisleigh groundwater management area must be—

- (a) if the intended use for the water is, or the licence is an existing water licence and the purpose stated on the

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

87 Amendment of water licences to state annual volumetric limit

- (1) This section applies to an existing water licence to take groundwater in the Nicholson groundwater management area or the Einasleigh groundwater management area that does not state the maximum annual volume of water that may be taken under the licence.
- (2) The chief executive may, under section 217 of the Act, amend the licence to state an annual volumetric limit.
- (3) In deciding the annual volumetric limit, the chief executive must have regard to the following—
 - (a) the conditions of the licence;
 - (b) the efficiency of the current use of water having regard to industry best practice in efficient water use;
 - (c) the impact the taking is having on—
 - (i) the flow of water to watercourses or springs; and
 - (ii) groundwater levels;
 - (d) the annual volume of water estimated by the chief executive to have been taken under the licence immediately before 17 October 2003;
 - (e) the impact the taking is having on water entitlements and other authorities to take or interfere with water;
 - (f) the availability of an alternative water supply for the purpose for which the water is being taken;

- (g) the total annual volumetric limits for water licences in the area;
- (h) if the holder of the licence has undertaken a pumping test for the existing bore or bores to which the licence relates—the results of the test.

88 Conditions for taking groundwater

- (1) This section applies to a water licence to take groundwater in the Nicholson groundwater management area or the Einasleigh groundwater management area granted after the commencement of this plan.
- (2) The chief executive may impose conditions on the licence requiring the holder of the licence—
 - (a) to provide and maintain access to alternative water supplies for other persons, authorised under the Act to take water, who would be significantly adversely affected by the granting of the licence; and
 - (b) to carry out and report on a stated activity for monitoring the impact of taking groundwater under the licence.

89 Taking water using existing water bores authorised

- (1) The owner of an existing water bore in the Einasleigh groundwater management area may continue to use the bore to take groundwater for 1 year after the commencement of this plan.
- (2) Also, if the owner gives the chief executive notice, in the approved form, of the water bore and the taking of water using the bore, the owner may continue to use the bore to take groundwater—
 - (a) after the notice is given; and
 - (b) until the owner is granted a water licence under section 90.

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(3) Subsections (1) and (2) do not authorise the owner to take more than the relevant annual volumetric limit of groundwater for the owner.

(4) In this section—

relevant annual volumetric limit, of groundwater for an owner of an existing water bore in the Einasleigh groundwater management area, means the annual volume of groundwater the owner was taking in the Einasleigh groundwater management area before 17 October 2003.

90 Granting water licences for authorities under s 89

(1) The chief executive must, under section 212 of the Act, grant a water licence to a person authorised under section 89(2) to continue taking groundwater.

(2) The licence must be consistent with this division.

Chapter 6 Monitoring and reporting requirements

91 Monitoring

(1) The monitoring requirements for this plan are—

(a) water monitoring for—

(i) stream flows; and

(ii) groundwater levels; and

(iii) taking and diverting water; and

(iv) releases from water storages; and

(v) water quantity for water storages, including inflow, storage volume or level and outflow; 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 undertaken by operators of infrastructure for interfering with water under the resource operations plan; and
 - (b) monitoring programs administered by the chief executive and relevant State agencies; and
 - (c) monitoring programs undertaken by Northern Territory government agencies following negotiation with relevant State agencies; and
 - (d) other monitoring programs considered by the chief executive to be relevant to the matters mentioned in subsection (1).
- (3) In this section—

annual variability, for a flow at a point in a watercourse, means the amount of change in the flow that happens between years.

discharge, for a flow at a point in a watercourse, means the rate at which water passes the point, measured in cubic metres a second or megalitres a day.

ecological assets include a species, a group of species, a biological function, an ecosystems and a place of natural value.

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.

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

[s 92]

- (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.

92 Monitoring programs undertaken by operators of infrastructure

- (1) Each operator of infrastructure for interfering with water in the plan area must develop and undertake the monitoring programs stated, for the operator, in the resource operations plan.
- (2) The monitoring programs must assist in enabling the chief executive to assess the effectiveness of the strategies under chapter 5.

93 Operators of infrastructure to give reports

- (1) Each operator of infrastructure for interfering with water in the plan area must, to the extent required under the resource operations plan, give the chief executive a written report containing the following information—
 - (a) details of the information obtained by the monitoring mentioned in section 92;
 - (b) details of decisions made by the operator in managing water and water infrastructure, or distributing water, including, for example, decisions about the following—
 - (i) making water available to water users under the operator's usual procedures for managing or distributing water;
 - (ii) managing the flow of water;
 - (iii) restrictions on the taking or supply of water;
 - (iv) infrastructure modifications or installations;
 - (c) information about any non-compliance by the operator with the resource operations plan;

-
- (d) details about remedial action taken by the operator—
 - (i) in relation to a requirement under the resource operations plan; or
 - (ii) in response to an event or thing affecting water quality;
 - (e) details of any emergency action taken by the operator that may affect the achievement of the outcomes under chapter 3.
- (2) A report about a matter mentioned in subsection (1) must be given—
 - (a) for each financial year in which the operator manages or distributes water under this plan; and
 - (b) within 3 months after the end of the financial year to which the report relates.
 - (3) A report about a matter mentioned in subsection (1)(e) must also be given the next business day after the action is taken.
 - (4) Despite subsection (2), the resource operations plan may require reports about matters mentioned in subsection (1) to be given more frequently than for each financial year.

94 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 97, the report, in its assessment of the effectiveness of the implementation of the plan in achieving plan's outcomes, must include a consideration of the matters.

Chapter 7 Implementing and amending this plan

95 Implementation schedule

- (1) This section states the proposed arrangements for implementing this plan.
- (2) Within 1 year after the commencement of this plan, it is proposed to prepare a resource operations plan—
 - (a) to convert interim water allocations for the Julius Dam Water Supply Scheme to water allocations; and
 - (b) to replace the Lake Moondarra authority with water allocations; and
 - (c) to grant water allocations for distribution loss; and
 - (d) to amend existing water licences to be consistent with this plan; and
 - (e) for water for the Julius Dam Water Supply Scheme and water in Lake Moondarra—to make environmental management rules, infrastructure operating rules, water sharing rules, water allocation change rules and seasonal water assignment rules; and
 - (f) to establish a process to deal with unallocated water available for future water requirements in the plan area; and
 - (g) to establish a process for granting or amending water licences to take overland flow water; and
 - (h) to implement the monitoring requirements mentioned in chapter 6.

96 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 an environmental flow objective if the amendment or addition achieves an equivalent or improved ecological outcome without adversely affecting the water allocation security objectives or the outcomes under chapter 3;
 - (b) an amendment or addition of a water allocation security objective if the amendment or addition does not adversely affect water allocations, environmental flow objectives or the outcomes under chapter 3;
 - (c) an amendment or addition of a node;
 - (d) an amendment to subdivide a catchment area or subcatchment area;
 - (e) an amendment or addition of a priority group;
 - (f) an amendment or addition of a water allocation group;
 - (g) an amendment of section 25 if notice of the amendment is published as if it were a moratorium notice under section 26 of the Act;
 - (h) an amendment of the capacity mentioned in section 78(1)(b);
 - (i) an amendment or addition of a monitoring or reporting requirement under chapter 6.

97 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—

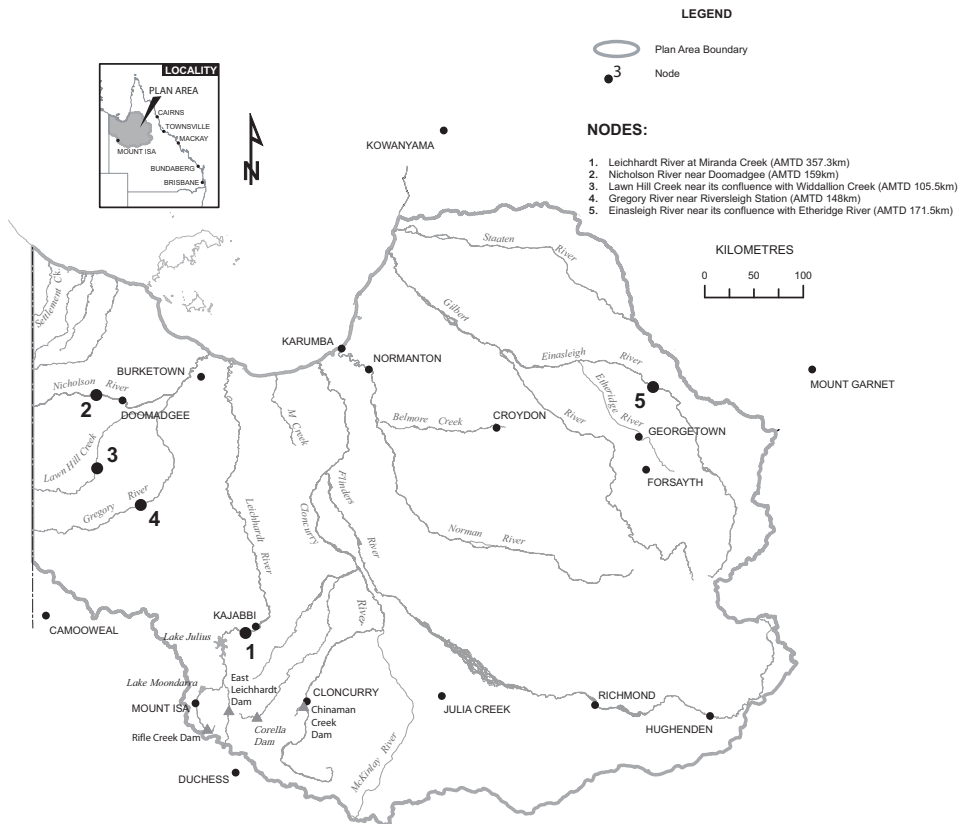
- (a) in relation to this plan's general outcomes under section 13—
 - (i) water entitlements in the plan area are not sufficient to meet water needs sourced from the plan area having regard to—
 - (A) the extent to which water is being taken under the water entitlements; and

[s 97]

- (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 general ecological outcomes under section 14 or 15, or specific ecological outcomes under section 16, are not being achieved.

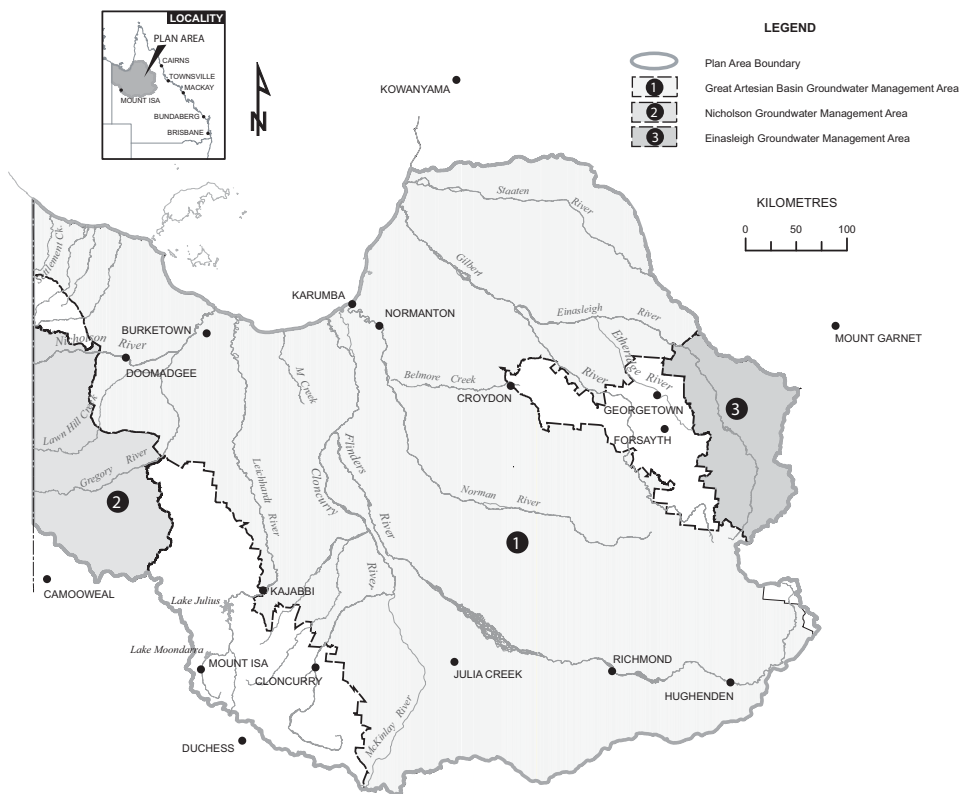
Schedule 1 Plan area

sections 4 and 10



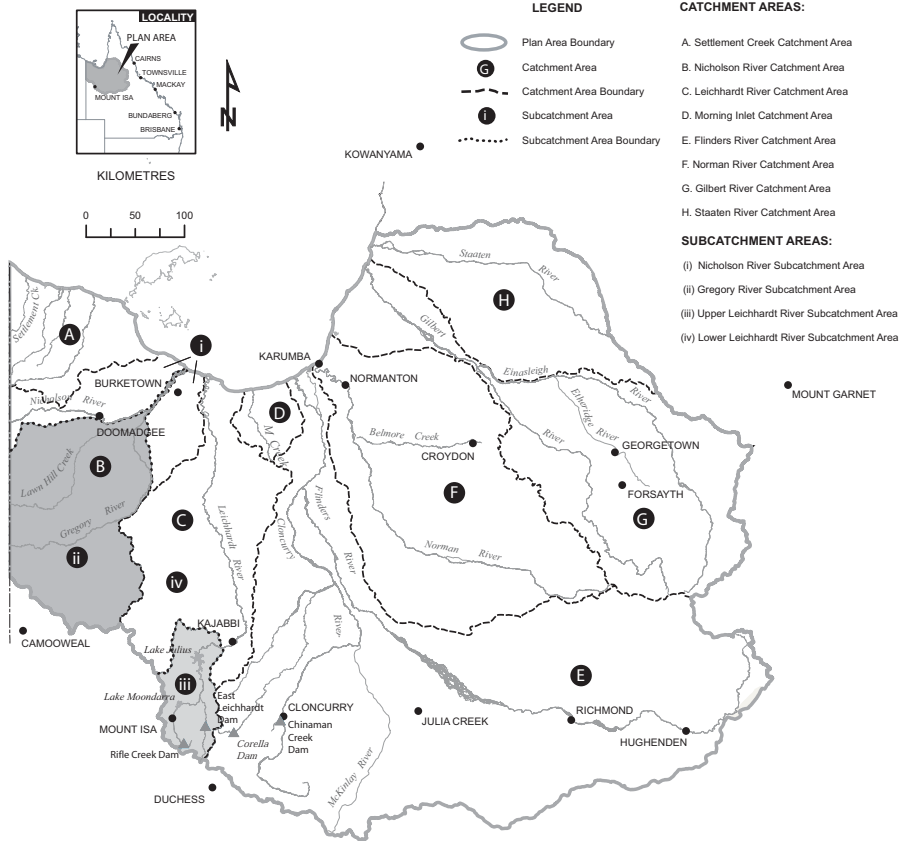
Schedule 2 Groundwater management areas

section 5



Schedule 3 Catchment areas and subcatchment areas

sections 6 and 7



Schedule 4 Nodes

section 10

Column 1	Column 2
Node	Location
1	Leichhardt River at Miranda Creek (at AMTD 357.3km)
2	Nicholson River near Doomadgee (at AMTD 159km)
3	Lawn Hill Creek near its confluence with Widdallion Creek (at AMTD 105.5km)
4	Gregory River near Riversleigh Station (at AMTD 148km)
5	Einasleigh River near its confluence with Etheridge River (at AMTD 171.5km)

Schedule 5 Environmental flow objectives

section 18

1 Low flow objectives

At node 1, in the simulation period—

- (a) the number of periods of no flow of more than 1 month but less than 6 months be not more than 150; and
- (b) the number of periods of no flow of 6 months or more 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, be at least 50%.

2 Medium to high flow objectives

At node 1, in the simulation period—

- (a) the mean annual flow, expressed as a percentage of the mean annual flow for the pre-development flow pattern, be at least 63%; and
- (b) the median annual flow, expressed as a percentage of the median annual flow for the pre-development flow pattern, be at least 37%; and
- (c) the 10% daily flow be equalled or exceeded on at least 5% of the number of days in the period; and
- (d) the 1.5 year daily flow volume, expressed as a percentage of the 1.5 year daily flow volume for the pre-development flow pattern, be at least 37%; and
- (e) the 5 year daily flow volume, expressed as a percentage of the 5 year daily flow volume for the pre-development flow pattern, be at least 70%; and

Schedule 5

- (f) the 20 year daily flow volume, expressed as a percentage of the 20 year daily flow volume for the pre-development flow pattern, be at least 72%.

Schedule 6 Water allocation security objectives

section 20

1 Taking supplemented surface water for Julius Dam Water Supply Scheme

For water allocations to take supplemented surface water for the Julius Dam Water Supply Scheme—

- (a) the annual supplemented water sharing index be at least 95%; and
- (b) the extent to which the annual supplemented water sharing index is less than 100% be minimised; and
- (c) the monthly supplemented water sharing index be at least 95%; and
- (d) the extent to which the monthly supplemented water sharing index is less than 100% be minimised.

2 Taking supplemented surface water from Lake Moondarra

For water allocations to take supplemented surface water from Lake Moondarra—

- (a) the annual supplemented water sharing index be at least 58%; and
- (b) the extent to which the annual supplemented water sharing index is less than 65% be minimised; and
- (c) the monthly supplemented water sharing index be at least 78%; and
- (d) the extent to which the monthly supplemented water sharing index is less than 85% be minimised.

Schedule 6A Total volumes for indigenous unallocated water

section 33

Column 1	Column 2
Area	Total volume (ML)
Cape York Peninsula Region area	1000
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

Schedule 7 Total volumes for strategic unallocated water

sections 35 and 36

Part 1 Water from Lake Corella or Lake Mary Kathleen

Column 1	Column 2
Lake	Total volume
Lake Corella	2500ML
Lake Mary Kathleen	1100ML

Part 2 Water for State purpose

Column 1	Column 2
Catchment area or subcatchment area	Total volume
Flinders River catchment area	20000ML
Gilbert River catchment area	5000ML
Gregory River subcatchment area	5000ML
Lower Leichhardt River subcatchment area	15000ML
Morning Inlet catchment area	1000ML
Nicholson River subcatchment area	4400ML
Norman River catchment area	2000ML
Settlement Creek catchment area	1000ML

Schedule 7

Column 1	Column 2
Catchment area or subcatchment area	Total volume
Staaten River catchment area	1000ML

Schedule 8 Total volumes for general unallocated water

section 39

Column 1	Column 2
Catchment area or subcatchment area	Total volume
Flinders River catchment area	80000ML
Gilbert River catchment area	15000ML
Gregory River subcatchment area	2500ML
Lower Leichhardt River subcatchment area	15000ML
Nicholson River subcatchment area	4400ML
Norman River catchment area	3000ML

Schedule 9 Water licences to replace local government authorities

section 62

Column 1	Column 2
Continued authority	Water licence to take water
The authority granted in the Order in Council published in the gazette on 18 July 1953, at page 1953, authorising the Council of the Town of Hughenden to take water from the Flinders River	licensee —Flinders Shire Council period —10 years location —lot 4 on plan DG201 purpose —any maximum rate —24 litres a second daily volumetric limit —1ML annual volumetric limit —182ML water year —1 July to 30 June
The authority granted in the Order in Council published in the gazette on 24 October 1987, at page 657, authorising the Council of the Shire of Cloncurry to take water from the Cloncurry River	licensee —Cloncurry Shire Council period —10 years location —lot 34 on SP121871 purpose —any maximum rate —75 litres a second daily volumetric limit —6.5ML annual volumetric limit —1460ML water year —1 July to 30 June
The authority authorising the Doomadgee Aboriginal Shire Council to take water from the part of the Nicholson River immediately upstream of the weir identified on licence 53526K	licensee —Doomadgee Aboriginal Shire Council period —10 years location —lot 6 on plan NC12 purpose —any maximum rate —30 litres a second daily volumetric limit —2ML annual volumetric limit —500ML water year —1 July to 30 June

Schedule 10 Water licences to replace other existing rights

sections 63 to 66

Part 1 Holder of mining lease 8058

Water licence to take water for holder of mining lease 8058	
Licensee	(a) Mount Isa Mines Limited; or (b) if Mount Isa Mines Limited transfers mining lease 8058 to another person before the licence is granted—the other person
Period	10 years
Location	Rifle Creek Dam
Purpose	Any
Maximum rate	49 litres a second
Daily volumetric limit	4.2ML
Annual volumetric limit	1500ML
Water year	1 July to 30 June

Part 2 Cloncurry Shire Council

Water licence to take water for Cloncurry Shire Council	
Licensee	Cloncurry Shire Council
Period	10 years

Water licence to take water for Cloncurry Shire Council	
Location	Chinaman Creek Dam
Purpose	Any
Maximum rate	140 litres a second
Daily volumetric limit	12ML
Annual volumetric limit	2000ML
Water year	1 July to 30 June

Part 3 Owner of East Leichhardt Dam land

Water licence to interfere with water for owner of East Leichhardt Dam land	
Licensee	<ul style="list-style-type: none"> (a) Argylla Mountains Pastoral Pty Ltd ACN 059843999; or (b) if the company mentioned in paragraph (a) transfers the East Leichhardt Dam land to another person before the licence is granted—the other person; or (c) if the East Leichhardt Dam land becomes unallocated State land under the <i>Land Act 1994</i> before the licence is granted—the State, as represented by the department
Period	10 years
Location	East Leichhardt Dam land
Purpose	Any

Part 4 **The State, as represented by
the department**

Water licence to interfere with water for the State, as represented by the department	
Licensee	The State, as represented by the department
Period	10 years
Location	Lot 33 on USL48234
Purpose	Any

Schedule 11 Amending water licence 43709J

section 67

Water licence 43709J after amendment	
Licensee	Cloncurry Shire Council
Period	10 years
Location	Lot 34 on SP121871
Purpose	Any
Maximum rate	2400 litres a seconds
Daily volumetric limit	200ML
Annual volumetric limit	2000ML
Water year	1 July to 30 June
Mandatory condition	Diverting water under the licence is prohibited during a period when the daily flow in the Cloncurry River at the Cloncurry Gauging Station (located at AMTD 327.6km) is less than 432 ML

Schedule 12 Rates, volumetric limits and pump sizes

sections 72 and 73

Column 1	Column 2	Column 3
Pump size (mm)	Maximum rate (litres/second)	Daily volumetric limit (ML)
32	8	0.6
40	16	1
50	25	1.5
65	46	3.5
80	65	3.9
100	95	6.9
125	120	7.8
150	150	12.1
200	220	15.6
250	300	21.6
300	350	25.9
350	400	30.2
375 to 400	500	37.2
500	660	47.5
600 to 610	1200	86.4
650 to 660	1700	120
700 to 720	2100	150
750 to 770	2500	180
780 to 810	2800	200

Schedule 13 Dictionary

section 3

1.5 year daily flow volume, for a node, means the daily flow, at the node, that has a 67% probability of being reached at least once a year.

5 year daily flow volume, for a node, means the daily flow, at the node, that has a 20% probability of being reached at least once a year.

10% daily flow, for a node, means the daily flow, at the node, that is equalled or exceeded on 10% of the days in the simulation period for the pre-development flow pattern.

20 year daily flow volume, for a node, means the daily flow, at the node, that has a 5% probability of being reached at least once a year.

adopted middle thread distance means the distance in kilometres, measured along the middle of a watercourse, that a specific point in the watercourse is, at the commencement of this plan, from—

- (a) the watercourse's mouth; or
- (b) if the watercourse is not a main watercourse—the watercourse's confluence with its main watercourse.

AMTD means adopted middle thread distance.

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

annual supplemented water sharing index, for water allocations to take supplemented surface water in a particular priority group, means the percentage of years in the simulation period in which the allocations are fully supplied.

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

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

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

bed sand means the sediment below the bed of a watercourse through which water percolates.

Cape York Peninsula Region area means the part of the plan area that is within the Cape York Peninsula Region as defined under the *Cape York Peninsula Heritage Act 2007*.

catchment area see section 6.

daily flow, for a node, means the volume of water that flows past the node in a day.

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

declared water see section 58.

dewatering means lowering water levels to prevent water entering a mine.

distribution loss means water lost in relation to the distribution of water for a water allocation through water infrastructure, including, for example—

- (a) water lost by evaporation, leakage or temporary damage of water infrastructure; and
- (b) water lost by scouring carried out to clear a blockage in water infrastructure or for the regular maintenance or cleaning of water infrastructure; and
- (c) water lost through a pressure relief system.

East Leichhardt Dam means the dam that impounds the eastern branch of the Leichhardt River at AMTD 33.0km.

East Leichhardt Dam land means—

- (a) lot 922 on SP137139; or
- (b) if lot 922 on SP137139 is subdivided after the commencement of this plan—the land that was previously a part of the lot and on which the East Leichhardt Dam is located.

environmental flow objectives means the environmental flow objectives stated in schedule 5 for surface water in the Upper Leichhardt subcatchment area.

existing overland flow works means works that allow the taking of overland flow water and either—

- (a) were in existence on 6 June 2003; or
- (b) were started, but not completed by 6 June 2003 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 17 October 2003; or
- (c) for works to which the moratorium notice mentioned in section 25(1) did not apply, were started before the commencement of this plan.

existing water bore means a water bore that—

- (a) is able to take groundwater; and
- (b) was in existence on 17 October 2003.

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

flow day, for a node, means a day in the simulation period in which there is a flow of water in the watercourse at the node.

general unallocated water see section 38.

groundwater see section 11(2).

groundwater management area see section 5.

Gulf wild river area means each of the following areas in the plan area—

- (a) Morning Inlet catchment area;
- (b) Settlement Creek catchment area;
- (c) Gregory River subcatchment area;
- (d) Staaten River catchment area other than the part of the area that is within the Cape York Peninsula Region area.

indigenous unallocated water see section 32.

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

Julius Dam means the dam that impounds the Leichhardt River at AMTD 390.9km.

Julius Dam Water Supply Scheme means the scheme for supplying water in the Julius Dam under an interim resource operations licence or resource operations licence.

Lake Corella means the part of the Corella River that is impounded by the Corella Dam at AMTD 204.5km.

Lake Mary Kathleen means the part of the eastern branch of the Leichhardt River that is impounded by the East Leichhardt Dam.

Lake Moondarra means the part of the Leichhardt River that is impounded by the Moondarra Dam at AMTD 465.1km.

Lake Moondarra authority means the authority for taking water from Lake Moondarra—

- (a) granted under the Order in Council published in the gazette on 14 August 1976 at page 1987; and
- (b) continued under section 1089 of the Act.

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

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

median non-zero daily flow, for a node, means the daily flow, at the node, that is equalled or exceeded on 50% of the flow days for the node in the pre-development flow pattern.

monthly supplemented water sharing index, for water allocations to take supplemented surface water in a particular priority group, means the percentage of months in the simulation period in which the allocations are fully supplied.

Mount Isa Mines Limited means Mount Isa Mines Limited ACN 009 661 447.

node see section 10.

operator of infrastructure for interfering with water means—

- (a) the holder of a resource operations licence or a distributions operations licence; or
- (b) an operator of infrastructure for interfering with water, mentioned in the resource operations plan.

period of no flow, for a node, means a period in which the watercourse has ceased to flow at the node.

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 this plan.

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.

related development permit, for a water licence, means the development permit for the works for taking water under the licence.

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

Rifle Creek Dam means the dam that impounds Rifle Creek at AMTD 3.2km.

simulation period means the period from 1 January 1890 to 20 November 2003.

started, for existing overland flow works, means—

- (a) construction of the works had physically begun or, if construction had not physically begun, a contract had been entered into to begin 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 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.

State purpose means—

- (a) a project of State significance; or
- (b) a project of regional significance; or
- (c) town water supply; or
- (d) ecotourism in a wild river area.

strategic unallocated water see section 34.

subcatchment area see section 7.

supplemented surface water means surface water supplied under an interim resource operations licence, resource operations licence or other authority to operate water infrastructure in relation to—

- (a) the Julius Dam Water Supply Scheme; or
- (b) Lake Moondarra.

surface water see section 11(1).

this plan means this water resource plan.

unsupplemented surface water means surface water that is not supplemented surface water.

water allocation security objectives means the water allocation security objectives stated in schedule 6 for supplemented surface water in the Upper Leichhardt subcatchment 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). Accordingly, this reprint includes all amendments that commenced operation on or before 24 November 2011. Future amendments of the Water Resource (Gulf) Plan 2007 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	2 November 2007	
1A	2009 SL No. 280	18 December 2009	
1B	2011 Act No. 40	24 November 2011	

5 List of legislation

Water Resource (Gulf) Plan 2007 SL No. 268

approved by the Governor in Council on 1 November 2007

notfd gaz 2 November 2007 pp 1224–5

commenced on date of notification

exp 1 September 2018 (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 41

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)

Water and Other Legislation Amendment Act 2011 No. 40 pts 1, 6, s 107 sch

date of assent 24 November 2011

commenced on date of assent

6 List of annotations

General outcomes

s 13 amd 2011 Act No. 40 s 101

Particular unallocated water held as indigenous, strategic or general reserve

s 28 sub 2011 Act No. 40 s 102

Purpose for which indigenous unallocated water may be granted

s 32 amd 2011 Act No. 40 s 103

Volumetric limits for indigenous unallocated water

s 33 amd 2011 Act No. 40 s 104

Relationship with Sustainable Planning Act 2009

prov hdg amd 2009 SL No. 280 s 180(1)

s 81 amd 2009 SL No. 280 s 180(2)–(3); 2011 Act No. 40 s 107 sch

Relationship with Sustainable Planning Act 2009

prov hdg amd 2009 SL No. 280 s 181(1)

s 83 amd 2009 SL No. 280 s 181(2)–(3); 2011 Act No. 40 s 107 sch

SCHEDULE 6A—TOTAL VOLUMES FOR INDIGENOUS UNALLOCATED WATER

ins 2011 Act No. 40 s 105

SCHEDULE 13—DICTIONARY

def “**Gulf wild river area**” ins 2011 Act No. 40 s 106

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