



Queensland

Water Act 2000

Water Resource (Fitzroy Basin) Plan 2011

Current as at 28 May 2014

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Water Resource (Fitzroy Basin) Plan 2011

[as amended by all amendments that commenced on or before 28 May 2014]

Chapter 1 Preliminary

1 Short title

This plan may be cited as the *Water Resource (Fitzroy Basin) Plan 2011*.

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;
- (e) to provide a framework for reversing, where practicable, degradation 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 Subcatchment areas

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

6 Groundwater management areas

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

7 Groundwater units and groundwater sub-areas

- (1) The Callide groundwater management area consists of the following (each a *groundwater unit*)—
 - (a) Callide Groundwater Unit 1, containing the aquifers of the quaternary alluvium;
 - (b) Callide Groundwater Unit 2, containing all subartesian aquifers within the Callide groundwater management area other than the aquifers included in Callide Groundwater Unit 1.
- (2) Each of the following areas of the Callide Groundwater Unit 1 shown on maps A to D in schedule 4 is a groundwater sub-area for this plan—
 - (a) Upper Callide groundwater sub-area;
 - (b) Lower Callide groundwater sub-area;

- (c) Prospect Creek groundwater sub-area;
 - (d) Don and Dee groundwater sub-area.
- (3) The Isaac Connors groundwater management area consists of the following (also each a ***groundwater unit***)—
- (a) Isaac Connors Groundwater Unit 1, containing the aquifers of the quaternary alluvium;
 - (b) Isaac Connors Groundwater Unit 2, containing all subartesian aquifers within the Isaac Connors groundwater management area other than the aquifers included in Isaac Connors Groundwater Unit 1.
- (4) The area of Isaac Connors Groundwater Unit 1 shown on map E in schedule 4 is the Isaac Connors Alluvium groundwater sub-area for this plan.
- (5) The Highlands groundwater management area consists of the following (also each a ***groundwater unit***)—
- (a) Highlands Groundwater Unit 1, containing the aquifers of the quaternary alluvium;
 - (b) Highlands Groundwater Unit 2, containing all subartesian aquifers within the Highlands groundwater management area other than the aquifers included in Highlands Groundwater Unit 1.
- (6) The area of Highlands Groundwater Unit 1 shown on map F in schedule 4 is the Sandy Creek Alluvium groundwater sub-area for this plan.
- (7) The Fitzroy groundwater management area consists of the following (also each a ***groundwater unit***)—
- (a) Fitzroy Groundwater Unit 1, containing the aquifers of the modern coastal deposits;
 - (b) Fitzroy Groundwater Unit 2, containing all subartesian aquifers within the Fitzroy groundwater management area other than the aquifers included in Fitzroy Groundwater Unit 1.

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8 Information about areas

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

9 Nodes

- (1) A node mentioned in this plan is a place—
 - (a) on a watercourse in the plan area; or
 - (b) in a groundwater management area in the plan area.
- (2) The location of each node is—
 - (a) shown on the map in schedule 5, part 1 or schedule 5, part 2; and
 - (b) described in schedule 5, part 3 or schedule 5, part 4.
- (3) Each node is identified on the map by a number.

10 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 a spring not connected to—
 - (i) artesian water; or
 - (ii) subartesian water connected to artesian water;
 - (c) overland flow water other than water in a spring connected to—
 - (i) artesian water; or
 - (ii) subartesian water connected to artesian water.
- (2) This plan also applies to groundwater in the plan area.

Chapter 3 Outcomes for sustainable management of water

11 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 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 12;
 - (ii) the specific surface water and groundwater outcomes mentioned in section 13;
 - (iii) the general ecological outcomes mentioned in section 14;
 - (iv) the specific ecological outcomes mentioned in section 15.

12 General outcomes

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

- (a) to provide for the use of water entitlements and other authorisations in the plan area;
- (b) to provide for the continued use of existing overland flow works;
- (c) to provide for the continued use of existing groundwater works;
- (d) to protect the probability of being able to take water under a water allocation;
- (e) to support water-related cultural values including the values of the traditional owners in the plan area;

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- (f) to provide mechanisms that support water being made available for the following—
 - (i) population growth in towns and communities dependent on water resources in the plan area;
 - (ii) growth in industries dependent on water resources in the plan area;
 - (iii) stock or domestic purposes in the plan area;
 - (iv) Indigenous communities dependent on water resources in the plan area to achieve their economic and social aspirations;
- (g) to support flexible and diverse water supply arrangements for consumptive water users;
- (h) to maintain flows that support water-related aesthetic, economic and recreational values in the plan area, including, for example, tourism;
- (i) to encourage continual improvement in the efficient use of water;
- (j) to provide a flow regime that supports the quality of water for human and ecological use.

13 Specific surface water and groundwater outcomes

- (1) Each of the following is a specific outcome for surface water in the plan area—
 - (a) to make water available in the Isaac Connors subcatchment to support—
 - (i) water supplies for mining; and
 - (ii) growth in the population of towns and communities, industry and agriculture;
 - (b) to make water available in the Upper Dawson and Lower Dawson subcatchments to support—
 - (i) water supplies for mining and industry; and

- (ii) growth in the population of towns and communities and agriculture;
 - (c) to make water available in the Fitzroy subcatchment to support urban, industrial and other uses.
- (2) Each of the following is a specific outcome for groundwater in the Upper Callide, Lower Callide and Prospect Creek groundwater sub-areas and the Callide Valley Water Supply Scheme—
 - (a) to provide for the use of groundwater that can be sustained in the long term;
 - (b) to provide for increased security for town water supplies and rural water supply boards that rely on groundwater;
 - (c) to provide security of supply for existing enterprises that rely on groundwater.

14 General ecological outcomes

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

- (a) to minimise changes to the natural variability of flows that support aquatic ecosystems;
- (b) to provide for the continued capability of 1 part of the river system to be connected to another, including by maintaining flows that—
 - (i) allow for the movement of native aquatic fauna between riverine, floodplain, wetland, estuarine and marine environments; and
 - (ii) support water-related ecosystems; and
 - (iii) support river-forming processes;
- (c) to provide a flow regime that—
 - (i) maintains delivery of fresh water to the estuaries of watercourses and the Great Barrier Reef Lagoon; and

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- (ii) supports productivity in the receiving waters of the Great Barrier Reef and inshore reefs;
- (d) to improve understanding of the matters affecting the flow-related health of ecosystems in the plan area;
- (e) to minimise the impact of the taking of water on aquatic ecosystems, including ecological assets;
- (f) to protect and maintain refugia associated with waterholes, lakes and wetlands;
- (g) to support surface water and groundwater interactions;
- (h) to support ecosystems dependent on groundwater including, for example, riparian vegetation and wetlands.

15 Specific ecological outcomes

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

- (a) to protect flows and water quality for flow-spawning fish and endemic species, including, for example, the Fitzroy golden perch (*Macquaria ambigua orientalis*);
- (b) to provide for flows necessary for estuarine ecosystem functions, including flows for—
 - (i) barramundi (*Lates calcarifer*) and king threadfin salmon (*Polydactylus macrochir*) recruitment; and
 - (ii) banana prawn (*Penaeus merguensis*) growth;
- (c) to provide for groundwater levels to support relevant groundwater-dependent ecosystems and wetlands that rely on groundwater in—
 - (i) the Upper Callide groundwater sub-area; and
 - (ii) the Lower Callide groundwater sub-area; and
 - (iii) the Prospect Creek groundwater sub-area; and
 - (iv) the Callide Valley Water Supply Scheme;

- (d) to maintain groundwater discharge to watercourses in the Isaac Connors groundwater management area.

Chapter 4 Performance indicators and objectives

Part 1 Environmental flow objectives

Division 1 Surface water

16 Performance indicators for environmental flow objectives

The performance indicators for the environmental flow objectives are—

- (a) for assessing periods of low flow—the base flow; and
- (b) for assessing periods of medium to high flow, the following—
 - (i) mean annual flow;
 - (ii) median annual flow ratio;
 - (iii) annual proportional flow deviation;
 - (iv) mean wet season flow;
 - (v) 4% daily exceedance duration flow;
 - (vi) 10% daily exceedance duration flow;
 - (vii) 2 year daily flow volume;
 - (viii) 5 year daily flow volume;
 - (ix) 20 year daily flow volume; and

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- (c) for assessing the first post-winter flow event—the performance indicators listed in schedule 6, part 3.

17 Environmental flow objectives

The environmental flow objectives for surface water for this plan are stated in schedule 6, parts 1 to 3.

Division 2 Groundwater

18 Performance indicators for environmental flow objectives—relevant groundwater-dependent ecosystems

The performance indicator for the environmental flow objectives for assessing groundwater levels to support relevant groundwater-dependent ecosystems is the drawdown duration.

19 Environmental flow objectives

The environmental flow objectives for groundwater for this plan are stated in schedule 6, part 4.

Part 2 Water allocation security objectives

20 Performance indicators for water allocation security objectives

The performance indicators for the water allocation security objectives are—

- (a) for taking supplemented surface water, the following—
 - (i) annual supplemented water sharing index;

- (ii) monthly supplemented water sharing index; and
- (b) for taking unsupplemented surface water—the annual volume probability; and
- (c) for taking supplemented groundwater—the annual supplemented water sharing index; and
- (d) for taking unsupplemented groundwater—the annual volume probability.

21 Water allocation security objectives

The water allocation security objectives for this plan are stated in—

- (a) for water allocations to take supplemented water—schedule 7, part 1; and
- (b) for water allocations to take unsupplemented surface water—schedule 7, part 2; and
- (c) for water allocations to take unsupplemented groundwater—schedule 7, part 3.

Chapter 5 Strategies for achieving outcomes

Part 1 Strategies for both surface water and groundwater

Division 1 General provisions

22 Application of pt 1

This part applies to surface water and groundwater.

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23 Decisions to be consistent with objectives

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

- (a) the environmental flow objectives stated in schedule 6; and
- (b) the water allocation security objectives stated in schedule 7.

24 Assessing impact of decisions about surface water

- (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 for surface water.
- (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.

25 Assessing impact of decisions about groundwater

- (1) The Callide Valley groundwater computer program's simulation for the simulation period is used to assess consistency with the environmental flow objectives and the water allocation security objectives for groundwater.
- (2) If it is not practicable to use the Callide Valley groundwater 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 Callide Valley groundwater computer program.

26 Measuring devices

A measuring device is to 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 for taking water.

Note—

For the compulsory use of meters for taking water in the State, see the *Water Regulation 2002*, part 7.

27 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 is to 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;
 - (iv) the replenishment of refuge pools that enable movement of instream biota;
 - (v) the lateral connectivity between rivers in the plan area and their adjacent riverine environments including floodplains;

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- (vi) the connectivity, through the flow of water, between a watercourse, lake or spring and groundwater to replenish aquifers;
- (vii) the first post-winter flow event at nodes downstream of supplemented water infrastructure; and
- (b) the distance of a water bore from a watercourse, lake, spring or area of ecological value; and
- (c) the groundwater levels required to maintain the following—
 - (i) habitats needed by aquatic biota in hyporheic zones;
 - (ii) relevant groundwater-dependent ecosystems;
 - (iii) the connectivity through the flow of water between an aquifer and an adjacent watercourse, lake or spring to replenish instream pools and enable movement of instream aquatic biota;
 - (iv) the natural seasonality of low flows; and
- (d) the impact the taking of, or interfering with, water may have on the following—
 - (i) instream water levels;
 - (ii) water quality;
 - (iii) baseflow;
 - (iv) groundwater levels;
 - (v) the natural movement of sediment;
 - (vi) the bed and banks of a watercourse or lake;
 - (vii) riparian vegetation;
 - (viii) habitats for native plants and animals;
 - (ix) the contribution from aquifers to the flow of water in watercourses;
 - (x) the inundation of habitats;

-
- (xi) the movement of fish and other aquatic animals;
 - (xii) the ecological values of waterholes, lakes, springs, relevant groundwater-dependent ecosystems or hyporheic zones;
 - (xiii) the recreation and aesthetic values of the plan area;
 - (xiv) cultural values including, for example, cultural values of traditional owners of an area.
- (2) Subsection (1) does not limit the matters the chief executive may consider.

28 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 is to consider—
- (a) for rules relating to supplemented surface water, the following—
 - (i) any existing water sharing arrangements;
 - (ii) the extent to which any existing water supply arrangements are linked to the natural occurrence of streamflows;
 - (iii) the frequency, duration, magnitude and timing of limited water availability;
 - (iv) the impact of the rules on authorisations to take water in the plan area;
 - (v) the impact of the rules on unsupplemented water allocations, particularly as assessed under—
 - (A) the 30% unsupplemented water sharing index; and
 - (B) the 50% unsupplemented water sharing index; and
 - (C) the 70% unsupplemented water sharing index; and

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- (b) for rules relating to unsupplemented surface water, the following—
 - (i) any existing water sharing arrangements;
 - (ii) the local availability of water that may be taken from streamflows, waterholes or bedsands;
 - (iii) the conditions for taking water;
 - (iv) the volumetric limits for the water entitlements;
 - (v) the impact of the rules on authorisations to take water in the plan area;
 - (vi) the impact of the rules on unsupplemented water allocations, particularly as assessed under—
 - (A) the 30% unsupplemented water sharing index; and
 - (B) the 50% unsupplemented water sharing index; and
 - (C) the 70% unsupplemented water sharing index; and
- (c) for rules relating to groundwater in the Upper Callide, Lower Callide and Prospect Creek groundwater sub-areas and the Callide Valley Water Supply Scheme—
 - (i) the matters mentioned in paragraph (e); and
 - (ii) the range of historical water levels in the groundwater sub-areas and Callide Valley Water Supply Scheme from 1970 to 2010; and
- (d) for rules relating to groundwater in Isaac Connors Groundwater Unit 1—
 - (i) the matters mentioned in paragraph (e); and
 - (ii) the range of historical water levels and extraction in the Braeside Borefield; and
- (e) for rules relating to other groundwater, the following—

- (i) any existing water sharing arrangements;
 - (ii) the local availability of water that may be taken from aquifers;
 - (iii) the connectivity of surface water and groundwater;
 - (iv) the impact of the taking of groundwater on authorisations in the groundwater management areas;
 - (v) the operating arrangements and supply requirements for any water infrastructure;
 - (vi) the volumetric limits for water entitlements.
- (2) Subsection (1) does not limit the matters the chief executive may consider.
- (3) In this section—
- existing water sharing arrangements* means water sharing rules specified in the following on the day this plan is notified—
- (a) the resource operations plan;
 - (b) the *Water Regulation 2002*;
 - (c) the Callide Valley Water Supply Scheme interim resource operations licence (IROL);
 - (d) the Department of Environment and Resource Management’s policy no. WAM/2005/2209 for the Callide Valley groundwater management area.

29 Matters to be considered for water allocation change rules

- (1) In deciding the water allocation change rules to be included in the resource operations plan for authorisations to take surface water in a part of the plan area, the chief executive is to consider—

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- (a) the implications for the availability of water under water allocations of changes to the frequency, duration, magnitude and timing of limited water availability; and
 - (b) the impact of the rules on unsupplemented water allocations, particularly as assessed under—
 - (i) the 30% unsupplemented water sharing index; and
 - (ii) the 50% unsupplemented water sharing index; and
 - (iii) the 70% unsupplemented water sharing index.
- (2) In deciding the water allocation change rules to be included in the resource operations plan for authorisations to take groundwater, the chief executive is to consider—
- (a) the volume density for a locality in part of the groundwater management area relative to the availability of water in that part; and
 - (b) the impact the proposed taking of groundwater would have on the following—
 - (i) watercourses, lakes, springs, baseflows, waterholes, groundwater levels or areas of ecological value;
 - (ii) the ecological values of relevant groundwater-dependent ecosystems;
 - (iii) water quality;
 - (iv) other authorisations in the area of the proposed taking; and
 - (c) existing management zones; and
 - (d) for water allocations to take water in the Callide Valley Water Supply Scheme—the ability of an allocation holder to change the priority group of water allocations from medium to high B.
- (3) Subsections (1) and (2) do not limit the matters the chief executive may consider.

30 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 water, the chief executive is to consider the following—
 - (a) the impact of the infrastructure's or proposed infrastructure's operation on the following—
 - (i) water quality;
 - (ii) instream water levels;
 - (iii) groundwater levels;
 - (iv) beds and banks of watercourses;
 - (v) riparian vegetation;
 - (b) the extent to which artificial variations in instream water levels and flows may adversely affect natural ecosystems;
 - (c) the impact of the transfer of water between watercourses;
 - (d) the likelihood of aquatic fauna deaths caused by the operation of the infrastructure;
 - (e) the matters mentioned in section 27(1)(a) and (d).
- (2) Subsection (1) does not limit the matters the chief executive may consider.

[s 31]

Division 2 Continued effect of moratorium and interim arrangements for applications

31 Continued effect of moratorium notice published on 13 September 2001—Act, s 46(3)

- (1) This section amends and continues, in part, the effect of the moratorium notice published on 13 September 2001 and amended on 29 October 2001, 10 December 2003 and 17 May 2004 and continued under the previous plan.
- (2) Subsection (3) applies to the following authorisations to take water in the plan area—
 - (a) a prescribed authorisation;
 - (b) a derived authorisation.
- (3) Until a prescribed authorisation or a derived authorisation is converted to an unsupplemented water allocation—
 - (a) new works for taking water, under a prescribed authorisation or a derived authorisation, from a watercourse, lake or spring must not be physically started; and
 - (b) new works for storing water, taken under a prescribed authorisation or a derived authorisation, from a watercourse, lake or spring must not be physically started; and
 - (c) completed, or partly completed, works for taking water, under a prescribed authorisation or a derived authorisation, from a watercourse, lake or spring must not be raised, enlarged or deepened; and
 - (d) completed, or partly completed, works for storing water, taken under a prescribed authorisation or a derived authorisation, from a watercourse, lake or spring must not be raised, enlarged or deepened.
- (4) In this section—

derived authorisation means an authorisation granted—

- (a) after the expiry of a prescribed authorisation, in relation to the same land, or part of the same land, to which the prescribed authorisation related; or
- (b) after the amalgamation of a prescribed authorisation and another authorisation, in relation to the same land to which the prescribed authorisation or the other authorisation related; or
- (c) after part of the land to which a prescribed authorisation relates is disposed of, in relation to land, or part of the land, that was disposed of; or
- (d) as a consequence of a prescribed authorisation being subdivided.

prescribed authorisation means one of the following authorisations—

- (a) 100722;
- (b) 38826F;
- (c) 38827F;
- (d) 51491F;
- (e) 57733F;
- (f) 57734F
- (g) 57735F;
- (h) 0426341F;
- (i) 0426342F;
- (j) 0426602F.

32 Continued effect of moratorium notice published on 14 December 2010—Act, s 46(3)

- (1) This section continues, in part, the effect of the moratorium notice published on 14 December 2010.

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- (2) This section applies to—
 - (a) groundwater in a groundwater management area; and
 - (b) water in a watercourse, lake or spring in the Downstream of Fitzroy Barrage subcatchment area.
- (3) Until an amendment to the resource operations plan to deal with the water mentioned in subsection (2) is approved, an application made under the Act for or about a water licence will not be accepted if granting the application would increase the amount of water that may be taken from the water mentioned in subsection (2).
- (4) This section does not apply to an application—
 - (a) mentioned in section 36; or
 - (b) to take water for stock or domestic purposes; or
 - (c) to take groundwater, other than from Callide Groundwater Unit 1, for mine dewatering purposes; or
 - (d) to reinstate, under section 221 of the Act, an expired water licence; or
 - (e) to replace, under section 229 of the Act, an expired licence with 1 or more licences.

33 Particular applications made before commencement of plan

- (1) This section applies to an undecided application—
 - (a) for a water licence to take groundwater from a groundwater management area; or
 - (b) for a water licence to take water from a watercourse, lake or spring in the Downstream of Fitzroy Barrage subcatchment area shown on the map in schedule 2; or
 - (c) for a water licence to interfere with the flow of water by impounding water in the plan area.

-
- (2) The undecided application must be refused if granting the application would have 1 or more of the following effects on water to which this plan applies—
- (a) increase the amount of water that may be taken;
 - (b) increase or change the interference with the water.
- (3) This section does not apply to an application to—
- (a) take groundwater for stock or domestic purposes; or
 - (b) take groundwater from an area other than Callide Groundwater Unit 1—
 - (i) for mine dewatering purposes; or
 - (ii) for town water supply purposes; or
 - (iii) for a project declared under the *State Development and Public Works Organisation Act 1971*, section 26 to be a significant project; or
 - (iv) for the construction, operation or maintenance of public utilities; or
 - (v) if there is a current development permit authorising construction of works to take the water to which the application relates; or
 - (c) take water from a watercourse, lake or spring in the Downstream of Fitzroy Barrage subcatchment area—
 - (i) for town water supply purposes; or
 - (ii) for stock or domestic purposes; or
 - (iii) for a project declared under the *State Development and Public Works Organisation Act 1971*, section 26 to be a significant project; or
 - (d) interfere with water by impoundment—
 - (i) for town water supply purposes; or
 - (ii) for stock or domestic purposes; or

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- (iii) for a project declared under the *State Development and Public Works Organisation Act 1971*, section 26 to be a significant project; or
 - (iv) to meet the requirements of an environmental authority issued under the *Environmental Protection Act 1994*; or
 - (e) reinstate, under section 221 of the Act, an expired water licence; or
 - (f) replace, under section 229 of the Act, an expired licence with 1 or more licences.
- (4) In this section—
- undecided application*** means an application made under the Act, or repealed Act, before 14 December 2010 and not finally decided before the commencement of this plan.

34 Particular provisions of the resource operations plan cease to have effect—Act, s 106A(3)

On the commencement of this water resource plan, chapter 6, sections 6.1.2 to 6.7 of the resource operations plan cease to have effect for the plan area.

35 Interim arrangements for particular applications

- (1) This section applies—
- (a) to an application for a water licence, made under section 206 of the Act, to take water from a watercourse, lake or spring in the plan area other than in the Downstream of Fitzroy Barrage subcatchment area; and
 - (b) until the resource operations plan states a new process for deciding the applications mentioned in paragraph (a).
- (2) The application must be refused if granting the application would increase the amount of water that may be taken.

- (3) This section does not apply to an application—
 - (a) mentioned in section 36; or
 - (b) to take water for stock or domestic purposes; or
 - (c) to reinstate, under section 221 of the Act, an expired water licence; or
 - (d) to replace, under section 229 of the Act, an expired licence with 1 or more licences.

36 Interim arrangements for applications about unallocated water—Act, s 106A(3)

- (1) This section applies until the resource operations plan states a new process for deciding an application relating to the use of unallocated water for—
 - (a) a State purpose; or
 - (b) an Indigenous purpose.
- (2) Any volume of water allocated to a successful application mentioned in subsection (1) must be granted from—
 - (a) for water to be used for a State purpose—the strategic reserve, strategic water infrastructure reserve or general reserve; or
 - (b) for water to be used for an Indigenous purpose—the strategic reserve.

Division 3 Unallocated water reserves

Subdivision 1 Preliminary

37 Application of div 3

This division applies to unallocated water.

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Subdivision 2 Strategic reserve, strategic water infrastructure reserve and general reserve

38 Unallocated water held as strategic reserve, strategic water infrastructure reserve and general reserve

Unallocated water in the plan area is divided into a strategic reserve, strategic water infrastructure reserve and general reserve.

Subdivision 3 Unallocated water held as strategic reserve

39 Purpose for which unallocated water held as strategic reserve may be granted

Unallocated water held as a strategic reserve may be granted only if the water is to be taken for a State purpose or an Indigenous purpose.

40 Reserve volumes

- (1) The total of the nominal entitlements for all water licences to take unallocated surface water for a State purpose granted from the strategic reserve in a subcatchment area mentioned in schedule 8, part 1, column 1 is stated in schedule 8, part 1, column 2 opposite the area.
- (2) The total of the nominal entitlements for all water licences to take unallocated surface water for an Indigenous purpose granted from the strategic reserve in a subcatchment area mentioned in schedule 8, part 1, column 1 is stated in schedule 8, part 1, column 3 opposite the area.
- (3) The total of the nominal entitlements for all water licences to take unallocated groundwater for a State purpose granted from the strategic reserve in a groundwater management area,

groundwater unit or groundwater sub-area mentioned in schedule 8, part 2, column 1 is stated in schedule 8, part 2, column 2 opposite the area.

41 Period for which water is granted for particular State purpose

- (1) This section applies to the volume of water granted from the strategic reserve for either of the following State purposes—
 - (a) a project of State significance;
 - (b) a project of regional significance.
- (2) The volume of water is granted only for the life of the project and on conclusion of the project the volume of water returns to the strategic reserve.

42 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 stated in 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.

43 Period for which water is granted for particular Indigenous purpose

- (1) This section applies to the volume of water granted from the strategic reserve for an Indigenous purpose.

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- (2) The volume of water is granted only for the life of the project and on conclusion of the project the volume of water returns to the strategic reserve.

Subdivision 4 Unallocated water held as strategic water infrastructure reserve

44 Purpose for which unallocated water held as strategic water infrastructure reserve may be granted

Unallocated water held as a strategic water infrastructure reserve may only be granted for water infrastructure mentioned in section 45.

45 Reserve volumes

The total of the nominal volumes for all supplemented water allocations to take unallocated water granted from the strategic water infrastructure reserve is the following—

- (a) for water infrastructure on the Dawson River—90000ML;
- (b) for water infrastructure on the Connors River—56400ML;
- (c) for water infrastructure on the Fitzroy River—76000ML.

Subdivision 5 Unallocated water held as general reserve

46 Purpose for which unallocated water held as general reserve may be granted

Unallocated water held as a general reserve may be granted for any purpose.

47 Reserve volumes

- (1) The total of the mean annual diversions for all water licences or water allocations to take unallocated surface water granted from the general reserve in a subcatchment area mentioned in schedule 8, part 3, column 1 is stated in schedule 8, part 3, column 2 opposite the area.
- (2) The total of the nominal volume for all water allocations to take unallocated surface water granted from the general reserve in a subcatchment area mentioned in schedule 8, part 4, column 1 is stated in schedule 8, part 4, column 2 opposite the area.
- (3) The total of the nominal entitlement for all water licences to take unallocated groundwater from the general reserve in a groundwater management area, groundwater unit or groundwater sub-area mentioned in schedule 8, part 5, column 1 is stated in schedule 8, part 5, column 2 opposite the area.

Subdivision 6 Dealing with unallocated water under the resource operations plan

48 Process for dealing with unallocated water

- (1) The resource operations plan is to include the process for dealing with unallocated water specified in this plan.
- (2) In preparing and implementing the process, the chief executive is to 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 is being taken under existing authorisations in the plan area;
 - (d) the availability of an alternative water supply for the purpose for which the water is required;

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- (e) the impact the proposed taking of, or interfering with, the water may have on existing water users and the operations of resource operations licence holders and interim resource operations licence holders in the plan area;
 - (f) the matters mentioned in section 27(1)(a) to (d);
 - (g) for the taking of groundwater, the availability of water within a given aquifer.
- (3) Subsection (2) does not limit the matters the chief executive may consider.

Division 4 Callide Valley Water Supply Scheme

Subdivision 1 Resource operations licence

49 Water allocations to be managed under a resource operations licence

Water allocations converted from interim water allocations to take supplemented water from the Callide Valley Water Supply Scheme are managed under a resource operations licence.

Subdivision 2 Converting authorisations to water allocations to take supplemented water

50 Purpose of sdiv 2

This subdivision states strategies for interim water allocations for the Callide Valley Water Supply Scheme to be converted, under section 121 of the Act, to water allocations to take supplemented water under the resource operations plan.

51 Converting interim water allocations to take water from Callide Valley Water Supply Scheme

An interim water allocation to take water from the Callide Valley Water Supply Scheme is to be converted under the resource operations plan to a water allocation to take supplemented water.

52 Elements of water allocations

A water allocation to take supplemented water is to state the following—

- (a) the location from which water may be taken under the allocation;
- (b) the purpose for which water may be taken under the allocation;
- (c) the nominal volume for the allocation;
- (d) the priority group to which the allocation belongs;
- (e) the conditions, if any, that apply for the allocation.

53 Location for taking water under a water allocation

The location for taking water to be stated on a water allocation to take supplemented water is to include the place at which water could have been taken under the authorisation from which the allocation was converted.

54 Purpose to be stated on a water allocation

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

- (a) if the purpose stated on the authorisation is stock, domestic, irrigation, stock intensive, agriculture or a similar purpose—‘agriculture’; or
- (b) otherwise—‘any’.

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55 Nominal volume for a water allocation

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

- (a) for water allocations converted from interim water allocations that belong to the risk or high priority groups—the volume stated on the interim water allocation; or
- (b) for all other water allocations converted from interim water allocations—the volume calculated under section 140.

56 Priority groups for water allocations

- (1) In the Callide Valley Water Supply Scheme, a water allocation to take supplemented water belongs to—
 - (a) for an authorisation identified by an interim resource operations licence as high priority—the high A priority group; or
 - (b) for an authorisation identified by an interim resource operations licence as medium priority—the medium priority group; or
 - (c) for an authorisation identified by an interim resource operations licence as risk priority—the risk priority group.
- (2) However, water allocations converted from interim water allocations 35687D and 47297D belong to the high B priority group.

57 Conditions for water allocations

In deciding the conditions under which water may be taken under a water allocation to take supplemented water, the chief executive must consider any conditions stated on the authorisation from which the allocation was converted.

Part 2 Additional strategies for surface water

Division 1 Preliminary

58 Application of pt 2

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

59 Restrictions on taking water from waterholes or lakes

- (1) This section applies to the chief executive in making a decision about—
 - (a) a water licence to take unsupplemented water; or
 - (b) converting an authorisation to take unsupplemented water into a water allocation; or
 - (c) the management of water under a resource operations licence, a distribution operations licence or an interim resource operations licence.
- (2) If the water licence, water allocation, resource operations licence, distribution operations licence or interim resource operations licence allows the taking of water from a waterhole or lake, 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 water licence, water allocation, resource operations licence, distribution operations licence or interim resource operations licence about maintaining the cultural or ecological values of the waterhole or lake.

Example for paragraph (b)—

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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 a water licence or water allocation that replaces an authorisation in force immediately before the commencement of this plan—the holder of the authorisation would suffer economic hardship if the condition were imposed.

Division 2 Dawson Valley Water Supply Scheme

60 Water allocation to be managed under a resource operations licence

The water allocation converted from interim water allocation 102930 to take water from the Dawson Valley Water Supply Scheme is managed under a resource operations licence.

61 Conversion of interim water allocation 102930

A water allocation converted, under the resource operations plan, from interim water allocation 102930 is to state the following—

- (a) a location decided by considering the authorised activity stated on interim water allocation 102930;
- (b) a purpose of agriculture;
- (c) a nominal volume of 105ML;
- (d) a priority group of medium.

Division 3 Process for granting and amending interim resource operations licences

Subdivision 1 Preliminary

62 Application and purpose of div 3

This division—

- (a) states a process for granting an interim resource operations licence to meet future water requirements under section 176 of the Act; and
- (b) states a process for amending an interim resource operations licence to meet future water requirements under section 184A of the Act; and
- (c) applies only to the granting or amendment of an interim resource operations licence for a project declared under the *State Development and Public Works Organisation Act 1971*, section 26 to be a significant project.

63 Division prevails if inconsistent with resource operations plan

If there is an inconsistency between this division and the resource operations plan, this division prevails to the extent of the inconsistency.

Subdivision 2 Interim resource operations licence for particular infrastructure

64 Applying for, or to amend, interim resource operations licence

- (1) This section applies to the proposed owner of infrastructure for a project declared under the *State Development and Public Works Organisation Act 1971*, section 26 to be a significant project.
- (2) The chief executive may give notice to the proposed owner that the proposed owner must apply for—
 - (a) an interim resource operations licence to operate the infrastructure; or
 - (b) an amendment of an interim resource operations licence, already held by the proposed owner, to operate the infrastructure.
- (3) If the chief executive gives the proposed owner notice under subsection (2)—
 - (a) the proposed owner must apply in the approved form; and
 - (b) the application must include the following—
 - (i) details of the proposed infrastructure;
 - (ii) an assessment of the impact of constructing the infrastructure on—
 - (A) the supply of water managed under the interim resource operations licences for the water supply schemes; and
 - (B) existing water entitlements to take unsupplemented water from the areas of the water supply schemes; and
 - (C) the operating arrangements and supply arrangements under the interim resource

operations licences for the water supply schemes; and

- (D) other existing authorisations, other than water permits, that may be affected by the proposed infrastructure;
- (iii) the applicant's proposal for minimising the impact assessed and mentioned in subparagraph (ii);
- (iv) proposed operating arrangements for the infrastructure;
- (v) the entities to whom the applicant proposes to supply water;
- (vi) the applicant's proposal about the total interim water allocation to be managed under the proposed interim resource operations licence or proposed amended interim resource operations licence; and
- (c) the application must be accompanied by the fee prescribed under a regulation.
- (4) In addition to the information mentioned in subsection (3), the applicant may give the chief executive any other information the applicant considers may help the chief executive decide the application.
- (5) To help the chief executive decide the application, the chief executive may give a copy of the application to any entity the chief executive considers appropriate.
- (6) In this section—

water supply scheme means a supplemented scheme managed under an interim resource operations licence.

65 Additional information may be required

- (1) The chief executive may, by notice given to the applicant, require—
- (a) the applicant to give additional information about the application; or

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- (b) any information included in the application, or any additional information required under paragraph (a), to be verified by statutory declaration.
- (2) If the applicant does not comply with the requirement within the reasonable time stated in the notice, the application lapses.

66 Matters the chief executive must consider

- (1) For deciding the application, the chief executive must consider—
 - (a) the application; and
 - (b) any additional information given under section 64(4) or 65; and
 - (c) the public interest.
- (2) Subsection (1) does not limit the matters the chief executive may consider.

67 Deciding application for, or to amend, interim resource operations licence

- (1) The chief executive must approve or refuse the application.
- (2) The chief executive may approve the application with or without conditions.
- (3) If the chief executive grants or amends the interim resource operations licence, the chief executive must reserve, from the strategic water infrastructure reserve, unallocated water required for any interim water allocations to which approval applies.

Subdivision 3 Amendment by chief executive

68 Amending interim resource operations licence by chief executive—Act, s 184A

- (1) The chief executive may—
 - (a) amend an interim resource operations licence, granted or amended under section 67, to the extent the chief executive considers necessary to meet future water requirements; or
 - (b) amend any other interim resource operations licence, to the extent the chief executive considers necessary as a consequence of—
 - (i) the granting or amendment of an interim resource operations licence under section 67; or
 - (ii) the amendment of an interim resource operations licence under section 74.
- (2) Before the chief executive acts under subsection (1), the chief executive must give the interim resource operations licence holder notice of the proposed amendment.
- (3) The notice must—
 - (a) state the following—
 - (i) a summary of the proposed amendment;
 - (ii) the reasons for the proposed amendment;
 - (iii) that written submissions may be made by the holder about the proposed amendment;
 - (iv) the day by which, the person to whom, and the place where, the submissions must be made; and
 - (b) include a copy of the proposed amendment.
- (4) The day for written submissions must be at least 30 business days after the day the notice is given.

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69 Matters the chief executive must consider

- (1) In deciding whether to amend an interim resource operations licence under section 68, the chief executive must consider—
 - (a) the following—
 - (i) for an amendment mentioned in section 68(1)(a)—the original application under section 64 for, or to amend, the licence and any additional information given to the chief executive about the application under section 64(4) or 65;
 - (ii) for an amendment mentioned in section 68(1)(b)(i) as a consequence of the granting or amendment of an interim resource operations licence under section 67—the application made under section 64 for the granting or amendment and any additional information given to the chief executive about the application under section 64(4) or 65;
 - (iii) for an amendment mentioned in section 68(1)(b)(ii) as a consequence of the amendment of an interim resource operations licence under section 74—the application made under section 71 for the amendment and any additional information given to the chief executive about the application under section 72(1)(a); and
 - (b) any written submissions made by the interim resource operations licence holder about the proposed amendment; and
 - (c) the public interest.
- (2) Subsection (1) does not limit the matters the chief executive may consider.

70 Deciding whether to amend interim resource operations licence

After considering the matters mentioned in section 69, the chief executive may amend the interim resource operations licence to the extent the chief executive considers necessary.

Subdivision 4 Amendment on application by holder

71 Amending interim resource operations licence on application by holder—Act, s 184A

- (1) The holder of an interim resource operations licence, granted or amended under section 67, may apply to the chief executive to amend the licence.
- (2) The application must—
 - (a) be in the approved form; and
 - (b) include a summary of the amendment required and the reasons for the amendment; and
 - (c) be accompanied by the fee prescribed under a regulation.
- (3) To help the chief executive decide the application, the chief executive may give a copy of the application to any entity the chief executive considers appropriate.

72 Additional information may be required

- (1) The chief executive may, by notice given to the applicant, require—
 - (a) the applicant to give the chief executive additional information about the application; or
 - (b) any information included in the application, or any additional information required under paragraph (a), to be verified by statutory declaration.

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- (2) If the applicant does not comply with the requirement within the reasonable time stated in the notice, the application lapses.

73 Matters the chief executive must consider

- (1) In deciding the application, the chief executive must consider—
 - (a) the application and any additional information given under section 72; and
 - (b) the public interest.
- (2) Subsection (1) does not limit the matters the chief executive may consider.

74 Deciding application to amend interim resource operations licence

- (1) The chief executive must approve or refuse the application.
- (2) The chief executive may approve the application with or without conditions.

Subdivision 5 Granting interim water allocations

75 Granting interim water allocations—Act, s 189

- (1) This section applies if an interim resource operations licence is amended under section 67, 70 or 74.
- (2) However, this section does not apply to an amendment of another interim resource operations licence under section 70 as a consequence of—
 - (a) the granting or amendment of an interim resource operations licence under section 67; or
 - (b) the amendment of an interim resource operations licence under section 74.

- (3) The chief executive may, by notice given to the holder of the interim resource operations licence, require the holder to give the chief executive the following information—
 - (a) the number of interim water allocations to which the interim resource operations licence is to relate;
 - (b) the nominal volume of water that may be taken under each allocation;
 - (c) the purpose for which the water may be taken under each allocation;
 - (d) the priority group to which each interim water allocation is to belong;
 - (e) the details of the person or entity to hold each interim water allocation;
 - (f) the water sharing rules that are to apply.
- (4) The chief executive may, after considering the information provided under subsection (3), grant the number of interim water allocations to which the interim resource operations licence is to relate if the chief executive is satisfied—
 - (a) construction of the infrastructure to which the interim resource operations licence relates is substantially complete and the infrastructure may be regarded as operational; and
 - (b) the operation of the infrastructure is, or will be, consistent with the outcomes and objectives of this plan; and
 - (c) the holder of the interim resource operations licence has complied with the conditions of the licence in relation to the infrastructure; and
 - (d) the total of the nominal volumes of all interim water allocations to which the interim resource operations licence relates does not exceed the strategic water infrastructure reserve for the infrastructure.

Division 4 Interference with water in a watercourse, lake or spring

76 Application of div 4

- (1) This division applies to applications, made under section 206 of the Act, for a water licence to interfere with water in a watercourse, lake or spring by impounding the flow of water.
- (2) However, this division does not apply to an application mentioned in subsection (1) that is made before the commencement of the division if—
 - (a) the chief executive has decided not to grant the application; and
 - (b) an interested person for the application has appealed, under chapter 6 of the Act, against the decision and the appeal has not been decided before the commencement.

77 Limitations on interference with water

- (1) The water licence may be granted only if the purpose of the proposed impoundment is 1 or more of the following—
 - (a) to store water taken under an authorisation for stock or domestic purposes;
 - (b) to provide a pumping pool to enable water to be taken under an authorisation;
 - (c) to provide improved security for town water supplies taken under an authorisation;
 - (d) to satisfy the requirements of an environmental authority issued under the *Environmental Protection Act 1994*.
- (2) However, the water licence may also be granted if—
 - (a) the proposed impoundment is related to a proposed water licence to take water that is allocated under section 36 or the process mentioned in section 48(1); or

-
- (b) the impoundment was in existence immediately before 31 December 1999.

78 Interference with water to enable take of water for stock or domestic purposes

- (1) This section applies if the proposed interference with water is to store water to be taken under an authorisation for stock or domestic purposes.
- (2) In deciding the application the chief executive must consider the following—
 - (a) existing water supplies on the property to which the application relates, including existing weirs, groundwater and storages taking overland flow water and the availability of water at the proposed site;
 - (b) the matters mentioned in section 27(1)(d).
- (3) However, the storage capacity must not be greater than is necessary for the storage of water taken under an authorisation for stock or domestic purposes.
- (4) Subsection (2) does not limit the matters the chief executive may consider.

79 Interference with water for the provision of a pumping pool

- (1) This section applies if the proposed interference with water is to provide a pumping pool to enable water to be taken under an authorisation.
- (2) The proposed storage capacity of the pumping pool must not be greater than the capacity required to enable the pump to function properly while minimising the impact the proposed interference may have on the matters mentioned in section 27(1)(d).
- (3) However, the storage capacity of the pumping pool must not be greater than 5ML.

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- (4) In deciding the application the chief executive must also consider any alternative methods for providing for the operation of the pump that may minimise the impact on the matters mentioned in section 27(1)(d).

Example—

a pump well constructed in bedsand

80 Interference with water to improve security for town water supply

- (1) This section applies if the proposed interference with water is to provide improved security for town water supplies taken under an authorisation.
- (2) The chief executive must not grant the application unless the chief executive is satisfied—
 - (a) the town has appropriate water supply security strategies, such as demand and drought management strategies, in place; and
 - (b) there is a demonstrated need for an increased reliability of the water supply.
- (3) In deciding the application the chief executive must consider the matters mentioned in section 27(1)(d).
- (4) Subsection (3) does not limit the matters the chief executive may consider.

81 Interference with water to satisfy the requirements of an environmental authority

- (1) This section applies if the proposed interference with water is to satisfy the requirements of an environmental authority issued under the *Environmental Protection Act 1994*.
- (2) In deciding the application the chief executive must consider the matters mentioned in section 27(1)(d).
- (3) Subsection (2) does not limit the matters the chief executive may consider.

82 Interference with water related to the granting of unallocated water

- (1) This section applies if the proposed interference with water is related to the granting of unallocated water.
- (2) The interference must not be greater than is necessary for the purpose of taking the unallocated water.
- (3) In deciding the application, the chief executive must consider the matters mentioned in section 27(1)(d).
- (4) A water licence to interfere with water, granted in association with a water entitlement to take water granted from the release of unallocated water, may include flow conditions.

Division 5 Granting particular water licences

83 Granting particular water licences

- (1) The chief executive may allocate water under a water licence to take water that could have been taken under an authority issued under the *Water Act 1926–1983*, section 4.
- (2) However, a grant of water under subsection (1) to the State of Queensland, represented by the Department of Education, to take water from Gogango Creek, is subject to the limitations—
 - (a) mentioned in schedule 9, item 1, column 2; and
 - (b) imposed by the chief executive in granting a water licence for taking water under section 212 of the Act.

84 Granting particular water licences to holder of mining lease 1804

- (1) The holder of mining lease 1804 is allocated water under a water licence to take water from an impoundment created by prescribed existing works if the holder gives the chief executive—

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- (a) notice, in the approved form, of any prescribed existing works after the commencement of this plan; and
 - (b) if the chief executive asks for additional information about the prescribed existing works—the additional information requested by the chief executive within a reasonable period of time as stated in the request.
- (2) However, a grant of water under subsection (1) is subject to the limitations—
- (a) mentioned in schedule 9, item 2, column 2; and
 - (b) imposed by the chief executive in granting a water licence for taking water under section 212 of the Act.
- (3) In this section—
- prescribed existing works* means works authorised under water licence number 38931F.

Division 6 Existing water allocations to take supplemented and unsupplemented water

85 Purpose of div 6

This division states strategies for water allocations established under the repealed Water Resource (Fitzroy Basin) Plan 1999 to take supplemented or unsupplemented water.

86 Existing water allocations to take supplemented water

On the commencement of this plan, a water allocation established under the repealed Water Resource (Fitzroy Basin) Plan 1999 to take supplemented water—

- (a) is to be transitioned, without amendment, to a water allocation under this plan; and
- (b) continues to be—

- (i) managed under the allocation's respective resource operations licence; and
- (ii) subject to the water sharing rules, water allocation change rules and seasonal water assignment arrangements in the resource operations plan.

87 Existing water allocations to take unsupplemented water

- (1) On the commencement of this plan, a water allocation established under the repealed Water Resource (Fitzroy Basin) Plan 1999 to take unsupplemented water—
 - (a) is to be transitioned, with the amendments mentioned in subsection (2), to a water allocation under this plan; and
 - (b) continues to be subject to the water sharing rules, water allocation change rules and seasonal water assignment arrangements in the resource operations plan.
- (2) A water allocation established under the repealed Water Resource (Fitzroy Basin) Plan 1999 to take unsupplemented water is to be amended under the resource operations plan as follows—
 - (a) to state a maximum rate for the amended water allocation equal to the rate, expressed in litres per second, stated on the existing water allocation multiplied by 1.3;
 - (b) to state a daily volumetric limit, expressed in megalitres, for the amended water allocation equal to the rate, expressed in litres per second, stated on the existing water allocation multiplied by 0.0864.

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Division 7 Converting authorisations to water allocations to take unsupplemented water

88 Purpose of div 7

This division states strategies for authorisations to be converted, under section 121 of the Act, to water allocations to take unsupplemented water under the resource operations plan.

89 Authorisations to be converted to water allocations

The authorisations to be converted to water allocations to take unsupplemented water are water licences for taking unsupplemented water from—

- (a) the Nogoia River from the upstream limit of Fairbairn Dam at AMTD 737.5km to its junction with Theresa Creek; and
- (b) Theresa Creek from its junction with Retreat Creek at AMTD 15.0km to its junction with the Nogoia River; and
- (c) Retreat Creek, including anabranches, from its junction with Kettle Creek at AMTD 23.6km to its junction with Theresa Creek; and
- (d) the Comet River, including anabranches, from Lake Brown gauging station AMTD 199.2km to its junction with the Nogoia River; and
- (e) the Dawson River from the upstream limit of Glebe Weir at AMTD 356.5km to its junction with the Mackenzie River, including sections of tributaries where Dawson River flows are accessible; and
- (f) the Dawson River from Utopia Downs Gauging Station at AMTD 453.5km to the upstream limit of Glebe Weir

at AMTD 356.5km, including sections of tributaries where Dawson River flows are accessible.

90 Elements of water allocations

- (1) A water allocation to take unsupplemented water is to state the following—
 - (a) the location from which water may be taken under the allocation;
 - (b) the purpose for which water may be taken under the allocation;
 - (c) the nominal volume for the allocation;
 - (d) the maximum rate at which water may be taken under the allocation;
 - (e) the daily volumetric limit for the allocation;
 - (f) the annual volumetric limit for the allocation;
 - (g) the flow conditions for the allocation;
 - (h) the water allocation group to which the allocation belongs;
 - (i) the water management area, as defined in the resource operations plan, that includes the location from which water may be taken under the allocation.
- (2) A water allocation may also state a monthly volumetric limit.

91 Water allocation groups

- (1) This section applies to an authorisation converted to a water allocation to take unsupplemented water (the *resulting water allocation*) mentioned in section 89.
- (2) The water allocation group for the resulting water allocation is stated in schedule 11, table, column 3 opposite the location used for taking water stated in schedule 11, table, column 1 and the flow condition stated in schedule 11, table, column 2.

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92 Location for taking water under a water allocation

The location for taking water to be stated on a water allocation to take unsupplemented water is to include the place at which water could have been taken under the authorisation from which the allocation was converted.

93 Purpose to be stated on a water allocation

The purpose to be stated on a water allocation to take unsupplemented water is to be—

- (a) if the purpose stated on the authorisation is stock, domestic, irrigation, stock intensive, agriculture or a similar purpose—‘agriculture’; or
- (b) otherwise—‘any’.

94 Nominal volume for a water allocation

In deciding the nominal volume for a water allocation to take unsupplemented water, the chief executive must have regard to the following—

- (a) the local availability of water;
- (b) the conditions under which water may be taken under the authorisation;
- (c) for an authorisation that states any volumetric limits—the stated volumetric limits;
- (d) the simulated mean annual diversion for the proposed water allocation.

95 Maximum rate for taking water

- (1) The maximum rate at which water may be taken under a water allocation is—
 - (a) for an authorisation that states an authorised activity referring to the capability of a particular pump size to take water—

- (i) for a pump size mentioned in schedule 10, column 1—the rate stated in schedule 10, column 2 for the pump size; or
 - (ii) for a pump size other than a pump size mentioned in schedule 10, column 1—the rate decided by the chief executive having regard to the rates stated for similar pump sizes in schedule 10, column 2; and
 - (b) for an authorisation that does not state an authorised activity referring to the capability of a particular pump size to take water, but for which a related development permit—
 - (i) states a pump size mentioned in schedule 10, column 1—the rate stated in schedule 10, column 2 for the pump size; or
 - (ii) states a pump size other than a pump size mentioned in schedule 10, column 1—the rate decided by the chief executive having regard to the rates stated for similar pump sizes in schedule 10, column 2; and
 - (c) for another authorisation—the rate decided by the chief executive having regard to—
 - (i) the type of authorisation; and
 - (ii) an estimate or measurement of the rate at which water can be taken under the authorisation.
- (2) However, for subsection (1)(a) and (b), if the authorisation holder satisfies the chief executive that the maximum rate at which water can be taken is different from the rate under the subsection, the maximum rate 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 authorised activity or development permit relates (the *existing pump*);

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- (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 associated with the existing pump or the system mentioned in paragraph (c).
- (3) The chief executive must ensure that the total volume that can be taken in a day at the maximum rate for the allocation is not less than the daily volumetric limit under section 96.

96 Daily volumetric limit for a water allocation

- (1) The daily volumetric limit for a water allocation to take unsupplemented water is—
- (a) for an authorisation that states a maximum rate, expressed in litres per second—the volume, expressed in megalitres, calculated by multiplying the stated rate by 0.0864; or
 - (b) for an authorisation that does not state a maximum rate but states an authorised activity referring to the capability of a particular pump size to take water—
 - (i) for a pump size mentioned in schedule 10, column 1—the volume stated in schedule 10, column 3 for the pump size; or
 - (ii) for a pump size other than a pump size mentioned in schedule 10, column 1—the volume decided by the chief executive having regard to the volumes stated for similar pump sizes in schedule 10, column 3; or
 - (c) for an authorisation that does not state a maximum rate or an authorised activity referring to the capability of a particular pump size to take water, but for which a related development permit—

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- (i) states a pump size mentioned in schedule 10, column 1—the volume stated in schedule 10, column 3 for the pump size; or
 - (ii) states a pump size other than a pump size mentioned in schedule 10, column 1—the volume decided by the chief executive having regard to the volumes stated for similar pump sizes in schedule 10, column 3; or
- (d) for another authorisation—the volume decided by the chief executive having regard to—
- (i) the type of authorisation; and
 - (ii) an estimate or measurement of the daily rate at which water can be taken under the authorisation.
- (2) However, for subsection (1)(b) and (c), if the authorisation holder satisfies the chief executive that the water-taking capacity of the pump is different from the daily volumetric limit under the subsection, the daily volumetric limit is the volume 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 authorised activity or 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 associated with the existing pump or the system mentioned in paragraph (c).

97 Annual volumetric limit for a water allocation

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

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- (a) for an authorisation converted to a water allocation belonging to water allocation group Class 0A—the stated volume; or
- (b) for an authorisation converted to a water allocation belonging to water allocation group Class 9A, Class 9B, Class 10A, Class 10B, Class 11A, Class 11B, Class 12A or Class 13A—the volume, expressed in megalitres, calculated by multiplying the daily volumetric limit under section 96, by the number of days stated in schedule 11, column 4 for the water allocation group; or
- (c) for an authorisation converted to a water allocation belonging to water allocation group Class 8A, Class 10C or Class 13C—
 - (i) for an authorisation that states the area that may be irrigated—the volume, expressed in megalitres, calculated by multiplying the area, in hectares, by 6; or
 - (ii) for another authorisation—the volume, expressed in megalitres, calculated by multiplying the daily volumetric limit under section 96, by the number of days stated in schedule 11, column 4 for the water allocation group.

98 Conditions for water allocations

- (1) The chief executive may impose on a water allocation to take unsupplemented water any condition the chief executive is satisfied is necessary to ensure the outcomes of this plan are achieved.
- (2) In deciding the flow conditions under which water may be taken under the allocation, the chief executive must have regard to the conditions stated on the authorisation from which the allocation was converted.

99 Monthly volumetric limit for a water allocation

- (1) A water allocation converted from an authorisation that states an area that may be irrigated may also state a monthly volumetric limit.
- (2) The monthly volumetric limit for the water allocation is the volume decided by the chief executive having regard to the volume of water required for the allocation's intended purpose, but not more than the volume, expressed in megalitres, calculated by multiplying the area, in hectares, by 2.

100 Storing water taken under a water allocation

- (1) This section applies if the chief executive decides to impose a condition on a water allocation that states works that may be used to store the water taken under the allocation.
- (2) In deciding to impose the condition, the chief executive must consider the capacity of any existing overland flow works being used to store the water.

Division 8 Water licences to take water from watercourse, lake or spring

Subdivision 1 Form of water licences to take water from watercourse, lake or spring

101 Elements of water licences to take water from a watercourse, lake or spring

A water licence to take water from a watercourse, lake or spring in the plan area is to state—

- (a) 1 of the following purposes for which the water may be taken under the licence—
 - (i) stock and domestic;

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- (ii) agriculture;
- (iii) any; and
- (b) the maximum rate at which the water may be taken under the licence; and
- (c) the daily volumetric limit for the licence; and
- (d) the nominal entitlement for the licence; and
- (e) the monthly volumetric limit, if any, for the licence; and
- (f) the conditions, if any, for the licence, including flow conditions and conditions for storing water taken under the licence.

Subdivision 2 Criteria for amending water entitlements to achieve plan outcomes

102 Definition for sdiv 2

In this subdivision—

amended water licence means a water licence to take unsupplemented water from a watercourse, lake or spring and amended under section 217 of the Act.

103 Purpose to be stated on a water licence

The purpose stated on an amended water licence is to be—

- (a) if the purpose stated on the water licence before the amendment is stock or domestic—‘stock and domestic’; or
- (b) if the purpose stated on the water licence before the amendment is agriculture, irrigation, stock intensive or a similar purpose—‘agriculture’; or
- (c) otherwise—‘any’.

104 Maximum rate for a water licence

- (1) The maximum rate at which unsupplemented water may be taken under an amended water licence is—
 - (a) for an amended water licence that, before the amendment, stated both a maximum rate, expressed in litres per second, and a daily volumetric limit—the maximum rate stated on the licence before the amendment; or
 - (b) for an amended water licence that, before the amendment, did not state a maximum rate and a daily volumetric limit but stated an authorised activity referring to the capability of a particular pump size to take water—
 - (i) for a pump size mentioned in schedule 10, column 1—the rate stated in schedule 10, column 2 for the pump size; or
 - (ii) for a pump size other than a pump size mentioned in schedule 10, column 1—the rate decided by the chief executive having regard to the rates stated for similar pump sizes in schedule 10, column 2; and
 - (c) for an amended water licence that, before the amendment, did not state a maximum rate and a daily volumetric limit or an authorised activity referring to the capability of a particular pump size to take water, but for which a related development permit—
 - (i) stated a pump size mentioned in schedule 10, column 1—the rate stated in schedule 10, column 2 for the pump size; or
 - (ii) stated a pump size other than a pump size mentioned in schedule 10, column 1—the rate decided by the chief executive having regard to the rates stated for similar pump sizes in schedule 10, column 2; and
 - (d) for another amended water licence—the rate decided by the chief executive having regard to—

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- (i) the type of 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) and (c), if the licence holder satisfies the chief executive that the maximum rate at which water can be taken is different from the rate under the subsection, the maximum rate 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 (the *existing pump*) to which the authorised activity or development permit relates;
 - (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 associated with the existing pump or the system mentioned in paragraph (c).
- (3) The chief executive must ensure that the total volume that could be taken in a day at the maximum rate for the amended water licence is not less than the daily volumetric limit under section 105.

105 Daily volumetric limit for a water licence

- (1) The daily volumetric limit for an amended water licence to take unsupplemented water is—
 - (a) for an amended water licence that, before the amendment, stated the volume of water that may be taken in a day—the daily volume stated on the licence before the amendment; or
 - (b) for an amended water licence that, before the amendment, did not state a volume of water that may be taken in a day but stated a maximum rate, expressed in litres per second—the volume, expressed in megalitres,

- calculated by multiplying the stated maximum rate by 0.0864; or
- (c) for an amended water licence that, before the amendment, did not state a volume of water that may be taken in a day or a maximum rate but stated an authorised activity referring to the capability of a particular pump size to take water—
 - (i) for a pump size mentioned in schedule 10, column 1—the volume stated in schedule 10, column 3 for the pump size; or
 - (ii) for a pump size other than a pump size mentioned in schedule 10, column 1—the volume decided by the chief executive having regard to the volumes stated for similar pump sizes in schedule 10, column 3; or
 - (d) for an amended water licence that, before the amendment, did not state a volume of water that may be taken in a day or a maximum rate or an authorised activity referring to the capability of a particular pump size to take water, but for which a related development permit—
 - (i) stated a pump size mentioned in schedule 10, column 1—the volume stated in schedule 10, column 3 for the pump size; or
 - (ii) stated a pump size other than a pump size mentioned in schedule 10, column 1—the volume decided by the chief executive having regard to the volumes stated for similar pump sizes in schedule 10, column 3; or
 - (e) for another amended water licence—the volume decided by the chief executive having regard to—
 - (i) the type of licence; and
 - (ii) an estimate or measurement of the daily rate at which water can be taken under the licence.

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- (2) However, for subsection (1)(c) and (d), if the licence holder satisfies the chief executive that the water-taking capacity of the pump is different from the daily volumetric limit under the subsection, the daily volumetric limit is the volume 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 (the *existing pump*) to which the authorised activity or development permit relates 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 associated with the existing pump or the system mentioned in paragraph (c).

106 Nominal entitlement for a water licence

The nominal entitlement for an amended water licence to take unsupplemented water is—

- (a) for an amended water licence that, before the amendment, stated the volume of water that may be taken in a 12-month period—the stated volume; or
- (b) for an amended water licence that, before the amendment, stated an area that may be irrigated—
 - (i) 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, expressed in hectares, by 6; or
 - (ii) if the chief executive is satisfied that the amount under subparagraph (i) is not sufficient, the volume decided by the chief executive having regard to the following—

-
- (A) the volume required for the licence's intended purpose;
 - (B) 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;
 - (C) the efficiency of the use of the water mentioned in sub-subparagraph (B); or
- (c) otherwise—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 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).

107 Monthly volumetric limit for a water licence

- (1) This section applies to an amended water licence that, before the amendment, stated an area that may be irrigated.
- (2) The monthly volumetric limit for the amended water licence is 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, expressed in hectares, by 2.

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108 Conditions for water licences

In deciding the conditions, including flow conditions under which water may be taken under an amended water licence, the chief executive must consider the conditions stated on the water licence being amended.

109 Storing water taken under a water licence

- (1) This section applies if the chief executive decides to impose a condition on an amended water licence that states the works that may be used to store the water taken under the licence.
- (2) In deciding to impose the condition, the chief executive must consider the capacity of any existing overland flow works being used to store the water.

Division 9 Regulating overland flow water

110 Limitation on taking overland flow water—Act, s 20(2)

- (1) This section limits the overland flow water that may be taken under section 20(2) of the Act.
- (2) A person may only take overland flow water—
 - (a) for stock or domestic purposes; or
 - (b) for another purpose, if the works that allow the taking of overland flow water have a capacity of not more than the following—
 - (i) for works located in the Downstream of Fitzroy Barrage subcatchment area—5ML;
 - (ii) otherwise—50ML; or
 - (c) under a water licence; or
 - (d) of not more than the volume necessary to satisfy the requirements of the following—

-
- (i) an environmental authority issued under the *Environmental Protection Act 1994*;
 - (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) that is contaminated agricultural runoff water; or
 - (f) that is incidental to the operation of a storage facility constructed to store coal seam gas water for which an entity holds an approval under the *Waste Reduction and Recycling Act 2011*, chapter 8; or
 - (g) that is incidental to the operation of a storage facility located outside the Downstream of Fitzroy Barrage subcatchment area and constructed to store water other than overland flow water on a catchment of not more than 250 hectares; or
 - (h) under section 111.
- (3) In this section—
- coal seam gas water*** see the *Environmental Protection Act 1994*, section 310D(7).
- contaminated agricultural runoff water*** means overland flow water that contains, or is likely to contain, excess nutrients or farm chemicals at levels potentially harmful to the quality of water in a watercourse.

111 Taking water using particular existing overland flow works authorised

- (1) This section applies to the following—
 - (a) a person (the ***prescribed person***) who is the owner of land on which are located existing overland flow works, other than prescribed works;
 - (b) the holder (the ***prescribed tenure holder***) of—

[s 111]

- (i) a mining tenement for land on which are located existing overland flow works, other than prescribed works, for taking overland flow water for activities authorised under the mining tenement; or
 - (ii) a petroleum tenure for land on which are located existing overland flow works, other than prescribed works, for taking overland flow water for activities authorised under the petroleum tenure.
- (2) A prescribed tenure holder may continue to use the overland flow works mentioned in subsection (1)(b) to take overland flow water for 1 year after the commencement of this section.
- (3) Subsection (4) applies if a prescribed person or prescribed tenure holder—
 - (a) gives the chief executive notice of the overland flow works mentioned in subsection (1)(a) or (b), in the approved form, and any further information required by the chief executive about the works; or
 - (b) gave notice of the overland flow works mentioned in subsection (1)(a) or (b) under section 28D of the previous plan.
- (4) The prescribed person or prescribed tenure holder may continue to use the overland flow works to take overland flow water—
 - (a) after the prescribed person or prescribed tenure holder gives the notice and information mentioned in subsection (3)(a); or
 - (b) if the prescribed person gave notice under section 28D of the previous plan—from the commencement of this plan.
- (5) In this section—

mining tenement see the *Mineral Resources Act 1989*.

prescribed works means existing overland flow works for taking only the overland flow water that may be taken under section 110(2)(a) to (g).

112 Granting water licences under the resource operations plan

- (1) This section applies if the resource operations plan states a process for granting, under section 212 of the Act, a water licence to replace an authority under section 111.
- (2) Under the process, 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 using the works during the period, of not more than 10 years, immediately before the commencement of this plan; and
 - (b) may consider the extent to which the works, immediately before the commencement of this plan, 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 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.
- (5) In this section—

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registered professional engineer means a person registered as a registered professional engineer under the *Professional Engineers Act 2002*.

113 Water licences to take overland flow water

A water licence to take overland flow water is to state—

- (a) 1 of the following purposes for which water may be taken under the licence—
 - (i) agriculture;
 - (ii) any; and
- (b) at least 1 of the following—
 - (i) the maximum rate at which water may be taken under the licence;
 - (ii) the daily volumetric limit for the licence;
 - (iii) the nominal entitlement for the licence;
 - (iv) the maximum volume of water that may be stored under the licence; and
- (c) the conditions, if any, for the licence.

114 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) existing overland flow works mentioned in section 111;

- (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; or
 - (b) works mentioned in section 110(2)(b);
 - (c) works for taking only the overland flow water mentioned in section 110(2)(d).

Part 3 Additional strategies for groundwater

Division 1 Preliminary

115 Application and purpose of pt 3

This part—

- (a) applies only to groundwater in a groundwater management area; and
- (b) states the strategies for achieving the outcomes mentioned in chapter 3.

116 Limitation on taking or interfering with groundwater—Act, s 20(2)

- (1) This section limits the groundwater that may be taken or interfered with under section 20(2) of the Act.
- (2) A person may only take or interfere with groundwater in a groundwater management area—

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- (a) under a water permit; or
- (b) under a water licence; or
- (c) under an interim water allocation; or
- (d) under a water allocation; or
- (e) under section 124; or
- (f) for stock or domestic purposes.

117 Relationship with Sustainable Planning Act 2009

- (1) In the Carnarvon groundwater management area—
 - (a) works for taking groundwater are assessable development for the *Sustainable Planning Regulation 2009*, schedule 3, part 1, table 4, item 3(c)(ii); and
 - (b) a water bore constructed to replace a bore for which a development permit is held or, under section 1048A of the Act, is taken to be held, are self-assessable development for the *Sustainable Planning Regulation 2009*, schedule 3, part 2, table 4, item 1(b)(ii).
- (2) In a groundwater management area other than the Carnarvon groundwater management area—
 - (a) works for taking groundwater for a purpose 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(b)(ii); and
 - (c) a water bore constructed to replace existing works mentioned in section 124 are self-assessable development for the *Sustainable Planning Regulation 2009*, schedule 3, part 2, table 4, item 1(b)(ii).

(3) However, subsections (1) and (2) do not apply to any of the following works—

- (a) a water bore used for monitoring the physical, chemical or biological characteristics of subartesian water in an aquifer;

Examples of physical characteristics of subartesian water—

standing water level, water discharge rate, water pressure

- (b) a water bore for determining the sustainable extraction rate of subartesian water for an aquifer;
- (c) a water bore for taking subartesian water for stock or domestic purposes;
- (d) a water bore, for taking subartesian water for a purpose other than a stock or domestic purpose, that is not constructed, erected or installed within—
 - (i) 200m of a boundary of a parcel of land or a watercourse; or
 - (ii) 400m of another water bore;
- (e) a replacement water bore.

(4) In this section—

previous bore means a water bore used for the taking of, or interfering with, water—

- (a) for which a development permit was held or, under section 1048A of the Act, was taken to be held; or
- (b) which, under the *Sustainable Planning Act 2009*, section 681(1), was taken to be a lawful use of the premises in which the previous bore was constructed, installed or erected.

replacement water bore means a water bore that—

- (a) is constructed, installed or erected—
 - (i) to replace a previous bore; and

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- (ii) within 10m of the location of the previous bore;
and
- (b) taps the same aquifer tapped by the previous bore.

Division 2 Water licences to take groundwater

Subdivision 1 General

118 Elements of water licences

- (1) A water licence to take groundwater is to state the following—
 - (a) 1 of the following purposes for which the water may be taken under the licence—
 - (i) agriculture;
 - (ii) any;
 - (b) the nominal entitlement for the licence;
 - (c) the conditions, if any, for the licence.
- (2) However, subsection (1) does not apply to a licence for mine dewatering granted under section 206 of the Act.

Subdivision 2 Criteria for amending water entitlements to achieve plan outcomes

119 Definition for sdiv 2

In this subdivision—

amended water licence means a water licence to take groundwater and amended under section 217 of the Act.

120 Purpose to be stated on a water licence

The purpose stated on an amended water licence is to be—

- (a) if the purpose stated on the water licence is agriculture, irrigation, stock intensive or a similar purpose—‘agriculture’; or
- (b) otherwise—‘any’.

121 Nominal entitlement for a water licence

- (1) The nominal entitlement for an amended water licence relating to water in the Upper Callide groundwater sub-area or the Prospect Creek groundwater sub-area is the nominal entitlement decided by the chief executive under section 140.
- (2) The nominal entitlement for an amended water licence relating to water in the Fitzroy Basin other than a licence mentioned in subsection (1) is—
 - (a) for a water licence that, before the amendment, states the volume of water that may be taken in a 12-month period—the stated volume; and
 - (b) otherwise—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 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).

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122 Conditions for water licences

In deciding the conditions under which water may be taken under an amended water licence, the chief executive must consider the conditions stated on the water licence being amended.

Subdivision 3 Dealing with particular existing groundwater works

123 Definition for sdiv 3

In this subdivision—

prescribed existing groundwater works means works the chief executive is satisfied were used or capable of being used to take groundwater for a purpose, other than stock or domestic purposes, from the—

- (a) Isaac Connors Groundwater Unit 1 in the Isaac Connors groundwater notification area and the works were in existence on 15 December 2006; or
- (b) Isaac Connors Groundwater Unit 2 in the Isaac Connors groundwater notification area and the works were in existence on 14 December 2010; or
- (c) Callide groundwater notification area and the works were in existence on 14 December 2010.

124 Taking groundwater using prescribed existing groundwater works

- (1) This section applies to an owner of land on which there are prescribed existing groundwater works.
- (2) The owner may continue to take groundwater using the works for 1 year after the commencement of this plan.

- (3) If the owner gives the chief executive notice in the approved form of the works, the owner may continue to take groundwater using the works.
- (4) However, an authorisation under this section ceases to apply to an owner in relation to prescribed existing groundwater works if the owner is granted a water licence relating to the works.

125 Granting water licences for using prescribed existing groundwater works

- (1) The chief executive may, under section 212 of the Act, grant a water licence to a person authorised under section 124(3) to continue taking groundwater.
- (2) The licence must be consistent with this part.

126 Nominal entitlements for authorisations

- (1) This section applies if the chief executive decides the nominal entitlement for a water licence mentioned in section 125.
- (2) The nominal entitlement is to be the estimated volume to take groundwater for the entitlement.
- (3) However, if the chief executive is satisfied the volume (a *higher volume*) of groundwater taken during the relevant period is more than the estimated volume, having regard to the following, the chief executive may decide a nominal entitlement that is more than the estimated volume—
 - (a) the efficiency of the use of the groundwater mentioned in paragraph (c) or (d);
 - (b) the availability of groundwater in the aquifer to which the works relate;
 - (c) the availability of other water sources in the area to which the entitlement relates;
 - (d) the density of water bores for taking groundwater in the area to which the entitlement relates.

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- (4) In considering whether a higher volume of groundwater was taken during the relevant period, the chief executive must consider each of the following—
- (a) the water-taking capacity of the prescribed existing groundwater works as at the commencement of this plan;
 - (b) the number of hours the works were operated during the relevant period;
 - (c) for works for irrigation purposes—the volume of groundwater estimated by the chief executive to have been taken during the relevant period for irrigating crops grown during the period;
 - (d) for works for a purpose other than irrigation purposes—the volume of groundwater estimated by the chief executive to have been taken during the relevant period for the purpose.
- (5) Subsections (3) and (4) do not limit the matters the chief executive may consider.
- (6) In this section—
- capacity**, of prescribed existing groundwater works, means—
- (a) if the water bore for the works has a design pumping rate only—the design pumping rate for the bore; or
 - (b) if the works have an equipped rate only—the equipped rate for the works; or
 - (c) if the works have a design pumping rate and an equipped rate—the lesser of the design pumping rate and the equipped rate.
- design pumping rate**, for a water bore, means the pumping rate—
- (a) at which the bore can be pumped without causing the bore's pump to break suction; and

- (b) estimated from an analysis of a pumping test based on the drawdown available in the bore above the pump inlet that would sustain pumping for 70 consecutive days.

equipped rate, for prescribed existing groundwater works, means the rate at which pumping equipment installed on the works can be pumped for the purposes for which the works are used.

estimated volume, to take groundwater for a water entitlement, means the lesser of the following—

- (a) the volume worked out by multiplying the capacity of the prescribed existing groundwater works by the number of hours, that must not be more than 2000 hours, the chief executive decides having regard to—
- (i) the efficiency of the use of groundwater using the works during the relevant period; and
 - (ii) the availability of other water sources in the area to which the entitlement relates;
- (b) the volume of groundwater taken using the prescribed existing groundwater works for irrigation purposes during the relevant period, if the volume is not more than 6ML of water for each hectare of property.

relevant period means each 1 year during the period of not more than 10 years immediately before the commencement of this plan.

Division 3 Converting authorisations to water allocations to take unsupplemented groundwater

127 Purpose of div 3

This division states strategies for authorisations to be converted, under section 121 of the Act, to water allocations

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to take unsupplemented groundwater under the resource operations plan.

128 Definition for div 3

In this division—

previous authorisation means an authorisation mentioned in section 127.

129 Authorisations to be converted to water allocations

The authorisations to be converted to water allocations to take unsupplemented groundwater are water licences for taking groundwater from the Lower Callide groundwater sub-area other than water licences for taking water for stock or domestic purposes.

130 Elements of water allocations

A water allocation to take unsupplemented groundwater is to state the following—

- (a) the location from which water may be taken under the allocation;
- (b) the purpose for which water may be taken under the allocation;
- (c) the nominal volume for the allocation;
- (d) the annual volumetric limit for the allocation;
- (e) the water allocation group to which the allocation belongs;
- (f) the conditions under which water may be taken under an allocation;
- (g) the groundwater management area that includes the location from which groundwater may be taken under the allocation.

131 Location for taking water under a water allocation

The location for taking water to be stated on a water allocation to take unsupplemented groundwater is to include the place at which water could have been taken under the previous authorisation.

132 Purpose to be stated on a water allocation

The purpose to be stated on a water allocation to take unsupplemented groundwater is to be—

- (a) if the purpose stated on the previous authorisation is irrigation, stock intensive, agriculture or a similar purpose—‘agriculture’; or
- (b) otherwise—‘any’.

133 Nominal volume for a water allocation

In deciding the nominal volume for a water allocation to take unsupplemented groundwater, the chief executive must have regard to the following—

- (a) the local availability of groundwater;
- (b) the conditions under which groundwater may be taken under the previous authorisation;
- (c) the annual volumetric limit for the proposed water allocation;
- (d) the simulated mean annual diversion for the proposed water allocation.

134 Annual volumetric limit for a water allocation

The annual volumetric limit for a water allocation to take unsupplemented groundwater is the annual volumetric limit decided by the chief executive under section 140.

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135 Water allocation groups

A water allocation to take unsupplemented groundwater from Lower Callide groundwater sub-area belongs to the following water allocation groups—

- (a) for a water allocation converted from water authorisation 43919D or 68856D—the GW1A water allocation group;
- (b) for all other water allocations—the GW1B water allocation group.

136 Conditions for water allocations

In deciding the conditions under which groundwater may be taken under a water allocation, the chief executive must have regard to the conditions stated on the previous authorisation, or a development permit relating to the previous authorisation.

Division 4 Nominal entitlements for amended water licences and nominal volumes and annual volumetric limits for new groundwater allocations

137 Application of div 4

This division applies to the following—

- (a) an interim water allocation mentioned in section 51 converted under section 121 of the Act to a water allocation to take supplemented water and belonging to the medium priority group as stated on the interim resource operations licence;
- (b) a water licence mentioned in section 121(1) amended under section 217 of the Act;

-
- (c) an authorisation mentioned in section 129 converted under section 121 of the Act to a water allocation to take unsupplemented groundwater.

138 Purpose of div 4

The purpose of this division is to provide for the following—

- (a) for a water allocation mentioned in section 137(a)—the nominal volume for the water allocation;
- (b) for a water licence mentioned in section 137(b)—the nominal entitlement for the water licence;
- (c) for a water allocation mentioned in section 137(c)—the annual volumetric limit for the water allocation.

139 Definitions for div 4

In this division—

2010 authorisation means a prescribed authorisation in existence on 1 July 2010.

2010 authorisation volume, for a 2010 authorisation, see section 142.

accounted use means the volume of water, taken by a water user in a water year, decided by the chief executive having regard to all available information, including information from water accounts.

amending authorisation means a water licence mentioned in section 121(1).

annual adjusted use volume, for a 2010 authorisation, see section 143(1).

carry over means a volume of water, not taken in a water year, that was authorised to be taken in the following water year.

converting authorisation means—

- (a) an interim water allocation mentioned in section 51; and

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(b) an authorisation mentioned in section 129.

deemed use, for an authorisation, means the volume of water deemed to have been taken in a water year under the authorisation.

forward draw means a volume of water, for a water year, that was authorised to be taken in the previous water year.

HOU consideration period means the period from 1 July 1997 to 30 June 2010.

pre-2010 contributing authorisation means a prescribed authorisation that contributed the whole or part of its nominal entitlement to a 2010 authorisation as a result of subdivision or amalgamation, or a series of subdivisions or amalgamations.

Examples—

- Authorisation A is a 2010 authorisation, and is the result of the amalgamation of authorisation B and C. Authorisations B and C are pre-2010 contributing authorisations to authorisation A.
- Authorisations D and E are 2010 authorisations, and each is the result of the subdivision of authorisation F. Authorisation F is a pre-2010 contributing authorisation for authorisation D and authorisation E.

preliminary volume means each of the following determined under section 141—

- (a) the preliminary nominal volume for a supplemented water allocation;
- (b) the preliminary nominal entitlement for a water licence;
- (c) the preliminary annual volumetric limit for an unsupplemented water allocation.

prescribed authorisation means a medium priority interim water allocation or a water licence to take groundwater that existed at any time between 1 July 1997 and the day the resource operations plan is amended to convert the interim water allocations or authorisations mentioned in section 137.

water accounts means the records of water taken from the Upper Callide, Lower Callide and Prospect Creek groundwater sub-areas and the Callide Valley Water Supply Scheme, as recorded in the department's, and interim resource operations licence holder's, water accounting systems.

water year means a 12-month period beginning on 1 July.

140 Nominal entitlement for an amended water licence or nominal volume or annual volumetric limit for a water allocation

- (1) A water allocation mentioned in section 137(a) is to have a nominal volume for the allocation.
- (2) The nominal volume for the water allocation is the total of—
 - (a) the preliminary nominal volume for the water allocation determined under section 141; and
 - (b) any additional nominal volume for the water allocation determined under section 145.
- (3) A water licence mentioned in 137(b) is to have a nominal entitlement for the water licence.
- (4) The nominal entitlement for the water licence is the total of—
 - (a) the preliminary nominal entitlement for the water licence under section 141; and
 - (b) any additional nominal entitlement for the water licence determined under section 145.
- (5) A water allocation mentioned in section 137(c) is to have an annual volumetric limit for the allocation.
- (6) The annual volumetric limit for the water allocation is the total of—
 - (a) the preliminary annual volumetric limit for the water allocation determined under section 141; and
 - (b) any additional annual volumetric limit for the water allocation determined under section 145.

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141 Preliminary nominal volume, nominal entitlement or annual volumetric limit

- (1) The preliminary nominal volume for a supplemented water allocation, preliminary nominal entitlement for a water licence or preliminary annual volumetric limit for an unsupplemented water allocation is equal to—
 - (a) for a converting authorisation or amending authorisation that is a 2010 authorisation that has not been subdivided, or amalgamated with another authorisation, after 1 July 2010—the lesser of—
 - (i) the nominal entitlement of the converting authorisation or amending authorisation; and
 - (ii) the 2010 authorisation volume plus 5ML; or
 - (b) otherwise—the lesser of—
 - (i) the nominal entitlement of the converting authorisation or amending authorisation; and
 - (ii) the volume calculated by the chief executive using the beneficial volumes of the post-2010 contributing authorisations that contributed to the nominal entitlement of the converting authorisation or amending authorisation.
- (2) When calculating the volume under subsection (1)(b)(ii), the chief executive must—
 - (a) for a post-2010 contributing authorisation in existence on 14 December 2010—include an additional 5ML in the beneficial volume; and
 - (b) if a post-2010 contributing authorisation is subdivided—apportion the beneficial volume of the subdivided authorisation between the authorisations resulting from the subdivision in the same ratio as the nominal entitlement was apportioned between the resulting authorisations; and

-
- (c) if a post-2010 contributing authorisation is amalgamated—add the beneficial volumes of the authorisations that have been amalgamated.

(3) In this section—

beneficial volume, of a post-2010 contributing authorisation, means the volume, derived from a 2010 authorisation volume, of the post-2010 contributing authorisation as a result of the subdivision or amalgamation of—

- (a) a 2010 authorisation; or
(b) another post-2010 contributing authorisation.

Note—

The volume is not the nominal entitlement for an authorisation.

post-2010 contributing authorisation means a prescribed authorisation in existence on or after 1 July 2010, including a 2010 authorisation, that contributes, as a result of subdivision or amalgamation, or a series of subdivisions or amalgamations, to the nominal entitlement of a converting authorisation or amending authorisation.

Examples—

- Authorisation A is the result of the amalgamation of authorisations B and C. Authorisations B and C are post-2010 contributing authorisations to authorisation A.
- Authorisations D and E are each the result of the subdivision of authorisation F. Authorisation F is a post-2010 contributing authorisation for authorisation D and authorisation E.

142 2010 authorisation volume

The volume (the **2010 authorisation volume**) for a 2010 authorisation is the mean, rounded up to the nearest megalitre, of the five largest annual adjusted use volumes for the 2010 authorisation.

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143 Annual adjusted use volume

- (1) The *annual adjusted use volume* for a 2010 authorisation for each water year in the HOU consideration period is equal to—
 - (a) for a 2010 authorisation not affected by a subdivision or amalgamation of an authorisation during the HOU consideration period—the deemed use for the 2010 authorisation for the water year as adjusted under subsection (2); or
 - (b) otherwise—the sum of the deemed use for each pre-2010 contributing authorisation in existence on the last day of the water year as adjusted under subsections (2) and (3).
- (2) The deemed use for an authorisation for each water year is adjusted in the following way—
 - (a) any deemed use for the authorisation up to the amount of the announced allocation volume for the authorisation is to be attributed to the particular water year;
 - (b) after adjusting the deemed use under paragraph (a), any remaining deemed use for the authorisation up to the volume taken under a carry over is to be attributed to the water year from which the carry over was derived;
 - (c) after adjusting the deemed use under paragraph (b), any remaining deemed use for the authorisation up to the volume taken under a forward draw is to be attributed to the water year from which the forward draw was derived.
- (3) In addition to the adjustment under subsection (2), the deemed use for an authorisation is adjusted to account for any amalgamation or subdivision of authorisations as follows—
 - (a) when adjusting for the amalgamation of authorisations—add the deemed use from all authorisations contributing to the amalgamation;
 - (b) when adjusting for the subdivision of an authorisation—apportion the deemed use between the

resulting authorisations in the same ratio as the nominal entitlement of the subdivided authorisation was apportioned to the resulting authorisations.

(4) In this section—

announced allocation volume, for an authorisation, means the volume of water authorised to be taken in a water year under the authorisation, not including any carry over or forward draw.

144 Deemed use for an authorisation

(1) The deemed use for each 2010 authorisation and pre-2010 contributing authorisation is to be calculated by the chief executive for each water year in the HOU consideration period.

(2) In calculating the deemed use for an authorisation, the chief executive must—

(a) consider the accounted use for all water users in the Upper Callide, Lower Callide and Prospect Creek groundwater sub-areas and Callide Valley Water Supply Scheme; and

(b) consider the volumes of water taken under a seasonal water assignment or temporary transfer arrangement; and

(c) disregard the volumes of water considered to be taken under a stock or domestic accounting arrangement; and

(d) disregard any volume of water taken that the chief executive is satisfied was not authorised to be taken under the authorisation.

(3) In this section—

stock or domestic accounting arrangement means an arrangement that allows for a particular volume of water taken to be considered as water taken for stock or domestic purposes.

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temporary transfer arrangement means an arrangement that had the same effect as seasonal water assignment and was implemented prior to the commencement of the *Water Act 2000*.

145 **Additional nominal volume, nominal entitlement or annual volumetric limit**

- (1) This section applies if—
 - (a) the holder of a converting authorisation or an amending authorisation (each a *relevant authorisation*) makes a submission under the Act, section 100(2)—
 - (i) about the draft resource operations plan; and
 - (ii) including details about why the preliminary volume for the relevant authorisation is not sufficient for the potential productive capacity of the holder's enterprise; and
 - (b) after considering the submission, the chief executive is satisfied the preliminary volume is not sufficient for the potential productive capacity of the holder's enterprise.
- (2) If the relevant limitation criteria applies, the chief executive may decide an additional nominal volume for a supplemented water allocation, an additional nominal entitlement for a water licence or an additional annual volumetric limit for an unsupplemented water allocation (each an *additional volume*).
- (3) In deciding the additional volume for a relevant authorisation, the chief executive must consider—
 - (a) a submission about the authorisation mentioned in subsection (1)(a); and
 - (b) the nominal entitlement of the relevant authorisation; and
 - (c) the preliminary volume for the relevant authorisation as determined under section 141; and

-
- (d) the extent to which the potential productive capacity of the holder's enterprise—
 - (i) is dependent on groundwater; and
 - (ii) includes the efficient use of groundwater; and
 - (e) the local availability of groundwater; and
 - (f) the relevant limitation criteria.
- (4) Also, the chief executive must ensure—
- (a) the total of the preliminary volume and additional volume for the relevant authorisation does not exceed the nominal entitlement of the relevant authorisation; and
 - (b) the additional volume is not more than is reasonably necessary for the potential productive capacity of the holder's enterprise; and
 - (c) the total of all of the preliminary volumes and the additional volumes for all relevant authorisations for the water supply scheme or each groundwater sub-area does not exceed—
 - (i) for the Callide Valley Water Supply Scheme—14500ML; and
 - (ii) for the Upper Callide and Prospect Creek groundwater sub-areas—2500ML; and
 - (iii) for the Lower Callide groundwater sub-area—6000ML.
- (5) Subsection (3) does not limit the matters the chief executive may consider.
- (6) In this section—
- enterprise*, for a holder of a relevant authorisation, means an activity undertaken by the holder of the relevant authorisation for the purpose stated on the authorisation, whether or not undertaken for commercial gain.

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potential productive capacity, of the holder's enterprise, means the potential volume of product that may have been produced as at 14 December 2010, regardless of the actual volume of product that may have been produced as at 14 December 2010.

relevant limitation criteria means—

- (a) for a converting authorisation in the Callide Valley Water Supply Scheme—the total of the preliminary nominal volumes for all converting authorisations in the Callide Valley Water Supply Scheme does not exceed 14500ML; and
- (b) for an amending authorisation in the Upper Callide and Prospect Creek groundwater sub-areas—the total of the preliminary nominal entitlements for all amending authorisations in the Upper Callide and Prospect Creek groundwater sub-areas does not exceed 2500ML; and
- (c) for a converting authorisation in the Lower Callide groundwater sub-area—the total of the preliminary annual volumetric limits for all converting authorisations in the Lower Callide groundwater sub-area does not exceed 6000ML.

Chapter 6 Monitoring and reporting requirements

146 Monitoring

- (1) The monitoring requirements for this plan are—
 - (a) water monitoring for—
 - (i) stream flows; and
 - (ii) taking and diverting water; and
 - (iii) releases from water storages; and

-
- (iv) water quantity for water storages, including inflow, storage volume or level and outflow; and
 - (v) groundwater levels.
 - (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) groundwater developments, including records of water bores drilled; and
 - (d) existing overland flow works of which the chief executive is notified under section 111(3); and
 - (e) 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) other monitoring programs considered by the chief executive to be relevant to the matters mentioned in subsection (1).

147 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.

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148 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 information obtained by the monitoring programs mentioned in section 147;
 - (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) restricting the taking or supply of water;
 - (iv) infrastructure modifications or installations;
 - (c) information about any noncompliance 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.

149 Minister's report on plan—Act, s 53

- (1) The Minister's report on this plan must be prepared—
 - (a) for each financial year this plan is in force; and
 - (b) 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 152, 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.

Chapter 7 Implementing and amending this plan

150 Implementation schedule

- (1) This section states the proposed arrangements for implementing this plan.
- (2) Within 3 years after the commencement of this plan, it is proposed to include in the resource operations plan—
 - (a) a process to grant, or convert authorisations to, water allocations to take water in all of the priority areas; and
 - (b) a process to amend water licences in the Upper Callide and Prospect Creek groundwater sub-areas; and

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- (c) a process to amend existing unsupplemented water allocations established under the previous plan; and
 - (d) for water in the Callide Valley Water Supply Scheme—environmental management rules, infrastructure operating rules, water sharing rules, water allocation change rules and seasonal water assignment rules; and
 - (e) a process to grant licences to take groundwater in the Callide groundwater notification area and the Isaac Connors groundwater notification area; and
 - (f) a process to deal with unallocated water available for future water requirements in the plan area; and
 - (g) a process for granting water licences for taking overland flow water; and
 - (h) provisions to implement the monitoring requirements mentioned in chapter 6.
- (3) In this section—
- priority area*** means each of the following—
- (a) the Callide Valley Water Supply Scheme;
 - (b) the Lower Callide groundwater sub-area;
 - (c) the following parts of the Fitzroy Basin—
 - (i) the Nogoia River from the upstream limit of Fairbairn Dam at AMTD 737.5km to its junction with Theresa Creek;
 - (ii) Theresa Creek from its junction with Retreat Creek at AMTD 15.0km to its junction with the Nogoia River;
 - (iii) Retreat Creek, including anabranches, from its junction with Kettle Creek at AMTD 23.6km to its junction with Theresa Creek;
 - (iv) the Comet River, including anabranches, from Lake Brown gauging station AMTD 199.2km to its junction with the Nogoia River;

- (v) the Dawson River from the upstream limit of Glebe Weir at AMTD 356.5km to its junction with the Mackenzie River, including sections of tributaries where Dawson River flows are accessible;
- (vi) the Dawson River from Utopia Downs gauging station at AMTD 453.5km to the upstream limit of Glebe Weir at AMTD 356.5km, including sections of tributaries where Dawson River flows are accessible.

151 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—
 - (i) the outcomes mentioned in chapter 3; or
 - (ii) the water allocation security objectives mentioned in chapter 4, part 2;
- (b) an amendment or addition of a water allocation security objective if the amendment or addition does not adversely affect—
 - (i) the outcomes mentioned in chapter 3; or
 - (ii) the environmental flow objectives mentioned in chapter 4, part 1;
- (c) an amendment or addition of a node;
- (d) an amendment to subdivide a subcatchment area;
- (e) an amendment to adjust the boundaries of a groundwater management area and groundwater sub-area if more accurate information about the boundaries of the plan area or hydrological characteristics of the plan area becomes available;
- (f) an amendment or addition of a priority group;

[s 152]

- (g) an amendment or addition of a water allocation group;
- (h) an amendment of the capacity of works to take overland flow water mentioned in section 110(2)(b);
- (i) an amendment or addition of a monitoring or reporting requirement under chapter 6.

152 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 12—
 - (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
 - (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 time frame in which additional water will be required; and
 - (ii) there are economically viable and ecologically sustainable uses for additional water; or
- (b) any of the following are not being achieved—
 - (i) the specific surface water and groundwater outcomes under section 13;

- (ii) the general ecological outcomes under section 14;
- (iii) the specific ecological outcomes under section 15.

Chapter 8 Repeal

153 Repeal

The Water Resources (Fitzroy Basin) Plan 1999, SL No. 342 of 2003 is repealed.

Schedule 1 Plan area

section 4



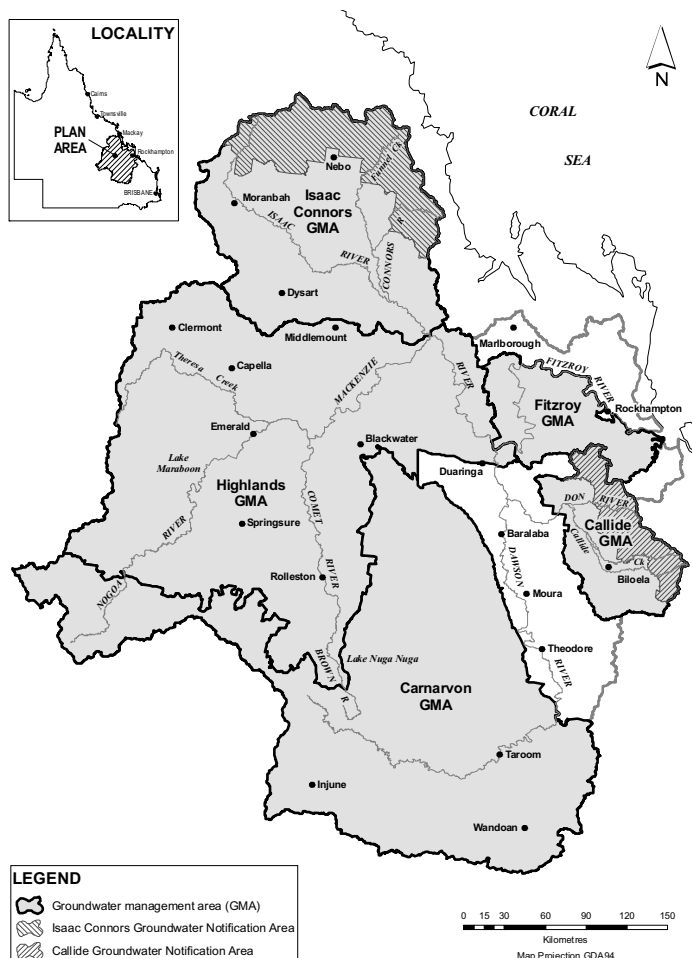
Schedule 2 Subcatchment areas

sections 5 and 33(1)(b)



Schedule 3 Groundwater management areas

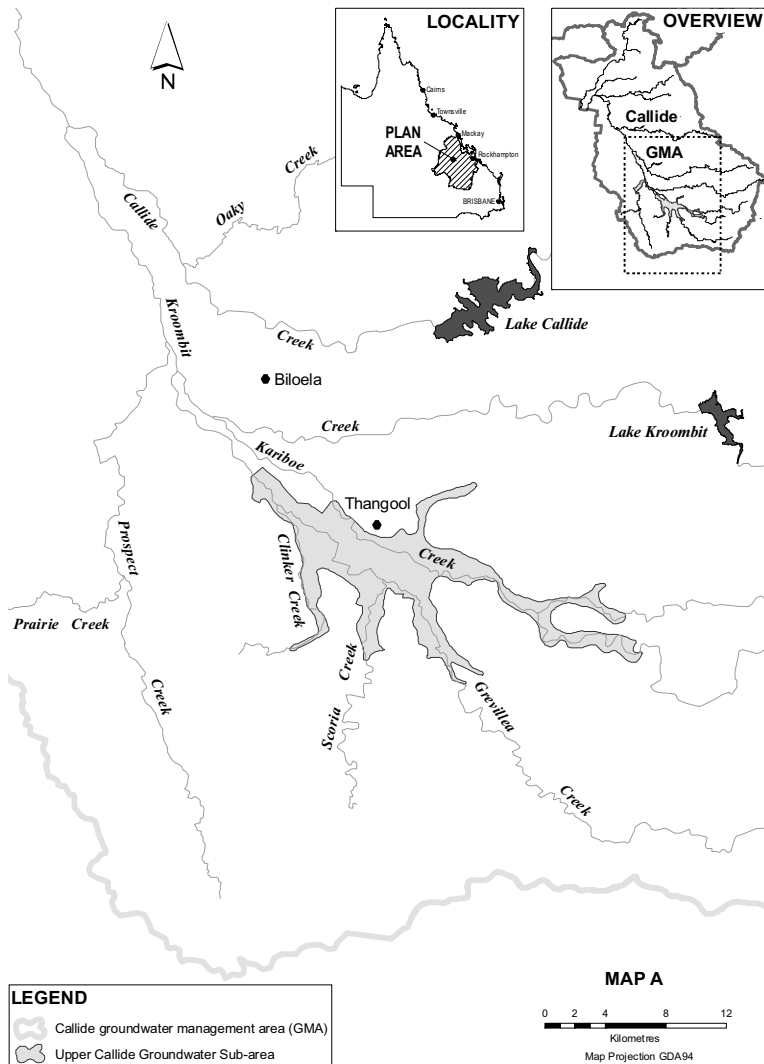
section 6, schedule 13, definitions *Callide groundwater notification area* and *Isaac Connors groundwater notification area*



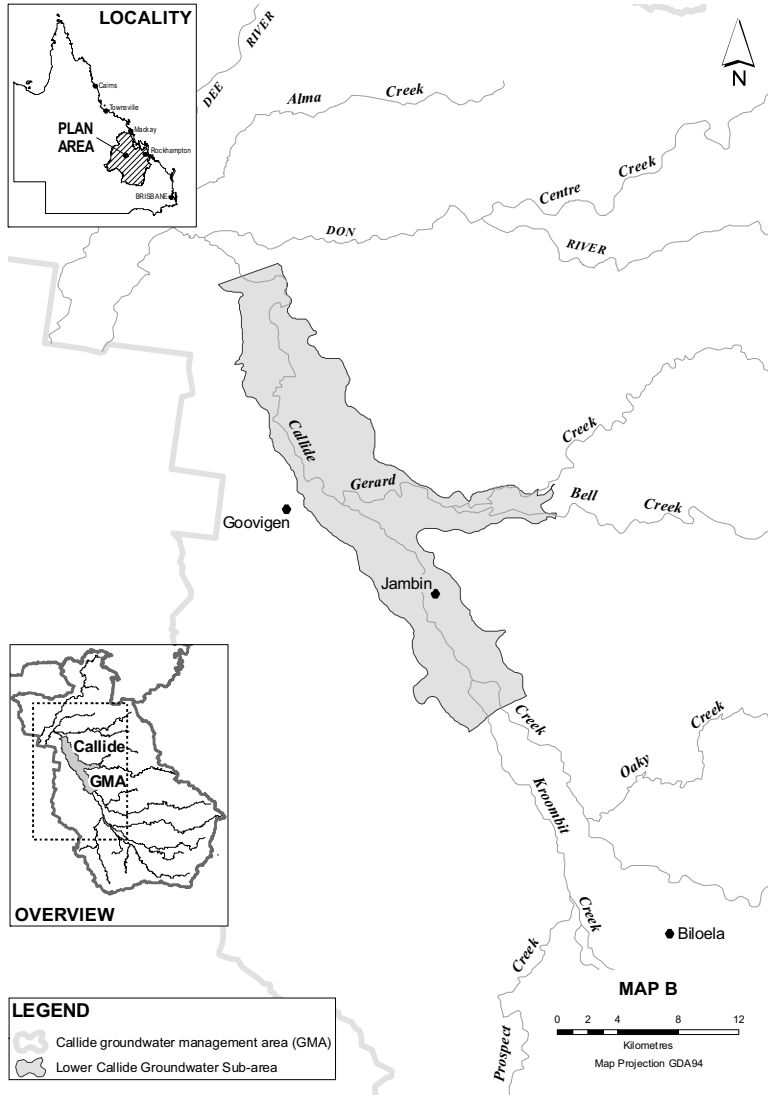
Schedule 4 Groundwater sub-areas

section 7(2), (4) and (6)

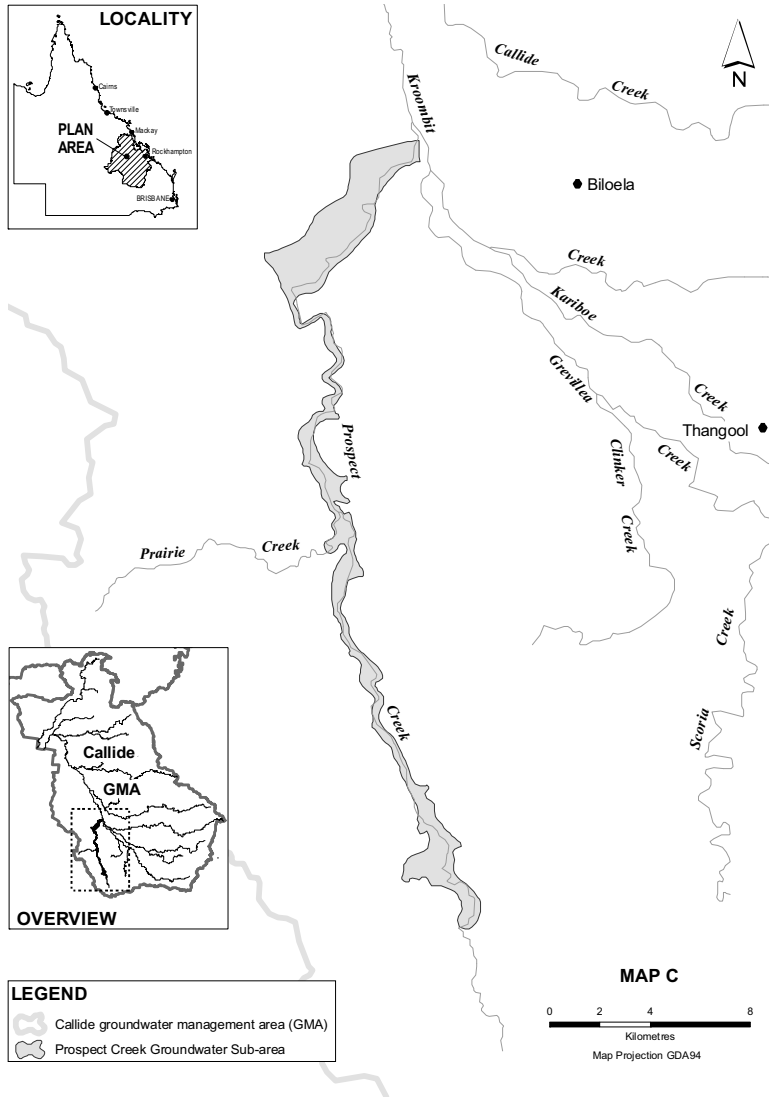
Map A—Upper Callide groundwater sub-area



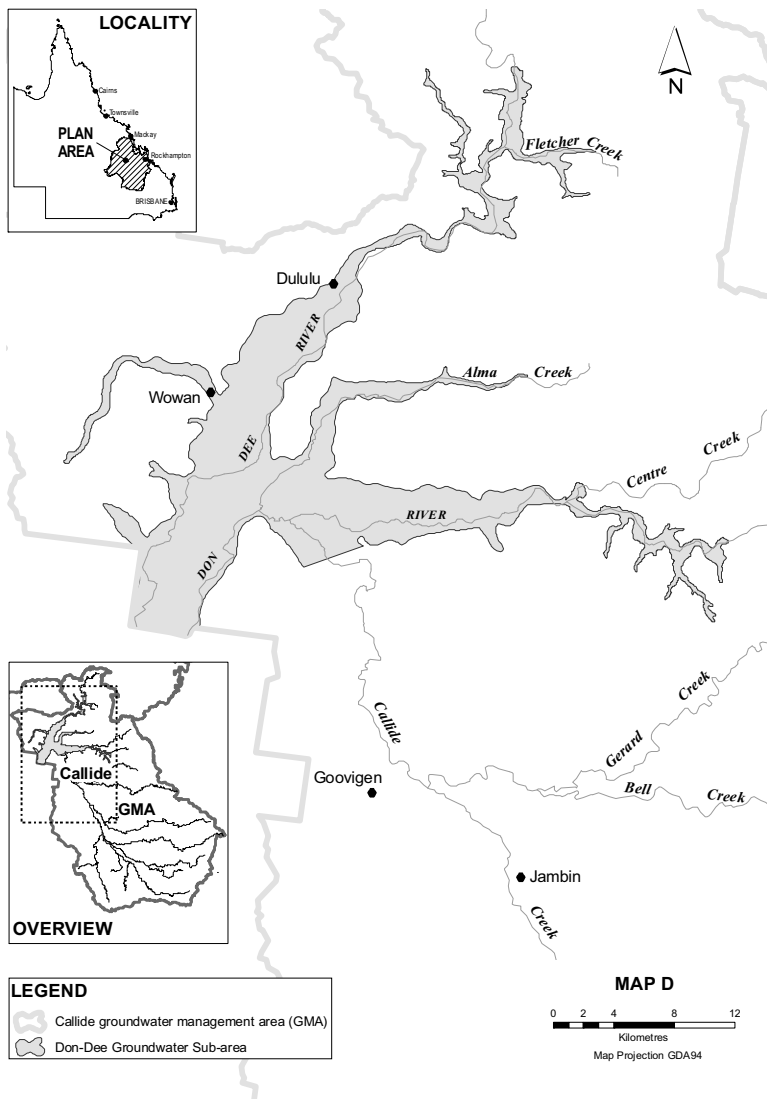
Map B—Lower Callide groundwater sub-area



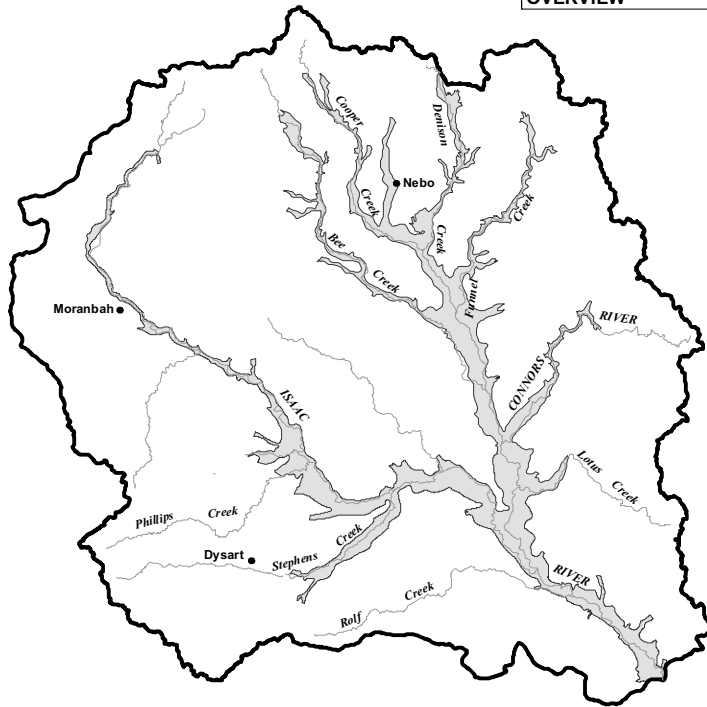
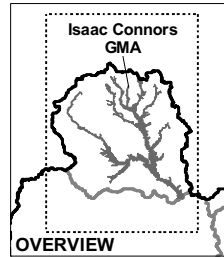
Map C—Prospect Creek groundwater sub-area



Map D—Don and Dee groundwater sub-area



Map E—Isaac Connors Alluvium groundwater sub-area



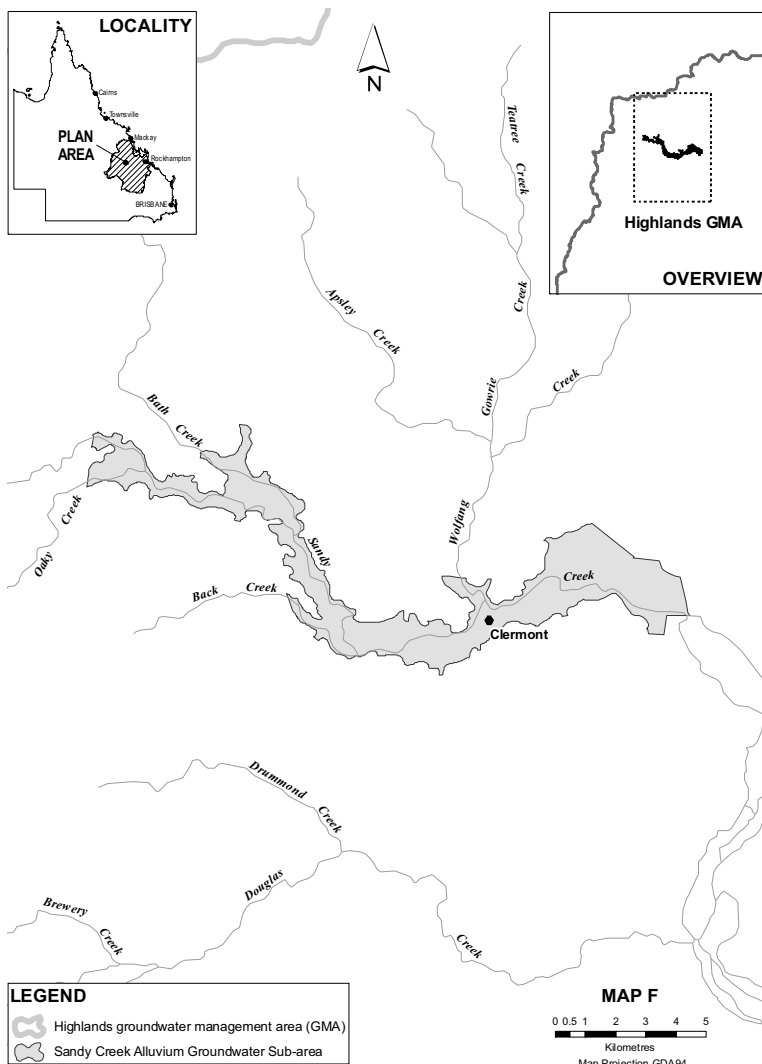
LEGEND

- Isaac Connors groundwater management area (GMA)
- Isaac Connors Alluvium Groundwater Sub-area

MAP E

0 5 10 20 30 40
Kilometres
Map Projection GDA94

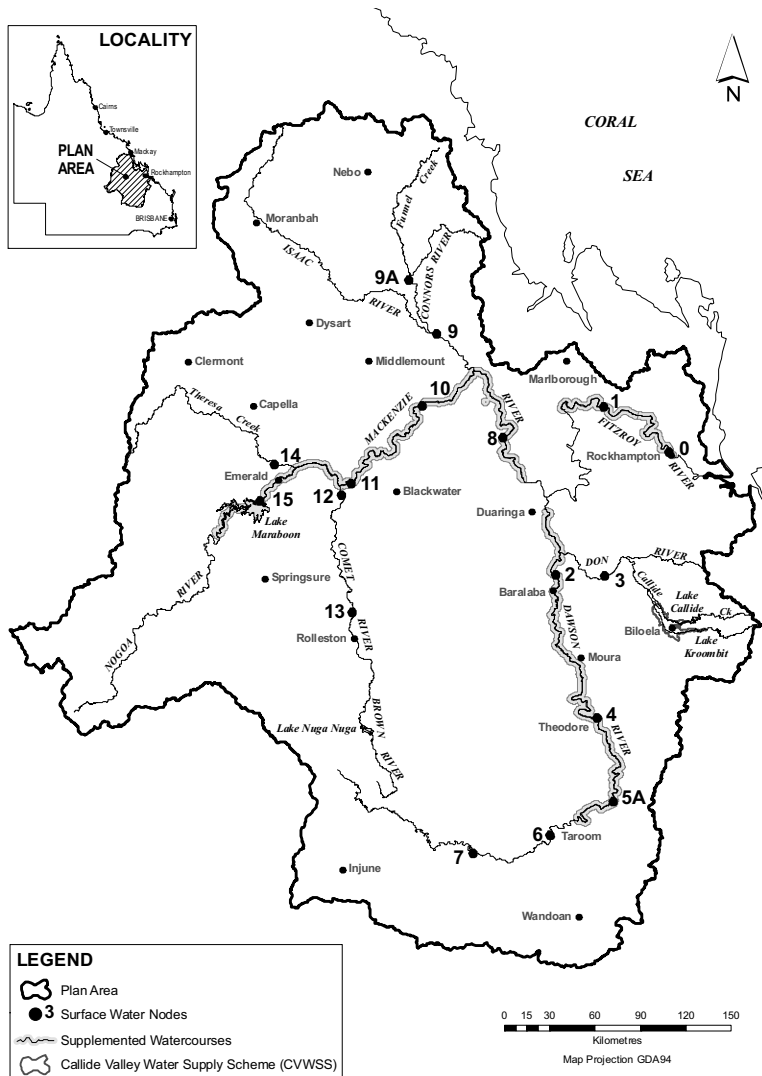
Map F—Sandy Creek Alluvium groundwater sub-area



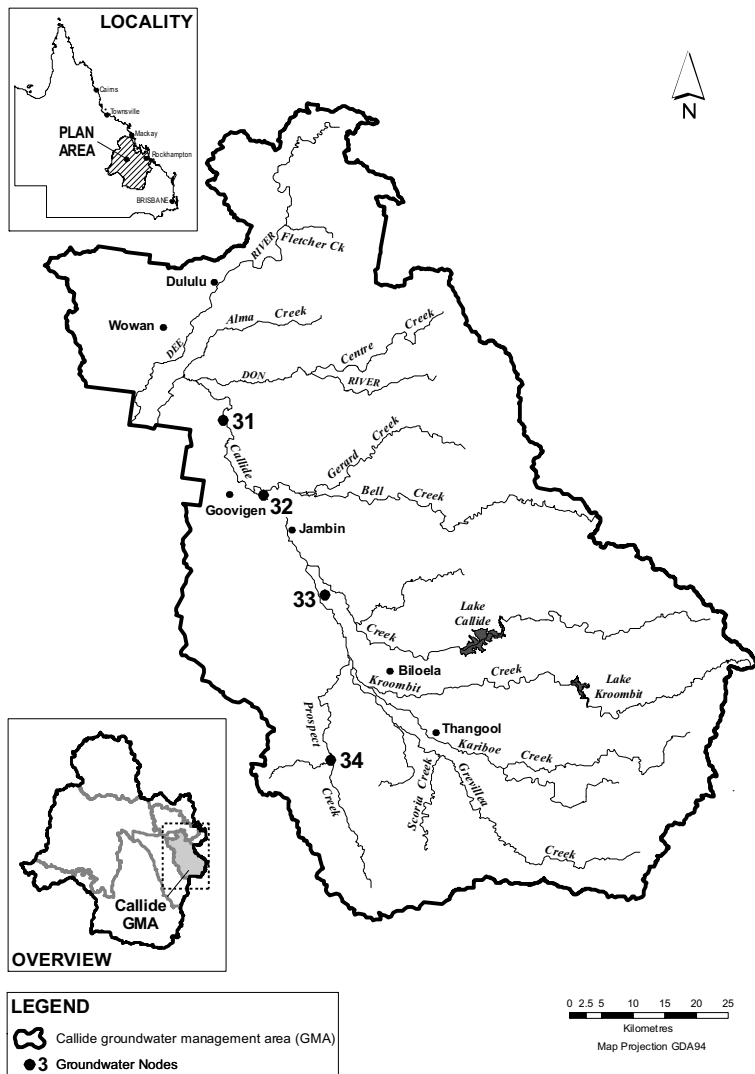
Schedule 5 Nodes

section 9(2)

Part 1 Surface water node location



Part 2 Groundwater node location



Part 3 Surface water node description

Column 1	Column 2
Node	Location
Node 0	Fitzroy River at Fitzroy Barrage (AMTD 59.6km)
Node 1	Fitzroy River immediately downstream of Eden Bann Weir (AMTD 141.2km)
Node 2	Dawson River at Beckers (AMTD 71.0km)
Node 3	Don River at Rannes (AMTD 44.4km)
Node 4	Dawson River immediately downstream of Theodore Weir (AMTD 228.5km)
Node 5A	Dawson River at Nathan Gorge (AMTD 307.2km)
Node 6	Dawson River at Taroom (AMTD 384.6km)
Node 7	Dawson River at Utopia Downs (AMTD 453.5km)
Node 8	Mackenzie River at Coolmaringa (AMTD 376.0km)
Node 9	Isaac River at Yatton (AMTD 43.0km)
Node 9A	Connors River at Pink Lagoon (AMTD 46.8km)
Node 10	Mackenzie River immediately downstream of Bingegang Weir (AMTD 489.2km)
Node 11	Mackenzie River at Rileys Crossing (AMTD 601.4km)
Node 12	Comet River immediately downstream of Comet Weir (AMTD 10.8km)
Node 13	Comet River at The Lake (AMTD 124.2km)
Node 14	Theresa Creek at Main Road (AMTD 14.5km)
Node 15	Nogoa River immediately downstream of Fairbairn Dam (AMTD 685.6km)

Part 4 **Groundwater node description**

Column 1	Column 2
Node	Location
31	Downstream part of Callide Valley
32	Confluence of Bell Creek and Callide Creek
33	Downstream section of supplemented area
34	Prospect Creek

Schedule 6 Environmental flow objectives

sections 16, 17, 19 and 23 and schedule 13, definition *base flow*

Part 1 Seasonal base flow objectives

At each node mentioned in table 1, column 1—

- (a) for watercourses within water supply schemes—the percentage of the total number of days in a water flow season in the simulation period that the base flow, for the node, in table 1, column 2, is equalled or exceeded should be between 0.8 and 1.2 times the percentage stated for the water flow season for the node, in table 1, column 3; and
- (b) for watercourses elsewhere—the percentage of the total number of days in a water flow season in the simulation period that the base flow, for the node, in table 1, column 2, is equalled or exceeded is to be at least 0.9 times the percentage stated for the water flow season for the node, in table 1, column 3.

Table 1

Column 1	Column 2	Column 3		
Node	Base flow (ML/d)	Water flow season		
		January–April water flow season	May–August water flow season	September–December water flow season
0	288	88%	57%	47%
2	86	64%	27%	35%
3	26	45%	22%	21%
6	38	51%	26%	30%
8	190	82%	41%	37%
9	104	84%	49%	33%

Schedule 6

Column 1	Column 2	Column 3		
Node	Base flow (ML/d)	Water flow season		
		January–April water flow season	May–August water flow season	September–December water flow season
9A	90	87%	58%	37%
10	163	54%	19%	29%
12	148	33%	10%	11%
14	104	23%	5%	8%

Part 2 Medium to high flow objectives

- 1 At each node mentioned in table 2, column 1—
 - (a) the mean annual flow in the simulation period, expressed as a percentage of the mean annual flow for the pre-development flow pattern, is to be at least the percentage stated for the node in table 2, column 2; and
 - (b) the median annual flow ratio in the simulation period, expressed as a percentage, is to be at least the percentage stated for the node in table 2, column 3; and
 - (c) the annual proportional flow deviation is to be not more than the annual proportional flow deviation stated for the node in table 2, column 4; and
 - (d) the mean wet season flow in the simulation period, expressed as a percentage of the mean wet season flow for the pre-development flow pattern, is to be at least the percentage stated for the node in table 2, column 5.

Table 2

Column 1	Column 2	Column 3	Column 4	Column 5
Node	Mean annual flow	Median annual flow ratio	Annual proportional flow deviation	Mean wet season flow
0	77%	58%	2.5	80%
2	65%	48%	3.1	Not applicable
3	85%	85%	1.1	
6	90%	85%	0.5	
8	80%	65%	2	
9	90%	80%	1.2	
9A	90%	85%	1.2	
10	70%	50%	3	
12	80%	54%	2	
14	90%	75%	1	

2 At each node mentioned in table 3, column 1—

- (a) the 10% daily exceedance duration flow in the simulation period, expressed as a percentage of the 10% daily exceedance duration flow for the pre-development flow pattern, is to be at least the percentage stated for the node in table 3, column 2; and
- (b) the 4% daily exceedance duration flow in the simulation period, expressed as a percentage of the 4% daily exceedance duration flow for the pre-development flow pattern, is to be at least the percentage stated for the node in table 3, column 3; and
- (c) the 2 year daily flow volume in the simulation period, expressed as a percentage of the 2 year daily flow volume for the pre-development flow pattern, is to be at least the percentage stated for the node in table 3, column 4; and
- (d) the 5 year daily flow volume in the simulation period, expressed as a percentage of the 5 year daily flow volume for the pre-development flow pattern, is to be at

Schedule 6

least the percentage stated for the node in table 3, column 5; and

- (e) the 20 year daily flow volume in the simulation period, expressed as a percentage of the 20 year daily flow volume for the pre-development flow pattern, is to be at least the percentage stated for the node in table 3, column 6.

Table 3

Column 1	Column 2	Column 3	Column 4	Column 5	Column 6
Node	10% daily exceedance duration flow	4% daily exceedance duration flow	2 year daily flow volume	5 year daily flow volume	20 year daily flow volume
0	55%	74%	75%	87%	88%
2	45%	53%	55%	69%	80%
3	82%	81%	86%	89%	90%
6	81%	81%	91%	97%	98%
8	57%	74%	86%	91%	97%
9	80%	82%	80%	94%	92%
9A	83%	87%	74%	94%	90%
10	45%	59%	62%	72%	84%
12	45%	61%	60%	78%	98%
14	82%	71%	78%	93%	98%

Part 3 First post-winter flow event objectives and performance indicators

1 Performance indicators

The performance indicators for the first post-winter flow event objective are the following—

-
- (a) the number of first post-winter flow events in the simulation period expressed as a percentage of the number of post-winter flow years in the period;
 - (b) the number of 5-week lag events in the simulation period, expressed as a percentage of the number of post-winter flow years in the period;
 - (c) the number of 2-week lag events in the simulation period, expressed as a percentage of the number of 5-week lag events in the period;
 - (d) the average of the volume ratios for the post-winter flow years in the simulation period;
 - (e) the average of the peak flow ratios for the post-winter flow years in the simulation period;
 - (f) the number of 2-times base flow events in the simulation period, expressed as a percentage of the number of post-winter flow years in the period;
 - (g) the number of 5-times base flow events in the simulation period, expressed as a percentage of the number of post-winter flow years in the period.

2 First post-winter flow event objectives

The first post-winter flow event objectives are—

- (a) first post-winter flow events that pass through dams, weirs, barrages, watercourses or lakes are to mimic the pre-development flow pattern of first post-winter flow events in duration, timing and magnitude; and
- (b) for each node mentioned in table 4, column 1—
 - (i) the performance indicator mentioned in item 1(a) is to be at least the percentage stated for the node in table 4, column 2; and
 - (ii) the performance indicator mentioned in item 1(b) is to be at least the percentage stated for the node in table 4, column 3; and

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- (iii) the performance indicator mentioned in item 1(c) is to be at least the percentage stated for the node in table 4, column 4; and
- (iv) the performance indicator mentioned in item 1(d) is to be at least the percentage stated for the node in table 4, column 5; and
- (v) the performance indicator mentioned in item 1(e) is to be at least the percentage stated for the node in table 4, column 6; and
- (vi) the performance indicator mentioned in item 1(f) is to be at least the percentage stated for the node in table 4, column 7; and
- (vii) the performance indicator mentioned in item 1(g) is to be at least the percentage stated for the node in table 4, column 8.

Table 4

Column 1	Column 2	Column 3	Column 4	Column 5	Column 6	Column 7	Column 8
Node	Number of first post-winter flows	Number of flows within 5 weeks of the pre-development event	Number of flows within 2 weeks of the pre-development event	Average flow volume	Average peak flow	Flow duration (2-times base flow)	Flow duration (5-times base flow)
0	80%	60%	70%	70%	Not applicable	70%	70%
2	80%	60%	70%	Not applicable	60%	60%	60%
3	90%	80%	90%	Not applicable	80%	90%	90%
6	90%	90%	90%	Not applicable	90%	90%	90%
8	90%	70%	70%	Not applicable	80%	80%	80%
9	90%	80%	80%	Not applicable	80%	80%	70%

Column 1	Column 2	Column 3	Column 4	Column 5	Column 6	Column 7	Column 8
Node	Number of first post-winter flows	Number of flows within 5 weeks of the pre-development event	Number of flows within 2 weeks of the pre-development event	Average flow volume	Average peak flow	Flow duration (2-times base flow)	Flow duration (5-times base flow)
9A	90%	90%	90%	Not applicable	90%	90%	90%
10	70%	50%	70%	Not applicable	60%	60%	60%
12	90%	80%	80%	Not applicable	80%	80%	50%
14	90%	80%	80%	Not applicable	80%	80%	80%

3 Definitions for pt 3

In this part—

2-times base flow event means a post-winter flow year in which the days of flow twice base flow are not more than 4 days fewer than the days of flow twice base flow in the year for the pre-development flow pattern.

2-week lag event means a first post-winter flow event that starts within 2 weeks of the date the first post-winter flow event starts in the same year for the pre-development flow pattern.

5-times base flow event means a post-winter flow year in which the days of flow 5-times base flow are not more than 4 days fewer than the days of flow 5-times base flow in the year for the pre-development flow pattern.

5-week lag event means a first post-winter flow event that starts within 5 weeks of the date the first post-winter flow event starts in the same year for the pre-development flow pattern.

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

days of flow 5-times base flow means the number of days in a first post-winter flow event on which the daily flow is at least 5 times the base flow.

days of flow twice base flow means the number of days in a first post-winter flow event on which the daily flow is at least twice the base flow.

event volume—

- 1 *Event volume* means the total daily flows for a first post-winter flow event.
- 2 However, if the event volume calculated under paragraph 1 is greater than the volume of the estuary of the Fitzroy River, the event volume is the estuary volume.

first peak flow—

- 1 *First peak flow* means the daily flow on the first day in a first post-winter flow event on which the flow reaches a peak.
- 2 However, if the first peak flow calculated under paragraph 1 is greater than the daily flow for a flow with a nominal depth of 3m (a **3-metre event**), the first peak flow is the daily flow for a 3-metre event.

first post-winter flow event—

- 1 *First post-winter flow event*, at a node, means the first flow in a year that—
 - (a) starts between 15 September and 10 April in the year; and
 - (b) either—
 - (i) for node 9A—lasts for 18 days; or
 - (ii) for another node—lasts for 21 days; or
 - (c) the chief executive is satisfied meets the following criteria—
 - (i) for node 0—

-
- (A) the flow at its start is at least 5000ML a day; and
 - (B) the event has an event volume greater than half the volume of the estuary of the Fitzroy River;
 - (ii) for another node—
 - (A) the flow, within 6 days after its start, is greater than a flow with a nominal depth of 3m; and
 - (B) the first peak in the flow that is greater than a flow with a nominal depth of 1.5m happens within 6 days after the start of the event;
 - (iii) if the flow starts in September, the water temperature is at least 24°C;
 - (iv) for the duration of the event the flow, at the node, is greater than the base flow for the node mentioned in table 1, column 2.
- 2 However, a first post-winter flow event does not include a flow that happens in a year in the simulation period for which a flow satisfying the requirements of paragraph 1 did not happen for the pre-development flow pattern.

peak flow ratio means the first peak flow for a year expressed as a percentage of the first peak flow for the year for the pre-development flow pattern where the ratio is less than or equal to 1.

post-winter flow year means a year in the simulation period in which a first post-winter flow event happens for the pre-development flow pattern.

volume ratio means the event volume for a year, expressed as a percentage of the event volume for the year for the pre-development flow pattern, where the ratio is less than or equal to 1.

year means a period of 12 months beginning on 1 July.

Part 4 Groundwater objectives

For each node mentioned in table 5, column 1, the drawdown duration for the corresponding specified height in column 2 is not less than the corresponding percentage in column 3.

Table 5

Column 1	Column 2	Column 3
Node	Specified height above June 2007 level (metres)	Percentage
31	2	75
32	2	60
33	3	75
34	0	75

Schedule 7 Water allocation security objectives

sections 21 and 23

Part 1 Supplemented water

1 Callide Valley Water Supply Scheme

- 1 For water allocations in the high A priority group—
 - (a) the annual supplemented water sharing index is to be at least 95%; and
 - (b) the monthly supplemented water sharing index is to be at least 98%.
- 2 For water allocations in the high B priority group—the annual supplemented water sharing index is to be at least 90%.
- 3 For water allocations in the risk priority group—the annual supplemented water sharing index is to be at least 60%.
- 4 For water allocations in the medium priority group—the annual supplemented water sharing index is to be at least 65%.

2 Dawson Valley Water Supply Scheme

- 1 For water allocations in the high priority group—
 - (a) the annual supplemented water sharing index is to be at least 95%; and
 - (b) the monthly supplemented water sharing index is to be at least 98%.
- 2 For water allocations in the medium priority group—the monthly supplemented water sharing index is to be at least 82%.

Schedule 7

- 3 For water allocations in the medium A priority group—the monthly supplemented water sharing index is to be at least 82%.

3 Lower Fitzroy Water Supply Scheme and Fitzroy Barrage Water Supply Scheme

- 1 For water allocations in the high priority group—
 - (a) the annual supplemented water sharing index is to be at least 94%; and
 - (b) the monthly supplemented water sharing index is to be at least 98%.
- 2 For water allocations in the medium priority group—the monthly supplemented water sharing index is to be at least 82%.

4 Nogoia Mackenzie Water Supply Scheme

- 1 For water allocations in the high priority group—
 - (a) the annual supplemented water sharing index is to be at least 95%; and
 - (b) the monthly supplemented water sharing index is to be at least 98%.
- 2 For water allocations in the medium priority group—the monthly supplemented water sharing index is to be at least 82%.

Part 2 Unsupplemented surface water

For water allocations in a water allocation group mentioned in table 1, column 1, the annual volume probability is to be at least the percentage stated for the group in table 1, column 2.

Table 1

Column 1	Column 2
Water allocation group	Annual volume probability
Class 0A	17%
Class 1A	73%
Class 1B	71%
Class 2A	47%
Class 2B	47%
Class 3A	38%
Class 4C	95%
Class 5A	61%
Class 5B	73%
Class 6C	95%
Class 7D	93%
Class 8A	45%
Class 9A	55%
Class 9B	47%
Class 10A	68%
Class 10B	68%
Class 10C	66%
Class 11A	63%
Class 11B	60%
Class 12A	63%
Class 13A	60%
Class 13C	67%

Part 3 Unsupplemented groundwater

5 Lower Callide groundwater sub-area

- 1 For water allocations in the GWA1A water allocation group—the annual volume probability is to be at least 95%; and
- 2 For water allocations in the GWA1B water allocation group—the annual volume probability is to be at least 65%.

Schedule 8 Unallocated water

sections 40 and 47

Part 1 Strategic reserve for surface water that may be granted—water licence

Column 1	Column 2	Column 3
Subcatchment	State purpose nominal entitlement (ML)	Indigenous purpose nominal entitlement (ML)
Isaac Connors	15000	5000
Fitzroy		
Lower Mackenzie		
Upper Mackenzie		
Nogoa		
Upper Dawson		
Lower Dawson		
Comet		
Downstream of Fitzroy Barrage	1000	0

Part 2 Strategic reserve for groundwater that may be granted—water licence

Column 1	Column 2
Groundwater management area, unit or sub-area	Nominal entitlement (ML)
Isaac Connors Alluvium groundwater sub-area	450
Isaac Connors groundwater management area other than Issac Connors Alluvium groundwater sub-area	250
Callide Groundwater Unit 1	0
Callide Groundwater Unit 2	500
Sandy Creek Alluvium groundwater sub-area	0
Highlands groundwater management area other than Sandy Creek Alluvium groundwater sub-area	3000
Fitzroy groundwater management area	500
Carnarvon groundwater management area	250

Part 3 General reserve surface water that may be granted—water licence or water allocation

Column 1	Column 2
Subcatchment	Mean annual diversion (ML)
Isaac Connors	32000
Fitzroy	
Lower Mackenzie	
Upper Mackenzie	0
Nogoa	0

Column 1	Column 2
Subcatchment	Mean annual diversion (ML)
Upper Dawson	11500
Lower Dawson	0
Comet	0
Downstream of the Fitzroy Barrage	0

Part 4 General reserve surface water that may be granted—water allocation

Column 1	Column 2
Subcatchment	Nominal volume (ML)
Isaac Connors	0
Fitzroy	7000
Lower Mackenzie	8000
Upper Mackenzie	0
Nogoa	0
Upper Dawson	0
Lower Dawson	0
Comet	0
Downstream of the Fitzroy Barrage	0

Part 5 General reserve groundwater that may be granted—water licence

Column 1	Column 2
Groundwater management area, unit or sub-area	Nominal entitlement (ML)
Isaac Connors Alluvium groundwater sub-area	0
Isaac Connors groundwater management area other than Isaac Connors Alluvium groundwater sub-area	750
Callide Groundwater Unit 1	0
Callide Groundwater Unit 2	500
Highlands groundwater management area—Sandy Creek Alluvium groundwater sub-area	0
Highlands groundwater management area—groundwater management area other than Sandy Creek Alluvium groundwater sub-area	7000
Fitzroy Groundwater Unit 1	20000
Fitzroy Groundwater Unit 2	2000
Carnarvon groundwater management area	1000

Schedule 9 Water licences

sections 83(2) and 84(2)

Column 1	Column 2
Item	Water licence to take water
1	<p>licensee—The State of Queensland, represented by the Department of Education</p> <p>period—10 years</p> <p>watercourse—Gogango Creek</p> <p>location—Lot 1 on Plan No N25658</p> <p>nominal entitlement—3ML per water year</p> <p>maximum rate—1L/s</p> <p>daily volumetric limit—0.1ML</p> <p>purpose—any</p>
2	<p>licensee—Queensland Coal Pty Limited</p> <p>period—5 years</p> <p>watercourse—Washpool Creek</p> <p>location—ML 1804</p> <p>nominal entitlement—150ML per water year</p> <p>maximum rate—100L/s</p> <p>daily volumetric limit—8.6ML</p> <p>purpose—any</p> <p>conditions—Water taken under this authorisation must only be water that has been impounded under the authority of water licence 38931F (West Dam)</p>

Schedule 10 Rates and pump sizes

sections 95(1), 96(1), 104(1) and 105(1)

Column 1	Column 2	Column 3
Nominal pump size (mm)	Maximum rate (litres/second)	Daily volumetric limit (ML/day)
32	11	0.6
40	15	1
50	35	1.5
65	60	2.6
80	80	3.9
100	110	5.6
125	140	7.8
150	165	9.9
200	215	16
250	275	21.6
300	340	25.9
350	415	30.2
400	500	37.2
500	780	56.2
600 to 660	1400	95
750	2375	160
800	2900	201

Schedule 11 Water allocation groups to take unsupplemented surface water

sections 91(2) and 97

Column 1	Column 2	Column 3	Column 4
Place	Flow condition	Water allocation group	Number of days
Nogoa River from the upstream limit of Fairbairn Dam at AMTD 737.5km to its junction with Theresa Creek	2592ML/day	Class 0A	Not applicable
Theresa Creek from its junction with Retreat Creek at AMTD 15.0km to its junction with the Nogoa River	more than 0ML/day	Class 8A	24
Retreat Creek, including anabranches, from its junction with Kettle Creek at AMTD 23.6km to its junction with Theresa Creek			
Comet River, including anabranches, from Lake Brown gauging station AMTD 199.2km to its junction with the Nogoa River	less than 864ML/day	Class 9A	24
	equal to or more than 864ML/day	Class 9B	20

Schedule 11

Column 1	Column 2	Column 3	Column 4
Place	Flow condition	Water allocation group	Number of days
Dawson River from its junction with Mimosa Creek at AMTD 133km to its junction with the Mackenzie River, including sections of tributaries where Dawson River flows are accessible	1296ML/day	Class 10A	20
	2592ML/day	Class 10B	19
Dawson River from the end of the supplemented section at AMTD 18.37km to its junction with the Mackenzie River, including sections of tributaries where Dawson River flows are accessible	0 to 25ML/day	Class 10C	Not applicable
Dawson River from Orange Creek Weir at AMTD 270.7km to its junction with Mimosa Creek at AMTD 133km, including sections of tributaries where Dawson River flows are accessible	1296ML/day	Class 11A	20
	2592ML/day	Class 11B	19

Column 1	Column 2	Column 3	Column 4
Place	Flow condition	Water allocation group	Number of days
Dawson River from the upstream limit of Glebe Weir at AMTD 356.5km to Orange Creek Weir at AMTD 270.7km, including sections of tributaries where Dawson River flows are accessible	1296ML/day	Class 12A	20
Dawson River from Utopia Downs Gauging Station at AMTD 453.5km to the upstream limit of Glebe Weir at AMTD 356.5km, including sections of tributaries where Dawson River flows are accessible	up to 1296ML/day	Class 13A	20
	up to 25ML/day	Class 13C	Not applicable

Schedule 12 Formula for annual proportional flow deviation

schedule 13, definition *annual proportional flow deviation*

$$APFD = \sum_{j=1}^p \frac{\sqrt{\sum_{i=1}^{12} \left(\frac{c_{ij} - n_{ij}}{\bar{n}_i} \right)^2}}{p}$$

where—

APFD means annual proportional flow deviation.

i means a particular month.

j means a particular year.

p means the number of years.

c_{ij} means the modelled flow for month *i* in year *j*.

n_{ij} means the modelled natural flow for month *i* in year *j*.

\bar{n}_i means the modelled natural flow for month *i* across *p* years.

Schedule 13 Dictionary

section 3

2 year daily flow volume, for a node, means the daily flow, at the node, that has a 50% 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.

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.

4% daily exceedance duration flow, for a node, means the daily flow that is equalled or exceeded on 4% of days in the simulation period.

10% daily exceedance duration flow, for a node, means the daily flow that is equalled or exceeded on 10% of days in the simulation period.

30% unsupplemented water sharing index, for a group of water allocations, means the total volume of water simulated to have been taken annually under the allocations in at least 30% of years in the simulation period, if the allocations were in existence for the whole of the simulation period, expressed as a percentage of the total of the nominal volumes for the allocations in the group for the allocations.

50% unsupplemented water sharing index, for a group of water allocations, means the total volume of water simulated to have been taken annually under the allocations in at least 50% of years in the simulation period, if the allocations were in existence for the whole of the simulation period, expressed as a percentage of the total of the nominal volumes for the allocations in the group for the allocations.

70% unsupplemented water sharing index, for a group of water allocations, means the total volume of water simulated

to have been taken annually under the allocations in at least 70% of years in the simulation period, if the allocations were in existence for the whole of the simulation period, expressed as a percentage of the total of the nominal volumes for the allocations in the group for the allocations.

2010 authorisation, for chapter 5, part 3, division 4, see section 139.

2010 authorisation volume, for chapter 5, part 3, division 4, see section 139.

accounted use, for chapter 5, part 3, division 4, see section 139.

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.

amended water licence—

- (a) for chapter 5, part 2, division 8, subdivision 2, see section 102; or
- (b) for chapter 5, part 3, division 2, subdivision 2, see section 119.

amending authorisation, for chapter 5, part 3, division 4, see section 139.

AMTD means the adopted middle thread distance.

annual adjusted use volume, for chapter 5, part 3, division 4, see section 139.

annual entitlement see the *Water Regulation 2002*, section 67.

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 proportional flow deviation, for a node, means the statistical measure of changes at the node to flow season and

volume in the simulation period calculated using the formula in schedule 12.

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

annual volume probability, for a water allocation group, means the percentage of years in the simulation period in which the volume of water that may be taken by the group is at least the total of the nominal volumes for the allocations in the group.

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

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.

base flow, for a node, means the flow stated for the node in schedule 6, part 1, table 1, column 2.

baseflow means the part of streamflow derived from the natural discharge of groundwater into a watercourse, lake or spring.

Braeside Borefield means a bore field of production bores near Nebo that takes groundwater from the Denison Creek alluvium in the Isaac Connors Alluvium groundwater sub-area.

Callide groundwater notification area means the area identified as the Callide groundwater notification area shown in schedule 3.

Callide Valley groundwater computer program means the department's computer program and associated data files, and statistical and data processing programs, that simulate groundwater levels, groundwater demand, recharge and groundwater flows in parts of the Callide Groundwater Unit 1.

Callide Valley Water Supply Scheme means the scheme for the supply of water under the interim resource operations licence for the Callide Valley Water Supply Scheme.

carry over, for chapter 5, part 3, division 4, see section 139.

converting authorisation, for chapter 5, part 3, division 4, see section 139.

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

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

Dawson Valley Water Supply Scheme is the scheme for the supply of water under the resource operations licence for the Dawson Valley Water Supply Scheme.

deemed use, for chapter 5, part 3, division 4, see section 139.

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.

drawdown duration means the percentage of days in the simulation period that the water level is above a specified height above the June 2007 level.

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

existing groundwater works means—

- (a) works that are prescribed existing groundwater works; and
- (b) works, other than prescribed existing groundwater works, that were in existence immediately before the commencement of this plan.

existing overland flow works—

- (a) means works that allow the taking of overland flow water and—
 - (i) for an owner of land—were in existence on 13 September 2001; or

-
- (ii) for a lessee under a mining lease—were in existence before the commencement of this plan; and
 - (b) includes works that—
 - (i) are a reconfiguration of existing overland flow works (the *original works*); and
 - (ii) do not increase the average annual volume of water taken above the average annual volume taken using the original works.

Fitzroy Barrage Water Supply Scheme is the scheme for the supply of water under the resource operations licence for the Fitzroy Barrage Water Supply Scheme.

flow regime means the entire range of flows at a point in a watercourse including variations in the watercourse height, discharge, seasonality and annual variability.

forward draw, for chapter 5, part 3, division 4, see section 139.

groundwater means underground water that is subartesian water not connected to artesian water.

groundwater management area means a groundwater management area under section 6.

groundwater sub-area means a groundwater sub-area under section 7.

groundwater unit means a groundwater unit under section 7.

HOU consideration period, for chapter 5, part 3, division 4, see section 139.

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

- (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.

hyporheic zone means the zone where an exchange between surface water and groundwater happens.

Indigenous purpose means a use for the purpose of helping an Indigenous community achieve its economic and social aspirations.

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.

Isaac Connors groundwater notification area means the area identified as the Isaac Connors groundwater notification area shown in schedule 3.

June 2007 level means the actual water level on 30 June 2007.

Lower Fitzroy Water Supply Scheme is the scheme for the supply of water under the resource operations licence for the Lower Fitzroy Water Supply Scheme.

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.

mean wet season flow, for a node, means the total volume of flow during the months of January, February, March and April in the simulation period divided by the number of years in the simulation period.

median annual flow ratio, for a node, means the ratio of the annual flow volume in the simulation period to the corresponding annual flow volume for the pre-development flow pattern that is equalled or exceeded in 50% of years in the simulation period.

mine dewatering means the removal of groundwater that is necessary to ensure a safe and efficient mine working environment for an authorised activity for a mining tenement under the *Mineral Resources Act 1989*.

Examples—

- the removal of groundwater that has accumulated in mine workings

- the extraction of groundwater from bores surrounding the mine workings to lower the water table or hydraulic pressure

modern coastal deposits means quaternary colluvial and alluvial sediments in close proximity to the coast in the Fitzroy groundwater management area.

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.

node see section 9.

Nogoa Mackenzie Water Supply Scheme is the scheme for the supply of water under the resource operations licence for the Nogoa Mackenzie Water Supply Scheme.

nominal entitlement—

- (a) for a water licence—see the *Water Regulation 2002*, section 65; or
- (b) for an interim water allocation—means the volume stated on the interim water allocation that may be taken in a 12-month period.

plan area see section 4.

pre-2010 contributing authorisation, for chapter 5, part 3, division 4, see section 139.

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.

prescribed authorisation, for chapter 5, part 3, division 4, see section 139.

prescribed existing groundwater works, for chapter 5, part 3, division 2, subdivision 3, see section 123.

previous authorisation, for chapter 5, part 3, division 3, see section 128.

previous plan means the repealed *Water Resource (Fitzroy Basin) Plan 1999*.

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.

quaternary alluvium means the quaternary age alluvial deposits of sand, gravel, silt and clay.

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

relevant groundwater-dependent ecosystem means a groundwater-dependent ecosystem that is a riparian vegetation ecosystem or terrestrial vegetation ecosystem.

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

riparian vegetation ecosystem means a vegetation ecosystem that includes groundwater-dependent vegetation growing on, or immediately adjacent to, the banks of a lagoon or stream in the plan area.

seasonality, in relation to the flow in a watercourse, means the time of year when the flow happens.

simulated mean annual diversion, for an authorisation or group of authorisations, means the total volume of water simulated to have been taken under the authorisations, if the authorisations were in existence for the whole of the simulation period, divided by the number of years in the simulation period.

simulation period means the period from 1 January 1900 to 31 December 2007.

State purpose means—

- (a) a project of State significance; or
- (b) a project of regional significance; or
- (c) town water supply purposes; or
- (d) use by Indigenous peoples for non-commercial purposes, including cultural and traditional purposes.

subcatchment area see section 5.

supplemented water means water supplied under an interim resource operations licence, resource operations licence or other authority to operate water infrastructure.

surface water see section 10(1).

terrestrial vegetation ecosystem means a vegetation ecosystem, other than a riparian vegetation ecosystem.

this plan means this water resource plan.

traditional owners, of an area, means the Aboriginal people who identify as descendants of the original inhabitants of the area.

unallocated water means water available for allocation in the plan area.

unsupplemented water means water that is not supplemented water.

unsupplemented water allocation means a water allocation to take unsupplemented water.

volume density, for a locality in a part of the groundwater management area, means the total annual volumetric limits for all the water allocations in the locality divided by the area of the locality.

water accounts, for chapter 5, part 3, division 4, see section 139.

water bore means a subartesian bore.

water flow season means any of the following periods in a year—

- (a) the period from 1 January to 30 April (**January–April water flow season**);
- (b) the period from 1 May to 31 August (**May–August water flow season**);
- (c) the period from 1 September to 31 December (**September–December water flow season**).

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.

water year, for chapter 5, part 3, division 4, see section 139.

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 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 version
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 2012
para	= paragraph	SL	= subordinate legislation
prec	= preceding	sub	= substituted
pres	= present	unnum	= unnumbered
prev	= previous		

3 Table of reprints

A new reprint of the legislation is prepared by the Office of the Queensland Parliamentary Counsel each time a change to the legislation takes effect.

The notes column for this reprint gives details of any discretionary editorial powers under the *Reprints Act 1992* used by the Office of the Queensland Parliamentary Counsel in preparing it. Section 5(c) and (d) of the Act are not mentioned as they contain mandatory

Endnotes

requirements that all amendments be included and all necessary consequential amendments be incorporated, whether of punctuation, numbering or another kind. Further details of the use of any discretionary editorial power noted in the table can be obtained by contacting the Office of the Queensland Parliamentary Counsel by telephone on 3003 9601 or email legislation.queries@oqpc.qld.gov.au.

From 29 January 2013, all Queensland reprints are dated and authorised by the Parliamentary Counsel. The previous numbering system and distinctions between printed and electronic reprints is not continued with the relevant details for historical reprints included in this table.

Reprint No.	Amendments included	Effective	Notes
1	none	9 December 2011	

Current as at	Amendments included	Notes
27 September 2013	2013 Act No. 23	
28 May 2014	2014 Act No. 29	

4 List of legislation

Regulatory impact statements

For subordinate legislation that has a regulatory impact statement, specific reference to the statement is included in this list.

Explanatory notes

All subordinate legislation made on or after 1 January 2011 has an explanatory note. For subordinate legislation made before 1 January 2011 that has an explanatory note, specific reference to the note is included in this list.

Water Resource (Fitzroy Basin) Plan 2011 SL No. 283

approved by the Governor in Council on 8 December 2011

notfd gaz 9 December 2011 pp 729–35

commenced on date of notification

[exp 1 September 2022](#) (see SIA s 54)

Note—The expiry date may have changed since this reprint was published. See the latest reprint of the SIR for any change.

amending legislation—

Land, Water and Other Legislation Amendment Act 2013 No. 23 ss 1, 2(d), 352 sch 1 pt 2

date of assent 14 May 2013

ss 1–2 commenced on date of assent

remaining provisions commenced 27 September 2013 (2013 SL No. 189)

Land and Other Legislation Amendment Act 2014 No. 29 s 1, pt 12 div 5

date of assent 28 May 2014

commenced on date of assent

5 List of annotations

Limitation on taking overland flow water—Act, s 20(2)

prov hdg amd 2013 Act No. 23 s 352 sch 1 pt 2

s 110 amd 2013 Act No. 23 s 352 sch 1 pt 2

Limitation on taking or interfering with groundwater—Act, s 20(2)

prov hdg amd 2013 Act No. 23 s 352 sch 1 pt 2

s 116 amd 2013 Act No. 23 s 352 sch 1 pt 2

Relationship with Sustainable Planning Act 2009

s 117 amd 2014 Act No. 29 s 148

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