



Queensland

*Water Act 2000*

# **Water Resource (Condamine and Balonne) Plan 2004**

**Current as at 19 December 2014**





Queensland

# Water Resource (Condamine and Balonne) Plan 2004

## Contents

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|                    |   | Page |
|--------------------|---|------|
| <b>Part 1</b>      | <b>Preliminary</b>  |      |
| 1                  | Short title .....   | 5    |
| 2                  | Commencement .....  | 5    |
| 3                  | Purposes of plan .....  | 5    |
| 4                  | Definitions .....   | 6    |
| <b>Part 2</b>      | <b>Plan area and water to which plan applies</b>                  |      |
| 5                  | Plan area .....   | 6    |
| 5A                 | Groundwater management area .....                                 | 6    |
| 6                  | Information about plan area .....                                 | 6    |
| 7                  | Nodes .....   | 7    |
| 8                  | Water to which plan applies .....                                 | 7    |
| <b>Part 3</b>      | <b>Outcomes for sustainable management of water</b>               |      |
| 9                  | Outcomes, including ecological outcomes, for the plan area ...    | 8    |
| <b>Part 4</b>      | <b>Performance indicators and objectives</b>                      |      |
| <b>Division 1</b>  | <b>Environmental flow objectives</b>                              |      |
| 10                 | Performance indicators for environmental flow objectives .....    | 10   |
| 11                 | Environmental flow objectives .....                               | 10   |
| 12                 | Environmental flow objectives (assessing impact of decisions) .   | 11   |
| <b>Division 2</b>  | <b>Water allocation security objectives</b>                       |      |
| 13                 | Performance indicators for water allocation security objectives . | 12   |
| 14                 | Water allocation security objectives .....                        | 12   |
| <b>Part 5</b>      | <b>Strategies for achieving outcomes</b>                          |      |
| <b>Division 1</b>  | <b>Preliminary</b>  |      |
| 15                 | Strategies .....  | 13   |
| <b>Division 1A</b> | <b>Limitation on taking water without water entitlement</b>       |      |
| 15A                | Limitations on taking water without water licence .....           | 13   |

Contents

---

|                      |   |    |
|----------------------|---|----|
| <b>Division 2</b>    | <b>Decisions made under this plan</b>   |    |
| 16                   | Application of div 2 . . . . .  | 13 |
| 17                   | Decisions not to increase amount of water taken . . . . .   | 14 |
| 18                   | Decisions consistent with objectives . . . . .  | 14 |
| 19                   | Assessing impact of decisions . . . . .   | 15 |
| 20                   | Calculation of performance indicators . . . . .   | 15 |
| <b>Division 2A</b>   | <b>Unallocated water</b>  |    |
| 20A                  | Unallocated water held as a general reserve . . . . .   | 16 |
| 20B                  | Limitations on allocation from general reserve . . . . .  | 16 |
| 20C                  | Process for granting unallocated water . . . . .  | 16 |
| <b>Division 3</b>    | <b>Conversion of authorisations to water allocations</b>  |    |
| <b>Subdivision 1</b> | <b>General</b>  |    |
| 21                   | Application of div 3 . . . . .  | 17 |
| 22                   | Authorisations relating to a single property . . . . .  | 17 |
| 23                   | Location for taking water . . . . .   | 17 |
| 24                   | Unused authorisations in the upper and middle catchment . . . . .                                 | 18 |
| <b>Subdivision 2</b> | <b>Supplemented water</b>   |    |
| 25                   | Nominal volume for supplemented water . . . . .   | 18 |
| <b>Subdivision 3</b> | <b>Unsupplemented water</b>   |    |
| 26                   | Maximum rate for taking unsupplemented water . . . . .  | 19 |
| 27                   | Conditions for taking unsupplemented water . . . . .  | 20 |
| 28                   | Volumetric limit for unsupplemented water in the upper and middle catchment . . . . .             | 20 |
| 29                   | Volumetric limit for unsupplemented water in the Lower Balonne . . . . .                          | 21 |
| 30                   | Nominal volume for unsupplemented water . . . . .   | 21 |
| <b>Division 4</b>    | <b>Resource operations plan</b>   |    |
| <b>Subdivision 1</b> | <b>General</b>  |    |
| 31                   | Preparation of resource operations plan . . . . .   | 22 |
| 32                   | Water sharing rules for water in plan area . . . . .  | 23 |
| 33                   | Additional water sharing rules for water in the upper and middle catchment . . . . .              | 24 |
| 34                   | Additional water sharing rules for water in the Lower Balonne . . . . .                           | 24 |
| 35                   | Deciding operating arrangements, supply requirements and environmental management rules . . . . . | 25 |
| 36                   | Resource operations plan to meet interstate obligations . . . . .                                 | 26 |
| <b>Subdivision 2</b> | <b>Event management rules for the Lower Balonne</b>   |    |
| 37                   | Flow event management . . . . .   | 26 |

|                      |  |    |
|----------------------|--|----|
| 38                   | Managing low flows . . . . .   | 27 |
| 39                   | Managing medium flow events . . . . .  | 28 |
| 40                   | Managing Narran Lakes filling flow events . . . . .  | 28 |
| 41                   | Application of rules mentioned in ss 38–40 . . . . .   | 29 |
| 42                   | Compensation rules for flow event management . . . . .   | 29 |
| <b>Subdivision 3</b> | <b>Other rules for the Lower Balonne</b>   |    |
| 43                   | Water sharing rules for the St George Water Supply Scheme . .                                  | 30 |
| <b>Division 5</b>    | <b>Regulation of overland flow water</b>   |    |
| 44                   | Limitation on taking overland flow water—Act, s 20(2) . . . . .                                | 31 |
| 45                   | Decisions about taking overland flow water . . . . .   | 32 |
| 46                   | Taking water using existing works or reconfiguration of existing works authorised . . . . .    | 32 |
| 47                   | Granting water licences for authorities under s 46 . . . . .                                   | 33 |
| 48                   | Granting or amending water licences under the resource operations plan process . . . . .       | 34 |
| 49                   | Water licences for taking overland flow water in the Lower Balonne                             | 35 |
| 50                   | Relationship with Sustainable Planning Act 2009 . . . . .                                      | 36 |
| <b>Division 5A</b>   | <b>Regulation of groundwater</b>   |    |
| 50A                  | Application of div 5A . . . . .  | 36 |
| 50B                  | Elements of water licences . . . . .   | 36 |
| 50C                  | Conditions for taking groundwater . . . . .  | 37 |
| 50D                  | Limitation on taking or interfering with groundwater . . . . .                                 | 37 |
| 50E                  | Taking groundwater for stock or domestic purposes using existing works . . . . .               | 37 |
| 50F                  | Direction to chief executive about non-acceptance of application to take groundwater . . . . . | 38 |
| 50G                  | Adjustment of water licences to state annual volumetric limit—Act, s 46(2)(j) . . . . .        | 38 |
| 50H                  | Relationship with Sustainable Planning Act 2009 . . . . .                                      | 39 |
| <b>Division 6</b>    | <b>Miscellaneous provision</b>   |    |
| 53                   | Taking water from waterholes or lakes . . . . .  | 39 |
| <b>Part 6</b>        | <b>Monitoring and reporting requirements</b>   |    |
| 54                   | Monitoring and reporting requirements . . . . .  | 40 |
| 55                   | Minister’s report on plan—Act, s 53 . . . . .  | 40 |
| <b>Part 7</b>        | <b>Implementing and amending this plan</b>   |    |
| <b>Division 1</b>    | <b>General</b>   |    |
| 58                   | Implementation schedule . . . . .  | 41 |

Contents

---

|                    |   |    |
|--------------------|---|----|
| 59                 | Minor or stated amendments of plan—Act, s 57 . . . . .                                  | 42 |
| <b>Division 2</b>  | <b>Advisory councils</b>  |    |
| 60                 | Establishment of advisory councils . . . . .  | 43 |
| 61                 | Membership of advisory councils . . . . .   | 43 |
| 62                 | Role of advisory councils . . . . .   | 43 |
| <b>Part 8</b>      | <b>Transitional provision for Water Resource Plans Amendment Plan (No. 2) 2014</b>      |    |
| 63                 | Existing applications for water licence to take or interfere with groundwater . . . . . | 45 |
| <b>Schedule 1</b>  | <b>Plan area and nodes</b> . . . . .  | 46 |
| <b>Schedule 1A</b> | <b>Condamine and Balonne groundwater management area</b> . .                            | 47 |
| <b>Schedule 2</b>  | <b>Node descriptions</b> . . . . .  | 48 |
| <b>Schedule 2A</b> | <b>Allocation of unallocated water—general reserve</b> . . . . .                        | 49 |
| <b>Schedule 3</b>  | <b>Pump sizes and maximum rates</b> . . . . .   | 50 |
| <b>Schedule 5</b>  | <b>Dictionary</b> . . . . .   | 52 |

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# Water Resource (Condamine and Balonne) Plan 2004

## Part 1 Preliminary

### 1 Short title

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

### 2 Commencement

- (1) Part 5, division 5, commences on 1 February 2005.
- (2) The remaining provisions commence on the day this plan is notified in the gazette.

### 3 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 that has occurred in natural ecosystems, including, for example, stressed rivers;
- (f) to regulate the taking of overland flow water.

[s 4]

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## 4 Definitions

The dictionary in schedule 5 defines particular words used in this plan.

# Part 2 Plan area and water to which plan applies

## 5 Plan area

This plan applies to the area shown as the plan area on the map in schedule 1.

### 5A Groundwater management area

- (1) The part of the plan area shown as the Condamine and Balonne groundwater management area on the map in schedule 1A is the *groundwater management area*.
- (2) The groundwater management area consists of the following (each a *groundwater unit*)—
  - (a) the St George alluvium (shallow);
  - (b) the St George alluvium (deep);
  - (c) the sediments above the Great Artesian Basin;
  - (d) the upper Condamine alluvium (Central Condamine alluvium);
  - (e) the upper Condamine alluvium (tributaries);
  - (f) the upper Condamine basalts;
  - (g) the Condamine fractured rock.

## 6 Information about plan area

- (1) The exact location of the plan area boundary is held in digital electronic form by the department.



- (2) The information held in digital electronic form can be reduced or enlarged to show the details of the boundary.

*Editor's note—*

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

## 7 Nodes

- (1) A node mentioned in this plan is a place—
  - (a) on a watercourse in the plan area; and
  - (b) for which environmental flow objectives are set for performance indicators.
- (2) The location of each node is shown on the map in schedule 1 and described in schedule 2.
- (3) Each node is identified on the map by a letter of the alphabet.

## 8 Water to which plan applies

- (1) This plan applies to surface water and groundwater.
- (2) The following water is *surface water*—
  - (a) water in a watercourse or lake;
  - (b) water in springs not connected to—
    - (i) artesian water; or
    - (ii) subartesian water connected to artesian water;
  - (c) overland flow water, other than water in springs connected to—
    - (i) artesian water; or
    - (ii) subartesian water connected to artesian water.
- (3) *Groundwater* is subartesian water not connected to artesian water.

## **Part 3**

# **Outcomes for sustainable management of water**

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

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

- (a) to make water available to support economic activity in the plan area while recognising the social and cultural values of communities in the basin;
- (b) to build social cohesiveness in the community by recognising the multiple users of water, including both indigenous and non-indigenous social and cultural needs;
- (c) to promote improved understanding of social and cultural resources;
- (d) to minimise any adverse effect on individual enterprises;
- (e) to provide increased security in water entitlements for water users, including protecting the probability of being able to obtain water under an authorisation;
- (f) to support an effective and efficient market in water allocations while ensuring safeguards are in place to protect the environment and the entitlements of water users;
- (g) to make water from the basin available to be stored and used while retaining water for the riverine and associated environment;
- (h) to achieve ecological outcomes consistent with maintaining a healthy riverine environment, floodplains and wetlands, including, for example, maintaining—
  - (i) pool habitats, and native plants and animals associated with the habitats, in watercourses; and

- (ii) natural riverine habitats that sustain native plants and animals; and
- (iii) the natural abundance and species richness of native plants and animals associated with habitats within watercourses, riparian zones, floodplains and wetlands; and
- (iv) active river-forming processes, including sediment transport; and
- (v) existing flow paths across the floodplains to allow ecological processes to take place; and
- (vi) the condition and diversity of native vegetation on the floodplains and related streams; and
- (vii) the diversity and abundance of native animals within the floodplains and related streams; and
- (viii) the success of bird-breeding in the Narran Lakes and on floodplains; and
- (ix) the condition of the Narran Lakes and the national parks of the Culgoa floodplain;
- (i) to contribute to maintaining or improving the ecological condition of the Darling River upstream of Bourke;
- (j) in the Lower Balonne, to provide for the granting of water licences to take overland flow water;
- (k) in the Lower Balonne and in the floodplain downstream of the plan area, to provide for improved flows, especially low and medium flows, that mimic the natural variability of the river system by, for example, the real time management of individual flow events;
- (l) to reduce the impact of the operation of water infrastructure on natural flow regimes;
- (m) to maintain water quality at levels acceptable for water use and to support natural ecological processes;
- (n) to promote a continual improvement in water use efficiency, both in the plan area generally and on individual properties;

[s 10]

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- (o) to promote improved understanding of the matters affecting the health of riverine and associated systems in the basin;
- (p) consistency with the *Basin Plan 2012* (Cwlth);

*Note—*

The *Basin Plan 2012* (Cwlth) is made under the *Water Act 2007* (Cwlth) and is available at [www.comlaw.gov.au/Details/F2012L02240](http://www.comlaw.gov.au/Details/F2012L02240).

- (q) consistency with water sharing agreements and commitments between the State and New South Wales;
- (r) to protect the productive base of groundwater.

## **Part 4                      Performance indicators and objectives**

### **Division 1                Environmental flow objectives**

#### **10            Performance indicators for environmental flow objectives**

The performance indicators for the environmental flow objectives are as follows—

- (a) low flow;
- (b) summer flow;
- (c) beneficial flooding flow;
- (d) 1 in 2 year flood;
- (e) 1 in 10 year flood.

#### **11            Environmental flow objectives**

For making a decision mentioned in section 18, the environmental flow objectives are that—

- 
- (a) at each node described in schedule 2, the extent to which a performance indicator, mentioned in section 10(a) to (d), expressed as a percentage of the same indicator for the pre-development flow pattern, is less than 66% or more than 133% be minimised; and
  - (b) at nodes A to E described in schedule 2, the extent to which the performance indicator, mentioned in section 10(e), expressed as a percentage of the same indicator for the pre-development flow pattern, is less than 66% or more than 133% be minimised.

## 12 Environmental flow objectives (assessing impact of decisions)

For making a decision mentioned in section 18(2), the environmental flow objectives are that—

- (a) at each node described in schedule 2, a performance indicator, mentioned in section 10(a) to (d), be—
  - (i) not less than the lesser of the following—
    - (A) 66% of the indicator for the pre-development flow pattern;
    - (B) the indicator immediately before the decision is made; and
  - (ii) not more than the greater of the following—
    - (A) 133% of the indicator for the pre-development flow pattern;
    - (B) the indicator immediately before the decision is made; and
- (b) at nodes A to E described in schedule 2, the performance indicator, mentioned in section 10(e), be—
  - (i) not less than the lesser of the following—
    - (A) 66% of the indicator for the pre-development flow pattern;

[s 13]

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- (B) the indicator immediately before the decision is made; and
- (ii) not more than the greater of the following—
  - (A) 133% of the indicator for the pre-development flow pattern;
  - (B) the indicator immediately before the decision is made.

## **Division 2                      Water allocation security objectives**

### **13                      Performance indicators for water allocation security objectives**

The performance indicators for the water allocation security objectives are—

- (a) the annual volume probability; and
- (b) the 45% annual volume probability.

### **14                      Water allocation security objectives**

For making a decision mentioned in section 18(2), the water allocation security objectives are that—

- (a) the annual volume probability for a water allocation group be not less than the annual volume probability for the group immediately before the decision is made; and
- (b) the 45% annual volume probability for a water allocation group be not less than the 45% annual volume probability for the group immediately before the decision is made.

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## **Part 5**                      **Strategies for achieving outcomes**

### **Division 1**                **Preliminary**

#### **15**      **Strategies**

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

### **Division 1A**            **Limitation on taking water without water entitlement**

#### **15A**    **Limitations on taking water without water licence**

- (1) This section prescribes the limitation on the water that may be taken under the Act, section 20(2)(a).
- (2) The total volume of water a person may take without a water entitlement is limited to 2 megalitres each year.

### **Division 2**            **Decisions made under this plan**

#### **16**      **Application of div 2**

This division applies to decisions about the allocation or management of water in the plan area, other than a decision—

- (a) about a water permit; or

[s 17]

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- (b) about reinstating or replacing an expired licence; or
- (c) under the *Sustainable Planning Act 2009*, about taking overland flow water mentioned in section 44(1)(a) or (d); or
- (d) to grant a water entitlement to an entity named in the resource operations plan for operations that were in existence before 20 September 2000; or
- (e) to grant a water entitlement to an owner of land, other than land adjoining a watercourse, lake or spring, to take water for stock or domestic purposes using works that were in existence before 20 September 2000.

## **17 Decisions not to increase amount of water taken**

- (1) The chief executive must not make a decision that would increase the average volume of water available to be taken in the plan area.
- (2) Subsection (1) does not apply to a decision about—
  - (a) taking unallocated water granted under section 20C; or
  - (b) taking or interfering with groundwater, other than groundwater in a groundwater unit.
- (3) A decision mentioned in subsection (1) includes a decision about an application, in relation to taking water under an authorisation, made but not dealt with before the commencement of this plan.

## **18 Decisions consistent with objectives**

- (1) A decision made in preparing the first resource operations plan must be consistent with the environmental flow objectives mentioned in section 11.
- (2) All other decisions, including a decision about the water allocation change rules to be stated in the resource operations plan, must be consistent with—



- (a) the environmental flow objectives mentioned in sections 11 and 12; and
  - (b) the water allocation security objectives mentioned in section 14.
- (3) Subsections (1) and (2) do not apply to a decision made in preparing or applying the event management rules for the Lower Balonne.

## **19 Assessing impact of decisions**

- (1) The IQQM computer program's simulation for the simulation period and the Lower Balonne decision support tool are used to assess—
- (a) for section 17—whether the average volume of water available to be taken would increase; and
  - (b) for section 18—consistency with the objectives.
- (2) Subsection (1)(a) does not apply to a decision to refuse an application if approving the application would clearly increase the average volume of water available to be taken in the plan area.
- (3) Subsection (1) does not limit the matters the chief executive may have regard to in assessing the matters mentioned in subsection (1).
- (4) If it is not practicable to use the IQQM computer program or the Lower Balonne decision support tool, another assessment method approved by the chief executive may be used.
- (5) The chief executive may approve an assessment method for subsection (4) only if the chief executive is satisfied the method will assess the matters mentioned in subsection (1) at least as accurately as the IQQM computer program or the Lower Balonne decision support tool.

## **20 Calculation of performance indicators**

- (1) Subsection (2) applies to a decision—

[s 20A]

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- (a) that will result in the addition of a water allocation to, or the omission of a water allocation from, a water allocation group; or
  - (b) to grant an application under section 129 or 130 of the Act to change a water allocation.
- (2) In assessing the decision's consistency with the water allocation security objectives, the performance indicators are calculated on the assumption the water allocation being added, omitted or changed is not part of any water allocation group.

## **Division 2A            Unallocated water**

### **20A    Unallocated water held as a general reserve**

Unallocated water in the plan area is held as a general reserve.

### **20B    Limitations on allocation from general reserve**

The allocation of unallocated water from the general reserve is limited to—

- (a) water in the groundwater units mentioned in schedule 2A, column 1; and
- (b) the annual volume of water mentioned for each of the groundwater units in schedule 2A, column 2; and
- (c) water for a use mentioned for each of the groundwater units in schedule 2A, column 3.

### **20C    Process for granting unallocated water**

The process for granting unallocated water in the plan area is the process stated in the *Water Regulation 2002*.

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## **Division 3                      Conversion of authorisations to water allocations**

### **Subdivision 1            General**

#### **21            Application of div 3**

This division applies only to—

- (a) authorisations converted, under the resource operations plan, to water allocations; and
- (b) water allocations converted, under the resource operations plan, from authorisations.

#### **22            Authorisations relating to a single property**

- (1) Subsection (2) applies if 2 or more authorisations, for taking unsupplemented water in the Lower Balonne, relate to a single property.
- (2) In preparing the resource operations plan, the chief executive must, if practicable, convert all authorisations relating to the property to a single water allocation.

#### **23            Location for taking water**

The location, for taking water, stated on a water allocation must—

- (a) contain the place at which water could have been taken under the authorisation; and
- (b) for a water allocation to take supplemented water—be contained within the water supply scheme that contains the place at which water could have been taken under the authorisation.

## **24 Unused authorisations in the upper and middle catchment**

- (1) Subsection (2) applies to allocations converted from authorisations—
  - (a) to take unsupplemented water in the upper and middle catchment; and
  - (b) for which works have not been installed (*sleeper allocations*).
- (2) The chief executive must amend each sleeper allocation to ensure taking water under all sleeper allocations—
  - (a) will reduce only the volume of water taken under all other allocations (*non-sleeper allocations*) in the same water allocation group as the sleeper allocations or a water allocation group downstream of the water allocation group to which the sleeper allocations belong; and
  - (b) will not reduce the total volume of water taken under all non-sleeper allocations in any water allocation group, in the upper and middle catchment, by more than 2.5%; and
  - (c) will not reduce the total volume of water taken under allocations in the Lower Balonne; and
  - (d) will not reduce the reliability of water supplied from Beardmore Dam; and
  - (e) will not adversely affect achieving the ecological outcomes of this plan.

## **Subdivision 2 Supplemented water**

### **25 Nominal volume for supplemented water**

The nominal volume for a water allocation to take supplemented water is the annual volume for supplemented water stated on the authorisation.

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## **Subdivision 3      Unsupplemented water**

### **26      Maximum rate for taking unsupplemented water**

- (1) The maximum rate for taking water, for a water allocation to take unsupplemented water, is the rate in megalitres a day decided by the chief executive having regard to—
  - (a) for an authorisation that states, in the schedule of terms on the authorisation, a rate for taking water—the stated rate; and
  - (b) for an authorisation that states a pump size, other than for an axial flow pump—the information about pump sizes and maximum rates in schedule 3, columns 1 and 2; and
  - (c) for an authorisation that states a pump size, for an axial flow pump—the information about pump sizes and maximum rates in schedule 3, columns 1 and 3; and
  - (d) for an authorisation that states both a rate and a pump size, the lesser of the following—
    - (i) the rate decided under paragraph (a);
    - (ii) the rate decided under paragraph (b) or (c); and
  - (e) for another authorisation—the terms or conditions under which water may be taken under the authorisation.
- (2) If an authorisation includes a condition limiting the total rate for taking water for the authorisation and any other authorisations, the chief executive must have regard to the condition in deciding the maximum rate for taking water under the water allocations to which the authorisations are converted.
- (3) However, the maximum rate for taking water, for a water allocation to take unsupplemented water in the Lower Balonne, is the rate in megalitres a day decided by the chief executive under subsections (1) and (2), and reduced by 5%.
- (4) A water allocation may include more than 1 maximum rate and flow conditions.

[s 27]

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- (5) Subsections (1) and (2) do not limit the matters the chief executive may consider.

## **27 Conditions for taking unsupplemented water**

- (1) In deciding the conditions under which unsupplemented water may be taken under a water allocation, the chief executive must have regard to—
- (a) the terms or conditions stated on the authorisation; and
  - (b) any existing water sharing arrangements that relate to the authorisation.
- (2) Subsection (3) applies if—
- (a) the authorisation was for water harvesting; and
  - (b) the water that could have been taken by water harvesting could have been stored in a storage that is works that allow taking overland flow water.
- (3) The chief executive must impose a condition on the allocation to ensure there is no increase in the volume of overland flow water the storage may take.
- (4) The chief executive must impose a condition, on an allocation for taking water in the Lower Balonne, stating the parcels of land on which water taken under the allocation may be stored.

## **28 Volumetric limit for unsupplemented water in the upper and middle catchment**

In deciding the volumetric limit for taking water under an allocation for unsupplemented water in the upper and middle catchment, the chief executive must have regard to—

- (a) for an authorisation to supply town water that states an annual volume—the stated annual volume; and
- (b) for all other authorisations—
  - (i) the maximum rate for taking the water, decided under section 26; and

- 
- (ii) the conditions for taking the water, decided under section 27; and
  - (iii) for an authorisation that states an area that may be irrigated—
    - (A) the local availability of water; and
    - (B) the volume of water estimated by the chief executive to be necessary to efficiently irrigate the types of crops grown in the part of the plan area to which the authorisation relates; and
  - (iv) for other authorisations—the availability of water in the part of the plan area for the water allocation group to which the allocation relates.

## **29 Volumetric limit for unsupplemented water in the Lower Balonne**

- (1) The volumetric limit for taking water under an allocation for unsupplemented water in the Lower Balonne is the volumetric limit decided by the chief executive having regard to the lesser of—
  - (a) the total capacity of existing works for storing water on the property; and
  - (b) the volume decided by the chief executive based on information supplied by the authorisation holder for the infrastructure assessment.
- (2) To establish the total capacity for subsection (1)(a), the authorisation holder must give the chief executive a certificate in the approved form from a registered professional engineer.
- (3) Subsection (1) does not limit the matters the chief executive may consider.

## **30 Nominal volume for unsupplemented water**

The nominal volume for a water allocation to take unsupplemented water is—

[s 31]

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- (a) for an authorisation that states an area that may be irrigated—the volume, in megalitres, calculated by multiplying the area, in hectares, by 6; and
- (b) for another authorisation—the volume decided by the chief executive having regard to—
  - (i) the local availability of water; and
  - (ii) the maximum rate for taking the water, decided under section 26; and
  - (iii) the conditions for taking the water, decided under section 27; and
  - (iv) the volumetric limit for the water, decided under section 28 or 29; and
  - (v) the water sharing rules in the resource operations plan.

## **Division 4            Resource operations plan**

### **Subdivision 1        General**

#### **31            Preparation of resource operations plan**

In preparing the resource operations plan, the chief executive must consider the following options for achieving the ecological outcomes, stated in this plan, for the sustainable management of water—

- (a) improving the management of water stored and subsequently released for stock and domestic purposes;
- (b) changing, removing or constructing works for improving the passage through the watercourse system of environmentally significant flows;
- (c) storing and releasing water for environmental purposes;
- (d) making use of privately-owned facilities for storing and releasing water for environmental purposes;



- (e) improving monitoring of flows;
- (f) improving the management of instream water infrastructure.

## **32 Water sharing rules for water in plan area**

- (1) The water sharing rules in the resource operations plan, for water in a part of the plan area, must state the circumstances under which a water entitlement holder—
  - (a) may start taking water; and
  - (b) must stop taking water.
- (2) In deciding the water sharing rules for a part of the plan area, the chief executive must have regard to—
  - (a) any existing water sharing arrangements for the water to which the rules are to apply; and
  - (b) existing water sharing rules for water in the part of the plan area; and
  - (c) the following—
    - (i) the maximum rates for taking water, decided under section 26;
    - (ii) the conditions for taking water, decided under section 27;
    - (iii) the volumetric limits for water, decided under section 28 or 29; and
  - (d) any other authorisations to take water in the part of the plan area; and
  - (e) for authorisations that state an area that may be irrigated—the local availability of water; and
  - (f) for other authorisations—the availability of water in the part of the plan area for the water allocation group to which the allocations relate.

### **33 Additional water sharing rules for water in the upper and middle catchment**

- (1) The water sharing rules may state that, for taking water in the upper and middle catchment, despite the volumetric limit for taking water under a water allocation, decided under section 28, the limit does not apply to the allocation while—
  - (a) the holder of the allocation continues taking and storing water using only the works used to take and store water under the authorisation from which the allocation was converted; and
  - (b) no change is made to the works; and
  - (c) no change is made to the allocation; and
  - (d) the holder does not assign the benefit of any part of the water that may be taken under the allocation; and
  - (e) if the water sharing rules require the holder to give the chief executive any information about the works—the holder complies with the requirement.
- (2) In subsection (1)—

*change*, in relation to a water allocation, has the meaning given by the Act, section 128.

### **34 Additional water sharing rules for water in the Lower Balonne**

- (1) The water sharing rules must state that—
  - (a) a water entitlement's volumetric limit is the maximum volume of water that may be stored at any time on the property to which the entitlement relates; and
  - (b) the holder of the entitlement may not take water under the entitlement if a volume of water equivalent to the holder's volumetric limit is in storage on the property at the time; and
  - (c) despite sections 26(3) and 49(1)(b), for 5 years after the commencement of this section, the holder of a water

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entitlement may take 5% more than the maximum rate for taking water stated on the entitlement.

(2) In subsection (1)—

***water entitlement*** means—

(a) either of the following—

- (i) a water allocation to take unsupplemented water in the Lower Balonne;
- (ii) a water licence to take overland flow water in the Lower Balonne; and

(b) for subsection (1)(a) and (b)—does not include a water entitlement held by SunWater for water harvesting in the St George Water Supply Scheme.

### **35 Deciding operating arrangements, supply requirements and environmental management rules**

(1) In deciding the operating arrangements and supply requirements for water infrastructure and the environmental management rules for the resource operations plan, the chief executive must consider—

(a) the impact of the infrastructure's operation on the following—

- (i) water quality and temperature;
- (ii) instream water levels;
- (iii) the natural movement of sediment;
- (iv) the bed and banks of watercourses;
- (v) riparian vegetation;
- (vi) habitats for native plants and animals; and

(b) the extent to which rapid artificial variations in instream water levels, caused by the operation of the infrastructure, may adversely affect natural ecosystems; and

[s 36]

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- (c) the impact of the infrastructure on the movement of fish and other aquatic species; and
  - (d) whether the movement of water from a watercourse to another watercourse is likely to adversely affect the watercourse to which the water is moved; and
  - (e) the likelihood of fish deaths caused by the operation of the infrastructure.
- (2) Subsection (1)—
- (a) applies only if the arrangements, requirements or rules are a change from the existing practice; and
  - (b) does not limit the matters the chief executive may consider.

### **36 Resource operations plan to meet interstate obligations**

The chief executive must ensure the resource operations plan gives effect to any agreement made between the State and New South Wales about water in the plan area.

## **Subdivision 2 Event management rules for the Lower Balonne**

### **37 Flow event management**

- (1) The environmental management and water sharing rules in the resource operations plan must contain rules for managing flow events in the Lower Balonne.
- (2) In deciding the rules, the chief executive may consider the following options—
  - (a) releasing stored water from Beardmore Dam and Jack Taylor Weir, including water stored for short periods of time above full supply level;
  - (b) allowing trading in water entitlements, to achieve environmental outcomes.

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

### **38 Managing low flows**

- (1) The purpose of the rules for managing low flows is to maximise environmental benefits and the reliability of supply of water for stock and domestic purposes.
- (2) To achieve the purpose, the rules must ensure that, if an inflow occurs to Beardmore Dam and more than 12 months has passed since a flow through event, the likelihood of a flow through event is maximised by—
- (a) releasing water that has been stored for stock and domestic purposes; and
  - (b) if the release mentioned in paragraph (a) is not likely to result in a flow through event, both—
    - (i) if the threshold for water harvesting has been reached—
      - (A) reducing water harvesting to 90% for the period of the flow event up to a maximum period of 5 days; and
      - (B) reducing by up to 10% the volume of water that could have been taken by weirs below the Jack Taylor weir; and
    - (ii) managing bifurcation weirs; and
  - (c) if the actions mentioned in both paragraphs (a) and (b) are not likely to result in a flow through event—releasing up to 10% of the inflow that would usually be stored for use under water allocations in the St George Water Supply Scheme.
- (3) In deciding the rules, the chief executive—
- (a) must consider making use of privately-owned facilities for the storage and subsequent release of water; and
  - (b) must ensure that—

[s 39]

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- (i) water made available under a rule mentioned in subsection (2) is taken only for stock or domestic purposes; and
- (ii) during subsequent flow events after the rules mentioned in subsection (2) have been followed, priority is given to replacing water released under a rule mentioned in subsection (2)(c).

### **39 Managing medium flow events**

- (1) The purpose of the rules for managing medium flow events is to provide for improved flows, especially low and medium flows, that mimic the natural variability of the river system and floodplains.
- (2) To achieve the purpose, the rules must ensure that, if a flow event happens in either of the following circumstances, water harvesting must be reduced to 90% for the period of the flow event up to a maximum period of 5 days—
  - (a) more than 2 years has passed since a flow event with a peak of at least 60000ML a day at Jack Taylor weir;
  - (b) more than 3 years has passed since a flow event with a peak of at least 100000ML a day at Jack Taylor weir.

### **40 Managing Narran Lakes filling flow events**

- (1) The purpose of the rules for managing Narran Lakes filling flow events is to improve water availability for bird-breeding in the Narran Lakes Ramsar site.
- (2) The rules must ensure that, if a flow event of a volume sufficient to fill the Narran Lakes Ramsar site under the pre-development flow pattern occurs during the winter bird-breeding months, water harvesting must be reduced to 90% for the period of the flow event up to a maximum period of 10 days.
- (3) The rules must also ensure that, if both of the following happen, water harvesting must be reduced to 90% for the period of the flow event up to a maximum period of 10 days—

- (a) the Narran Lakes Ramsar site has filled during the winter bird-breeding months;
- (b) within 4 months after the site has filled, a flow event that would re-fill the site under the pre-development flow pattern occurs.

#### **41 Application of rules mentioned in ss 38–40**

If more than 1 of the rules mentioned in sections 38, 39 and 40 apply in particular circumstances, the maximum period for which water harvesting may be reduced is the greater of the periods mentioned in the rules that apply.

#### **42 Compensation rules for flow event management**

- (1) If the taking of unsupplemented water has been reduced because of flow event management, the resource operations plan must contain rules that allow holders of water entitlements to take unsupplemented water to take additional water to compensate them for the reduction.
- (2) In deciding the rules, the chief executive must—
  - (a) consider options for water entitlement holders to take water at times of high water availability; and
  - (b) ensure any increase in the taking of water under the rules does not adversely affect the achievement of the purposes for flow event management; and
  - (c) ensure any increase in the taking of water under the rules does not adversely affect the ability of other entitlement holders to take water under their entitlements; and
  - (d) ensure the additional water is taken as soon as practicable and not carried over.

### **Subdivision 3      Other rules for the Lower Balonne**

#### **43      Water sharing rules for the St George Water Supply Scheme**

- (1) The resource operations plan must contain water sharing rules for water allocations managed under the St George Water Supply Scheme.
- (2) The rules must state—
  - (a) the extent to which the difference between a water allocation holder's nominal volume and the volume of water taken in a water year may be taken in the following year (the *carry over volume*); and
  - (b) the extent to which a water allocation holder may take more than the holder's available allocation in a water year by drawing on the holder's available allocation for the following year (the *forward draw volume*).
- (3) In deciding the rules, the chief executive must ensure—
  - (a) the total of carry over volumes for water allocations in the St George Water Supply Scheme is not more than 20% of the total of the nominal volumes for allocations managed under the scheme in the water year; and
  - (b) the total of forward draw volumes for water allocations in the St George Water Supply Scheme is not more than 10% of the total of the nominal volumes for allocations managed under the scheme in the water year; and
  - (c) the taking of forward draw volumes does not adversely affect the reliability of supply of other supplemented water allocations; and
  - (d) if forward draw volumes are taken in a water year—
    - (i) until the end of the water year, the dam is operated to spill at full supply level less the volume that is equivalent to the total of the forward draw volumes; and



- (ii) an allocation holder who has taken a forward draw volume, repays the forward draw as soon as is practicable.

*Example for subparagraph (ii)—*

if the allocation holder also holds a water allocation for water harvesting, by refraining from water harvesting until the forward draw has been repaid

- (4) For deciding the water sharing rules, the total volume of water carried over under arrangements in place on 1 July 2004 is taken to be 20% of the total of the nominal volumes for all allocations managed under the scheme.
- (5) In subsection (2)(b)—  
***available allocation***, for a water allocation in a water year—
  - (a) means the volume of water that, under the water sharing rules, may be taken under the allocation during the water year; and
  - (b) does not take into account any carry over volume or forward draw volume relating to the water allocation.

## **Division 5                      Regulation of overland flow water**

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

- (1) A person may not take overland flow water other than—
  - (a) for stock or domestic purposes; or
  - (b) under an authority under section 46; or
  - (c) under an authorisation; or
  - (d) overland flow water—
    - (i) of not more than the amount necessary to satisfy the requirements of—
      - (A) an environmental authority under the *Environmental Protection Act 1994*; or

[s 45]

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- (B) a development permit for carrying out an environmentally relevant activity, other than a mining or petroleum activity, under the *Environmental Protection Act 1994*; or
  - (ii) that is contaminated agricultural runoff water.
- (2) In this section—
- contaminated agricultural runoff water has the meaning given by the ‘Code for Assessable Development for Operational Works for Taking Overland Flow Water’.

*Editor’s note—*

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

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

- (1) In deciding an application under the Act or the *Sustainable Planning Act 2009* about taking overland flow water, the chief executive must consider whether granting the application is likely to adversely affect—
- (a) cultural values, including, for example, cultural values of local Aboriginal communities; or
  - (b) natural aquatic ecosystems, including, for example, natural wetlands; or
  - (c) users of overland flow water downstream of the area to which the application relates.
- (2) However, subsection (1) does not apply to an application—
- (a) for a water permit; or
  - (b) to reinstate or replace an expired licence.

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

- (1) Subsection (2) applies to the owner of land on which either of the following is situated—
- (a) existing works;

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*Note—*

See schedule 5, definition *existing works*, paragraph 2.

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

#### **47 Granting water licences for authorities under s 46**

- (1) This section applies if—
  - (a) an owner of land is authorised under section 46 to continue taking overland flow water using works; and
  - (b) the chief executive is satisfied there has been, or may be, an increase, in the average annual volume of overland flow water taken using the works, above the average annual volume that could have been taken under the operating arrangements in place immediately before the commencement of this plan.
- (2) The chief executive may—
  - (a) under section 212 of the Act, grant a water licence to replace the authority under section 46; and
  - (b) impose a condition on the licence to ensure the average annual volume of overland flow water that may be taken using the works is not more than the average annual volume that could have been taken under the operating

arrangements in place immediately before the commencement of this plan.

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

- (1) For granting, under section 212 of the Act, a water licence to replace an authority under section 46, the resource operations plan—
  - (a) must state the parts of the plan area in which an authority may be replaced by a water licence; and
  - (b) must state the works to which each authority relates; and
  - (c) must consider the extent to which the works allow the taking of—
    - (i) overland flow water under an authority under section 46; and
    - (ii) water under another authorisation; and
  - (d) to meet the objectives and achieve the outcomes of this plan, may reduce the volume of overland flow water allowed to be taken in a part of the plan area mentioned in paragraph (a) by deciding—
    - (i) the volume of overland flow water available for allocation in the part; and
    - (ii) the share available under each authority to take overland flow water in the part.
- (2) The resource operations plan may also decide the share of the water mentioned in subsection (1)(d)(i) available under a water licence granted under section 47 for a part of the plan area mentioned in subsection (1)(a).
- (3) Section 217 of the Act applies to the amendment of the licence for consistency with the resource operations plan.

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**49 Water licences for taking overland flow water in the Lower Balonne**

- (1) A water licence for taking overland flow water in the Lower Balonne, granted to replace an authority under section 46, must include a maximum rate, in megalitres a day, and the flow conditions for taking the water, decided by the chief executive—
  - (a) having regard to the lesser of—
    - (i) the rate and flow conditions under which water can be taken using the works, decided by the chief executive based on information supplied by the authorisation holder for the infrastructure assessment; and
    - (ii) the actual rate and flow conditions under which the works can take water; and
  - (b) reduced by 5%.
- (2) To establish the rate and flow conditions for subsection (1)(a)(ii), the authorisation holder must give the chief executive a certificate in the approved form from a registered professional engineer.
- (3) A water licence mentioned in subsection (1) must also include a volumetric limit decided by the chief executive under section 29(1) and (2) as if the water licence were a water allocation for unsupplemented water.
- (4) The chief executive must impose a condition on the water licence stating the parcels of land on which water taken under the licence may be stored.
- (5) If levee banks constructed on the property reduce the amount of water that infiltrates the soil during flooding, the chief executive must impose a condition on the water licence to ensure there is no reduction in downstream flows if the levee banks are changed or removed or are, for any other reason, no longer fulfilling the purpose for which they were constructed.
- (6) The water licence may include more than 1 maximum rate and flow conditions.

[s 50]

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- (7) A water licence mentioned in this section must be granted for the remainder of the period of time this plan is in force.

*Editor's note—*

A copy of the document is available for inspection during office hours on business days at the department's head office at level 3, 400 George Street, Brisbane and at each regional office, and on the department's website.

- (8) Subsections (1) to (3) do not limit the matters the chief executive may consider.

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

- (1) Works that allow taking overland flow water, other than works mentioned in subsection (3), 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 repairs or maintenance to works mentioned in section 46 or works constructed under a development permit, that do not alter the design of the works.
- (3) Works for taking overland flow water for stock or domestic purposes are self-assessable development for the *Sustainable Planning Regulation 2009*, schedule 3, part 2, table 4, item 1(e).

## **Division 5A Regulation of groundwater**

### **50A Application of div 5A**

This division applies to groundwater in a groundwater unit.

### **50B Elements of water licences**

- (1) A water licence to take or interfere with groundwater must state a nominal entitlement for the licence.
- (2) In this section—

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*nominal entitlement* see the *Water Regulation 2002*, section 65.

### **50C Conditions for taking groundwater**

The chief executive must consider any existing water sharing rules when deciding the water sharing rules to be included in the resource operations plan for a water licence to take or interfere with groundwater.

### **50D Limitation on taking or interfering with groundwater**

- (1) This section limits the groundwater that may be taken, or interfered with, under section 20(2)(c) of the Act.
- (2) A person may take or interfere with groundwater only—
  - (a) under a water licence; or
  - (b) under a water permit; or
  - (c) under a seasonal water assignment notice; or
  - (d) for stock or domestic purposes; or
  - (e) for an activity prescribed under a regulation for section 20(2)(a) of the Act.
- (3) However, despite subsection (2)(d), a person mentioned in section 50E may take or interfere with groundwater for stock or domestic purposes only under section 50E.

### **50E Taking groundwater for stock or domestic purposes using existing works**

- (1) This section applies if—
  - (a) a person is taking groundwater from the following groundwater units for stock or domestic purposes—
    - (i) the St George alluvium (deep);
    - (ii) the upper Condamine alluvium (Central Condamine alluvium);

[s 50F]

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- (iii) the upper Condamine alluvium (tributaries);
    - (iv) the upper Condamine basalts; and
  - (b) the groundwater is being taken from land that is in a service area under the *Water Supply (Safety and Reliability) Act 2008* for a retail water service.
- (2) The person may take the groundwater using only existing works.
- (3) In this section—
- existing works* means—
- (a) works constructed before 13 July 2012; or
  - (b) works replacing works mentioned in paragraph (a).

#### **50F Direction to chief executive about non-acceptance of application to take groundwater**

- (1) This section applies to an application made under section 206 of the Act for a water licence to take or interfere with groundwater.
- (2) The chief executive is directed, under section 46(2)(f) of the Act, to refuse to accept the application if granting the application would increase the amount of water that may be taken in the plan area.

*Note—*

See section 20C for the process for granting unallocated water.

#### **50G Adjustment of water licences to state annual volumetric limit—Act, s 46(2)(j)**

- (1) This section applies to a holder of a water licence if—
  - (a) the licence does not state a maximum volume of groundwater that may be taken under the licence; and
  - (b) the works proposed to be used by the holder to take the groundwater under the licence—
    - (i) have not been constructed; or



- (ii) have been constructed but the works do not allow for the taking of the groundwater to which the licence relates.
- (2) The chief executive must adjust the holder's licence to state an entitlement of zero megalitres for the licence.

## **50H Relationship with Sustainable Planning Act 2009**

- (1) Works for taking or interfering with groundwater are assessable development for the *Sustainable Planning Regulation 2009*, schedule 3, part 1, table 4, item 3(c)(ii).
- (2) However, this section does not apply to a water bore that is constructed more than—
- (a) 200m from a boundary of a parcel of land; or
  - (b) 400m from another water bore.

## **Division 6 Miscellaneous provision**

### **53 Taking water from waterholes or lakes**

- (1) This section applies to the chief executive—
- (a) in making the water allocation change rules in preparing the resource operations plan; and
  - (b) in deciding an application to change the location from which water may be taken under a water allocation.
- (2) If a change in the location from which water may be taken under a water allocation would allow the taking of water from a waterhole or lake, the chief executive must impose a condition on the allocation that water may be taken from the waterhole or lake only if the water level in the waterhole or lake is above the level that is 0.5 m below the level at which it naturally overflows.
- (3) However, the chief executive need not impose a condition mentioned in subsection (2) if the chief executive is satisfied



*previous reporting period*, in relation to a reporting period, means the reporting period immediately preceding the reporting period.

## **Part 7**                      **Implementing and amending this plan**

### **Division 1**                **General**

#### **58**        **Implementation schedule**

- (1) This section states—
  - (a) the proposed arrangements for implementing this plan; and
  - (b) the priorities for the conversion to, or granting of, water allocations.
- (2) Within 1 year after the commencement of this plan, it is proposed to prepare a resource operations plan—
  - (a) to convert the following authorisations to water allocations—
    - (i) authorisations to take supplemented water;
    - (ii) authorisations to take unsupplemented water, other than authorisations that state an area that may be irrigated or authorisations for water spreading; and
  - (b) to grant water licences to replace authorities under section 46 to take overland flow water in the Lower Balonne; and
  - (c) to make environmental management rules, water sharing rules, water allocation change rules and seasonal water assignment rules; and
  - (d) to implement the monitoring requirements in part 6.

[s 59]

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- (3) Section 217 of the Act applies to the part of an authorisation, mentioned in subsection (2)(a), that is a water licence not converted to a water allocation.
- (4) Within 5 years after the commencement of this plan, it is proposed to prepare a new resource operations plan or amend the plan mentioned in subsection (2) to convert to water allocations authorisations to take unsupplemented water that state an area that may be irrigated.
- (5) Subsections (2) and (4) do not limit the matters that may be included in the resource operations plan.
- (6) In this section—  
*authorisation* does not include an authorisation to take overland flow water.

## 59 Minor or stated amendments of plan—Act, s 57

The following types of amendment may be made to this plan under section 57(b) of the Act—

- (a) an amendment of an environmental flow objective or a water allocation security objective, or a performance indicator for an objective, if the amendment achieves an equivalent or improved environmental flow and water allocation security outcome;
- (b) an amendment of part 5, division 3, that—
  - (i) does not adversely affect meeting the environmental flow objectives or water allocation security objectives or achieving the outcomes; and
  - (ii) does not result in a water allocation holder being able to take less water under the allocation than the holder would have been able to take before the amendment;
- (c) an amendment of section 38, 39 or 40 if the amendment is to improve the efficiency of the operation of a rule and achieves an equivalent or improved environmental outcome;

- (e) an amendment or addition of a monitoring or reporting requirement under part 6;
- (f) an amendment of schedule 5, definition *works that allow taking overland flow water*.

## Division 2                      **Advisory councils**

### **60            Establishment of advisory councils**

The Minister, under section 1005 of the Act, intends to establish—

- (a) the Water Advisory Council (Lower Balonne) (the ***Lower Balonne council***), to increase community awareness and understanding of, and involvement in, the management of water resources in the Lower Balonne; and
- (b) other advisory councils the Minister considers appropriate for other parts of the plan area.

### **61            Membership of advisory councils**

- (1) An advisory council is to consist of the members, appointed by the Minister, representing stakeholders in the part of the plan area for which the council is established and downstream of the part.
- (2) In subsection (1)—  
***stakeholder*** includes a person with a cultural, economic or environmental interest in water use.

### **62            Role of advisory councils**

- (1) An advisory council's role is—
  - (a) to advise the Minister on the implementation of this plan; and

[s 62]

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- (b) to assist the chief executive in the development and implementation of the resource operations plan; and
  - (c) to liaise with any other advisory council in the plan area; and
  - (d) to assist with the implementation of any agreement made between the State and New South Wales about water in the plan area or downstream of the plan area.
- (2) The chief executive may seek the Lower Balonne council's advice on—
- (a) the implementation and operation of flow management; and
  - (b) the development of real time monitoring to support flow management; and
  - (c) research and monitoring programs, including programs to improve understanding of the ecological functioning of the Lower Balonne and the floodplain downstream of the plan area, and its ecological assets; and
  - (d) the further development and use of the Lower Balonne decision support tool; and
  - (e) ensuring the best data and science is available to assist in the development of the resource operations plan.
- (3) The chief executive may, in relation to the Lower Balonne council, develop procedures for—
- (a) seeking the council's advice on the matters mentioned in subsection (2); and
  - (b) ensuring the timely implementation of the event management rules.

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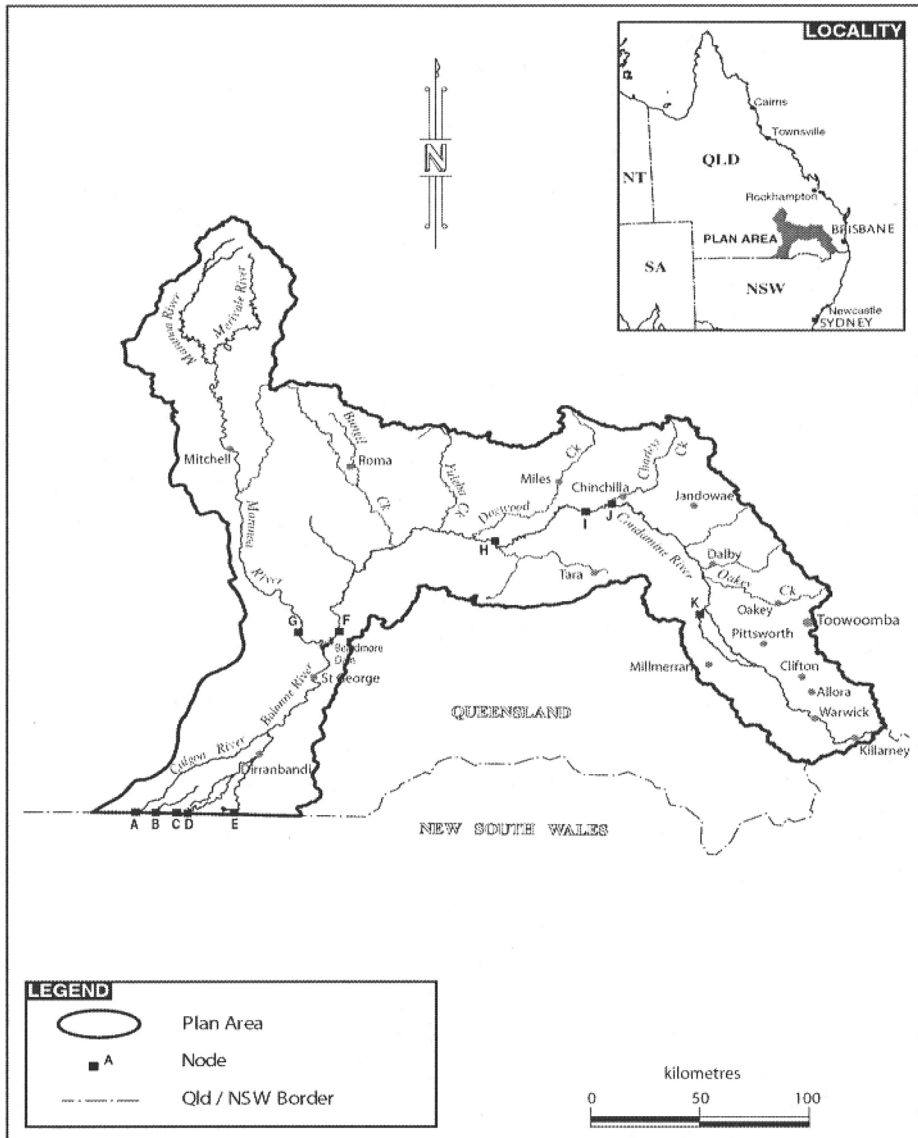
## **Part 8**                      **Transitional provision for Water Resource Plans Amendment Plan (No. 2) 2014**

### **63**      **Existing applications for water licence to take or interfere with groundwater**

- (1) This section applies to an application made under section 206 of the Act for a water licence to take or interfere with groundwater in the plan area that has not been decided before the commencement.
- (2) The chief executive is directed, under section 46(2)(f) of the Act, to refuse to grant the application.

# Schedule 1 Plan area and nodes

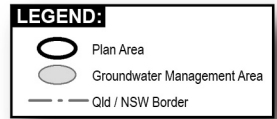
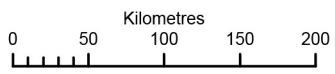
sections 5 and 7 and schedule 5, definition *plan area*





# Schedule 1A Condamine and Balonne groundwater management area

## section 5A



WM3K

## Schedule 2 Node descriptions

sections 7, 11 and 12

| <b>Node</b> | <b>Location</b>   |
|-------------|---|
| A           | Culgoa River at the border of the State and New South Wales                                       |
| B           | Briarie Creek at the border of the State and New South Wales                                      |
| C           | Ballandool River at the border of the State and New South Wales                                   |
| D           | Bokhara River at the border of the State and New South Wales                                      |
| E           | Narran River at the border of the State and New South Wales                                       |
| F           | Balonne River at the upstream limit of the impounded area of the E.J. Beardmore Dam (AMTD 280 km) |
| G           | Maranoa River at Old Cashmere gauging station (AMTD 29.3km)                                       |
| H           | Condamine River at Cotswold (AMTD 537.5 km)   |
| I           | Condamine River at the downstream border of the Chinchilla water supply scheme (AMTD 643.7 km)    |
| J           | Condamine River at the upstream limit of the impounded area of the Chinchilla Weir                |
| K           | Condamine River at the Cecil Plains Weir (AMTD 891.1km)   |

## Schedule 2A Allocation of unallocated water—general reserve

section 20B

| Column 1                                 | Column 2      | Column 3 |
|--|---------------|----------|
| Groundwater unit                         | Annual volume | Use      |
| St George alluvium (shallow)             | 3000ML        | Any      |
| sediments above the Great Artesian Basin | 3000ML        | Any      |
| Condamine fractured rock                 | 660ML         | Any      |

## Schedule 3 Pump sizes and maximum rates

section 26

| Column 1       | Column 2              | Column 3              |
|----------------|-----------------------|-----------------------|
| Pump size (mm) | Maximum rate (ML/day) | Maximum rate (ML/day) |
| 32             | 0.5                   |                       |
| 40             | 1                     |                       |
| 50             | 2.2                   |                       |
| 65             | 3.9                   |                       |
| 80             | 5.6                   |                       |
| 100            | 7.3                   |                       |
| 125            | 7.3                   |                       |
| 150            | 12.1                  |                       |
| 200            | 15.6                  |                       |
| 250            | 21.6                  |                       |
| 300            | 25.9                  |                       |
| 350            | 34.6                  |                       |
| 375 to 400     | 43.2                  |                       |
| 500            | 47.5                  | 70                    |
| 600 to 610     | 86.4                  | 120                   |
| 660            | 120                   |                       |
| 700 to 720     | 150                   | 200                   |
| 750 to 770     | 180                   | 220                   |

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| <b>Column 1</b>       | <b>Column 2</b>              | <b>Column 3</b>              |
|-----------------------|------------------------------|------------------------------|
| <b>Pump size (mm)</b> | <b>Maximum rate (ML/day)</b> | <b>Maximum rate (ML/day)</b> |
| 780 to 810            | 200                          | 235                          |

## Schedule 5 Dictionary

### section 4

***1 in 2 year flood*** means the daily flow that has a 50% probability of being reached at least once a year.

***1 in 10 year flood*** means the daily flow that has a 10% probability of being reached at least once a year.

***45% 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 45% of the total of the nominal volumes for the group.

***AMTD*** means the adopted middle thread distance which is the distance in kilometres, measured along the middle of a watercourse, that a specific point in the watercourse is from the watercourse's mouth, the watercourse's junction with the main watercourse or the border between the State and New South Wales.

***annual volume probability*** means—

- (a) for a water allocation group for taking unsupplemented water—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 group; and
- (b) for a water allocation group for taking supplemented water—the average annual volume of water that may be taken by the group in the simulation period as a percentage of the total of the nominal volumes for the group.

***authorisation***—

- (a) means a licence, permit or other authority to take water given under the Act or the repealed Act, other than a permit for stock or domestic purposes; and

- (b) for part 5, division 3—includes a development permit for works for taking water under the authorisation.

***average volume of water available to be taken*** means the average volume of water allowed to be taken under authorisations, calculated for the simulation period.

***beneficial flooding flow*** means the median of the wet season 90-day flows for the years in the simulation period.

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

***event management rules*** are the rules for the management of flow events, mentioned in part 5, division 4, subdivision 2.

***existing works***—

- 1 *Existing works* means works that—
  - (a) allow taking—
    - (i) overland flow water; and
    - (ii) for section 29, water from a watercourse, lake or spring; and
  - (b) either—
    - (i) were in existence on 20 September 2000; or
    - (ii) were started, but not completed by 20 September 2000 and—
      - (A) if a variation to a moratorium notice was granted for the works under section 27 of the Act—have been, or are being, completed in accordance with the moratorium notice, as varied; or
      - (B) if subparagraph (A) does not apply—were completed by 30 November 2001.
- 2 The term does not include works that allow taking overland flow water only for stock or domestic purposes.

**flow event** means a flow of a volume above the threshold for water harvesting.

**flow through event** means a flow that passes through the entire watercourse system, for example, an inflow at Beardmore Dam that reaches the Darling River.

**groundwater** see section 8.

**groundwater management area** see section 5A.

**groundwater unit** see section 5A.

**infrastructure assessment** means the infrastructure assessment conducted by the chief executive between November 2002 and April 2003 for the St George and Lower Balonne area.

**IQQM computer program** means the department's Integrated Quantity and Quality Modelling computer program, and associated modelling, statistical analysis and reporting programs, that simulate daily stream flows, flow management, storages, releases, instream infrastructure, water extractions, water demands and other hydrologic events in the plan area.

**Lower Balonne** means—

- (a) the impoundment of Beardmore Dam; and
- (b) the watercourses in the plan area downstream of the dam; and
- (c) the part of the plan area, downstream of the dam, over which floodwater from the Balonne River and its distributory streams intermittently flows.

**Lower Balonne council** see section 60.

**Lower Balonne decision support tool** means—

- (a) the department's spatial modelling computer program—
  - (i) based on the program originally developed by the Lower Balonne Advisory Committee during phase 2 of the Lower Balonne Floodplain Management Study; and
  - (ii) used to predict the duration and magnitude of flooding in the Lower Balonne and the floodplain



downstream of the plan area, for a flow event passing Jack Taylor weir; and

- (b) in relation to making an assessment—the version of the program current at the time of the assessment.

**low flow** means the total number of days in the simulation period in which the daily flow is not more than half the pre-development median daily flow.

**Narran Lakes Ramsar site** means the parts of the Narran Lakes listed as Wetlands of International Importance under the Ramsar Convention, an international convention, signed in Ramsar, Iran, for the protection of wetlands.

**node** see section 7.

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

**pre-development flow pattern** means the pattern of water flows, during the simulation period, decided by the chief executive using the IQQM computer program as if—

- (a) there were no dams or other water infrastructure on watercourses in the plan area; and
- (b) no water was taken under authorisations from watercourses or floodplains in the plan area.

**pre-development median daily flow** means the median of the daily flows in the simulation period for the pre-development flow pattern.

**property**, for part 5, division 3, means 1 or more parcels of land operated as a single enterprise.

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

**simulation period** means the period from 1 July 1922 to—

- (a) 30 June 1995; or
- (b) if the data necessary for a longer period is available to the chief executive, a later date decided by the chief executive.

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

Schedule 5

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- (a) construction of the works had physically started, or if construction had not physically started, a contract had been entered into to start construction and, by 9 June 2001, either—
  - (i) construction had started; or
  - (ii) the chief executive had given written confirmation to the owner of the land on which the works are situated that the works were started; and
- (b) an independently verifiable construction program existed for progressive construction towards completion of the works; and
- (c) detailed design plans existed showing, among other things, the extent of the works; and
- (d) if a permit under the *Local Government Act 1993*, section 940 was required for the works—the permit had been issued; and
- (e) if a development permit was required for the works—the permit had been given.

***St George Water Supply Scheme*** means Beardmore Dam, Jack Taylor weir, Moolabah weir, Buckinbah weir and the area supplied by supplemented water allocations from the dam and weir storages.

***summer*** means the period from 1 December in a year until the end of February in the following year.

***summer flow*** means the average number of summer flow days in the simulation period.

***summer flow day***, for a summer, means a day in the summer in which the daily flow is more than the pre-development median daily flow.

***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 8.

***threshold for water harvesting*** means the minimum volume of flow in a watercourse before water may be taken under a

water allocation for unsupplemented water in relation to the watercourse.

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

***upper and middle catchment*** means the plan area other than the Lower Balonne.

***water allocation group*** means—

- (a) for taking supplemented water—the water allocations in a priority group in a water supply scheme; and
- (b) for taking unsupplemented water—the water allocations in a part of the plan area stated in the resource operations plan.

***water harvesting***, for the Lower Balonne, means—

- (a) the taking of water under a water allocation for unsupplemented water; and
- (b) the taking of overland flow water under a water licence.

***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 the St George Water Supply Scheme, means—

- (a) the period of 12 months ending on 30 June; or
- (b) if a different period is stated in the resource operations plan—the period stated.

***wet season 90-day flow***, for a year, means the total flow in the continuous 90 day period with the highest total of daily flows.

***winter bird-breeding months*** means 1 April to 31 August in a year.

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

- (a) storages, sumps, drains, embankments, channels, pipes and pumps for taking, or that can be used for taking, overland flow water; and

Schedule 5

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- (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).

## 1 Index to endnotes

- 2 Key
- 3 Table of reprints
- 4 List of legislation
- 5 List of annotations

## 2 Key

### Key to abbreviations in list of legislation and annotations

| <b>Key</b>  | <b>Explanation</b>                    | <b>Key</b>    | <b>Explanation</b>         |
|-------------|---------------------------------------|---------------|----------------------------|
| <b>AIA</b>  | <b>= Acts Interpretation Act 1954</b> | <b>(prev)</b> | <b>= previously</b>        |
| <b>amd</b>  | <b>= amended</b>                      | <b>proc</b>   | <b>= proclamation</b>      |
| <b>amd</b>  | <b>= amendment</b>                    | <b>prov</b>   | <b>= provision</b>         |
| <b>t</b>    |                                       |               |                            |
| <b>ch</b>   | <b>= chapter</b>                      | <b>pt</b>     | <b>= part</b>              |
| <b>def</b>  | <b>= definition</b>                   | <b>pubd</b>   | <b>= published</b>         |
| <b>div</b>  | <b>= division</b>                     | <b>R[X]</b>   | <b>= Reprint No. [X]</b>   |
| <b>exp</b>  | <b>= expires/expired</b>              | <b>RA</b>     | <b>= Reprints Act 1992</b> |
| <b>gaz</b>  | <b>= gazette</b>                      | <b>reloc</b>  | <b>= relocated</b>         |
| <b>hdg</b>  | <b>= heading</b>                      | <b>renu</b>   | <b>= renumbered</b>        |
|             |                                       | <b>m</b>      |                            |
| <b>ins</b>  | <b>= inserted</b>                     | <b>rep</b>    | <b>= repealed</b>          |
| <b>lap</b>  | <b>= lapsed</b>                       | <b>(retro</b> | <b>= retrospectively</b>   |
|             |                                       | <b>)</b>      |                            |
| <b>notf</b> | <b>= notified</b>                     | <b>rv</b>     | <b>= revised version</b>   |
| <b>d</b>    |                                       |               |                            |
| <b>num</b>  | <b>= numbered</b>                     | <b>s</b>      | <b>= section</b>           |

| <b>Key</b>    | <b>Explanation</b>        | <b>Key</b>     | <b>Explanation</b>                             |
|---------------|---------------------------|----------------|--|
| <b>o in c</b> | = <b>order in council</b> | <b>sch</b>     | = <b>schedule</b>                              |
| <b>om</b>     | = <b>omitted</b>          | <b>sdiv</b>    | = <b>subdivision</b>                           |
| <b>orig</b>   | = <b>original</b>         | <b>SIA</b>     | = <b>Statutory Instruments Act 1992</b>        |
| <b>p</b>      | = <b>page</b>             | <b>SIR</b>     | = <b>Statutory Instruments Regulation 2012</b> |
| <b>para</b>   | = <b>paragraph</b>        | <b>SL</b>      | = <b>subordinate legislation</b>               |
| <b>prec</b>   | = <b>preceding</b>        | <b>sub</b>     | = <b>substituted</b>                           |
| <b>pres</b>   | = <b>present</b>          | <b>unnum m</b> | = <b>unnumbered</b>                            |
| <b>prev</b>   | = <b>previous</b>         |                |  |

### **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 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](mailto: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.

| <b>Reprint No.</b> | <b>Amendments included</b> | <b>Effective</b> | <b>Notes</b>                |
|--------------------|----------------------------|------------------|-----------------------------|
| 1                  | none                       | 12 August 2004   | majority of provs commenced |

| <b>Reprint No.</b> | <b>Amendments included</b> | <b>Effective</b> | <b>Notes</b>         |
|--------------------|----------------------------|------------------|----------------------|
| 1A                 | none                       | 1 February 2005  | pt 5 div 5 commenced |
| 1B                 | 2006 SL No. 49             | 31 March 2006    |                      |
| 1C                 | 2009 SL No. 280            | 18 December 2009 |                      |
| 1D                 | 2011 Act No. 40            | 24 November 2011 |                      |

| <b>Current as at</b> | <b>Amendments included</b> | <b>Notes</b>  |
|----------------------|----------------------------|---------------|
| 27 September 2013    | 2013 Act No. 23            |               |
| 27 June 2014         | 2014 SL No. 142            | RA ss 35, 44A |
| 19 December 2014     | 2014 SL No. 331            |               |

## 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 (Condamine and Balonne) Plan 2004 SL No. 151**

approved by the Governor in Council on 5 August 2004  
 notfd gaz 12 August 2004 pp 1089–90  
 ss 1–2 commenced on date of notification  
 pt 5 div 5 commenced 1 February 2005 (see s 2(1))  
 remaining provisions commenced on date of notification (see s 2)  
exp 30 June 2019 (see 2000 Act No. 34 s 52A(3))  
 Note—An explanatory note was prepared.  
 amending legislation—

#### **Water Resource (Great Artesian Basin) Plan 2006 SL No. 49 s 1, pt 7 div 3**

notfd gaz 31 March 2006 pp 1282–5  
 commenced on date of notification  
 Note—An explanatory note was prepared

**Sustainable Planning Regulation 2009 SL No. 280 ss 1–2, pt 9 div 36**

notfd gaz 27 November 2009 pp 1001–6  
ss 1–2 commenced on date of notification  
remaining provisions commenced 18 December 2009 (see s 2)

**Water and Other Legislation Amendment Act 2011 No. 40 pt 1, s 107 sch**

date of assent 24 November 2011  
commenced on date of assent

**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)

**Water Resource Plans Amendment Plan (No. 1) 2014 SL No. 142 pts 1, 8**

notfd <[www.legislation.qld.gov.au](http://www.legislation.qld.gov.au)> 27 June 2014  
commenced on date of notification

**Water Reform and Other Legislation Amendment Act 2014 No. 64 ss 1, 2(2), 255 sch 2**

date of assent 5 December 2014  
ss 1–2 commenced on date of assent  
s 255 commenced 19 December 2014 (2014 SL No. 333)  
remaining provisions commence 18 February 2015 (2014 SL No. 333)

**Water Resource Plans Amendment Plan (No. 2) 2014 SL No. 331 pts 1, 3**

notfd <[www.legislation.qld.gov.au](http://www.legislation.qld.gov.au)> 19 December 2014  
commenced on date of notification

## 5 List of annotations

**Groundwater management area**

s 5A ins 2014 SL No. 331 s 16

**Water to which plan applies**

s 8 sub 2005 SL No. 49 s 48  
amd 2014 SL No. 331 s 17

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

s 9 amd 2014 SL No. 331 s 18

### PART 5—STRATEGIES FOR ACHIEVING OUTCOMES

**Division 1A—Limitation on taking water without water entitlement**

div 1A (s 15A) ins 2014 SL No. 331 s 19

**Application of div 2**

s 16 amd 2009 SL No. 280 s 165; 2014 SL No. 142 s 60

**Decisions not to increase amount of water taken**

s 17 amd 2014 SL No. 331 s 20



**Division 2A—Unallocated water**

**div 2A (ss 20A–20C)** ins 2014 SL No. 331 s 21

**Conditions for taking unsupplemented water**

**s 27** amd 2014 SL No. 142 s 61

**Volumetric limit for unsupplemented water in the Lower Balonne**

**s 29** amd 2014 SL No. 142 s 62

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

**s 44 prov hdg** amd 2013 Act No. 23 s 352 sch 1 pt 2

**Decisions about taking overland flow water**

**s 45** amd 2009 SL No. 280 s 166

**Water licences for taking overland flow water in the Lower Balonne**

**s 49** amd 2014 SL No. 142 s 63

**Relationship with Sustainable Planning Act 2009**

**prov hdg** amd 2009 SL No. 280 s 167(1)

**s 50** amd 2009 SL No. 280 s 167(2)–(3); 2011 Act No. 40 s 107 sch

**Division 5A—Regulation of groundwater**

**div 5A (ss 50A–50H)** ins 2014 SL No. 331 s 22

**Division 6—Miscellaneous provision**

**div hdg** amd 2014 SL No. 142 s 64

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

**s 51** om 2013 Act No. 23 s 352 sch 1 pt 2

**Measuring devices**

**s 52** om 2014 SL No. 142 s 65

**PART 6—MONITORING AND REPORTING REQUIREMENTS**

**pt hdg** sub 2014 SL No. 142 s 66

**Monitoring and reporting requirements**

**s 54** sub 2014 SL No. 142 s 66

**Minister’s report on plan—Act, s 53**

**s 55** sub 2014 SL No. 142 s 66

**Water infrastructure operators to give reports**

**s 56** om 2014 SL No. 142 s 66

**Minister’s report on plan—Act, s 53**

**s 57** om 2014 SL No. 142 s 66

**Minor or stated amendments of plan—Act, s 57**

**s 59** amd 2013 Act No. 23 s 352 sch 1 pt 2

**PART 8—TRANSITIONAL PROVISION FOR WATER RESOURCE PLANS  
AMENDMENT PLAN (No. 2) 2014**

**pt 8 (s 63)** ins 2014 SL No. 331 s 23

**SCHEDULE 1A—CONDAMINE AND BALONNE GROUNDWATER  
MANAGEMENT AREA**

ins 2014 SL No. 331 s 24

**SCHEDULE 2A—ALLOCATION OF UNALLOCATED WATER—GENERAL  
RESERVE**

ins 2014 SL No. 331 s 25

**SCHEDULE 4—VOLUMETRIC LIMITS IN THE LOWER BALONNE)**

om 2014 SL No. 142 s 67

**SCHEDULE 5—DICTIONARY**

def *groundwater* ins 2014 SL No. 331 s 26

def *groundwater management area* ins 2014 SL No. 331 s 26

def *groundwater unit* ins 2014 SL No. 331 s 26

def *surface water* ins 2014 SL No. 331 s 26

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