



Queensland

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

## **Explanatory Notes for SL 2006 No. 320**

made under the

*Water Act 2000*

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## **General outline**

### **Title**

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

### **Authorising law**

Chapter 2, part 3, division 2 of the *Water Act 2000*.

### **Policy objective of legislation**

The objective of the water resource plan (the plan) is to provide a framework for the allocation and sustainable management of surface water in the plan area (water in watercourses, lakes or springs, including water in dams or weirs built across them; and overland flow water) to meet future water requirements. This includes the protection of natural ecosystems and security of supply to water users as required by the *Water Act 2000* (the Act). The plan area includes the Calliope River and its tributaries, Auckland Creek to the south of the river's mouth and the northern coastal area creeks such as Munduran creek.

## **Reasons for the water resource plan**

The *Water Act 2000* states the Minister may prepare a water resource plan for any part of Queensland to advance the sustainable management of water. Issues identified through community consultation have highlighted the need to prepare a water resource plan for the Calliope River Basin.

## **Achieving the objectives**

The water resource plan provides for the allocation and sustainable management of the water resources of the Calliope River Basin by—

- Defining the availability of surface water in the plan area;
- Providing a framework for sustainably managing surface water and the taking of surface water;
- Identifying priorities and mechanisms for dealing with future demand for water requirements;
- Regulating the taking of overland flow water;
- Outlining the strategies to achieve outcomes;
- Providing a framework for reversing, where practicable, degradation that has occurred in natural ecosystems; and
- Requiring water and natural ecosystem monitoring to assess the effectiveness of strategies and objectives to achieve outcomes.

## **Administrative costs**

Funding for the development of the water resource plan has been allocated to the Department of Natural Resources and Water from the Departments base funding. Accordingly, the plan should not alter the present cost to government of administering the Act.

## **Fundamental legislative principles**

The subordinate legislation is consistent with fundamental legislative principles.

## **Consultation**

Government departments and agencies affected by the changes have been consulted in respect to the plan. In addition, conservation, agriculture, indigenous, recreation, industry, fishing, water service providers and local government groups have been consulted in accordance with the water resource planning process as outlined in the Act.

Outcomes of community consultation are outlined in a separate document Calliope River Basin Water Resource Plan Consultation Report.

## **Regulatory Impact Statement**

A Regulatory Impact Statement is not required for the approval of a water resource plan under the Act (see section 58).

## **Notes on Provisions**

### **Part 1 Preliminary**

#### **Short title**

Clause 1 sets out the short title to the subordinate legislation.

#### **Purposes of the plan**

Clause 2 states the purpose of the plan. These reflect the requirements of section 38 of the Act.



## **Outcomes for water in the plan area**

Clause 7 establishes that the outcomes in clauses 8 and 9 have been derived in consideration of the current state of water resources in the plan area and that allocation and management methods must seek a balance between them.

### **General outcomes**

Clause 8 states the general outcomes for the allocation and sustainable management of surface water in the plan area. These outcomes aim at protecting river health, protecting existing water user access and providing for future water requirements.

### **Ecological outcomes**

Clause 9 states the ecological outcomes which the plan seeks to achieve in the Calliope River Basin as well as particular parts of the plan area. These ecological outcomes were identified through community consultation and independent scientific assessment. The ecological outcomes include minimising changes to natural flow regimes, protecting the health of riparian vegetation and aquatic ecosystems and maintaining adequate freshwater outflows.

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

### **Division 1 Preliminary**

#### **Strategies**

Clause 10 states that this part details the strategies that will be used to achieve the outcomes of part 3. These strategies have been designed to integrate and be consistent with Queensland's commitments to various agreements and obligations for advancing the sustainable management of water.

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

Clause 11 states which decisions concerning the allocation or management of water in the plan area that this division do and do not apply.

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

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

Clause 12 states the requirement for an annual volumetric limit for taking water from a watercourse, lake or spring. That is all licences without a specified volumetric limit i.e. area based licences must be converted to a volumetric limit. For area based licences this will be done by using a conversion rate of up to 7ML/ha and for other licences such as those licences limited only by pump size by a volume decided by the chief executive.

## **Division 3                    Regulation of overland flow water**

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

Clause 13 specifies the situations in which a person may take overland flow water in accordance with section 20(6) of the Act.

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

Clause 14 specifies the matters the chief executive must consider when deciding an application under either the *Integrated Planning Act 1997* or the *Water Act 2000* which concerns the taking of overland flow water. This clause does not apply to applications for a water permit, or applications to reinstate or replace a licence.

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

Clause 15 allows an owner of land that has existing works to continue using those works to take overland flow water for 1 year after the commencement of this plan. After this period, the taking of that overland flow water will not be authorised until details of the existing works are notified to the department. In some instances, the department may request further information on overland flow works for clarification. This clause does not impact on a landholder's ability to take overland flow water for stock or domestic purposes, which are authorised under the *Water Act 2000*.

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

Clause 16 applies where an owner is authorised to continue taking overland flow water and the chief executive believes the annual rate of take of this overland flow water has or may increase. In these circumstances, the chief executive must grant a water licence to replace the authorisation and impose a condition to ensure the average annual volume of water does not increase above that allowed to be taken before commencement of the plan. This is to ensure that the total take of water within the plan area is not increased, thereby preventing achievement of the plan outcomes or objectives.

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

Clause 17 states that the resource operations plan must contain such information as to allow for the granting of water licences to replace authorities given under clause 15 of the plan or amending a water licence granted under section 16 of the plan.

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

Clause 18 states that generally, works for taking overland flow water are assessable under the *Integrated Planning Act 1997* (IPA). This means that a development permit is required before these works can be constructed. The repair or maintenance of existing works, or works constructed in accordance with a development permit that do not alter the design of the existing works are not assessable.

This clause also makes certain works self-assessable development under the IPA. This means that these works do not require a development permit but must comply with the requirements of a code. Self-assessable works include those used to take overland flow for stock or domestic purposes, works that have a capacity of not more than 5ML and works constructed to meet *Environmental Protection Act 1994* approval requirements about an environmentally relevant activity (such as residue storages).

## **Division 4                      Unallocated Water**

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

Clause 19 states the amount of unallocated water and for what purposes it can be allocated. The total amount of unallocated water which may be granted is 5500ML. Of this 500ML is allocated for town water supplies and 5000ML for other purposes including town water supplies if required.

### **Dealing with unallocated water**

Clause 20 states that unallocated water may be granted under a process in the resource operations plan.

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

Clause 21 states the matters the chief executive must consider when dealing with unallocated water under a resource operations plan. These include taking into account the efficiency of current and proposed water uses, whether an alternative water supply is available and whether there would be an impact on a range of environmental or cultural values. The chief executive must consider imposing flow thresholds on new licences to ensure additional extractions do not impact on ecologically significant flows or the ecological outcomes of the plan. This is not an exhaustive list and the chief executive may consider other matters.

## **Division 5                      Miscellaneous provisions**

### **Measuring devices**

Clause 22 requires measuring devices to be installed to measure the volumes of water from a watercourse, lake or spring taken under a water licence stating an annual volumetric limit. Metering will assist in compliance monitoring, reporting and overall management of the resource throughout the catchment, as well as provide information for assessment of the effectiveness of the plan's strategies.





achievement of desired outcomes of the plan. These amendments do not require public notification.

### **Amending or replacing plan**

Clause 27 states that the Minister must consider amending the plan or preparing a new plan if the minister is satisfied that there is insufficient water to meet emerging water requirements and if there is a risk to subartesian water in the plan area through increased subartesian water use.

### **Schedules**

Schedule 1 shows the total area of the catchment to which the plan applies.

Schedule 2 contains the dictionary of defined terms used in the plan.

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#### ENDNOTES

- 1 Laid before the Legislative Assembly on . . .
- 2 The administering agency is the Department of Natural Resources and Water.