

# Water Resource (Burnett Basin) Plan 2014

Explanatory notes for SL 2014 No. 184

made under the

*Water Act 2000*

## General Outline

### Short title

*Water Resource (Burnett Basin) Plan 2014*

### Authorising law

Chapter 2, Part 3, Division 2 of the *Water Act 2000*

### Policy objectives and the reasons for them

Section 38 of the *Water Act 2000* ('the Act') provides for the Minister to prepare a water resource plan for any part of Queensland to advance the sustainable management of water.

The objective of the plan is to provide a framework for the allocation and sustainable management of surface water (including overland flow water) and groundwater (subartesian water) in the plan area to meet future water requirements, including the protection of natural ecosystems and security of supply to water users.

### Achievement of policy objectives

The plan provides for the allocation and sustainable management of surface water and groundwater by—

- defining the availability of water in the plan area;
- providing a framework for sustainably managing water and the taking of water;
- identifying priorities and mechanisms for dealing with future water requirements;
- providing a framework for establishing water allocations;
- providing a framework for reversing, where practicable, degradation in natural ecosystems;
- regulating the take of overland flow water;
- regulating the take of groundwater.

## **Consistency with policy objectives of authorising law**

The subordinate legislation is consistent with the main objectives of the Act, which are to ensure the sustainable allocation and management of water and other resources.

## **Inconsistency with policy objectives of other legislation**

The subordinate legislation is consistent with the policy objectives of other legislation.

## **Alternative ways of achieving policy objectives**

The Act sets out the framework for the development of a water resource plan. There are no alternative means for achieving the policy objectives.

## **Benefits and costs of implementation**

Implementation of the plan will provide the following benefits—

- establishing tradeable water allocations;
- granting reserves of unallocated water for future water needs;
- addressing issues arising from the deflation of the Claude Wharton Weir fabric dam;
- new water sharing and operating rules to maintain water supply security during dry periods;
- expanding the management of groundwater to protect existing users;
- managing overland flow in coastal areas; and
- dealing with outstanding water licence applications.

## **Consistency with fundamental legislative principles**

The plan, which is 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 to government consultation, cultural, economic, and environmental interest groups and water users have also been consulted in accordance with the water resource planning process as outlined in the Act.

Outcomes of community consultation undertaken for the draft plan and its finalisation are outlined in a separate document, the Water Resource (Burnett Basin) Plan 2014 Consultation Report.

# Notes on Provisions

## Chapter 1 Preliminary

Chapter 1 provides preliminary information about the plan including the short title of the plan, commencement dates, purposes of the plan and where definitions for particular words used in the plan can be found.

### **Short title**

Clause 1 specifies the short title to the subordinate legislation as the *Water Resource (Burnett Basin) Plan 2014* ('the plan').

### **Commencement**

Clause 2 states that the water sharing rules for the Bundaberg Water Supply Scheme stated in Schedule 9 Part 3 Division 3 of the plan commence on 1 July 2015.

### **Purposes of plan**

Clause 3 states the purposes of the plan. The purposes reflect the requirements of section 38 of the Act.

### **Definitions**

Clause 4 specifies that certain terms are defined in the Dictionary in Schedule 12 of the plan.

## Chapter 2 Plan area and water to which plan applies

Chapter 2 defines the plan area, the subcatchment areas, the Coastal Burnett Overland Flow Area, the groundwater management areas, groundwater units and groundwater sub-areas for the plan.

It also states where information about boundaries of the plan area can be accessed, and defines the nodes mentioned in the plan. The water to which the plan applies is also stated in this chapter of the plan.

### **Plan area**

Clause 5 states that a map of the plan area is shown in Schedule 1. The plan area includes the Burnett, Kolan, Elliott, Gregory, Isis, Nogo, Auburn, Boyne and Stuart rivers and Barker, Barambah and Three Moon creeks and their tributaries.

### **Subcatchment areas**

Clause 6 states that a map of the subcatchment areas in the plan area is shown in Schedule 2 of the plan. Subcatchment areas are used to allow for more effective management and planning of water resources through focusing on smaller areas with similar hydrological characteristics.

### **Coastal Burnett Overland Flow Area**

Clause 7 states that a map of the Coastal Burnett Overland Flow Area is shown in Schedule 3 of the plan.

The plan establishes the Coastal Burnett Overland Flow Area to manage take of overland flow water in this area.

### **Groundwater management areas**

Clause 8 states that each part of the plan area that is shown as a groundwater management area on the map in Schedule 4 of the plan is a groundwater management area. The plan applies to all subartesian water (groundwater), however specific management arrangements are provided in the following six groundwater management areas—

- Ban Ban Springs Groundwater Management area;
- Barambah Creek Groundwater Management Area;
- Barker Creek Groundwater Management Area;
- Central Burnett River Groundwater Management Area;
- Coastal Burnett Groundwater Management Area;
- Upper Burnett Groundwater Management Area.

### **Groundwater units and groundwater sub-areas**

Some groundwater management areas defined in clause 8 have been further divided into groundwater units and groundwater sub-areas. Together, groundwater units and sub-areas are used to allow for more effective management and planning of water resources through focusing on smaller areas with similar hydrogeological characteristics.

Clause 9 states that the Coastal Burnett Groundwater Management Area consists of two groundwater units—

- Coastal Burnett Groundwater Unit 1;
- Coastal Burnett Groundwater Unit 2.

The Coastal Burnett Groundwater Unit 1 contains the aquifers of the—

- Elliott formation;
- Gooburrum Clay;
- Quaternary alluvium;
- Coastal Dune Sands;
- Hummock Basalts;
- Pemberton Basalt;
- Burrum Coal Measures.

Coastal Burnett Groundwater Unit 1 is divided into seven groundwater sub-areas, which are shown on Map A in Schedule 5 of the plan—

- Kolan-Burnett A Groundwater Sub-Area;
- Kolan-Burnett B Groundwater Sub-Area;
- Burnett-Elliott A Groundwater Sub-Area;
- Burnett-Elliott B Groundwater Sub-Area;
- Elliott-Gregory A Groundwater Sub-Area;
- Elliott-Gregory B Groundwater Sub-Area;
- Farnsfield B Groundwater Sub-Area.

The Coastal Burnett Groundwater Unit 2 contains the aquifers of the Fairymead beds and is divided into two groundwater sub-areas, which are shown on map B in Schedule 5 of the plan—

- Fairymead A Groundwater Sub-Area;
- Fairymead B Groundwater Sub-Area.

Clause 9 also states that the Upper Burnett Groundwater Management Area consists of the following four groundwater sub-areas, which are shown on map C in Schedule 5 of the plan—

- Three Moon Creek Groundwater Sub-Area;
- Cattle Creek Groundwater Sub-Area;
- Monal Creek Groundwater Sub-Area;
- Splinter Creek Groundwater Sub-Area.

### **Information about areas**

Clause 10 provides information for accessing further detail of the plan and management area boundaries, which are held in digital electronic form at departmental offices where they can be accessed free of charge. The location of each office of the department can be accessed on the department's website.

### **Nodes**

Clause 11 defines nodes mentioned in the plan. Nodes are generally defined as specific locations on a watercourse or within a groundwater management area within the plan area.

Nodes can be used as a point of reference. For example, nodes are used in the specification of environmental flow objectives as described under Chapter 4, Part 1 of the plan.

The surface water nodes used in the plan are numbered and their locations are shown on the map in Schedule 6 Part 1 and described in Schedule 6 Part 3 of the plan.

The groundwater nodes used in the plan are numbered and their locations are shown on the map in Schedule 6 Part 2 and described in Schedule 6 Part 4 of the plan.

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

Clause 12 states that the plan applies to both surface water and groundwater within the plan area.

Surface water to which the plan applies includes water in a watercourse, lake or spring and overland flow water. The clause clarifies that the plan does not apply to water in springs that is either connected to artesian water or that is connected to subartesian water which is connected to artesian water.

Groundwater to which the plan applies is subartesian water that is not connected to artesian water.

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

Chapter 3 states the outcomes the plan seeks to achieve through implementing particular management strategies. The inclusion of these outcomes meets the requirement of section 46(1)(e) of the Act.

There are three different types of outcomes specified under the plan for the allocation and responsible management of water in the plan area —

- economic outcomes;

- social outcomes;
- ecological outcomes.

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

Clause 13 establishes that outcomes in clauses 14 to 16 have been developed while recognising that in some parts of the plan area, the natural state of the environment has been altered through water resource development.

The clause also establishes that water is to be allocated and managed in a way that seeks to achieve a balance between the economic, social and ecological outcomes of the plan.

The term balance, as referred to above, does not necessarily imply that each outcome will be given equal weighting or that any specific weighting is attached to particular outcomes. Instead, the outcomes should be seen as a set of complimentary responses that work together to achieve sustainable management of water in the plan area.

### **Economic outcomes**

Clause 14 states the economic outcomes the plan aims to achieve by implementing specified management strategies.

The economic outcomes are –

- providing for the use of water entitlements and other authorisations in the plan area, and continued use of existing overland flow works and groundwater works;
- protecting the probability of being able to take water under a water entitlement;
- making water available for industry growth, stock purposes and Indigenous economic aspirations;
- supporting activities stated in Schedule 1 of the *Water Regulation 2002*;
- maintaining flows that support water-related economic activities, for example, tourism;
- supporting continual improvement in the efficient use of water;
- where practical, maintaining the quality of groundwater for consumptive purposes;
- managing and allocating groundwater in the Coastal Burnett Groundwater Management Area to prevent further seawater intrusion.

Existing groundwater works means works that are prescribed existing groundwater works and works for taking groundwater, other than prescribed existing groundwater works, that were in existence immediately before the commencement of the plan.

See the Dictionary in Schedule 12 for the meaning of prescribed existing groundwater works.

### **Social outcomes**

Clause 15 states the social outcomes the plan aims to achieve by implementing specified management strategies.

The social outcomes are —

- increasing the security of town water supplies;
- making water available to support population growth in towns and communities and for domestic purposes;

- where practical, maintaining the quality of water for human use;
- maintaining flows which support water-related aesthetic, cultural (including cultural values of the traditional owners in the plan area) and recreational values;
- for groundwater, supporting the cultural values associated with Ban Ban Springs.

### **Ecological outcomes**

Clause 16 states the ecological outcomes the plan aims to achieve by implementing specified management strategies.

The ecological outcomes are —

- minimising changes to the natural variability of flows that support aquatic ecosystems;
- providing for the continued capability of one part of the river system to be connected to another, including by maintaining flows that allows for the movement of native aquatic fauna between riverine, floodplain, wetland, estuarine and marine environments, that supports water-related ecosystems and river-forming processes;
- protecting and maintaining refugia associated with waterholes, lakes and wetlands;
- supporting ecosystems dependent on groundwater, including riparian vegetation and wetlands;
- providing flows and hydraulic habitat for flow-spawning fish and endemic species, including, for example, the Australian lungfish (*Neoceratodus forsteri*) and the white-throated snapping turtle (*Elseya albagula*);
- maintaining flows necessary for estuarine ecosystem functions, including flows for barramundi (*Lates calcarifer*) and sea mullet (*Mugil cephalus*) recruitment, and banana prawn (*Fenneropenaeus merguensis*) growth, and river mangroves (*Aegiceras corniculatum*);
- maintaining a near natural flow regime that supports waterholes and riverine ecosystems in subcatchment area M.

## **Chapter 4 Performance indicators and objectives**

Chapter 4 states the performance indicators, environmental flow objectives and water allocation security objectives for the plan. These indicators and objectives form the basis for measuring the achievement of related outcomes in Chapter 3.

A performance indicator is defined in the Act to mean a measure that can be calculated and is stated in a water resource plan to assess the impact of an allocation or management decision or proposal on water entitlements and natural ecosystems.

Environmental flow objectives aim to protect the health of natural ecosystems from decisions made under the plan. The objectives attempt to minimise changes to natural flow conditions at specified nodes.

Water allocation security objectives aim to ensure that future decisions about the allocation and management of water made under the plan will protect the probability of water users being able to obtain water under a water allocation.

Future activities that could potentially affect the allocation and management of water in the plan area (for example, new water infrastructure, unallocated water, water trades, or

water sharing rules) will only be approved if they are consistent with the objectives stated in schedules 7 and 8 of the plan. This requirement is separate to any other approvals or assessments that may be required, for example, environmental impact assessments required by other legislation.

## **Part 1 Environmental flow objectives**

### **Division 1 Surface water**

Division 1 states the environmental flow objectives and their performance indicators as they apply to surface water in the plan area.

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

Clause 17 states the performance indicators for the surface water environmental flow objectives.

The specified performance indicators represent important key flow characteristics and are based on technical assessments undertaken during plan development. Variability and seasonality are important aspects of the flow regime and are often critical for many ecological processes. The performance indicators are –

- number of periods of no flow of at least 6 months;
- mean annual flow;
- median annual flow;
- 1.5 year daily flow volume;
- 5 year daily flow volume;
- 20 year daily flow volume.

The mean annual flow is the total volume of flow at the node in the simulation period divided by the number of years in the simulation period.

The median annual flow is the total annual flow volume at the node that is equalled or exceeded in 50% of years in the simulation period.

The 1.5 year, 5 year and 20 year daily flow volume refers to the daily flow at the node that has a 67%, 20% and 5% probability, respectively, of being reached at least once a year.

#### **Environmental flow objectives**

Clause 18 states that the environmental flow objectives for surface water at the reporting nodes are set out in Part 1 Schedule 7 of the plan. These objectives relate to the performance indicators stated in clause 17 of the plan.

The objectives are baseline values that must be met in any future decisions about the allocation and management of water to support the achievement of outcomes, particularly the ecological outcomes set out in Chapter 3 of the plan. The plan's objectives are consistent with the plan's strategies and reflect the balance between consumptive and environmental water requirements.

### **Division 2 Groundwater in Coastal Burnett Groundwater Management Area**

Division 2 states the environmental flow objectives and their performance indicators as they apply to groundwater in the Coastal Burnett Groundwater Management Area.



### **Performance indicators for environmental flow objectives — groundwater dependent ecosystems**

Clause 19 states the performance indicators for the groundwater environmental flow objectives. The specified performance indicators represent key ecological processes associated with groundwater in the Coastal Burnett Groundwater Management Area. These are –

- average depth to the water table;
- drawdown period;
- average ocean groundwater discharge.

The average depth to the water table is determined by dividing the sum of the simulated vertical distances from the surface of the land to the water table at the node for each month of the simulation period, by the number of months in the simulation period.

The drawdown period means the period, expressed as a percentage of the groundwater simulation period, for which the simulated vertical distance from the surface of the land to the water table is more than the maximum distance for the node.

The average ocean groundwater discharge, for a groundwater sub-area, means the total volume of groundwater simulated to have been discharged to the ocean from the groundwater sub-area in the groundwater simulation period divided by the number of years in the simulation period.

### **Environmental flow objectives**

Clause 20 states that the environmental flow objectives for groundwater for the reporting nodes and sub-areas are set out in Part 2 Schedule 7 of the plan. These objectives relate to the performance indicators stated in clause 19.

The objectives are baseline values that must be met in any future decisions about the allocation and management of water to support the achievement of outcomes, particularly the ecological outcomes set out in Chapter 3 of the plan. The plan's objectives are consistent with the plan's strategies and reflect the balance between consumptive and environmental water requirements.

## **Part 2 Water allocation security objectives**

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

Clause 21 states that the performance indicator for the water allocation security objectives for supplemented water is the monthly supplemented water sharing index. The performance indicator for unsupplemented surface water allocations is the annual volume probability. For unsupplemented groundwater allocations, the performance indicators are the groundwater annual volume probability and the 90% annual volume probability.

Monthly supplemented water sharing index, for water allocations to take supplemented water, means the percentage of months in the IQQM simulation period in which the allocations are fully supplied.

Annual volume probability, for water allocations in a water allocation group, means the percentage of years in the IQQM 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 allocations in the group.

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

The 90% annual volume probability means the percentage of years in the groundwater simulation period in which the volume of water that may be taken by a water allocation group is at least 90% of the total of the nominal volumes for the water allocations in the group.

### **Water allocation security objectives**

Clause 22 states that the water allocation security objectives are set out in Schedule 8 of the plan–

- Part 1 for supplemented surface water;
- Part 2 for unsupplemented surface water;
- Part 3 for unsupplemented groundwater.

The objectives for supplemented water allocations are specified according to water supply scheme by priority group.

The objectives for unsupplemented water allocations are specified according to water allocation groups.

The objectives are baseline values that must be met in any future decisions about the allocation and management of water to support the achievement of outcomes, particularly the economic outcomes set out in Chapter 3 of the plan. The plan's objectives are consistent with the plan's strategies and reflect the balance between consumptive and environmental water requirements.

The objectives do not represent a prediction or guarantee of future performance of water allocations in any particular year. The day-to-day performance of water entitlements under the plan will depend on prevailing climatic conditions, water demand distribution patterns and water users' decisions about using their water entitlements.

## **Chapter 5 Strategies for achieving outcomes**

Chapter 5 provides the strategies for achieving the plan outcomes discussed in Chapter 3 of the plan. Inclusion of these strategies meets the requirement in section 46(1)(f) of the Act.

### **Part 1 Strategies for both surface water and groundwater**

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

##### **Application of pt 1**

Clause 23 states that the strategies in this part apply to both surface water and groundwater.

##### **Decisions to be consistent with objectives**

Clause 24 states that decisions made by the Chief Executive about the allocation and management of water in the plan area must be consistent with the environmental flow

objectives and water allocation security objectives. This establishes consistent and transparent considerations for decision making to achieve the related outcomes in Chapter 3.

**Assessing impact of decisions about surface water, and groundwater in Three Moon Creek Groundwater Sub-Area**

Clause 25 states that the department's IQQM computer program is to be used to assess the consistency of decisions about the allocation and management of surface water in the plan area and groundwater in the Three Moon Creek Groundwater Sub-Area with the environmental flow objectives and water allocation security objectives.

The IQQM simulates all the major hydrologic processes that occur within a catchment including storage behaviour, water extractions, in-stream losses and the climatic and seasonal variability in stream flows. In addition, the IQQM can be used to compare different management options including alternative infrastructure operating, water sharing, and water allocation change rules.

The model was developed using historical data for the period 1890 to 2008. Testing of compliance with the plan's objectives is done by using this simulation period.

The clause also states that if it is not practicable to use the IQQM program, then the Chief Executive may approve another method if satisfied that it will be at least as accurate as the IQQM in assessing consistency with plan objectives.

**Assessing impact of decisions about groundwater in the Coastal Burnett Groundwater Management Area**

Clause 26 states that the department's Coastal Burnett groundwater computer program is to be used to assess the consistency of decisions about the allocation and management of groundwater in the Coastal Burnett Groundwater Management Area with the environmental flow objectives and water allocation security objectives.

The Coastal Burnett groundwater computer program simulates the movement of water below the surface of the land in the Coastal Burnett Groundwater Management Area considering catchment runoff, water extractions, aquifer characteristics and seasonal variability. In addition, the Coastal Burnett groundwater computer program can be used to compare different management options including alternative water sharing and water allocation change rules.

The model was developed using historical data for the period 1905 to 2004. The testing of compliance with the plan's objectives is done by using this simulation period.

The clause also states that if it is not practicable to use the Coastal Burnett groundwater computer program, the Chief Executive may approve another method if satisfied that it will be at least as accurate as the Coastal Burnett groundwater computer program in assessing consistency with plan objectives.

**Division 2 Interim arrangements and directions to chief executive about applications**

**Application of div 2**

Division 2 states the requirements for dealing with particular water licence applications, including arrangements for applications made before 29 May 2003, those with existing works on 14 December 2000, and situations where the Chief Executive must refuse applications.

Clause 27 states that Division 2 does not apply to an application–

- that reinstates an expired water licence under section 221 of the Act;
- to amalgamate two or more water licences into a single water licence under section 224 of the Act;
- to subdivide a water licence under section 225 of the Act;
- that replaces a jointly held water licence after the disposal of land attached to a water licence under section 229 of the Act.

### **Applications for water licence to take or interfere with surface water made before 29 May 2003**

Clause 28 applies to applications to take or interfere with surface water made under the Act or repealed Act that were not finally decided before the commencement of the Burnett Basin Resource Operations Plan (Resource Operations Plan).

This clause ensures that any future water releases occurs through a process for granting unallocated water, which is detailed in the *Water Regulation 2002*.

However, this clause does not apply to an application if works existed on the land to which the application relates on 14 December 2000.

The Chief Executive must refuse an application if granting the application would have one or more of the following effects–

- increases the volume of water that may be taken;
- changes the location from which water may be taken;
- increases the rate at which water may be taken;
- changes the flow conditions under which water may be taken;
- increases or changes the interference with the water.

### **Additional criteria for deciding applications about surface water if works existed on 14 December 2000–Act, s210(1)(c)**

Clause 29 states that, for applications to take water from a watercourse, lake or spring, the nominal entitlement for the water licence must be–

- for applications stating an area to be irrigated, a volume decided by the Chief Executive with regard to the volume of water required for the purpose of the application, although it must be a megalitre volume no more than the area expressed in hectares multiplied by six.
- where the Chief Executive is satisfied that the amount as determined above is not sufficient for the water licence's intended purpose, or where the water licence does not state an area to be irrigated, a volume decided by the Chief Executive with regard to–
  - the water taking capacity of the works;
  - the volume of water required for the purpose of the application;
  - the annual volumes of water estimated by the Chief Executive to have been taken by the works during the period of not more than 10 years immediately before the commencement of the plan;
  - the efficiency of the use of the water taken during the period of not more than 10 years immediately before the commencement of the plan.

Additionally, for applications interfering with water in a watercourse, lake or spring by impounding the flow under the water licence–

- the maximum volume of water stored under the water licence must not be greater than the storage capacity of the works;
- the maximum height of impounded water must not be greater than the height of the works;
- the purpose to be stated on the water licence must be ‘conserve water’.

**Direction to Chief Executive about non-acceptance of application to take surface water**

Clause 30 states that an application for a water licence, made under section 206 of the Act, to take unallocated surface water must not be accepted by the Chief Executive if it would increase the amount of water that may be taken or change the location from which water may be taken.

Additional water is only available through a process for releasing unallocated water

**Direction to Chief Executive about refusal of application to take groundwater in a relevant groundwater management area**

Clause 31 applies to applications for a water licence, made under section 206 of the Act, to take groundwater from a relevant groundwater management area – the Barambah Creek, Central Burnett River, Coastal Burnett and Upper Burnett groundwater management areas. It does not apply to an application for the purpose of agricultural dewatering in the Coastal Burnett Groundwater Management Area.

It states that the Chief Executive must refuse an application if granting it would increase the amount of water that may be taken, change the location from which water may be taken, or the conditions under which water may be taken.

**Interim arrangements for rules for taking or sharing water in particular water supply schemes–Act, s46(2)(I)**

Clause 32 states that the environmental management rules and infrastructure operating rules as well as the water sharing rules for the Barker Barambah, Bundaberg and Upper Burnett water supply schemes are stated in Schedule 9 of the plan.

Once a set of interim rules commence for a water supply scheme, they will apply until the rules for that water supply scheme are amended in the Resource Operations Plan.

**Particular provisions of the resource operations plan cease to have effect–Act, s106A(3)**

Clause 33 states that, on the commencement of the plan, the following particular provisions of the Resource Operations Plan will cease to have effect–

- Chapter 4, sections 4.1.5, 4.2.5, 4.2.6, 4.4.5 and 4.4.6;
- Chapter 6, section 6.1;
- Chapter 7;
- Attachments 4.1E, 4.2E, 4.2F, 4.3E, 4.3F.

These sections in the Resource Operations Plan relate to the water sharing and infrastructure operating rules for the Barker Barambah and Upper Burnett water supply schemes, the infrastructure operating rules for the Bundaberg Water Supply Scheme,

dealing with water licence applications and unallocated water. The plan now provides for these under–

- clauses 28 to 31 – Directions to the Chief Executive about applications to take or interfere with water;
- clause 32 and Schedule 9 – Interim arrangements for taking or sharing water;
- clauses 34 to 40 – Unallocated water.

Clause 33 also states that, on 1 July 2015, the following provisions will cease to have effect–

- Chapter 4, section 4.1.6;
- Attachment 4.1F.

These sections relate to the water sharing rules for the Bundaberg Water Supply Scheme.

On 1 July 2015, the water sharing rules in Schedule 9 Part 3 Division 3 of the plan will take effect.

### **Division 3 Unallocated water**

Division 3 states the unallocated water reserves, their volumes and also provides information about the process for dealing with unallocated water.

Unallocated water means surface water available for allocation in the plan area without compromising environmental objectives and the security of existing entitlements.

This includes water in a watercourse, lake or spring and overland flow water. It does not apply to water in springs that are connected to artesian water or groundwater managed under the plan.

### **Subdivision 1 General reserve, strategic reserve and strategic water infrastructure reserve**

#### **Unallocated water held as general reserve, strategic reserve and strategic water infrastructure reserve**

Clause 34 states that unallocated water in the plan area is held as a general reserve, a strategic reserve, and a strategic water infrastructure reserve.

#### **Purpose for which unallocated water may be granted**

Clause 35 states that unallocated water held as a general reserve may be granted for any purpose.

It also states that unallocated water held as a strategic reserve may only be granted for a State purpose or an Indigenous purpose. State purpose means coordinated projects under the *State Development and Public Works Organisation Act 1971*, projects of regional significance or for town water supply purposes. Indigenous purposes means projects that assist Indigenous communities to achieve their economic and social aspirations.

Additionally, it states that unallocated water held as a strategic water infrastructure reserve may only be granted for coordinated projects in Barambah Creek and the Burnett River as mentioned in clause 36.

### **Reserve volumes**

Clause 36 states that the total nominal entitlement for water licences to take unallocated water from the general reserve is–

- for Gregory River basin (subcatchment area E) – 1000ML
- for Isis River basin (subcatchment area F) – 1000ML

The total nominal entitlement for water licences to take unallocated water from the strategic reserve in the plan area is–

- for a State purpose – 1000ML
- for an Indigenous purpose – 1000ML

For unallocated water taken from the strategic infrastructure reserve, the total nominal volume for supplemented water allocations is–

- Barambah Creek within the Barker Barambah Water Supply Scheme – up to 4250ML
- Burnett River within the Bundaberg Water Supply Scheme – up to 15,295ML
- Burnett River within the Upper Burnett Water Supply Scheme – up to 6300ML

### **Period for which water is granted from strategic reserve for particular State purpose**

Clause 37 applies to water granted from the strategic reserve for coordinated projects or projects of regional significance.

The volume of water granted is only granted for the life of the project, and once the project concludes, the volume of water is taken to be part of the strategic reserve. This allows water to be continually available for new and future projects which may only require water for a limited time.

This clause does not apply to a volume of water granted from the strategic reserve for the State purpose of town water supply.

### **Projects that may be considered to be of regional significance**

Clause 38 states that the Chief Executive may consider a particular project to be of regional significance for the plan area having regard to–

- the economic, social and environmental outcomes stated in Chapter 3;
- its economic or social impact on the region;
- the public interest and welfare of people in the region;
- any other relevant consideration.

### **Period for which water is granted from the strategic reserve for particular Indigenous purpose**

Clause 39 only applies to water granted from the strategic reserve for an Indigenous purpose.

The volume of water granted is only granted for the life of the project, and once the project concludes, the volume of water is taken to be part of the strategic reserve. This allows water to be continually available for new and future projects which may only require water for a limited time.

## **Subdivision 2 Process for granting unallocated water**

### **Statement of process–Regulation, s 5A**

Clause 40 states that the process for granting unallocated water in the plan area is stated in the *Water Regulation 2002*, Part 2, Division 1C.

### **Subdivision 3 Authorised taking of, or interference with, water without water entitlement**

#### **Taking water for stock or domestic purposes**

Clause 41 states that, under section 20A(5) of the Act, a landowner may take water in any way from a watercourse, lake or spring in the plan area for stock or domestic purposes.

If the landowner's land does not adjoin a watercourse, lake or spring, then the landowner may still take water for stock or domestic purposes. This authorisation does not replace any requirement to obtain permission from a landowner or administering authority to occupy any land/s between the landowner's land and the watercourse, lake or spring.

#### **Division 4 Three Moon Creek Water Supply Scheme**

Interim water allocations in the Three Moon Creek Water Supply Scheme are currently attached to land and managed under an interim resource operations licence.

This division sets out the strategies for converting these interim water allocations to water allocations.

### **Subdivision 1 Water allocations to be managed under a resource operations licence**

#### **Management of water allocations**

Clause 42 states that the water allocations converted from interim water allocations to take supplemented water from the Three Moon Creek Water Supply Scheme are to be managed under a resource operations licence.

### **Subdivision 2 Converting authorisations to water allocations to take supplemented water**

#### **Purpose of sdiv 2**

Clause 43 states that subdivision 2 sets out in clauses 45 to 50 strategies for converting interim water allocations to water allocations, which will be granted through an amendment to the Resource Operations Plan.

#### **Application of sdiv 2**

Clause 44 states that subdivision 2 applies to interim water allocations from the Three Moon Creek Water Supply Scheme that are to be converted to water allocations.

#### **Authorisations to be converted to water allocations**

Clause 45 states that an interim water allocation is to be converted to a water allocation to take supplemented water from the Three Moon Creek Water Supply Scheme.

#### **Location for taking water under water allocation**

Clause 46 states that the location to be stated on the water allocation is to include the place at which water could have been taken before it was converted from an interim water allocation.



### **Purpose to be stated on water allocation**

Clause 47 states that the purpose to be stated on the water allocation is to be 'any' purpose. A water allocation with a purpose of 'any' is not limited to a particular activity.

### **Nominal volume for water allocation**

The nominal volume represents the share of the total volume of water available to be taken by the holders of water allocations in the plan area.

Clause 48 states that the nominal volume to be stated on the water allocation is to be the volume that was stated on the interim water allocation before it was converted.

### **Priority group for water allocation**

Clause 49 sets out the priority groups to which the water allocations is to belong.

If the interim water allocation from which the allocation is being converted states—

- a nominal entitlement of high priority, then it belongs to the high priority group;
- a nominal entitlement of medium priority and states an activity taking water from Three Moon Creek, then it belongs to the surface water medium priority group;
- a nominal entitlement of medium priority and states an activity taking subartesian groundwater from Three Moon Creek alluvium, then it belongs to the groundwater medium priority group.

However, if the water allocation is converted from—

- interim water allocation 21499M or 68268M, then it belongs to the surface water medium priority group;
- interim water allocation 178404, 603188, 21357M, 21527M, 21534M, 35711M, 45220M, 47671M, 62962M, 67272M, 68069M, 74219M or 74177M, then it belongs to the groundwater medium priority group.

### **Conditions for water allocation**

Clause 50 states that in deciding the conditions to be stated on the water allocation, the Chief Executive must consider the contents and conditions of the interim water allocation before it was converted.

## **Part 2 Additional strategies for surface water**

### **Division 1 Preliminary**

#### **Application of part 2**

Clause 51 states that the strategies in Part 2 apply only to surface water.

#### **Restrictions on taking water from waterholes or lakes**

Clause 52 states that this section applies to the Chief Executive in making a decision about—

- a water licence;
- converting an authorisation to take unsupplemented water into a water allocation;
- the management of water under a resource operations licence, distribution operations licence, or interim resource operations licence.

However, it does not apply to a water licence if it is in regards to—

- amalgamating two or more water licences under section 224 of the Act;

- subdividing a water licence under section 225 of the Act;
- replacing a jointly held water licence after the disposal of land under section 229 of the Act.

If the water entitlement allows for the taking of water from a waterhole or lake, the Chief Executive must consider the impact the taking may have on the cultural or ecological values and impose a condition on the water entitlement about maintaining the cultural or ecological values of the waterhole or lake.

However, the Chief Executive need not impose a condition if—

- satisfied that the taking of water from the waterhole or lake will not adversely affect its cultural or ecological values; or
- for a water licence or water allocation that replaces an authorisation in force immediately before the commencement—
  - the authorisation is not subject to a condition about maintaining the cultural or ecological values of the waterhole or lake;
  - the holder of the authorisation would suffer economic hardship if the condition were imposed on the water licence or water allocation that replaces the authorisation.

## **Division 2 Bundaberg Water Supply Scheme**

Under 1089A of the Act, the authorisations relating to the Avondale Water Supply Board are taken to be interim water allocations, attached to land. The repealed *Water Resources (Avondale Water Supply Area and Water Board) Regulation 1996* states that the total of the property allocation volumes associated with these authorisations is 4500ML.

Water taken under these authorisations and distributed by the Avondale Water Supply Board is supplied from the Bundaberg Water Supply Scheme.

This division sets out the strategies for converting these interim water allocations to water allocations.

### **Subdivision 1 Preliminary**

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

Clause 53 states that this division applies to the water allocations that are converted from the Avondale authorisations, as mentioned in clause 58.

#### **Definition for div 2**

Clause 54 states that this division applies to Avondale authorisations, which means the interim water allocations under the Act, section 1089A(2) that relate to the Avondale Water Supply Board.

### **Subdivision 2 Water allocations to be managed under a resource operations licence**

#### **Management of water allocations**

Clause 55 states that water allocations converted from the Avondale authorisations are to be managed under a resource operations licence for the Bundaberg Water Supply Scheme.

### **Subdivision 3 Converting authorisations to water allocations to take supplemented water**

#### **Purpose of sdiv 3**

Clause 56 states that subdivision 3 sets out in clauses 58 to 62 the strategies for the Avondale authorisations to be converted to water allocations to take supplemented water, which will be granted through an amendment to the Resource Operations Plan.

#### **Authorisations to be converted to water allocations**

Clause 57 states that an Avondale authorisation is to be converted under the Resource Operations Plan to a water allocation to take supplemented water from the Bundaberg Water Supply Scheme.

#### **Water to be distributed under distribution operations licence**

A distribution operations licence is a licence granted under Chapter 2 Part 4 Division 3 of the Act which authorises its holder to take water or interfere with the flow of water to distribute water under water allocations.

Clause 58 states that water is to be distributed under a distribution operations licence to the holder of water allocations converted from Avondale authorisations.

The distribution operations licence will be granted through an amendment to the Resource Operations Plan.

#### **Location for taking water under water allocation**

Clause 59 states that the location to be stated on the water allocation is to include the place at which water could have been taken before it was converted from the Avondale authorisation.

#### **Purpose to be stated on water allocation**

Clause 60 states that the purpose to be stated on the water allocation is to be 'any'.

#### **Nominal volume for water allocation**

Clause 61 states that the nominal volume to be stated on the water allocation is the volume for the Avondale authorisation from which the allocation is to be converted.

#### **Priority group for water allocation**

Clause 62 states that the priority group to which the water allocation belongs is to be the medium priority group.

### **Division 3 Upper Burnett Water Supply Scheme**

#### **Amending Burnett Water allocations in resource operations plan**

This section applies to medium priority water allocations held by Burnett Water Pty Ltd in the Upper Burnett Water Supply Scheme (referred to as Burnett Water allocations).

Clause 63 applies only if the elevation level of Claude Wharton Weir is less than 94.4m AHD at the time the Resource Operations Plan is amended to include water sharing rules for the Upper Burnett Water Supply Scheme.

If this is the case, all Burnett Water allocations in zones NA, NB, GB or GY as described in the Resource Operations Plan must be amended to the low priority group. On the commencement of the plan, the total volume of Burnett Water allocations in these zones was 5469 ML.

Also, 5000 ML of Burnett Water allocations must be changed to the low priority group proportionally across the SA, SB, OC, OD, OB, NC, OA or MA zones. This may involve subdividing some Burnett Water allocations.

AHD means the Australian height datum adopted by the National Mapping Council of Australia for referencing a level or height back to a standard base level. The value of 0.0 metres on the Australian height datum is based on the mean sea level for 1966 – 1968.

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

##### **Application of div 4**

Clause 64 states that this division applies to applications, made under section 206 of the Act, for water licences to interfere with water in a watercourse, lake or spring by impounding the flow of water.

##### **Limitations on interference with water**

Clause 65 states that the application may only be granted if —

- the purpose of the proposed interference is for stock or domestic purposes, making a pumping pool, improving security for town water supplies; or
- the proposed interference is related to the granting of unallocated water; or
- the interference was in existence immediately before 20 September 2000.

##### **Interference with water to enable taking of water for stock or domestic purposes**

Clause 66 applies if the proposed interference with water is to store water to be taken under an authorisation for stock or domestic purposes.

In deciding the application, the Chief Executive must consider existing water supplies on the property to which the application relates, including existing weirs, groundwater and storages taking overland flow water, and the availability of water at the site of the proposed interference.

The capacity of the storage must not be greater than is necessary to meet stock or domestic requirements.

##### **Interference with water for provision of pumping pool**

Clause 67 applies if the proposed interference with water is to provide a pumping pool to enable water to be taken under an authorisation.

Pumping pool means a pool of water near a pump in a watercourse, lake or spring that ensures the water level of the watercourse, lake or spring is appropriate to enable the pump to function properly.

The storage capacity of the pumping pool must not be greater than the capacity required to enable the pump to function properly.

##### **Interference with water to improve security for town water supply**

Clause 68 applies if the proposed interference with water is to provide improved security for town water supplies taken under an authorisation.

The Chief Executive may grant the application if satisfied that there is a need for increased reliability of the water supply.

**Interference with water related to the granting of unallocated water**

Clause 69 applies if the proposed interference with water is related to the granting of unallocated water.

The interference must not be greater than is necessary for taking water under the granted entitlement and the associated water licence to interfere must include flow conditions.

**Division 5 Existing water allocations to take supplemented and unsupplemented water**

**Purpose of div 5**

Clause 70 states that division 5 sets out in clauses 73 to 75 strategies for water allocations established under the repealed *Water Resource (Burnett Basin) Plan 2000* (Burnett Water Resource Plan 2000) to take water.

**Existing water allocations to take supplemented water**

Clause 71 states that, on the commencement of the plan, a water allocation established under the Burnett Water Resource Plan 2000 to take supplemented water—

- is to be transitioned, without amendment, to a water allocation under the plan;
- continues to be managed under the water allocation's resource operations licence;
- continues to be subject to the water allocation change rules and seasonal water assignment rules in the Resource Operations Plan.

In addition, in the Barker Barambah and Upper Burnett water supply schemes, the water allocations are subject to the rules in Schedule 9 Part 2 and Part 4 of the plan.

However, for the Bundaberg Water Supply Scheme, the Resource Operations Plan will continue to apply until the commencement of Schedule 9 Part 3 of the plan on 1 July 2015 (see clause 2 of the plan).

These rules will then continue to apply until the Resource Operations Plan is first amended to include water sharing rules for these schemes.

In the Boyne River and Tarong Water Supply Scheme, the water allocations continue to be subject to the water sharing rules in the Resource Operations Plan.

**Existing water allocations to take unsupplemented water**

Clause 72 states that, on the commencement of the plan, a water allocation established under the Burnett Water Resource Plan 2000 to take unsupplemented water—

- is to be transitioned, without amendment, to a water allocation under the plan;
- continues to be subject to the water sharing rules, water allocation change rules and seasonal water assignment rules in the Resource Operations Plan.

**Amendment of particular water allocations**

Clause 73 provides for the location on the following high priority water allocations to be amended—

- Water allocation 1504 on administrative plan AP6975 —zone AD
- Water allocation 1540 on administrative plan AP6975 —zone AA
- Water allocation 2909 on administrative plan AP6975 —zone AD

The amendment has the effect of moving the water allocations from the Burnett River subscheme to the Kolan River subscheme as described in the Resource Operations Plan.

## **Division 6 Converting authorisations to water allocations to take unsupplemented water**

### **Purpose of div 6**

Clause 74 states that Division 6 sets out in clauses 76 to 83 the strategies for particular authorisations to be converted to water allocations to take unsupplemented water, which will be granted through an amendment to the Resource Operations Plan.

### **Application of div 6**

Clause 75 states that Division 6 applies to authorisations that are to be converted to water allocations to take unsupplemented water.

### **Authorisations to be converted to water allocations**

Clause 77 states that water licences taking unsupplemented water in the following reaches are to be converted to water allocations to take unsupplemented water—

- Three Moon Creek – from Abercorn gauging station at AMTD 13.2km to Monto Weir at AMTD 64.8km;
- Elliott River – from AMTD 9.9km to AMTD 21.3km;
- Mahogany Creek – from its confluence with the Elliott River to AMTD 6.5km;
- Gillens Creek – from its confluence with the Elliott River to AMTD 5.0km;
- Gregory River – from Gregory River Weir at AMTD 13.9km to Isis Highway gauging station at AMTD 47.9km;
- Isis River – from Isis Junction Weir at AMTD 11.8km to AMTD 23.8km.

AMTD means the distance in kilometres, measured along the middle of a watercourse, that a specific point in the watercourse is from the watercourse's mouth. However, if the watercourse flows into another watercourse, the distance to a specific point is measured from its confluence with the main watercourse.

### **Location for taking water under water allocation**

Clause 77 states that the location to be stated on the water allocation is to include the place at which water could have been taken before it was converted from a water licence.

### **Purpose to be stated on water allocation**

Clause 78 states that the purpose to be stated on the water allocation is to be 'any'.

### **Nominal volume for water allocation**

Clause 79 states that, in deciding the nominal volume for the water allocation, the Chief Executive must have regard to the —

- local availability of water;
- conditions for taking water stated on the water licence;

- any volumetric limit stated on the water licence;
- simulated mean annual diversion for the proposed water allocation.

In this clause, simulated mean annual diversion, for a proposed water allocation, means the total volume of water simulated to have been taken under the proposed water allocation, as if the proposed water allocation were in existence for the whole of the IQQM simulation period, divided by the number of years in the IQQM simulation period.

### **Maximum rate for taking water**

Clause 80 sets out how the maximum rate for taking water under the water allocation is to be determined.

If the water licence from which the water allocation is being converted states a maximum rate, then the maximum rate is to be the rate stated on the water licence.

If the water licence from which the water allocation is being converted does not state a maximum rate but there is a related development permit that states a pump size mentioned in Schedule 11, column 1 of the plan, then it is to be the rate stated in Schedule 11, column 2 of the plan for the pump size.

If the development permit states a pump size other than a pump size mentioned in Schedule 11, column 1 then the rate is to be decided by the Chief Executive having regard to the rates stated for similar pump sizes in Schedule 11, column 2 of the plan.

In all other circumstances, the rate is to be decided by the Chief Executive having regard to the type of water licence being converted and an estimate or measurement of the rate at which water can be taken under the water licence.

However, if the water licence holder can satisfy the Chief Executive that the maximum rate at which water has been taken is different to that decided based on the pump rates in Schedule 11, of the plan then the rate is to be determined by the Chief Executive with regard to the—

- conditions under which the water may be taken;
- water taking capacity of the pump to which the development permit relates (the existing pump);
- irrigation or water distribution system related to the existing pump during the period, of not more than 10 years, immediately before the commencement of the plan;
- efficiency of the water use associated with the existing pump or the system estimated to have been taken in the 10 years before commencement of the plan.

### **Annual volumetric limit for water allocation**

Clause 81 sets out how the annual volumetric limit for the water allocation is to be determined.

The annual volumetric limit represents the maximum volume of water that can be taken under a water allocation in a water year. The volume of water that could actually be taken in any particular year however, is subject to a number of factors including the local availability of water.

If the water licence from which the water allocation is being converted states a volume of water, or an equivalent volume of water, that may be taken in a 12-month period, then the annual volumetric limit is to be that stated volume.

If the water licence from which the water allocation is being converted states an area that may be irrigated and does not state an equivalent volume of water that may be taken, then the volume is to be decided by the Chief Executive having regard to the volume of water required for the water allocation's intended purpose. The volume determined (in megalitres) cannot however be greater than the area stated on the water licence multiplied by six.

However, if the Chief Executive is satisfied that the volume determined based on an area to be irrigated is not sufficient for the water allocation's intended purpose, then the Chief Executive may determine the volume having regard to the—

- volume required for the water allocation's intended purpose;
- annual volumes of water estimated by the Chief Executive to have been taken under the water licence during the period, of not more than 10 years, immediately before the commencement of the plan;
- efficiency of the use of the water estimated to have been taken in the 10 years before commencement of the plan.

If the water licence from which the water allocation is being converted does not state a volume, or equivalent volume, and does not state an area to be irrigated, then the volume is to be determined by the Chief Executive having regard to the—

- condition under which water may be taken under the water licence from which the water allocation is being converted;
- water taking capacity of any works for taking water under the water licence;
- volume required for the water allocation's intended purpose;
- annual volumes of water estimated by the Chief Executive to have been taken under the water licence during the period, of not more than 10 years, immediately before the commencement of the plan;
- efficiency of the use of the water estimated to be have been taken in the 10 years before commencement of the plan.

### **Conditions for water allocation**

Clause 82 states that the Chief Executive may impose on the water allocation any condition that the Chief Executive is satisfied is necessary to ensure the outcomes of the plan are achieved.

In deciding the requirements for the flow conditions under which water may be taken under the water allocation, the Chief Executive must have regard to the conditions and requirements stated on the water licence from which the water allocation is being converted.

However, if the water allocation is being converted from a water licence for taking unsupplemented water from a location stated in the table in Schedule 10 of the plan with corresponding flow conditions, then the water allocation must be subject to a flow condition. If the table specifies a single condition against a location, then the water allocation must be subject to that condition. If there is more than one condition specified, then the flow condition to which the water allocation must be subject is to be decided by the Chief Executive.



### **Water allocation group**

A water allocation group is a group of water allocations with similar location and conditions for accessing water.

Clause 83 states that, for water allocations that are subject to a flow condition as per Schedule 10 of the plan, it belongs to the water allocation group stated in Schedule 10 column 3 alongside the flow condition, stated in column 2, under which water may be taken.

Otherwise, the water allocation group to which the water allocation belongs is stated in Schedule 10, column 3 of the plan alongside the location used for taking water stated in column 1.

### **Division 7 Water licences to take water from watercourse, lake or spring**

The purpose of this division is to ensure that water licences are consistent with the plan through defining the elements to be stated on a water licence.

Water licences will be amended under section 217 of the Act.

#### **Subdivision 1 Form of water licence**

##### **Elements of water licence to take water from watercourse, lake or spring**

Clause 84 states that a water licence to take water from a watercourse, lake or spring in the plan area must state—

- a purpose of 'any';
- the maximum rate at which the water may be taken;
- the nominal entitlement;
- conditions, if any, including requirements for flow conditions and conditions for storing water.

#### **Subdivision 2 Amendment of water licences to achieve plan outcomes**

##### **Definition for sdiv 2**

Clause 85 states that in subdivision 2, an amended water licence means a water licence to take unsupplemented water from a watercourse, lake or spring amended to be consistent with the plan.

##### **Purpose to be stated on water licence**

Clause 86 states that the purpose to be stated on the amended water licence is to be 'any'.

##### **Maximum rates for water licence**

Clause 87 sets out how the maximum rate for taking water under an amended water licence is to be determined.

For an amended water licence, that before the amendment, stated a maximum rate, the maximum rate for the amended water licence is to be the rate stated on the water licence.

For an amended water licence that, before the amendment, does not state a maximum rate but there is a related development permit that states a pump size mentioned in

Schedule 11, column 1 of the plan, then it is to be the rate stated in Schedule 11, column 2 for the pump size.

If the development permit states a pump size other than a pump size mentioned in Schedule 11, column 1 of the plan, then the rate is to be decided by the Chief Executive having regard to the rates stated for similar pump sizes in Schedule 11, column 2.

In all other circumstances, the rate is to be decided by the Chief Executive having regard to the type of water licence being amended and an estimate or measurement of the rate at which water can be taken under the water licence.

However, if the water licence holder can satisfy the Chief Executive that the maximum rate at which water has been taken is different to that decided based on the pump rates in Schedule 11, then the rate is to be determined by the Chief Executive with regard to the—

- conditions under which the water may be taken;
- water taking capacity of the pump to which the development permit relates (the existing pump);
- irrigation or water distribution system related to the existing pump during the period, of not more than 10 years, immediately before the commencement of the plan;
- efficiency of the water use associated with the existing pump or the system estimated to have been taken in the 10 years before the commencement of the plan.

### **Nominal entitlement for water licence**

Clause 88 sets out how the nominal entitlement for an amended water licence is to be determined. The nominal entitlement is the volume of water authorised to be taken during a water year under the water licence.

For an amended water licence that, before the amendment, stated a volume, or an equivalent volume, of water that may be taken in a 12-month period, then the nominal entitlement is to be that stated volume.

For an amended water licence that, before the amendment, stated an area that may be irrigated but did not state an equivalent volume that may be irrigated, then the nominal entitlement is to be decided by the Chief Executive having regard to the volume of water required for the water licence's intended purpose. The nominal volume determined must not however be a volume (in megalitres) more than the area multiplied by six.

However, if the Chief Executive is satisfied that the volume determined based on an area to be irrigated is not sufficient for the water licence's intended purpose, then the Chief Executive may determine the volume having regard to the—

- volume required for the water allocation's intended purpose;
- annual volumes of water estimated by the Chief Executive to have been taken under the water licence during the period, of not more than 10 years, immediately before the commencement of the plan;
- efficiency of the use of the water estimated to have been taken in the 10 years before commencement of the plan.

If the water licence before it was amended does not state a volume, or equivalent volume, and does not state an area to be irrigated, then the volume is to be determined by the Chief Executive having regard to the—

- condition under which water may be taken under the water licence;
- water taking capacity of any works for taking water under the water licence;
- volume required for the water licence's intended purpose;
- annual volumes of water estimated by the Chief Executive to have been taken under the water licence during the period, of not more than 10 years, immediately before the commencement of the plan;
- efficiency of the use of the water estimated to have been taken in the 10 years before commencement of the plan.

### **Conditions for water licence**

Clause 89 states that, in deciding the requirements for the flow conditions under which water may be taken under an amended water licence, the Chief Executive must have regard the conditions and requirements stated on the water licence before the amendment.

### **Storing water taken under water licence**

Clause 90 states that the Chief Executive may impose a condition on an amended water licence that states the works that may be used to store the water taken under the water licence.

In deciding to impose the condition, the Chief Executive must consider the capacity of any existing overland flow works being used to store the water.

## **Division 8 Regulating overland flow water**

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

Clause 91 limits the overland flow water that may be taken under section 20(2)(b) of the Act in the Coastal Burnett Overland Flow Area. The take of overland flow water is not limited in the plan area outside the Coastal Burnett Overland Flow Area. Schedule 3 of the plan shows a map of the Coastal Burnett Overland Flow Area.

A person may continue to take overland flow water in the Coastal Burnett Overland Flow Area for any purpose with existing works. Existing works includes works constructed before 18 January 2010 and replacement of existing works. See the Dictionary in Schedule 12 of the plan for a full definition.

In addition, a person may only construct works that take overland flow water in the Coastal Burnett Overland Flow Area after the commencement of the plan—

- for stock or domestic purposes;
- for any other purpose if the works have a capacity of not more than 20 megalitres;
- under a water licence;
- to satisfy the requirements of, but not exceed the volume necessary to, an environmental authority or an environmentally relevant activity under the *Environmental Protection Act 1994*, other than a mining or petroleum activity;
- that is contaminated agricultural run-off water;
- that is incidental to the operation of a storage facility constructed to store water, other than overland flow water, in a catchment area of not more than 25 hectares.

Contaminated agricultural run-off water means overland flow water that contains, or is likely to contain, excess nutrients or farm chemicals at levels potentially harmful to the quality of water in a watercourse.

### **Granting water licences for using particular existing overland flow works**

Clause 92 states that the Chief Executive may grant a water licence to replace an authorisation under section 92(2)(g) of the plan for existing works to take overland flow water.

In deciding the elements to be stated on the water licence, the Chief Executive must consider the average annual volume of overland flow water that could have been taken, immediately before the commencement of the plan, using the existing overland flow works to which the authorisation relates.

The Chief Executive must also consider the annual volumes of overland flow water estimated by the Chief Executive to have been taken using the works during the period, of not more than 10 years, immediately before the commencement of the plan.

The Chief Executive may also consider the extent to which the works allowed the taking or storage of other water under another authorisation immediately before the commencement of the plan

### **Water licence to take overland flow water**

Clause 93 states that a water licence to take overland flow water must state a purpose of 'any', conditions (if any), and at least 1 of the following—

- maximum rate at which water may be taken;
- nominal entitlement;
- maximum volume of water that may be stored.

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

Clause 94 states that all works that allow the taking of overland flow water in the Coastal Burnett Overland Flow Area are assessable development under the *Sustainable Planning Regulation 2009* unless the works are self-assessable or are works to repair or maintain existing overland flow works and works constructed under a development permit.

Works that are self-assessable under the *Sustainable Planning Act 2009* are works—

- for taking overland flow water for stock or domestic purposes;
- for any other purpose if the works have a capacity of not more than 20 megalitres;
- to satisfy the requirements of, but not exceed the volume necessary to, an environmental authority or an environmentally relevant activity, other than a mining or petroleum activity.

## **Part 3 Additional strategies for groundwater**

### **Division 1 Preliminary**

#### **Purpose of pt 3**

Clause 95 states that Part 3 sets out in clauses 97 to 118 the additional strategies for achieving the outcomes mentioned in Chapter 3 of the plan.

### **Application of part 3**

Clause 96 states that part 3 applies only to groundwater in a groundwater management area. Schedule 4 of the plan shows a map of each groundwater management area.

### **Limitation on taking groundwater—Act, s 20**

Clause 97 limits the groundwater that may be taken under section 20(2)(c) of the Act in a relevant groundwater management area. The take of groundwater is not limited in the plan area outside of the groundwater management areas.

Clause 97 states that a person may only take groundwater in the Barambah Creek, Central Burnett River, Coastal Burnett and Upper Burnett groundwater management areas under—

- water permit;
- water licence;
- interim water allocation;
- water allocation;
- using prescribed existing groundwater works under clause 105 of the plan;
- for stock or domestic purposes;
- for an activity prescribed under a regulation for section 20(2)(a) of the Act.

However, there are limitations on taking groundwater for stock or domestic purposes in the Coastal Burnett Groundwater Management Area as stated under clauses 99 and 100 of the plan.

In the Ban Ban Springs and Barker Creek groundwater management areas, a person may only take groundwater—

- using prescribed existing groundwater works under clause 105 of the plan;
- for stock or domestic purposes;
- for an activity prescribed under a regulation for section 20(2)(a) of the Act.

See the Dictionary in Schedule 12 of the plan for the meaning of prescribed existing groundwater works.

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

Clause 98 states that all works for taking groundwater in a groundwater management area constructed or installed after the commencement of the plan are assessable development under the *Sustainable Planning Regulation 2009*.

This section does not apply to—

- an exempt bore;
- replacement of works that were in existence on 18 January 2010 or were started but not completed by 18 January 2010;
- a water bore constructed for taking water for a prescribed activity under the *Water Regulation 2002*;
- a water bore that is not constructed or installed within one of the following—
  - 100m of a boundary of a parcel of land;
  - 200m of another water bore;
  - for the Barambah Creek Groundwater Management Area—200m of Barambah Creek between AMTD 101km and AMTD 143km;
  - for the Central Burnett River Groundwater Management Area—200m of Burnett River between AMTD 250km and 295km;

- for the Coastal Burnett Groundwater Management Area—200m of Elliott River.

An exempt bore, in this section, is of the meaning given in Schedule 26 of the *Sustainable Planning Regulation 2009*.

## **Division 2 Taking groundwater for stock or domestic purposes in Coastal Burnett Groundwater Management Area**

### **Taking groundwater for stock or domestic purposes using works constructed before 30 November 2007**

Clause 99 states that an owner of land in the Coastal Burnett Groundwater Management Area may use existing works for taking groundwater for stock or domestic purposes.

In this division, existing works means works on land in the Coastal Burnett Groundwater Management Area constructed before 30 November 2007 or for which an agreement with the Chief Executive to construct the works was entered into before 30 November 2007 regardless of when the construction is completed. Existing works also include replacement water bores in relation to the above, as defined in Schedule 26 of the *Sustainable Planning Regulation 2009*.

### **Taking groundwater for stock or domestic purposes using works constructed on or after 30 November 2007**

Clause 100 states that this section applies to an owner of land in the Coastal Burnett Groundwater Management Area if the owner is not using existing works for taking groundwater for stock or domestic purposes, and the land is not in a service area under the *Water Supply (Safety and Reliability) Act 2008* for a retail water service.

The owner may use works constructed on the land on or after 30 November 2007 for the taking of groundwater for stock or domestic purposes if the works are on a lot that has not been reconfigured after 22 January 2007.

In this section, reconfigured, for a lot, means a lot that is created by subdividing another lot or divided into parts by agreement rendering different parts of the lot immediately available for separate disposition or separate occupation. It does not apply to an agreement that is a lease for a term (including renewal options) not exceeding 10 years, or an agreement for the exclusive use of part of the common property for a community titles scheme under the *Body Corporate and Community Management Act 1997*.

## **Division 3 Water licences to take groundwater**

### **Subdivision 1 General**

#### **Elements of water licences**

Clause 101 states that a water licence to take groundwater must state the purpose for which water may be taken under the water licence, its nominal entitlement, and the conditions to which it is subject (if any).

The purpose must be one of the following—

- agricultural dewatering;
- dewatering;
- urban;

- any.

A nominal entitlement is not required to be stated on a water licence which has a purpose of 'agricultural dewatering' or 'dewatering'.

## **Subdivision 2 Amendment of water licences to achieve plan outcomes**

### **Definition for subdiv 2**

Clause 102 states that in this subdivision, an amended water licence means a water licence to take groundwater amended to be consistent with a water resource plan or resource operations plan (section 217 of the Act).

### **Purpose to be stated on water licence**

Clause 103 sets out how the purpose to be stated on an amended water licence is to be determined.

If the purpose stated on the amended water licence before the amendment was–

- dewatering for agricultural purposes or a similar purpose, then the purpose is to be 'agricultural dewatering';
- dewatering, other than dewatering for agricultural purposes, then the purpose is to be 'dewatering';
- urban or town supply, then the purpose is to be 'urban'.

Otherwise, the purpose to be stated on the amended water licence is to be 'any'.

### **Conditions for water licence**

Clause 104 states that, in deciding the conditions under which water may be taken under an amended water licence, the Chief Executive must consider the conditions stated on the water licence before the amendment.

However, if the purpose stated on the amended water licence before the amendment was 'agricultural dewatering' or a similar purpose, the Chief Executive must also consider the groundwater levels to allow for normal agricultural activities (e.g. the practical operation of harvesting equipment) and the location of works associated with the water licence.

## **Subdivision 3 Dealing with prescribed existing groundwater works and groundwater-dependent activities**

### **Taking groundwater using prescribed existing groundwater works**

Clause 105 refers to prescribed existing groundwater works, which is defined in the Dictionary in Schedule 12 of the plan.

Clause 105 states that an owner of land that has prescribed existing groundwater works in Area B of the Coastal Burnett Groundwater Management Area may take groundwater using the works.

An owner of land that has prescribed existing groundwater works in the Ban Ban Springs, Barambah Creek, Barker Creek and Central Burnett River groundwater management areas may take groundwater using the works until 1 year after the commencement of the plan. Or, if the owner gives notice to the Chief Executive about

the works, groundwater may be taken using the works any time after the commencement.

An authorisation to take groundwater for prescribed existing groundwater works ceases to apply if the owner of land is granted a water licence relating to the works.

### **Granting water licences**

Clause 106 does not apply to groundwater in the Ban Ban Springs and Barker Creek groundwater management areas.

Clause 106 states that the Chief Executive may grant a water licence to a person authorised under section 105 to take groundwater. The Chief Executive may also grant a water licence to an owner of land in a groundwater management area to take groundwater for a groundwater-dependent activity if the owner satisfies the Chief Executive that the owner had a commitment to a groundwater-dependent activity on 18 January 2010.

The water licence granted must be consistent with Chapter 5 Part 3 of the plan.

In this section, groundwater-dependent activity means an activity that uses groundwater, for example, growing a crop requiring irrigation, the commercial production of animals or a commercial or industrial enterprise.

The term commitment, for a groundwater dependent activity, means that any of the following applies—

- infrastructure for taking or distributing groundwater has been constructed;
- a financial commitment to the construction of the infrastructure has been made;
- local or State government requirements for carrying out the activity have been satisfied, e.g. a development permit for the activity is held.

An example of a financial commitment is that a loan has been granted for the activity on the basis that irrigation would be permitted.

### **Nominal entitlements for authorisation**

Clause 107 states that the nominal entitlement for a water licence mentioned in clause 106 is to be the volume decided by the Chief Executive having regard to the following—

- information provided by the landholder relating to the prescribed existing groundwater works;
- the availability of groundwater;
- the efficiency of the use of the water;
- the capacity of the works;
- crop water demands;
- water related infrastructure associated with the prescribed existing groundwater works.

However, this does not limit the matters the Chief Executive may consider.

## **Division 4 Converting authorisations to water allocations to take unsupplemented groundwater**

### **Purpose of div 4**



Clause 108 states that Division 4 sets out in clauses 110 to 116 the strategies for particular authorisations to be converted to water allocations to take unsupplemented groundwater, which will be granted through an amendment to the Resource Operations Plan.

#### **Application of div 4**

Clause 109 states that Division 4 applies to water licences that are to be converted to water allocations to take unsupplemented groundwater.

#### **Authorisations to be converted to water allocations**

Clause 110 states that water licences taking unsupplemented groundwater in the following groundwater sub-areas are to be converted to water allocations to take unsupplemented groundwater—

- Kolan-Burnett A Groundwater Sub-Area;
- Burnett-Elliott A Groundwater Sub-Area;
- Elliott-Gregory A Groundwater Sub-Area;
- Fairymead A Groundwater Sub-Area.

This clause does not apply to a water licence for agricultural dewatering or dewatering purposes or a water licence that does not state a volumetric limit.

#### **Location for taking water under water allocation**

Clause 111 states that the location to be stated on the water allocation is to include the place at which water could have been taken before it was converted from a water licence.

#### **Purpose to be stated on water allocation**

Clause 112 states that the purpose to be stated on the water allocation is to be 'any'.

#### **Nominal volume for water allocation**

Clause 113 states that in deciding the nominal volume for the water allocation, the Chief Executive must have regard to the—

- local availability of groundwater;
- conditions for taking groundwater stated on the water licence;
- nominal entitlement stated on the water licence;
- simulated mean annual diversion for the proposed water allocation.

In this clause, simulated mean annual diversion, for a proposed water allocation, means the total volume of water simulated to have been taken under the proposed water allocation, as if the proposed water allocation were in existence for the whole of the groundwater simulation period, divided by the number of years in the groundwater simulation period.

#### **Annual volumetric limit for water allocation**

The annual volumetric limit represents the maximum volume of water that can be taken under a water allocation in a water year. The volume of water that could actually be taken in any particular year however, is subject to a number of factors including the local availability of water.

Clause 114 states that the annual volumetric limit for the water allocation is to be the nominal entitlement stated on the water licence from which the water allocation is being converted.

### **Water allocation group for water allocation**

A water allocation group is a group of water allocations with similar location and conditions for accessing water.

Clause 115 states the water allocation group to which a water allocation is to belong.

For a water allocation converted from a water licence under which water in the Kolan-Burnett A Groundwater Sub-area may be taken, the water allocation group to which the water allocation belongs is—

- CB-KBA-A, if the water licence states a purpose of urban water supply or town water supply;
- CB-KBA-B, if the water licence states any other purpose.

For a water allocation converted from a water licence under which water in the Burnett-Elliott A Groundwater Sub-area may be taken, the water allocation group to which the water allocation belongs is—

- CB-BEA-A, if the water licence states a purpose of urban water supply or town water supply;
- CB-BEA-B, if the water licence states any other purpose.

For a water allocation converted from a water licence under which water in the Elliott-Gregory A Groundwater Sub-area may be taken, the water allocation group to which the water allocation belongs is—

- CB-EGA-A, if the water licence states a purpose of urban water supply or town water supply;
- CB-EGA-B, if the water licence states any other purpose.

For a water allocation converted from a water licence under which water in the Fairymead A Groundwater Sub-area may be taken, the water allocation group to which the water allocation belongs is—

- CB-FMA-A, if the water licence states a purpose of urban water supply or town water supply;
- CB-FMA-B, if the water licence states any other purpose.

### **Conditions for water allocation**

Clause 116 states that the Chief Executive must, in deciding the conditions under which groundwater may be taken under the water allocation, have regard to the conditions stated on the water licence from which the water allocation is being converted, or a development permit relating to the water licence.

## **Division 5 Limitation on interfering with groundwater in Coastal Burnett Groundwater Management Area**

### **Limitation on interference with groundwater—Act, s 20**

Clause 117 states that this section limits the groundwater in the Coastal Burnett Groundwater Management Area that may be interfered with under section 20(2)(c) of the Act.

If an excavation constructed after the commencement of the plan exposes the water table by an area greater than 1500m<sup>2</sup>, the interference must be authorised under a water licence to interfere with the flow of water on, under or adjoining the land.

## **Division 6 Water licences to interfere with groundwater in Coastal Burnett Groundwater Management Area**

### **Interference with groundwater by particular excavations**

Clause 118 applies to an application for a water licence to interfere with groundwater in the Coastal Burnett Groundwater Management Area if the interference is by an excavation mentioned in clause 118.

In deciding the application, the Chief Executive must consider—

- the area by which the excavation will expose the water table;
- any groundwater losses as a result of the excavation exposing the water table;
- the effect of granting the application on the availability of groundwater for existing holders of water entitlements in the groundwater management area, the integrity of the aquifer, groundwater-dependent ecosystems and seawater intrusion.

This does not however limit the matters the Chief Executive may consider in deciding the application.

If the Chief Executive decides to grant the application, the Chief Executive must decide a volume of water as the estimated loss of groundwater by evaporation resulting from the interference.

In deciding the volume, the Chief Executive must have regard to—

- the area by which the excavation will expose the water table;
- information provided by the applicant about the estimated loss of groundwater by evaporation resulting from the interference;
- historical data on the loss of water by evaporation for the groundwater management area.

This does not however limit the matters the Chief Executive may consider in deciding the volume.

The Chief Executive must impose a condition on the water licence to interfere that requires the holder to hold a water allocation with a nominal volume or water licence with a nominal entitlement of at least the volume decided by the Chief Executive as the estimated loss of groundwater by evaporation resulting from the interference.

The Chief Executive must also impose a condition on the water licence to interfere, stopping the holder from actually taking the volume of water under the water allocation or water licence decided as the estimated loss of groundwater by evaporation as a result of the interference.

## **Chapter 6 Monitoring and reporting requirements**

### **Monitoring and reporting requirements**

Monitoring and reporting requirements help the Minister to collect data and information to assess the effectiveness of the management strategies for achieving the outcomes mentioned in Chapter 3.

Clause 119 states that the water and natural ecosystem monitoring and reporting requirements for the plan are stated in the Resource Operations Plan.

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

Clause 120 states that the Minister must prepare reports on the plan. For the first report, the reporting period starts on commencement of the plan and ends five years after the beginning of the financial year in which the plan commenced.

For subsequent reports, the reporting period starts at the end of the previous reporting period and ends five years after the end of the previous reporting period.

The Minister's report must be prepared within 12 months after the end of the reporting period to which the report relates.

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

**Implementation schedule**

Clause 121 sets out the proposed arrangements for implementing the plan.

After the commencement of the plan, it is proposed to include in the Resource Operations Plan for groundwater in the Coastal Burnett Groundwater Management Area—

- a process to grant water licences, and convert authorisations to water allocations to take groundwater;
- water sharing rules, water allocation change rules and seasonal water assignments for the taking of groundwater.

For water in the plan area (excluding groundwater in the Coastal Burnett Groundwater Management Area and Central Burnett River and Barambah Creek groundwater management areas), it is proposed to include in the Resource Operations Plan a process to—

- grant, or convert authorisations to, water allocations to take water;
- amend water allocations in the Upper Burnett Water Supply Scheme;
- amend water licences;
- grant a distribution operations licence to the Avondale Water Supply Board in the Bundaberg Water Supply Scheme.

For water in the Three Moon Creek, Upper Burnett, Barker Barambah and Bundaberg water supply schemes, it is proposed to include in the Resource Operations Plan environmental management rules, infrastructure operating rules, water sharing rules, water allocation change rules and seasonal water assignment rules.

For groundwater in the Central Burnett River and Barambah Creek groundwater management areas, it is proposed to include in the Resource Operations Plan a process to grant water licences to take groundwater.

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

Clause 122 states the types of amendments that may be made to the plan under section 57(b) of the Act, regarding minor or stated amendments to a water resource plan. An amendment made under this section of the Act will not require public consultation

provided the Minister reasonably believes the amendment will not adversely affect the rights of water entitlement holders or natural ecosystems.

The following are stated amendments may be made to the plan—

- amendment of clause 2 of the plan to postpone the commencement of the water sharing rules for the Bundaberg Water Supply Scheme;
- amendment or addition of an environmental flow objective if the amendment or addition achieves an equivalent or improved ecological outcome without adversely affecting—
  - the outcomes mentioned in Chapter 3 of the plan;
  - the water allocation security objectives mentioned in clause 22 of the plan;
- amendment or addition of a water allocation security objective if it does not adversely affect—
  - the outcomes mentioned in Chapter 3 of the plan;
  - the environmental flow objectives mentioned in clause 18 and 20 of the plan;
- amendment or addition of a node location;
- amendment to subdivide a subcatchment area;
- amendment to adjust the boundaries of a groundwater management area and groundwater sub-area if more accurate information about the boundaries of the plan area or hydrological characteristics of the plan area becomes available;
- amendment or addition of a priority group;
- amendment or addition of a water allocation group;
- amendment of the capacity of works to take overland flow water mentioned in clause 91(2)(b) of the plan;
- amendment of the catchment area mentioned in clause 92(2)(f) of the plan;
- an amendment to omit Chapter 5 Part 3 divisions 5 and 6 if a provision of a law, other than the Act, authorises or otherwise deals with the interference by an excavation, with groundwater in the Coastal Burnett Groundwater Management Area;
- amendment or addition of a monitoring or reporting requirement under Chapter 6 of the plan;
- amendment of, or to remove, a redundant provision of the plan;
- amendment to omit a provision relating to the grant, amendment or conversion of an authorisation if the grant, amendment or conversion under the provision has been completed.

## **Chapter 8 Repeal**

### **Repeal**

Clause 123 states that the *Water Resource (Burnett Basin) Plan 2000*, SL No. 359 is repealed.

## **Schedule 1 Plan area**

Schedule 1 contains a map showing the area to which the plan applies.

## **Schedule 2 Subcatchment areas**

Schedule 2 contains a map showing the subcatchment areas referred to in the plan.

## **Schedule 3 Coastal Burnett Overland Flow Area**

Schedule 3 contains a map showing the Coastal Burnett Overland Flow Area referred to in the plan.

### **Schedule 4 Groundwater management areas**

Schedule 4 contains a map showing the groundwater management areas referred to in the plan.

### **Schedule 5 Groundwater sub-areas**

Schedule 5 contains three maps showing the groundwater units and sub-areas referred to in the plan.

Map A shows a map of groundwater unit 1 of the Coastal Burnett Groundwater Management Area, and the groundwater sub-areas contained within this unit.

Map B shows a map of groundwater unit 2 of the Coastal Burnett Groundwater Management Area, and the groundwater sub-areas contained within this unit.

Map C shows a map of the groundwater sub-areas contained within the Upper Burnett Groundwater Management Area.

### **Schedule 6 Nodes**

Schedule 6 contains two maps showing the location of nodes, and two tables describing the nodes, referred to in the plan.

Part 1 shows a map of the location of surface water nodes across the plan area.

Part 2 shows a map of the location of groundwater nodes in the Coastal Burnett Groundwater Management Area.

Part 3 contains a table describing the location of surface water nodes across the plan area.

Part 4 contains a table describing the location of groundwater nodes in the Coastal Burnett Groundwater Management Area.

### **Schedule 7 Environmental flow objectives**

Schedule 7 states the environmental flow objectives for the plan.

Part 1 tabulates the objectives for particular surface water nodes in the plan area.

Part 2 tabulates the objectives for particular groundwater nodes and groundwater sub-areas in the Coastal Burnett Groundwater Management Area.

### **Schedule 8 Water allocation security objectives**

Schedule 8 sets out the water allocation security objectives for the plan.

Part 1 sets out the monthly supplemented water sharing index for each priority group for each water supply scheme in the plan area.

Part 2 sets out the annual volume probability for each water allocation group for unsupplemented surface water in the plan area.

Part 3 sets out the annual volume probability for each water allocation group for unsupplemented groundwater in the Coastal Burnett Groundwater Management Area.

## **Schedule 9 Interim rules for taking or sharing water**

Schedule 9 sets out the interim rules for taking or sharing water in the Barker Barambah, Bundaberg, and Upper Burnett water supply schemes. These rules support the achievement of the outcomes contained in Chapter 3 of the plan.

### **Part 1 Definitions**

Part 1 contains the definitions of terms used specifically in Schedule 9 of the plan.

## **Part 2 Barker Barambah Water Supply Scheme**

### **Division 1 Preliminary**

Division 1 clarifies that Part 2 applies to the holder of the resource operations licence (ROL holder) for the Barker Barambah Water Supply Scheme and all the water allocations managed under it.

It also contains the definitions of terms used specifically in Part 2.

### **Division 2 Environmental management rules and infrastructure operating rules**

Division 2 sets out the following parameters for the ROL holder in relation to infrastructure operation–

- the use of particular reaches of Barker Creek and Barambah Creek for the distribution of water;
- nominal operating levels for Silverleaf Weir and Joe Sippel Weir;
- storage operating procedures regarding the rate and quality of water released to minimise adverse environmental impacts;
- environmental management rules that specify release volumes and times for Silverleaf Weir to meet environmental outcomes, including maintaining sufficient low flows to support lungfish spawning.

### **Division 3 Water sharing rules**

Division 3 sets out the water sharing rules that the ROL holder must implement.

At the start of each water year, the ROL holder must calculate and publish an announced allocation for medium and high priority water allocations in the Barker Barambah Water Supply Scheme within 5 business days. Announced allocations must be calculated as per the formulae set out in clauses 12 and 13 of Schedule 9 of the plan.

The ROL holder must further calculate an announced allocation within 5 business days after the start of each quarter of the water year (except the first) and within 10 business days after a major inflow in the scheme. The ROL holder may also recalculate an announced allocation at any time. The formulae in clauses 12 and 13 of Schedule 9 of the plan must also be used for further calculations. A new announcement is to be made if the further calculation is greater than the current announcement and is to be published on the ROL holder's website within 2 business days after the calculation is made.

Division 3 also provides for the ROL holder to allow medium priority water allocation holders in the Barker Barambah Water Supply Scheme to carryover unused water from the last water period to the first water period in the next year. Unused water does not include water that had been carried over from a previous water year. Carryover water can only be taken in during the carryover period. See clause 16 of Schedule 9 of the plan for the meaning of carryover period.

The total volume of water that the ROL holder may permit to be carried over must be the lesser of the following–

- 20 per cent of the total nominal volumes for all medium priority water allocations in scheme; or
- the total volume of unused medium priority water in the scheme.

It also provides for the ROL holder to allow water, in any priority group, to be forward drawn from the next water year to the current water year. The total volume that can be forward drawn must not exceed 1 per cent of the total nominal volumes for all water allocations in that priority group in the scheme.

The volume of water that may be taken by an allocation holder during a water year is the sum of the volume available under announced allocation, any water carried over from the previous water year, any water brought forward from the next water year, and subtracting any water brought forward in the previous water year.

## **Part 3 Bundaberg Water Supply Scheme**

### **Division 1 Preliminary**

Division 1 clarifies that Part 3 applies to the ROL holder for the Bundaberg Water Supply Scheme and all the water allocations managed under it.

### **Division 2 Environmental management rules and infrastructure operating rules**

Division 2 sets out the following parameters for the ROL holder in relation to infrastructure operation–

- the use of particular reaches of the Kolan and Burnett rivers, and Sheepstation, St Agnes and Welcome creeks for the distribution of water;
- nominal operating levels for Bucca and Ned Churchward weirs, and Kolan and Ben Anderson barrages;
- storage operating procedures regarding the rate and quality of water released to minimise adverse environmental impacts.

Division 2 also sets out environmental management rules specifying release volumes and times to support environmental outcomes for–

- Bucca Weir that maintain stable flows to minimise fish kills;
- Paradise Dam to provide flows that reflect peak periods of fish movement and lungfish spawning;
- Ned Churchward Weir to provide the variability of flows that support lungfish spawning.

### **Division 3 Water sharing rules**

Division 3 contains the definitions of terms used specifically in Division 3.

Division 3 sets out the water sharing rules that the ROL holder must implement.



It requires the ROL holder to establish two bulk capacity shares for Fred Haigh Dam–

- 15 per cent of the full supply volume of the dam for the Burnett River subscheme
- 85 per cent of the full supply volume of the dam for the Kolan River subscheme

The ROL holder is required to record the daily volume of water stored under each bulk capacity share considering the inflows, releases, and storage losses from Fred Haigh Dam.

At the start of each water year, the ROL holder must calculate and publish an announced allocation for medium and high priority water allocations in the Burnett River and Kolan River subschemes within 5 business days. Announced allocations must be calculated as per the formulae set out in clauses 29 and 30 of Schedule 9 of the plan.

The ROL holder must further calculate an announced allocation within 5 business days after the start of each quarter of the water year (except the first) and within 10 business days after a major inflow in the scheme. The ROL holder may also recalculate an announced allocation at any time. The formulae in clauses 29 and 30 of Schedule 9 of the plan must also be used for further calculations. A new announcement is to be made if the further calculation is greater than the current announcement and is to be published on the ROL holder's website within 2 business days after the calculation is made.

Division 3 also provides for the ROL holder to allow medium priority water allocation holders in the Burnett River and Kolan River subschemes to carryover unused water from one year to the next year. Unused water does not include water that had been carried over from a previous water year. The total volume of water that may be permitted to be carried over in a subscheme must be the lesser of the following–

- 2 per cent of total nominal volumes for all medium priority water allocations in that subscheme;
- the total volume of unused water for medium priority water allocations in that subscheme.

It also provides for the ROL holder to allow water, in any priority group, to be forward drawn by the water allocation holder from the next water year to the current water year. The total volume that can be forward drawn must not be greater than 1 per cent of total nominal volumes for all water allocations in that priority group in that subscheme.

The volume of water that may be taken by a water allocation holder during a water year is the sum of the volume available under announced allocation, any water carried over from the previous water year, any water brought forward from the next water year, and subtracting any water brought forward in the previous water year.

## **Part 4 Upper Burnett Water Supply Scheme**

### **Division 1 Preliminary**

Division 1 clarifies that Part 4 applies to the ROL holder for the Upper Burnett Water Supply Scheme and all the water allocations managed under it.

### **Division 2 Environmental management rules and infrastructure operating rules**

#### **Subdivision 1 General**

Division 2 sets out the following parameters for the ROL holder in relation to infrastructure operation–

- the use of particular reaches of the Burnett, Nogo and Auburn rivers for the distribution of water;
- the nominal operating levels for Kirar, Jones and Claude Wharton weirs;
- storage operating procedures regarding the rate and quality of water released to minimise adverse environmental impacts;
- environmental management rules specifying release volumes and times for Claude Wharton Weir to better align with natural low flows and stimulate fish migration and lungfish spawning and recruitment.

### **Division 3 Water sharing rules**

#### **Subdivision 1 Jones subscheme, Kirar subscheme, Wuruma subscheme and Claude Wharton subscheme**

Subdivision 1 applies to the Jones, Kirar, Wuruma and Claude Wharton subschemes of the Upper Burnett Water Supply Scheme.

Subdivision 1 contains the definitions of terms used specifically in subdivision 1.

Subdivision 1 sets out the water sharing rules that the ROL holder must implement.

At the start of each water year, the ROL holder must calculate and publish an announced allocation for medium priority water allocations in each subscheme within 5 business days. Announced allocations must be calculated as per the formulae set out in clauses 45 to 48 of Schedule 9 of the plan.

The ROL holder must further calculate an announced allocation within 5 business days after the start of each quarter of the water year (except the first) and within 10 business days after a major inflow in the scheme. The ROL holder may also recalculate an announced allocation at any time. The formulae for each subscheme in clauses 45 to 48 of Schedule 9 of the plan must also be used for further calculations. A new announcement is to be made if the further calculation is greater than the current announcement and is to be published on the ROL holder's website within 2 business days after the calculation is made.

In response to the deflation of the Claude Wharton fabridam, each formula for the calculation of announced allocations adjusts the total volume of medium priority allocations to deduct the volume of Burnett Water Pty Ltd water allocations that may be converted low priority in a future Resource Operations Plan amendment. See clause 63 for provisions regarding the conversion of Burnett Water Pty Ltd water allocations.

Subdivision 1 also provides for the ROL holder to allow medium priority water allocation holders in the subschemes to carryover unused water from one year to the next year. Unused water does not include water that had been carried over from a previous water year. The total volume of water that may permit to be carried over must be the lesser of the following–

- 2 per cent of total nominal volumes for all medium priority water allocations in that subscheme; or
- the total volume of unused medium priority water in that subscheme.

It also provides for the ROL holder to allow water, in the medium or high priority groups, to be forward drawn from the next water year to the current water year. The total volume that can be forward drawn must not exceed 1 per cent of the total nominal volumes for all water allocations in that priority group in the scheme.

Additionally, subdivision 1 sets limitations on the take of water by medium priority allocation holders who are on-pond users of Kirar Weir, Jones Weir and Claude Wharton Weir when those storages fall below the corresponding critical levels set out in clause 51 of Schedule 9 of the plan. On-pond users are allocation holders with works or connecting works capable of directly taking water impounded by the aforementioned storages. These limitations apply until the storage levels are at or above the corresponding critical level. The ROL holder must notify water allocation holders when the storages are at the critical level.

Subdivision 1 also sets out arrangements for taking water by medium priority allocation holders in the Kirar, Jones, Claude Wharton and Wuruma subschemes during periods of critical water shortage. It states that where the ROL holder notifies a water allocation holder that an announced allocation cannot be supplied or the announced allocation is zero, then water allocation holders may take water from either a waterhole in the scheme area or an aquifer under a watercourse (bedsands) mentioned in section 55 of the *Water Regulation 2002*. This authorisation ends when the volume taken from waterholes and bedsands and the volume taken under supply by the ROL holder equals the nominal volume of their allocation.

This subdivision also sets out how the volume of water that may be supplied by the ROL holder and taken by an allocation holder in the Kirar, Jones, Claude Wharton and Wuruma subschemes during a water year is to be calculated. The method for medium priority allocations takes into consideration the announced allocation, water carried over to the current water year, water forward drawn to the current year, and water that had been forward drawn in the previous water years.

The volume of water that may be taken by a water allocation holder in the Kirar, Jones, Claude Wharton and Wuruma subschemes during a water year is the sum of the volume available under announced allocation, any water carried over from the previous water year, any water brought forward from the next water year, and subtracting any water brought forward in the previous water year.

Where a water allocation holder has taken water from bedsands and waterholes in addition to water under an announced allocation, the total volume taken by a water allocation holder from waterholes, bedsands and under an announced allocation must not exceed the nominal volume of their water allocation.

### **Subdivision 2 John Goleby subscheme**

Subdivision 2 applies to the John Goleby subscheme of the Upper Burnett Water Supply Scheme.

Subdivision 2 contains the definitions of terms used specifically in subdivision 2.

Subdivision 2 sets out the water sharing rules that the ROL holder must implement.

In addition to a water year, the rules for the John Goleby subscheme allows for multiple water periods within a water year – first water period and subsequent water period/s. Water periods are defined in section 55 of Schedule 9 of the plan.

At the start of the first water period, the ROL holder must calculate and publish an announced allocation for medium priority water allocations in the John Goleby subscheme within 5 business days. Announced allocations must be calculated as per the formula set out in clause 59 of Schedule 9 of the plan.

During the first water period, the ROL holder must further calculate an announced allocation within 5 business days after the start of each quarter of the water year (except the first) and within 10 business days after a major inflow in the scheme. The ROL holder may also recalculate an announced allocation at any time. The formulae in clause 59 of Schedule 9 of the plan must also be used for further calculations. A new announcement is to be made if the further calculation is greater than the current announcement and is to be published on the ROL holder's website within 2 business days after the calculation is made.

For subsequent water periods, the ROL holder must also publish the commencement date of each subsequent water period within 2 days of its commencement. During subsequent water periods, water allocation holders may take up to their nominal volume.

Subdivision 2 also provides for the ROL holder to allow medium priority water allocation holders in the John Goleby subscheme to carryover unused water from the last water period to the first water period in the next year. Unused water does not include water that had been carried over from a previous water year. Carryover water can only be taken in the first water period of the water year.

However, the total volume taken in a water year, including any carryover, cannot exceed 2.5 times the nominal volume of the water allocation.

## **Part 5 Tables**

Part 5 tabulates the values of parameters for calculating an announced allocation for the water supply schemes in Part 2, 3 and 4 of Schedule 9 of the plan. The parameters are storage loss, reserve, transmission and operational losses, inflow allowance and transfer allowance.

## **Schedule 10 Water allocation groups to take unsupplemented surface water**

Schedule 10 tabulates the water allocation group to which an unsupplemented surface water allocation belongs based on its location and flow conditions.

## **Schedule 11 Rates and pump sizes**

Schedule 11 tabulates the pump sizes and corresponding rates and daily volumetric limits that may be referred to in determining maximum rates of take for unsupplemented water allocations (clause 80 of the plan) and water licences (clause 87 of the plan).

## **Schedule 12 Dictionary**

Schedule 12 contains a list of the definitions of terms used in the plan.