

Water Plan (Great Artesian Basin and Other Regional Aquifers) 2017

Explanatory notes for SL 2017 No. 164

made under the

Water Act 2000

General Outline

Short title

Water Plan (Great Artesian Basin and Other Regional Aquifers) 2017.

Authorising law

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

Policy objectives and the reasons for them

The purpose of the *Water Act 2000* includes providing a framework for the sustainable management of Queensland's water resources.

Section 37 of the *Water Act 2000* provides that the State plans for the sustainable management of Queensland's water by preparing and implementing water plans, and water use plans.

Section 41 of the *Water Act 2000* provides for the Minister to prepare a water plan for any part of Queensland.

The objective of a water plan is to sustainably manage Queensland's water.

Achievement of policy objectives

The *Water Plan (Great Artesian Basin and Other Regional Aquifers) 2017* will achieve the policy objectives 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; and
- providing a framework for reversing, where practicable, degradation in natural ecosystems.

The *Water Plan (Great Artesian Basin and Other Regional Aquifers) 2017* will achieve its policy objectives in a reasonable and appropriate manner by addressing the mandatory matters required of a water plan as set out in section 43 of the *Water Act 2000*.

Consistency with policy objectives of authorising law

The *Water Plan (Great Artesian Basin and Other Regional Aquifers) 2017* is consistent with the main objectives of the *Water Act 2000*, which include providing for the sustainable management of water.

Inconsistency with policy objectives of other legislation

The *Water Plan (Great Artesian Basin and Other Regional Aquifers) 2017* is consistent with the policy objectives of other legislation.

Alternative ways of achieving policy objectives

The *Water Act 2000* sets out the framework for the development of a water plan. There are no alternative means for achieving the policy objective.

Benefits and costs of implementation

Implementation of the *Water Plan (Great Artesian Basin and Other Regional Aquifers) 2017* will provide the following benefits—

- providing stronger protection for groundwater-dependent ecosystems and existing water users;
- providing reserves of unallocated groundwater for future water needs, including new reserves for the economic aspirations of Aboriginal peoples and Torres Strait Islanders;
- restoring groundwater pressure by introducing a sunset clause on the use of uncontrolled bores and bore drains
- making small volumes of water available for low-risk activities.

Consistency with fundamental legislative principles

The *Water Plan (Great Artesian Basin and Other Regional Aquifers) 2017*, 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 planning process as outlined in the *Water Act 2000*.

An overview of the issues raised and outcomes of consultation undertaken for the draft *Water Plan (Great Artesian Basin and Other Regional Aquifers) 2017* and its finalisation are outlined in a separate document, the *Water Plan (Great Artesian Basin and Other Regional Aquifers) 2017 Minister's Considerations Report*. This document will be available on the Department of Natural Resources and Mines website.

The Queensland Productivity Commission advised the department that where the process to make or amend water plans is followed as per the provisions in the Act, the plans will have undergone an extensive impact assessment process and the Queensland Productivity Commission therefore considers that, under the Queensland Government Guide to Better Regulation, the department is not required to seek advice from the Queensland Productivity Commission.

Notes on parts

Part 1 – Preliminary

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

Part 2 – Plan area and water to which plan applies

This part states the water to which the plan applies, as well as defines the plan area, the groundwater units and sub-areas for the plan.

It allows the water management protocol to declare areas of the plan area to be a zone, within which granting and dealing with water licences may be restricted.

It also states where information about the exact boundaries of the plan area, groundwater units, groundwater sub-areas and zones can be accessed.

Part 3 – Economic, social and environmental outcomes

This part states the outcomes the plan seeks to achieve through implementing the plan's management strategies. These include economic, social and environmental outcomes.

Water is to be allocated and managed in a way that seeks to achieve a balance between the economic, social and environmental outcomes of the plan.

Part 4 – Strategies for achieving outcomes

This part sets out the strategies for achieving the plan outcomes. It includes –

- Requirements for some decisions to not increase the amount of water taken in the plan area
- Setting out the types and volumes of unallocated water available under the plan, and the purposes and limitations on the granting of that water
- Setting limits on the taking or interfering with water
- Rules for the taking of water for stock or domestic purposes, to restore groundwater pressure
- Rules for the taking water for purposes other than stock or domestic, to restore groundwater pressure
- Rules for making licence decisions to protect flows to groundwater dependent ecosystems, existing licences and particular authorisations
- Requirements for all water licences to state volumetric limits.

Decisions to not increase the amount of water taken in the plan area

The plan requires that decisions made by the chief executive about the allocation or management of water in the plan area do not increase the average volume of water that may be taken in the plan area.

However, this restriction does not apply in some circumstances, including decisions that pose a low risk, and decisions where take has already been accounted for under the plan (e.g. granting unallocated water).

Unallocated water

Unallocated water is water available for allocation in the plan area.

The plan provides for the availability of unallocated water from the General reserve, State reserve and Aboriginal peoples and Torres Strait Islanders economic reserve. Water for future town water supply will be available from the State reserve. Water for town water supply is intended to be used to supply potable water for communities throughout the plan area and not for recreational purposes such as establishing or maintaining lakes or ponds.

The tables in Schedule 4 show the volume of water that may be accessed from each groundwater unit or sub-area for each type of reserve.

The water from each of these reserves may only be granted for specific purposes.

There are a number of considerations that the chief executive must consider in dealing with applications for unallocated water, such as the efficiency of current and proposed water use.

The chief executive may also require the applicant to carry out investigations, studies or assessments on the proposed taking of water to support their application. If the proposed taking of water will impact an existing user beyond the acceptable threshold (maximum drawdown), then the licensee will be required to 'make good' the affected user and carry out monitoring and reporting.

Limits on the taking or interfering with water

The *Water Act 2000* allows underground water to be taken for any purpose subject to any restrictions that might be stated in a water plan or other instrument.

The plan requires a water licence or water permit to be held in order to take or interfere with water. However, it provides exceptions for some purposes and volumes of take that are considered low risk.

A water licence will not be required in the following circumstances –

- For domestic purposes, provided the bore –
 - has a watertight delivery system and
 - meets the relevant rules for protecting groundwater-dependent ecosystems and existing licences and particular authorisations set out in the water management protocol

- For stock purposes, provided the bore –
 - has a watertight delivery system; and
 - meets the relevant rules for protecting groundwater-dependent ecosystems and existing licences and particular authorisations set out in the water management protocol; and

- is located in any of the particular groundwater units or groundwater sub-areas listed in clause 26(3) of the plan
- For projects that provide an economic or social benefit to Aboriginal peoples or Torres Strait Islanders, provided the bore –
 - Is controlled
 - Takes no more than 2 megalitres per year per bore; and
 - meets the relevant rules for protecting groundwater-dependent ecosystems and existing licences and particular authorisations set out in the water management protocol;
- For prescribed activities under the *Water Regulation 2016*, provided the bore –
 - Is controlled
 - Takes no more than 2 megalitres per year per bore; and
 - meets the relevant rules for protecting groundwater-dependent ecosystems and existing licences and particular authorisations set out in the water management protocol;
- For bores monitoring water in a plan aquifer, provided the bore is controlled and takes no more than 2 megalitres per year.

Restoring groundwater pressure

The plan sets out strategies to restore groundwater pressure lost through the use of uncontrolled bores and bore drains, by requiring bore owners to control their bore or install a watertight delivery system for their bore within 10 years.

The strategies apply to stock or domestic bores, as well as bores under a water licence or permit for non-stock or domestic purposes.

Stock or domestic bores

For stock or domestic bores, the take of water must be through a watertight delivery system, unless the water licence associated with the bore allows otherwise.

If the chief executive becomes aware that a bore is not controlled or doesn't distribute water using a pipeline, then the chief executive will issue the licensee a notice about the matter and then amend the licence to require the licensee to –

- install a watertight delivery system for the bore within 10 years of the notice being issued; and
- notify the chief executive when the watertight delivery system has been installed for the bore.

If a licensee is required to install a watertight delivery system for a bore, the licensee must either –

- if the installation is intended to be completed within the first year of the 10 year requirement period – notify the chief executive of this intent within the first year
- Otherwise – prepare and submit a bore management statement to the chief executive.

Prior to the commencement of the plan, the chief executive is aware of a number of stock or domestic licences that currently have bores that do not have a watertight delivery system. These licences will be amended to allow the licensee 10 years (until 2027) to install a watertight delivery system for these bores.

As soon as practicable after 1 September 2022, the chief executive will decide whether the 2027 sunset clause is reasonable, and may decide a later installation day instead. If a new installation day is determined, the new installation day will replace the date on any licence that requires a watertight delivery system to be installed before the new installation day. The chief executive as part of this review will consider the overall situation in regard to climatic, and economic conditions and other relevant factors such as availability of financial assistance programs in determining whether the ten year time frame is reasonable.

Non-stock or domestic bores

For non-stock or domestic bores under a water licence or water permit, the take of water must be through a controlled bore, unless the water licence or permit associated with the bore allows otherwise.

If the chief executive becomes aware that a bore is not controlled because of a change in groundwater pressure, then the chief executive will issue the licensee a notice about the matter and then amend the licence to require the licensee to –

- Ensure the bore is controlled within 10 years of the notice being issued; and
- Notify the chief executive when the bore has been controlled.

If a licensee is required to ensure their bore is controlled, the licensee must either –

- if it is intended that the bore be controlled within the first year of the 10 year requirement period – notify the chief executive of this intent within the first year
- Otherwise – prepare and submit a bore management statement.

See water plan for definition of the terms, controlled, watertight delivery system and bore management statement.

Protecting flows to groundwater dependent ecosystems, existing licences and particular authorisations

The plan sets out limits on particular decisions about water licences, in order to protect flows to groundwater dependent ecosystems, existing licences and particular authorisations.

The limits generally apply to decisions about the granting of unallocated water, licences for stock or domestic purposes, the seasonal water assignment of water, and amendments or relocations of water licences. However, the limits do not apply to the granting of water licences for bore owners that are authorised to continue taking water under Part 5 Division 4.

Decisions must not result in a cumulative drawdown for groundwater dependent ecosystems of more than 0.4m, or affect existing water users more than the maximum drawdown.

The chief executive may require the applicant for a water licence to undertake investigations, studies or assessments to demonstrate that the impact would be within the bounds of the limits under this part.

See the water plan for definition of cumulative drawdown and maximum drawdown.

Water licences to state volumetric limits

The plan requires all water licences, except those that take water only for stock or domestic purposes, to be amended to state a volumetric limit within the period the plan is in force.

There are a number of matters that the chief executive must consider in deciding the appropriate volumetric limit for the amended licences.

Part 5 – Water licences

The plan allows for the amendment and granting of particular water licences, such as

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- Allowing for licensees to apply to amend their licence if they are required to install a watertight delivery system for a bore under their licence
- Granting water licences for a portion of the water saved from doing bore works
- Allowing the location on licences to be amended to facilitate make good obligations or conditions
- Allowing for the continued taking of water for particular existing uses.

Amending licences that require a watertight delivery system

If a bore does not have a watertight delivery system, the plan requires licensees to install a watertight delivery system for a water bore within 10 years.

The plan also allows these licensees to apply for an amendment to this requirement on the basis of the bore supporting cultural or environmental values.

For bores that support cultural or environmental values, a watertight delivery system may not be required to be installed.

Granting water licences for water saved

The plan provides for the potential granting of water licences for a portion of water saved from the undertaking of bore works, such as making a bore controlled, as required under a licence. This is to provide an incentive for licensees to have watertight delivery systems on their bores as soon as possible.

To be eligible however, a licensee must complete the bore works by the day required on their licence and must not receive any government funding specifically for undertaking the bore works.

The licensee may apply for a water licence with a volumetric limit calculated at 30% or more of the volume of saved water from installing the bore works.

The licensee may apply for the water licence either before or after the bore works have been installed.

See plan definition of bore works and volume of saved water.

Facilitating make good obligations or conditions

The plan facilitates make good obligations or make good conditions for water licences by allowing the location stated on the licence to be amended to access a different groundwater unit or subarea, provided the amendment does not increase the volumetric limit or change the land parcel from which the water may be taken under the licence.

The licence amendment is still subject to the rules protecting flows to groundwater dependent ecosystems, existing licences and particular authorisations. Location, in the context of this plan, is three dimensional having surface extent as well as depth below the surface where the different groundwater units or subareas areas are located.

Allowing continued taking of water

The plan allows for particular existing water users that did not require a water licence to take water before plan commencement, to continue taking water. This includes –

- Taking water from existing water bores for non-stock or domestic purposes in particular areas
- Taking water for stock or domestic purposes from an aquifer previously considered to not be within the plan area
- Taking water for prescribed activities before plan commencement.

A water licence may be granted to these existing users without being subject to the rules protecting flows to groundwater dependent ecosystems, existing licences and particular authorisations.

See plan for definition of existing water bore.

Part 6 – Implementing and amending this plan

The plan states that a water management protocol must be prepared for the plan area, and lists the matters that it must address. A water management protocol is an instrument that implements the water plan.

The plan also states the types of amendments that may be made to the plan without requiring public consultation. This includes minor amendments to the boundaries of groundwater units or subareas, to reduce the maximum drawdown, and amending the volume of State reserve water available under the plan to accommodate any remaining unallocated water not granted under s70 of the plan.

Part 7 – Transitional provisions

The plan includes transitional provisions to facilitate the transition between the repealed plan and this plan. The provisions –

- Allow water licences that stated a location using the descriptors under the repealed plan to be taken to state a location appropriate to this plan, until they are actually amended to state the latter
- Allow existing applications for water licences for water from State reserves that were made but not decided before this plan commenced, to continue without lapsing
- Allow existing applications for water licences for water from State reserves that were decided but not granted before this plan commenced, to remain valid
- Make a 'special' 750ML of unallocated water available for applications made before the commencement of this plan for town water supply purposes
- Make a 'special' 500ML of unallocated water available for eligible coordinated projects and projects of regional significance.

See water plan for eligibility criteria for coordinated projects and projects of regional significance.

Schedules

The schedules of the plan include –

- Maps of the plan area and groundwater units
- Table showing the geological formations comprising the groundwater units
- Table showing the volumes of unallocated water available from the general reserve, Aboriginal peoples and Torres Strait Islanders economic reserve, and State reserve
- Table showing the management units under the repealed plan and their equivalent groundwater unit or sub-area under this plan
- Dictionary of terms used in the plan