

Water Plan (Mary Basin) 2024

Explanatory notes for SL 2024 No. 47

Made under the

Water Act 2000

General Outline

Short title

Water Plan (Mary Basin) 2024

Authorising law

Chapter 2, Part 2, Divisions 3 and 6 and sections 42, 43, 44, 45, 46, 47, 48, 68, 69, 71, 72, 74, 75 and 76 of the *Water Act 2000* (the Act).

Policy objectives and the reasons for them

The objective of the *Water Plan (Mary Basin) 2024* (the plan) is to sustainably manage surface water and underground water resources in the Mary Basin water plan area. The plan's strategies ensure future water requirements can be met whilst protecting natural ecosystems, maintaining supply to existing water users, and providing for other social, economic, cultural, and environmental outcomes.

The *Water Plan (Mary Basin) 2006* was due to expire on 1 September 2021, however, on 28 May 2021, the expiry of the *Water Plan (Mary Basin) 2006* was postponed to 28 May 2024 when the Minister for Regional Development and Manufacturing and Minister for Water (the Minister) made the *Water Plan (Mary Basin) (Postponement of Expiry) Notice 2021*. This allowed additional time to engage with traditional owners and other key stakeholders to consult on current and emerging issues, complete technical assessments, and to consider feedback and submissions received on the draft plan.

Achievement of policy objectives

The plan provides for the allocation and sustainable management of water in the plan area by:

- defining the availability of water; and
- providing a framework for sustainably managing water; and

- identifying priorities and mechanisms for dealing with future water requirements; and
- regulating the taking of and interference with surface water, and the taking of underground water; and
- providing a framework for establishing and managing surface water allocations; and
- providing access to water resources to help traditional owners achieve their economic, social, and cultural needs and aspirations; and
- providing a framework for reversing, where practicable, the degradation of natural ecosystems caused by the taking of, or interference with, water.

Consistency with policy objectives of authorising law

The subordinate legislation is consistent with the main objectives of the Act which is 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 an amendment to a water plan. There are no alternative means for achieving the policy objectives.

Benefits and costs of implementation

Implementation of the plan will provide:

- improvements to the existing framework for the allocation and sustainable management of water;
- providing unallocated water reserve for the granting of water entitlements to traditional owners to provide for economic, social, and cultural needs and aspirations;
- redefined water allocation security objectives;
- improved unallocated water reserves for Indigenous, strategic and general purposes;
- establishment of environmental flow objectives and management rules which aim to maintain natural flow patterns, protect environmental values, and

deliver outcomes for estuaries, the marine waters of the Great Barrier Reef, and the waters of the Ramsar-listed Great Sandy Strait wetland;

- modernisation of surface water licences to state volumetric limits and introduce the flexibility of seasonal water assignments (temporary trade) for surface water licences;
- redefined environmental, cultural, social and economic outcomes;
- introduction of significant watercourse reaches to support future decisions about unallocated water.

Further information about the impacts and costs of implementing the water plan are outlined in the Summary Impact Analysis Statement, published on the Department of Regional Development, Manufacturing and Water’s website.

An implementation plan has been developed by the chief executive for activities needed to implement the plan. For all the implementation tasks the workload can be predicted and existing resources realigned for delivery as the tasks can be considered “business as usual”.

Consistency with fundamental legislative principles

As subordinate legislation, the plan is consistent with fundamental legislative principles as defined in section 4 of the *Legislative Standards Act 1992*.

Consultation

Agencies affected by the plan have been consulted. Section 46 of the Act details the requirements for publishing the draft water plan and details how submissions may be made.

To inform the preparation of the draft water plan, a public notice was published on 27 May 2021 opening the preliminary public consultation (PPC) period, which then closed on 30 July 2021.

On 22 February 2023, the public consultation and submission process began on the draft water plan, water management protocol, and water entitlement notice. Consultation and submissions closed on 26 May 2023.

Further information about the consultation process, and issues raised in submissions or through engagement activities are outlined separately, in the Water Plan (Mary Basin) 2024 Minister’s Consideration Report, which is publicly available on the Department of Regional Development, Manufacturing and Water website.

Part 1 Preliminary

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

Clause 1 specifies the short title to the subordinate legislation as being the *Water Plan (Mary Basin) 2024*.

Clause 2 states the purposes of the plan and provides some explanation to what the plan does, such as providing frameworks for the sustainable management of water in the plan area and providing access to water resources for Traditional Owners. These purposes reflect the requirements of section 43 of the Act.

Clause 3 specifies that particular words are defined in the dictionary in schedule 8.

Clause 4 defines the meaning of **surface water** for this plan as water in a watercourse, lake, or spring. This term is also listed in the dictionary in schedule 8.

Part 2 Plan area, water to which plan applies and other matters

Clause 5 states the types of water to which the plan applies under section 43 of the Act. This includes both surface water and underground water. Surface water is defined in section 4 of the plan, and includes all water in a watercourse, lake, or spring. Underground water in the plan is only managed in the Cooloola Sandmass underground water management area. The water plan does not regulate the take of overland flow water.

Clause 6 states that the map of the plan area is shown in schedule 1, part 1. The plan area includes 20 subcatchments, and includes the Mary River, Noosa River, Mooloolah River, Maroochy River, Burrum River and their tributaries.

Clause 7 describes the subcatchments within the plan and explains that each subcatchment can be referred to by its letter, or by its name. For example, 'Subcatchment A' may also be referred to by its name 'Obi Obi Creek'. All subcatchments are named in schedule 2, part 2. The clause also states that each subcatchment is also a water management area (under schedule 4 dictionary of the Act). Water management areas are referred to in the plan's water management protocol in relation to unallocated water reserve locations, water sharing rules, and seasonal water assignment rules for surface water.

Clause 8 states that all water supply schemes in the plan area are shown in a map in schedule 3. There are six (6) water supply schemes within the plan. The water supply scheme zones within the plan area are shown on the map in schedule 3, parts 2, 3 and 4. Water supply scheme zones apply for the management of water within water supply schemes.

Clause 9 states that the underground management area on the map in schedule 4 is the underground water management area for this plan. Within the plan, any references made to the underground water management area, is a reference to the Cooloola Sandmass underground water management area, as shown in the map in schedule 4. The Cooloola Sandmass underground water management area was formerly known as the Cooloola Sandmass subartesian area. This name change

aligns with contemporary naming conventions and does not impact the boundaries of the underground water management area.

Clause 10 states that for the purposes of trading, i.e., a change of location, in water supply schemes as outlined in the Mary Basin Water Management Protocol 2024 (Chapter 3- Water allocation dealing rules – supplemented water allocations), the water supply scheme zones are the trading zones. Section 43(1)(e)(i) of the Act states that each water supply scheme zone allows for trading of water allocations in those zones. The zone names are shown on each map in schedule 3, parts 2, 3 and 4.

Clause 11 defines the nodes within the plan area. Nodes are model reporting locations that represent specific locations on a watercourse within the plan area. These nodes are used within the water plan and within the water management protocol, where a definitive location or reference point is necessary for reporting modelled information. For example, reporting nodes are used for environmental flow objectives and performance indicators outlined in schedule 6. The location of these nodes is shown in the map in schedule 1, part 1, with descriptions in schedule 1, part 2. Nodes may be referenced in the plan by their number.

Clause 12 defines a significant watercourse reach as a section of a watercourse defined by the map shown in schedule 5. The reaches shown in the schedule were identified following ecological monitoring and consultation with stakeholders. The watercourse reaches recognise the environmental and ecological attributes within the reach that support flow-related habitat of listed threatened species and connection with cultural values of the traditional owners.

The defined significant watercourse reaches apply to decisions about unallocated water releases where conditions for new water licences granted must include a minimum passing flow condition. The water management protocol outlines minimum passing flow values and measurement point for each significant watercourse reach.

Clause 13 states that information about, or the exact boundaries, of an area or location (such as including water supply schemes and zones) may be accessed at each office of the department, or through the Queensland Globe. The location of each office of the department is available on the Department of Regional Development, Manufacturing and Water's website page (<https://www.rdmw.qld.gov.au/about-us/contact>).

Part 3 Water plan outcomes

Clause 14 aligns to section 43(1)(b) of the Act, where a water plan must state the desired social, cultural, economic, and environmental outcomes for the management and allocation of water to which this plan applies.

Clause 15 states the general outcomes of the plan. These outcomes give an overview of what the plan is seeking to achieve. The outcome identifies that water resources have been altered through historic water use and development of infrastructure. The plan balances existing and future water use development with the

need to provide a balance with all outcomes – economic, social, cultural, and environmental. Furthermore, the clause outlines the intent to continue to improve understanding of matters related to these outcomes including the impact of climate change.

Clause 16 states the economic outcomes of the plan. The economic outcomes for this plan aim to maintain water access with existing entitlement rights and ensure sufficient water supplies to support the economic stability of current industries, industry growth, and job security that require consumptive water. The outcomes also aim to provide for Indigenous water reserves to be used for economic benefit by traditional owners and will introduce and continue to support trading frameworks that promote water being used for its highest value. Of particular importance, the water plan provides for mechanisms that support growth in industries for planned future infrastructure projects necessary for agriculture, energy storage and generation and tourism.

Clause 17 states the social outcomes of the plan. The social outcomes include the intent of the plan to maintain existing supplies of urban water to communities within the plan area. The plan also seeks to allow water to be made available to support future growth, such as access to unallocated water reserves. Other outcomes include the intent to support flows that maintain aesthetic, community, and recreational sites, and natural amenity which provide social and economic benefits. This includes maintaining flows of water that provide specific social aspirations for traditional owners in the catchment (such as flows in waterholes, recreational sites, fishing sites, or places to gather). Social outcomes also include the management of the Cooloola Sandmass underground water management area to minimise of seawater intrusion into the aquifer to protect urban water supply and recreational sites.

Clause 18 states the cultural outcomes of the plan. The cultural outcomes aim to provide water for the cultural aspirations of traditional owners; to maintain flows of water to which the plan applies that support the cultural connection between the traditional owners of the plan area, and similarly to support cultural sites of significance, species of cultural significance, ecosystems, and waterways are preserved. The cultural outcomes also ensure that consultation and collaboration with traditional owner communities on the management of water is ongoing, to further incorporate cultural knowledge into water resource management and planning and continued acknowledgment of traditional owner connections to land and water.

Clause 19 states the environmental outcomes of the plan. The environmental outcomes encompass surface and underground water. These seek to maintain and if possible, improve flows that support aquatic ecosystems and ecological processes and minimise adverse impacts. The outcomes range from broad outcomes that seek to provide flows for native animals and plants and water quality, through to specific outcomes related to specific assets or locations. There are outcomes relating to maintaining groundwater levels and quality through to baseflows that these provide in ecosystems such as Teewah Creek. The plan seeks to provide low flows for waterholes and riffles through to high flows that provide freshwater to estuaries and the Ramsar listed Great Sandy Strait wetland. The outcomes are defined in groups

specific to flow regimes – low, medium, and high. This assists to develop measures and objectives for effective management and inform the development of a monitoring, evaluation, and reporting strategy.

Part 4 Measures for achieving water plan outcomes

Clause 20 states the general measures that will be undertaken to achieve the water plan outcomes and support assessments of the effectiveness of this plan and its implementation. The development of a monitoring, evaluation, and reporting strategy is to be completed by the chief executive within 12 months of plan commencement. The monitoring, evaluation, and reporting strategy outlines the types of monitoring and assessment to be conducted during the life of the plan to aid in assessing the effectiveness of achieving the water plan outcomes. It also identifies knowledge gaps that could be addressed through collaboration with external research and monitoring programs.

Clause 20(2) states a measure for achieving water plan outcomes as stated in clauses 16(a) and 19(1)(a) to (i). Water entitlements to take surface or underground water to which the plan applies are to be measured by 31 Dec 2034, as directed by the chief executive. Water licences are to have meters installed by the compliance date listed in the Water Regulation 2016 for each subcatchment. Metering of water entitlements granted from unallocated water will occur in line with the subcatchment or water supply scheme (strategic reserve only) they are granted in. If granted after a compliance date has passed for the subcatchment, the entitlement is required to be metered immediately.

The exemptions that apply for installing meters for unsupplemented water licences are outlined in the Queensland Non-Urban Water Measurement Policy and Water Regulation 2016.

Part 5 Objectives and performance indicators

Clause 21 states the environmental flow objectives and performance indicators used for surface water are outlined in schedule 6 and are required under section 43(1)(d) of the Act. Performance indicators and environmental flow objectives provide a framework to use hydrologic assessments for decision making. Each performance indicator is a numerical statistic that is used to measure hydrological variability at a reporting node.

The mean annual flow performance indicator is a calculation of the average annual volume of water, modelled at specific locations (nodes) based on streamflow data from a development scenario model. This is expressed as a percentage of the streamflow data from a pre-development model at the same node. The percentage value resulting from a hydrologic assessment must meet the environmental flow objective for mean annual flow for the decision that is being assessed.

Daily performance indicators analyse modelled daily streamflow data. The magnitude, duration, timing, and seasonality of modelled streamflow events are used to define the calculation of each performance indicator to suit the relevant environmental outcome. Daily performance indicators for environmental flow objectives relate to ecological assets and environmental processes, such as refuge waterholes, or river forming processes and estuarine flows. The result of the calculation of these performance indicators (i.e., the number of days) is expressed as a percentage of the total number of days in the simulation period.

A pre-development model is a hydrological model that simulates streamflow in the basin without the presence of dams or weirs, nor the extraction of water, attempting to understand how streams may have flowed without these impacts.

The mean annual flow performance indicator is a broad measure of the level of hydrological impact that occurs at a particular node within the basin. For example, an 80 per cent mean annual flow objective means that no more than 20 per cent of upstream flows are allowed to be taken or interfered with.

Daily performance indicators included in Schedule 6 are:

- days of no flow periods – aims to minimise changing the occurrence of no flow periods to protect the water quality and persistence of water in waterholes. The intent of the objective is to minimise extending the duration of occurring no flow periods or triggering additional no flow periods.
- days in ecological asset low flow periods – aims to ensure the occurrence of low flows that provide for the movement of fish and turtles during critical breeding periods. The performance indicator is defined by three seasons—July to October, November to February, and March to June—to cater for the different breeding periods of each ecological asset. The intent of the objective is to minimise extending the duration of, or triggering additional periods, where the low flows do not occur.
- days in estuarine salinity periods – aims to protect the occurrence of flows with enough energy to mix and exchange water in the estuary, providing brackish water habitat and reducing the occurrence of hypersaline conditions. The intent of the objective is to minimise extending the duration of detrimental periods between, or triggering additional detrimental periods, where flows sufficient to mix and flush the receiving estuary do not occur.
- days in riparian and floodplain vegetation flow periods – aims to protect the occurrence of flows that support physical and ecological processes important to the maintenance of riparian and floodplain vegetation communities. The intent of the objective is to minimise extending the duration between, or triggering additional periods, where flows important to the maintenance of riparian and floodplain vegetation communities do not occur.
- days with river-forming flow periods – aims to protect the occurrence of flows that maintain fluvial geomorphology and support river forming processes. The intent of the objective is to minimise reducing the occurrence of days with flows that maintain fluvial geomorphology and support river forming processes.

Clause 22 states the water allocation security objectives, and the performance indicators associated with surface water allocations that are required under section

43(1)(e)(ii) of the Act. The clause outlines that there are high priority groups and medium priority groups that may apply to each water supply scheme. The performance indicator for water allocation security objectives is the performance ratio. The performance ratio is a statistical measure that defines the share of the available resource for a water allocation group based on the eWater Source hydrological model (see explanatory note for Clause 27 for further explanation of eWater Source hydrological model). The performance ratio is not a measure of actual supply reliability of the water allocation.

Clause 23 outlines that the calculation of environmental flow objectives and water allocation security objectives include the assumption that unallocated water reserved under the plan is being taken. This ensures that hydrologic assessments for decision making account for the potential of future water entitlements granted from unallocated water reserves.

Part 6 Strategies for achieving water plan outcomes for surface water

Clause 24 defines the term 'decision'. The clause specifies that the term is equivalent to a decision made by the chief executive under chapter 2 of the Water Act about the allocation or management of surface water in the plan area.

Clause 25 states that a decision made by the chief executive about the allocation or management of surface water to which this plan applies, other than a decision about a water permit, must be consistent with the environmental flow objectives and the water allocation security objectives. The environmental flow objectives for each performance indicator and reporting node are outlined in Schedule 6. The water allocation security objectives for each water allocation group, for each water supply scheme are outlined in section 22.

Clause 26 states that any decision made about surface water in a significant watercourse reach must ensure the cultural and environmental values (listed in this clause) of the reach are maintained. Cultural values of a significant watercourse reach include the values of the traditional owners of the area which the reach is located. There are eight (8) significant watercourse reaches defined by a map shown in Schedule 5.

When granting new water licences from an unallocated water release process to a location that takes water from a significant watercourse reach, the chief executive must include conditions on the water licence. These include a minimum passing flow and measurement point for the passing flow which are outlined in the water management protocol. The water management protocol describes the extent of the reaches by adopted middle thread distance, the minimum passing flow condition, and a measurement point for the minimum passing flow (eg. gauging station).

Decisions about existing entitlements (including reinstatements), water licences with the stated purpose of 'urban', or seasonal water assignments are not captured by this clause.

Clause 27 states that the model computer program's simulation for the simulation period, must be used to assess the consistency of a decision with the environmental flow objectives and the water allocation security objectives. The model computer program is defined in the water plan dictionary as-

- (a) the eWater Source computer program; or
- (b) a successor of the eWater Source computer program, by whatever name called; or
- (c) the statistical analysis and reporting programs associated with a computer program mentioned in paragraph (a) or (b).

If it is not practicable for the chief executive to use the model computer program's simulation, another kind of assessment approved by the chief executive may be used if the chief executive is satisfied that the method will accurately assess consistency with the environmental flow objectives and the water allocation security objectives.

Part 7 Limitations on taking or interfering with water

Part 7 describes the limitation on taking or interfering with underground water in the underground water management area.

Clause 28 states that under section 101(1)(c) of the Act, a person must not take or interfere with underground water in the Cooloola Sandmass underground water management area unless the water is taken or interfered with under a water entitlement, water permit or for stock or domestic purposes; using existing underground water works. The intent of this clause is to limit further development of extractive bores within the management area to protect the environment and the access of existing users.

Part 8 Unallocated water

Part 8 of the plan states the-

- types of unallocated water reserved;
- total volume of unallocated water held in each type of reserve;
- purpose for which a type of unallocated water reserve may be released;
- processes for releasing unallocated water;
- matters the chief executive must consider for release of unallocated water from the general reserve or strategic reserve.

Clause 29 states the three types and associated volumes of unallocated water reserves held under the plan— strategic reserve, Indigenous reserve, and general reserve. The total cumulative volume of water granted in any release process cannot exceed the total related reserve volumes.

Clause 30(1) states that unallocated water held as a strategic reserve may be granted for a State purpose. Under clause 30(4) a State purpose is defined as-

- a coordinated project (as per the definition in Schedule 4 of the *Water Act 2000*); or

- a project of regional significance (as per Schedule 8 of the water plan); or
- a town water supply purpose.

Clause 30(2) states that unallocated water held as an Indigenous reserve may be granted to the traditional owners of the plan area for an Indigenous purpose.

Indigenous purpose is defined in clause 30(4) as a use for the purpose of helping the traditional owners of the plan area achieve their economic, social, and cultural aspirations.

Traditional owners, of an area, is defined in Schedule 8 (Dictionary) of the water plan as the Aboriginal peoples and Torres Strait Islander peoples who have, under Aboriginal tradition or Island custom, a connection with land and waters in the area.

The process for granting unallocated water from the Indigenous reserve is stated in the water management protocol.

Clause 30(3) states that unallocated water held as a general reserve may be granted for any purpose, meaning that the licence holder is not restricted to take of water for a particular purpose only, for example, irrigation or stock intensive.

Clause 31 states that the process for releasing unallocated water from the strategic reserve is the process stated in the *Water Regulation 2016*, part 2, division 2, subdivision 2 (as per s43(2)(f) of the Act), and notes the general reserve release process is stated in the same subdivision (as per s40(2) of the Act). The process for releasing unallocated water from the Indigenous reserve is the process stated in the water management protocol.

Clause 32 states the matters the chief executive must consider in implementing a process for dealing with unallocated water held as a general reserve or strategic reserve. The items listed provide a range of considerations for the chief executive about whether to release unallocated water and to also inform the development of any terms of an unallocated water release.

Unallocated water granted from the strategic reserve can be granted as a water allocation or water licence. Unallocated water granted from the Indigenous reserve or general reserve can be granted as a water licence to take unsupplemented water only, not water from a water supply scheme.

Part 9 Water licences

Division 1 Applications for water licences that must not be accepted

Division 1 outlines water licence applications that must not be accepted.

Clause 33 states that the chief executive must not accept a new application for a water licence under s107 of the Act unless-

- the chief executive is permitted to accept the application under this division; or

- the application is for a water licence that will state the purpose of 'relift'; or
- the application is made as part of a process for releasing unallocated water from the general or strategic reserve that is outlined in Part 8.

This clause only allows acceptance of applications for new licences relating to the relift purpose, the scenarios outlined in clauses 34 and 35, and for water to be granted as part of an unallocated water release process, where the release process requires an application to be made to the chief executive.

Clause 34 relates to applications for a licence to interfere with the flow of surface water in the plan area. This clause limits applications for interference for purposes stated in 2(a), 2(b) including an application from a water service provider or a proponent of a relevant project. The proponent, of a relevant project, means the person who proposes the project and includes a person who, under an agreement or other arrangement with the person who is the existing proponent of the project, later proposes the project. The types of relevant projects shown in clause 34(4) are defined in Schedule 8 of the water plan.

Clause 34(3) also allows acceptance of an application interfere with flow of surface water if the water the subject of the application was being interfered with immediately before the commencement of the water plan and the interference has been continuous from immediately before the commencement; and the interference is not authorised under a water licence to interfere with the flow of surface water to which this plan applies. This relates to structures in existence prior to the commencement of the water plan that are not related to town water supply purposes, and have been discovered and found to be interfering with water and following an investigation and assessment, a decision is made to authorise the structure under a water licence.

Clause 35 deals with applications by local governments for a water licence to take or interfere with underground water an underground water management area (currently Cooloola Sandmass underground water management area). The chief executive may accept the application if the purpose of the proposed taking is to supply town water.

Division 2 Applications inconsistent with this plan

Division 2 details applications that are inconsistent with the water plan.

Clause 36 states the applications which if granted, would be inconsistent with this plan. Clause 36 subsection (1) states that an application made under section 121 of the Act for a dealing with a surface water licence is inconsistent with this plan if the application is mentioned in s130(1)(a) or (b) of the Act. Section 130(1)(a) of the Act relates to an application to increase the amount of water taken, rate of take, change the location of take/interference, or increases or changes the interference with water under the licence. Section 130(1)(b) of the Act relates to an amendment to add, remove, or change a condition of the licence.

An application for the renewal or reinstatement of a licence is still allowed under section 130(1)(c) of the Act. If the granting of an application for a water licence

dealing is inconsistent with the water plan, the chief executive must refuse the application under s129 of the Act.

However, clause 36(1) does not apply to the following applications:

- an application the chief executive may decide to grant under section 42 (seasonal water assignment);
- an application for the amendment of a water licence required to enable the applicant to lawfully take or divert water for storing and generating energy in the plan area;
- an amendment of a water licence that states a purpose of 'relift' to add, remove or change a condition of the licence;
- an application for a dealing that is permitted under the water management protocol.

Clause 36(1) also does not apply to an application to allow for increased interference with the flow of surface water to which the plan applies if-

- the applicant is a constructing authority under the Act and the purpose of the proposed increased interference is to divert surface water for the lawful construction or maintenance of infrastructure within the plan area; or
- the applicant is a water service provider, and the purpose of the proposed increased interference is to lawfully construct or maintain infrastructure to improve security for town water supplies in the plan area.

Furthermore, clause 36(1) does not apply to an application made by a water service provider, to do either or both of the following for the purpose of enabling the applicant to lawfully supply urban water to towns and communities dependent on the water resources for the plan area—

- increase the rate of take of surface water to which this plan applies;
- change the location of the taking or interference with water under the licence; and
- to amend a water licence with a town water supply purpose (e.g. urban, town water supply) to add, remove or change a condition of the licence.

Under s130(1) of the Act these applications must be dealt with as if they were an application for a new water licence.

Clause 37 relates to applications made under s121 of the Act to amend the purpose for which water may be taken. The granting of the application is inconsistent with the water plan unless the purpose change is from 'stock and domestic' to 'any'. If the granting of an application for a water licence dealing is inconsistent with the water plan, the chief executive must refuse the application under s129 of the Act.

Division 3 Granting particular water licences

Division 3 applies to applications for a water licence to interfere with the flow of surface water—by a water service provider—to improve town water supply. It does not apply to applications mentioned in section 34(3), which relates to authorising existing infrastructure that interferes with water that is not related to town water

supply. It also states the arrangements and process for granting water licences under a water entitlement notice.

Clause 38(1) applies to an application the lawful construction or maintenance of infrastructure by a water service provider, to improve the water security of town water supplies in the plan area.

Clause (38)(2) states that in deciding the application, the chief executive must consider the impact of the proposed interference with water may have on a range of matters such as water quality; inundation of habitats; the movement of fish and other aquatic species; the natural movement of sediment; existing water entitlements and other authorisations; recreation or social use and aesthetic enjoyment (recognises non-consumptive water values); cultural values, including, for example, cultural values of the traditional owners of the plan area.

The matters must be considered to ensure the decision on the application aligns with water plan outcomes (social, economic, cultural, and environmental).

Clause 38(3) states the chief executive may grant the application if satisfied that there are appropriate water supply security strategies in place, including water demand strategies and plans for drought management, and there is a need for an increased reliability of the water supply.

Clause 39 states that for section 116(1) of the Act, the chief executive must decide to grant a water licence to take or interfere with the flow of water if the water entitlement notice for the plan provides for the granting of the licence. Under s116(2) of the Act the chief executive officer may grant a water licence in accordance with the process without the need for an application to be made under section 107. This means that the chief executive must grant a water licence as specified in a water entitlement notice without the need to receive an application under section 107 of the Act.

Clause 40 states that conditions for particular licences to interfere with water related to take water to which this plan applies (licence to take) granted to a water service provider in accordance with an unallocated water release process that if the water service provider granted the licence to take holds a licence to interfere with water and the water the subject of the licence to interfere is water to which the licence to take applies, the chief executive must—

- (a) review the conditions, if any, of the licence to interfere with water; and
- (b) impose on the licence to interfere with water any condition the chief executive is satisfied is necessary to ensure the purposes and outcomes of this plan are achieved.

The review of existing conditions on an existing water licence is required to ensure the licence meets requirements of the terms of a relevant unallocated water release.

Division 4 Replacement of water licences

Clause 41(1) applies if, under s70(1)(h) of the Act, a water entitlement notice for this plan provides for a water licence (the **former licence**) to be replaced with two or

more water licences (each a **new licence**). Division 6 (content and conditions of water licences) applies in relation to a new licence as if:

- a reference to an amended licence were a reference to a *new licence*; and
- a reference to a pre-amended licence were a reference to the *former licence* to the extent the *former licence* authorised the taking of the water for the purpose or purposes that water may be taken under the *new licence*.

Division 5 Applications for seasonal water assignments

Clause 42 states that for section 43(2)(i) of the Act, a seasonal water assignment application of a water licence may be granted if the seasonal water assignment of the licence is permitted under the water management protocol for the plan.

Division 6 Content and conditions of water licences

Division 6 states the content and conditions of water licences in the plan area.

Clause 43 defines an amended licence as a water licence amended under s133 of the Act for consistency with this plan; and pre-amended licence, in relation to an amended licence, as the water licence immediately before it is amended under s133 of the Act for consistency with this plan.

Clause 44(1) states the required **contents** of a water licence to take water as:

- (a) the purpose for which water may be taken under the licence; and
- (b) the nominal entitlement for the licence; and
- (c) the conditions, if any, for the licence; and
- (d) for a water licence to take surface water—the maximum rate at which the water may be taken under the licence.

However, the nominal entitlement and maximum rate of take do not apply to a licence that states a purpose of 'relift'.

Clause 44(3) states that for a water licence to take underground water from the underground water management area, the licence may state:

- the maximum rate at which the water may be taken under the licence; and
- the maximum daily volume for the licence.

The maximum daily volume for a water licence is defined as the maximum daily volume of water that may be taken under the licence in a day. For surface water licences, this has been calculated as 1/30th of the nominal entitlement.

Clause 45(1) states that for a water licence to take surface water the **purpose** must be:

- 'stock and domestic'; or
- 'urban'; or
- 'relift'; or
- 'any'.

Clause 45(2) states that if the water licence is an amended licence the purpose must be:

- if the only purpose stated on the pre-amended licence is ‘stock and domestic’ or a similar purpose—‘stock and domestic’; or
- if the only purpose stated on the pre-amended licence is ‘urban’ or ‘town water supply’—‘urban’; or
- if the only purpose stated on the pre-amended licence is ‘relief’—‘relief’; or
- otherwise—‘any’.

Clause 46 relates to water licences to take underground water granted in accordance with an unallocated water release process post plan commencement. The purpose stated on the licence must be ‘any’.

Clause 47 states that the nominal entitlement for a water licence granted after the commencement of the water plan and under a unallocated water release process must be the volume of water worked out in accordance the relevant release process.

Clause 48 states the process for calculating the **nominal entitlement** for clause 44(1)(b) for water licences (other than a licence granted through an unallocated water release process, post plan commencement).

Clause 48(2) states that the nominal entitlement for the licence must be the volume of water decided by the chief executive, after considering the matters in clause 48(5), if:

- (a) the licence is granted after the commencement; or
- (b) the licence is an amended licence and the nominal entitlement for the licence cannot be worked out under clause 48(3) or (4); or
- (c) all of the following apply:
 - (i) the licence is an amended licence;
 - (ii) the pre-amended licence does not state, whether as a condition or otherwise—
 - (A) the total volume of water that may be taken under the licence in a water year; or
 - (B) a volume of water that may be taken under the licence in a water year for 1 or more stated purposes;
 - (iii) the chief executive is satisfied that the nominal entitlement for the licence, worked out under clause 48(3) or (4), is not sufficient for the purpose for which water may be taken under the amended licence.

Clause 48(3) states the nominal entitlement for an amended licence must be 1 of the following volumes, in decreasing order of priority:

- (a) if the pre-amended licence states, whether as a condition or otherwise, the total volume of water that may be taken under the licence in a water year—the stated volume;
- (b) if the pre-amended licence states an area, in hectares, that may be irrigated by water taken under the licence—the volume of water calculated by multiplying the stated area by 6;
- (c) if the purpose for which water may be taken under the pre-amended licence is ‘water harvesting’ or a similar purpose—the volume of water calculated by

multiplying the maximum rate at which water may be taken under the pre-amended licence by 30;

- (d) if the purpose for which water may be taken under the pre-amended licence is 'stock and domestic' or a similar purpose and water will not be taken under the amended licence from land that is adjacent to a watercourse, lake, or spring—2ML.

The area to volume conversion rate was determined through a Departmental assessment of annual rainfall and evaporation data across the plan area and a range of irrigation methods. It indicates that 6ML/ha/year (equivalent to an additional 600mm of rainfall per year), provides for average annual water demands of irrigated crops in the plan area. This is supported by modelled available surface water flows in each subcatchment.

However, if clause 48(3)(a) does not apply to the amended licence, and the pre-amended licence states more than 1 purpose for which water may be taken under the pre-amended licence, the nominal entitlement for the amended licence must be the total of the following volumes:

- (a) if the pre-amended licence states, whether as a condition or otherwise, the volume of water that may be taken under the licence in a water year for 1 or more stated purposes—each stated volume;
- (b) each volume of water that applies in relation to the licence under clause 47 (3)(b) to (d).

Clause 48(5) states that for clause 48(2), the matters are:

- (a) the purpose for which water may be taken under the licence; and
- (b) the volume of water required for the purpose mentioned in clause 48(5)(a); and
- (c) the efficiency of the water use associated with water that may be taken under the licence; and
- (d) the conditions under which water may be taken under the licence, including, for example, flow conditions; and
- (e) the water-taking capacity, under normal operating conditions, of relevant works that relate to an activity authorised under the licence; and
- (f) the local availability of water.

Clause 48(6) states that the nominal entitlement for a water licence must be expressed in megalitres.

Clause 48(7) defines the meaning of relevant works in this clause as works:

- (a) used, or capable of being used, to take water to which this plan applies; and
- (b) that existed immediately before the commencement, regardless of whether the works were completed or partially completed.

Clause 49(1) states that this section applies for working out the **maximum rate** at which water can be taken under a water licence for clause 44(1)(d) or 44(3)(a).

Clause 49(2) states that for the following water licences:

- (a) a water licence to take surface water that states the purpose of 'any', other than an amended licence. In other words, a water licence that has not been amended through the water entitlement notice.
- (b) a water licence to take surface water that is an amended licence (amended licence is as per definition in clause 43) that states the purpose of 'stock and domestic' or 'any –

The maximum rate at which surface water may be taken under the licence must be the volume of water calculated by dividing the nominal entitlement by 30

Clause 49(2) provides for a consistent 1/30th methodology used for the rate of take which provides equity amongst entitlement holders. The intent of this approach is to allow flexibility in granting a water licence rate of take of water that balances out the need to have access to water but minimises impact to downstream users and the environment.

Clause 49(3) states that if the water licence to take surface water is an amended licence and the purpose of the amended licence is 'urban', the maximum rate at which surface water may be taken under the licence must be the maximum rate for taking water under the pre-amended licence, whether stated as a condition or otherwise.

Clause 49(4) states that if the maximum rate at which surface water may be taken under the water licence can't be worked out under clause 49(2)(a) or (b), the maximum rate must be the rate decided by the chief executive after considering the matters stated in clause 49(7).

Clause 49(5) states that the maximum rate at which underground water may be taken under a water licence must be calculated under a process decided by the chief executive that would achieve the water plan outcomes stated in clauses 16 to 19.

Clause 49(6) states that the process mentioned in clause 48(5) may include assessing information obtained from:

- (a) monitoring carried out by the applicant for the water licence; or
- (b) the use of a computer program to simulate hydrologic events.

Clause 49(7) states that for clause 48(5), the matters are as follows, in decreasing order of priority:

- (a) if a development permit for works for taking water under the water licence states, whether as a condition or otherwise, a rate for taking water using a pump—the stated rate;
- (b) if a development permit for works for taking water under the water licence states, whether as a condition or otherwise, a pump size mentioned in schedule 7, column 1—the rate stated in schedule 7, column 2 for the pump size;
- (c) if the chief executive is satisfied the rate that would apply under clause 49(7)(b) is not suitable, or in any other case—
 - (i) the conditions under which water may be taken under the water licence, including, for example, flow conditions; and
 - (ii) if a development permit for works for taking water under the water licence states, whether as a condition or otherwise, a pump size—the

- water taking capacity of a pump of the stated size under normal operating conditions; and
- (iii) the water-related infrastructure associated with the taking of water under the water licence;
- (d) any other matter the chief executive considers relevant.

Clause 49(8) states the maximum rate at which water may be taken under a water licence must be expressed in megalitres per day and rounded up to the nearest first decimal point.

Clause 50 applies if the chief executive decides to amend a water licence to take or interfere with water under s133 of the Act for consistency with this plan. It does not apply to water licences to interfere with the flow of water by diversion. When making a decision about the **licence conditions** that will apply, the chief executive must have regard to the content and conditions of the pre-amended licence.

Division 7 Particular matters about water licences

Clause 51 states the criteria for deciding applications for water licences to take or interfere with underground water under s43(2)(h) of the Act. The criteria that the decision maker must have regard to are - consideration of alternative supplies, the efficiency of proposed water use practices and impacts on water levels, associated ecosystems and surface water flows and the cumulative impact of the proposed taking or interfering with surface water flows and underground water flows. There is a note to also see s113 of the Act (criteria for deciding application for water licence).

Part 10 Water allocations

Clause 52 states the process for granting water allocation under section 147(1) of the Act to Fraser Coast Regional Council. The chief executive may grant a water allocation to take an annual volumetric limit of 3,080ML from the Burrum River if the grant of the water allocation is provided for under the plan's water entitlement notice. The new water allocation is in addition to any other authorisation the council holds to take water under the Act.

Part 11 Miscellaneous

Clause 53(1) states that a water management protocol must be prepared for the plan area under s43(2)(1) of the Act.

Clause 53(2) states that the water management protocol must state the following matters for the plan area:

- (a) the volumes of unallocated water reserved for stated purposes or stated locations;
- (b) the process for releasing unallocated water held as an Indigenous reserve;
- (c) the criteria and process for deciding applications for a seasonal water assignment;
- (d) for water allocations managed under a resource operations licence—the water allocation dealing rules;

- (e) for water entitlements to take unsupplemented water in a subcatchment—the water sharing rules. A place marker has been included in the water management protocol for future development of water sharing rules and is intended to allow for development of rules on a as needs basis. Water sharing rules are likely to be determined in consultation with the water licence holders of the relevant water management area. This consultation may include deciding what matters will be considered in developing the rules.
- (f) monitoring requirements for water and natural ecosystems in the plan area.

Clause 54 states the plan amendments that may be made without public consultation under s43(2)(m) of the Act:

- (a) an amendment or addition of an environmental flow objective or a water allocation security objective, or a performance indicator for an objective, if the amendment or addition achieves an equivalent or improved environmental flow and water allocation security outcome;
 - (b) an amendment or addition of a node;
 - (c) an amendment or addition of a priority group mentioned in section 22;
 - (d) an amendment to adjust the boundaries of the following areas if more accurate information about the boundaries, or hydrological characteristics, of the areas becomes available—
 - (i) the plan area;
 - (ii) the underground water management area;
 - (iii) a subcatchment;
 - (e) an amendment to change the period within which a measure for achieving a stated water plan outcome is to be achieved;
 - (f) an amendment to remove a provision of this plan that no longer has effect.
- In line with s51(2) of the Act, amendments made under this clause, particularly s54(a), should only be considered where the amendment would be considered to improve the ability to meet the outcomes, objectives, and strategies of the water plan.

Part 12 Repeal and transitional provisions

Division 1 Repeal

Clause 55 states that the Water Plan (Mary Basin) 2006, SL No. 192 is repealed.

Division 2 Transitional provisions

Clause 56 defines the repealed plan as the repealed *Water Plan (Mary Basin) 2006*.

Clause 57 outlines how applications for water licences made, but not decided, before commencement of this plan should be dealt with. It applies to an application for a water licence to take or interfere with water. If, under clause 33, the chief executive wouldn't be able to accept the application had it been made after commencement, the application of no effect and is taken to have not been made. If, under clause 33, the chief executive would be permitted to accept the application, had it been made after commencement, the application is to be decided under this plan.

Clause 58 deals with applications for dealings with water licences made, but not decided, before the commencement of this plan. It applies to an application for a dealing with a water licence to take or interfere with water.

If granting the application would be inconsistent with this plan, had it been made after commencement, the application is inconsistent with this plan. Section 129 of the Act (when the chief executive must refuse an application) outlines the actions the chief executive must then take. If granting the application would be consistent with this plan, had it been made after commencement, the application is to be decided under this plan.

Schedule 1 Plan area and nodes

Part 1 shows the map of the plan area and the location of nodes for the plan.

Part 2 describes the location of the nodes in part 1, including an 'Adopted Middle Thread Distance' (AMTD).

Schedule 2 Subcatchments

Part 1 shows the map of the subcatchments for the plan area. Each catchment is identified on the map by its subcatchment letter.

Part 2 lists the names of the subcatchment areas identified in part 1.

Schedule 3 Water supply schemes and water supply scheme zones

Part 1 shows the map of the water supply schemes for the plan area.

Part 2 shows the map of the water supply scheme zones for the Mary Valley water supply scheme and Cedar Pocket water supply scheme.

Part 3 shows the map of the water supply scheme zones for the Wide Bay water supply scheme, Lower Mary River water supply scheme and Teddington Weir water supply scheme.

Part 4 shows the map of the water supply scheme zone for Baroon Pocket water supply scheme.

Schedule 4 Underground water management area

Schedule 4 shows the map of the underground water management areas for the plan area. The Cooloola Sandmass underground water management area is identified on the map and is the only underground water management area in the plan area.

Schedule 5 Significant watercourse reaches

Schedule 5 shows the map of significant watercourse reaches in the plan area referenced in clause 12.

Schedule 6 Environmental flow objectives and performance indicators

Schedule 6 states the environmental flow objectives and performance indicators for this plan. Detail regarding these concepts can be found in the description under clause 21 of these explanatory notes.

Schedule 7 Rates and pump sizes

Schedule 7 shows a table of pump sizes (in millimetres, column 1) and the corresponding maximum rates of take (in megalitres per day, column 2) used for calculating the maximum rate of take for a water licence in clause 49(5)(b).

Schedule 8 Dictionary

Schedule 8 contains the dictionary, which contains the meaning for particular words and phrases used in this plan.

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