



Queensland

Water Act 2000

Water Plan (Border Rivers) 2003

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Queensland

Water Plan (Border Rivers) 2003

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Water Plan (Border Rivers) 2003

Part 1 Preliminary

1 Short title

This water plan may be cited as the *Water Plan (Border Rivers) 2003*.

2 Commencement

- (1) Part 5, division 5, commences on 1 July 2004.
- (2) The remaining provisions commence on the day this plan is notified in the gazette.

3 Purposes of plan

The following are the purposes of this plan—

- (a) to define the availability of water in the plan area;
- (b) to provide a framework for sustainably managing water and the taking of water;
- (c) to identify priorities and mechanisms for dealing with future water requirements;
- (d) to provide a framework for establishing water allocations;
- (e) to provide a framework for reversing, where practicable, degradation that has occurred in natural ecosystems, including, for example, stressed rivers;
- (f) to regulate the taking of overland flow water.

4 Definitions

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

- (2) The location of each node is shown on the map in schedule 1 and described in schedule 2.
- (3) Each node is identified on the map by a letter of the alphabet.

8 Water to which plan applies

- (1) This plan applies to surface water and groundwater.
- (2) The following water is *surface water*—
 - (a) water in a watercourse or lake;
 - (b) water in springs not connected to water to which the *Water Plan (Great Artesian Basin) 2006* applies;
 - (c) overland flow water, other than water in springs connected to water to which the *Water Plan (Great Artesian Basin) 2006* applies.
- (3) *Groundwater* is underground water to which the *Water Plan (Great Artesian Basin) 2006* does not apply.

Part 3 Outcomes for sustainable management of water

9 Outcomes, including ecological outcomes, for the plan area

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

- (a) to make water available to sustain current levels of, and to support future growth in, economic activity in the plan area while recognising the social and cultural values of communities in the basin;
- (b) to support, including by increasing the reliability of water supply, the high value production in the

- Stanthorpe Shire associated with a high efficiency of water use;
- (c) to provide increased security in water entitlements for water users, including protecting the probability of being able to obtain water under a water allocation;
 - (d) to support an effective and efficient market in water allocations;
 - (e) to make water from the basin available to be stored and used while retaining water for the riverine and associated environment;
 - (f) to achieve ecological outcomes consistent with maintaining a healthy riverine environment, floodplains and wetlands, including, for example—
 - (i) maintaining pool habitats, and native plants and animals associated with the habitats, in watercourses; and
 - (ii) maintaining natural riverine habitats that sustain native plants and animals; and
 - (iii) maintaining the natural abundance and species richness of native plants and animals associated with habitats within watercourses, riparian zones, floodplains and wetlands; and
 - (iv) maintaining active river-forming processes, including sediment transport; and
 - (v) improving wetland inundation to provide for ecological processes; and
 - (vi) reducing the adverse impact of infrastructure on natural hydraulic bank erosion processes;
 - (g) to maintain water quality at levels acceptable for water use and to support natural ecological processes;
 - (h) to promote a continual improvement in water use efficiency, both in the plan area generally and on individual properties;

-
- (i) to promote improved understanding of the matters affecting the health of riverine and associated systems in the basin;
 - (j) consistency with the *Basin Plan 2012* (Cwlth);
Note—
The Basin Plan 2012 (Cwlth) is made under the *Water Act 2007* (Cwlth) and is available at <www.comlaw.gov.au/Details/F2012L02240>.
 - (k) consistency with water sharing agreements and commitments between the State and New South Wales;
 - (l) to protect the productive base of groundwater.

Part 4 Performance indicators and objectives

Division 1 Environmental flow objectives

10 Performance indicators for environmental flow objectives

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

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

11 Environmental flow objective (s 10(a))

- (1) In preparing the first resource operations plan, the environmental flow objective is that the end of system flow be

[s 12]

at least 60.8% of the pre-development flow pattern using scenario BOR0609U.

(2) In this section—

scenario BOR0609U means the scenario of hydrological events—

(a) simulated using the IQQM computer program; and

(b) agreed to between the State and New South Wales for working out water sharing rules to meet the environmental flow objective.

12 Environmental flow objectives (s 10(b) to (e))

The environmental flow objectives are that at each node mentioned in schedule 2A, column 1, the extent to which a performance indicator mentioned in schedule 2A, column 2, for the node, expressed as a percentage of the same indicator for the pre-development flow pattern, is less than the lower percentage, or more than the higher percentage, of the range stated in schedule 2A, column 3, for the indicator be minimised.

13 Environmental flow objectives (assessing impact of decisions)

For making a decision mentioned in section 19(2), the environmental flow objectives are that—

(a) the end of system flow be not less than the end of system flow immediately before the decision is made; and

(b) at each node mentioned in schedule 2A, column 1, a performance indicator, mentioned in schedule 2A, column 2, for the node be—

(i) not less than the lesser of the following—

(A) the lower percentage of the range stated in schedule 2A, column 3, for the indicator;

- (B) the indicator immediately before the decision is made; and
- (ii) not more than the greater of the following—
 - (A) the higher percentage of the range stated in schedule 2A, column 3, for the indicator;
 - (B) the indicator immediately before the decision is made.

Division 2 Water allocation security objectives

14 Performance indicators for water allocation security objectives

The performance indicators for the water allocation security objectives are—

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

15 Water allocation security objectives

- (1) For making a decision mentioned in section 19(2), the water allocation security objectives are that—
 - (a) the annual volume probability for a water allocation group be at least—
 - (i) for taking unsupplemented water—the annual volume probability for the group immediately before the decision is made; and
 - (ii) for taking supplemented water in the Macintyre Brook water supply scheme—the annual volume probability for the group immediately before the decision is made; and
 - (iii) for taking other supplemented water—34%; and
 - (b) the 45% annual volume probability for a water allocation group be not less than the 45% annual volume

probability for the group immediately before the decision is made.

(2) In this section—

Macintyre Brook water supply scheme means the area that consists of—

- (a) Coolmunda Dam (including the ponded area) on the Macintyre Brook; and
- (b) the part of Macintyre Brook from the Coolmunda Dam to its confluence with the Dumaresq River.

Part 5 Strategies for achieving outcomes

Division 1 Preliminary

16 Strategies

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

Division 1A Limitation on taking water without water entitlement

16A Limitations on taking water without water licence

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

Division 2 Decisions made under this plan

17 Application of div 2

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

- (a) about a water permit; or
- (b) about reinstating or replacing an expired licence; or
- (c) under the *Sustainable Planning Act 2009*, about taking overland flow water mentioned in section 32(1)(a) or (e); or
- (d) to grant a water entitlement to a local government or a government agency for supply under operations that were in existence before 20 September 2000; or
- (e) to grant a water entitlement to an owner of land, other than land adjoining a watercourse, lake or spring, to take water for stock or domestic purposes using works that were in existence before 20 September 2000.

18 Decisions not to increase amount of water taken

- (1) The chief executive must not make a decision that would increase the average volume of water available to be taken in the plan area.
- (2) Subsection (1) does not apply to a decision about—

[s 19]

- (a) taking unallocated water granted under section 41; or
 - (b) taking or interfering with groundwater, other than groundwater in those parts of a groundwater unit that are within the groundwater management area.
- (3) However, subsection (1) applies to a decision about an application, in relation to taking water under an authorisation, made but not dealt with before the commencement of this plan.

19 Decisions consistent with objectives

- (1) A decision made in preparing the first resource operations plan must be consistent with the environmental flow objectives mentioned in sections 11 and 12.
- (2) All other decisions, including making the water allocation change rules in preparing the resource operations plan, must be consistent with—
- (a) the environmental flow objectives mentioned in sections 12 and 13; and
 - (b) the water allocation security objectives mentioned in section 15.

20 Assessing impact of decisions

- (1) The IQQM computer program's simulation for the simulation period is used to assess—
- (a) for section 18—whether the average volume of water available to be taken would increase; and
 - (b) for section 19—consistency with the objectives.
- (2) Subsection (1)(a) does not apply to a decision to refuse an application if approving the application would clearly increase the average volume of water available to be taken in the plan area.

- (3) Subsection (1) does not limit the matters the chief executive may have regard to in assessing the matters mentioned in subsection (1).
- (4) If it is not practicable to use the IQQM computer program, another assessment method approved by the chief executive may be used.
- (5) The chief executive may approve an assessment method for subsection (4) only if the chief executive is satisfied the method will assess the matters mentioned in subsection (1) at least as accurately as the IQQM computer program.

21 Calculation of performance indicators

- (1) The performance indicators mentioned in part 4 are calculated on the assumption the unallocated water mentioned in section 39 is being taken.
- (2) Subsection (3) applies to a decision—
 - (a) that will result in the addition of a water allocation to, or the omission of a water allocation from, a water allocation group; or
 - (b) to grant an application under section 129 or 130 of the Act to change a water allocation.
- (3) In assessing the decision's consistency with the water allocation security objectives, the performance indicators are calculated on the assumption the water allocation being added, omitted or changed is not part of any water allocation group.

Division 3 Conversion of authorisations to water allocations

Subdivision 1 General

22 Application of div 3

This division applies only to—

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

23 Location for taking water

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

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

Subdivision 2 Supplemented water

24 Nominal volume for supplemented water

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

Subdivision 3 Unsupplemented water

25 Maximum rate for taking unsupplemented water

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

26 Conditions for taking unsupplemented water

- (1) In deciding the conditions under which unsupplemented water may be taken under a water allocation, the chief executive must have regard to—

[s 27]

- (a) the terms or conditions stated on the authorisation; and
 - (b) any existing water sharing arrangements that relate to the authorisation.
- (2) Subsection (3) applies if—
- (a) the authorisation was for water harvesting; and
 - (b) the water that could have been taken by water harvesting could have been stored in a storage that is works that allow taking overland flow water.
- (3) The chief executive must impose a condition on the allocation to ensure there is no increase in the volume of overland flow water the storage may take.

27 Volumetric limit for unsupplemented water

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

- (a) for an authorisation to supply town water that states an annual volume—the stated annual volume; and
- (b) for all other authorisations—
 - (i) the maximum rate for taking the water, decided under section 25; and
 - (ii) the conditions for taking the water, decided under section 26; and
 - (iii) for an authorisation that states an area that may be irrigated—
 - (A) the local availability of water; and
 - (B) the volume of water estimated by the chief executive to be necessary to efficiently irrigate the types of crops grown in the part of the plan area to which the authorisation relates; and

- (iv) for other authorisations—the availability of water in the part of the plan area for the water allocation group to which the allocation relates.

28 Nominal volume for unsupplemented water

The nominal volume for a water allocation to take unsupplemented water is the volume decided by the chief executive having regard to—

- (a) the local availability of water; and
- (b) the maximum rate for taking the water, decided under section 25; and
- (c) the conditions for taking the water, decided under section 26; and
- (d) the volumetric limit for the water, decided under section 27; and
- (e) the water sharing rules in the resource operations plan.

Division 4 Resource operations plan

29 Water sharing rules

- (1) The water sharing rules in the resource operations plan must state the circumstances under which a water allocation holder—
 - (a) may start taking water; and
 - (b) must stop taking water.
- (2) In deciding the water sharing rules, the chief executive must have regard to—
 - (a) any existing water sharing arrangements for the water to which the rules are to apply; and
 - (b) existing water sharing rules for water in the plan area; and

- (c) the following—
 - (i) the maximum rates for taking water, decided under section 25; and
 - (ii) the conditions for taking water, decided under section 26; and
 - (iii) the volumetric limits for water, decided under section 27; and
 - (d) any agreements between the State and New South Wales about sharing water; and
 - (e) the unallocated water mentioned in section 39; and
 - (f) any other authorisations to take water in the part of the plan area; and
 - (g) for authorisations that state an area that may be irrigated—the local availability of water; and
 - (h) for other authorisations—the availability of water in the part of the plan area for the water allocation group to which the allocations relate.
- (3) The water sharing rules may state that, despite the volumetric limit for taking water under a water allocation, decided under section 27, the limit does not apply to the allocation while—
- (a) the holder of the allocation continues storing water using only the works used to store water under the authorisation from which the allocation was converted; and
 - (b) no change is made to the works; and
 - (c) no change is made to the allocation; and
 - (d) the holder does not assign the benefit of any part of the water that may be taken under the allocation.
- (4) The resource operations plan may state that a water sharing rule made in accordance with subsection (3) ceases to have effect after a stated period of time.

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- (5) The chief executive must ensure a rule made in accordance with subsection (3) does not increase the average volume of water available to be taken in the plan area.
- (6) In subsection (3)—
change, in relation to a water allocation, has the meaning given by the Act, section 128.

30 Deciding operating arrangements, supply requirements and environmental management rules

- (1) In deciding the operating arrangements and supply requirements for water infrastructure and the environmental management rules for the resource operations plan, the chief executive must consider—
- (a) the impact of the infrastructure's operation on the following—
 - (i) water quality and temperature;
 - (ii) instream water levels;
 - (iii) the natural movement of sediment;
 - (iv) the bed and banks of watercourses;
 - (v) riparian vegetation;
 - (vi) habitats for native plants and animals; and
 - (b) the extent to which rapid artificial variations in instream water levels, caused by the operation of the infrastructure, may adversely affect natural ecosystems; and
 - (c) the impact of the infrastructure on the movement of fish and other aquatic species; and
 - (d) whether the movement of water from a watercourse to another watercourse is likely to adversely affect the watercourse to which the water is moved; and
 - (e) the likelihood of fish deaths caused by the operation of the infrastructure.

[s 31]

(2) Subsection (1)—

- (a) applies only if the arrangements, requirements or rules are a change from the existing practice; and
- (b) does not limit the matters the chief executive may consider.

31 Resource operations plan to meet interstate obligations

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

Division 5 Regulation of overland flow water

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

(1) A person may not take overland flow water other than—

- (a) for stock or domestic purposes; or
- (b) under an authority under section 34; or
- (c) under an authorisation; or
- (d) unallocated water granted to the person under the resource operations plan; or
- (e) overland flow water—
 - (i) of not more than the amount necessary to satisfy the requirements of an environmental authority issued under the *Environmental Protection Act 1994*; or
 - (ii) that is contaminated agricultural runoff water.

(2) In this section—

contaminated agricultural runoff water has the meaning given by the ‘Code for Assessable Development for Operational Works for Taking Overland Flow Water’.

Editor's note—

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

33 Decisions about taking overland flow water

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

34 Taking water using existing works or reconfiguration of existing works authorised

- (1) Subsection (2) applies to the owner of land on which either of the following is situated—
 - (a) existing works;
 - (b) works that—
 - (i) are a reconfiguration of existing works; and
 - (ii) do not increase the average annual volume of water taken above the average annual volume taken using the existing works.
- (2) The owner may continue to take overland flow water, using the works—
 - (a) for 1 year after the commencement of this section; and

- (b) if the owner gives the chief executive notice of the works, in the approved form, and any further information required by the chief executive about the works—after the notice and information are given.

35 Granting water licences for authorities under s 34

- (1) This section applies if—
 - (a) an owner of land is authorised under section 34 to continue taking overland flow water using works; and
 - (b) the chief executive is satisfied there has been, or may be, an increase, in the average annual volume of overland flow water taken using the works, above the average annual volume that could have been taken under the operating arrangements in place immediately before the commencement of this plan.
- (2) The chief executive must—
 - (a) under section 212 of the Act, grant a water licence to replace the authority under section 34; and
 - (b) impose a condition on the licence to ensure the average annual volume of overland flow water that may be taken using the works is not more than the average annual volume that could have been taken under the operating arrangements in place immediately before the commencement of this plan.

36 Granting or amending water licences under the resource operations plan

- (1) For granting, under section 212 of the Act, a water licence to replace an authority under section 34, the resource operations plan—
 - (a) must state the parts of the plan area in which an authority may be replaced by a water licence; and
 - (b) must state the works to which each authority relates; and

- (c) must consider the extent to which the works allow the taking of—
 - (i) overland flow water under an authority under section 34; and
 - (ii) water under another authorisation; and
 - (d) to meet the objectives and achieve the outcomes of this plan, may reduce the volume of overland flow water allowed to be taken in a part of the plan area mentioned in paragraph (a) by deciding—
 - (i) the volume of overland flow water available for allocation in the part; and
 - (ii) the share available under each authority to take overland flow water in the part.
- (2) The resource operations plan may also decide the share of the water mentioned in subsection (1)(d)(i) available under a water licence granted under section 35 for a part of the plan area mentioned in subsection (1)(a).
- (3) Section 217 of the Act applies to the amendment of the licence for consistency with the resource operations plan.

Division 5A Regulation of groundwater

37A Application of div 5A

This division applies to groundwater in those parts of a groundwater unit that are within the groundwater management area.

37B Elements of water licences

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

nominal entitlement see the *Water Regulation 2016*, section 28.

37C Conditions for taking groundwater

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

37D Limitation on taking or interfering with groundwater

- (1) This section limits the groundwater that may be taken, or interfered with, under section 20(2)(c) of the Act.
- (2) A person may take or interfere with groundwater only—
 - (a) under a water licence; or
 - (b) under a water permit; or
 - (c) under a seasonal water assignment notice; or
 - (d) for stock or domestic purposes; or
 - (e) for an activity prescribed under a regulation for section 20(2)(a) of the Act.
- (3) However, despite subsection (2)(d), a person mentioned in section 37E may take or interfere with groundwater for stock or domestic purposes only under section 37E.

37E Taking groundwater for stock or domestic purposes using existing groundwater works

- (1) This section applies if—
 - (a) a person is taking groundwater from the Border Rivers alluvium for stock or domestic purposes; and
 - (b) the groundwater is being taken from land that is in a service area under the *Water Supply (Safety and Reliability) Act 2008* for a retail water service.

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- (2) The person may take the groundwater using only existing works.
 - (3) In this section—
existing works means—
 - (a) works constructed before the commencement; or
 - (b) works constructed in accordance with an agreement with the chief executive that was entered into within 30 days after the commencement; or
 - (c) works replacing works mentioned in paragraph (a) or (b).

37F Direction to chief executive about non-acceptance of application to take groundwater

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

Note—

See section 41 for the process for granting unallocated water.

Division 6 Unallocated water

38 Unallocated water held as a general reserve and strategic reserve

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

39 Limitations on allocation from general reserve

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

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

40 Limitations on allocation from strategic reserve

- (1) The allocation of unallocated water from the strategic reserve is limited to—
 - (a) water in the parts of the plan area mentioned in schedule 4, column 1; and
 - (b) the average annual volume of water mentioned for each of the parts in schedule 4, column 2; and
 - (c) water for a use mentioned for each of the parts in schedule 4, column 3.
- (2) Subsection (1)(b) applies to water from a watercourse, lake or spring.
- (3) However, the chief executive may instead allow an equivalent volume of water to be taken as overland flow water.
- (4) For subsection (3), an equivalent volume is the volume, decided by the chief executive, that would have an equivalent impact on the end of system flow.

41 Process for granting unallocated water

The process for granting unallocated water in the plan area is the process stated in the *Water Regulation 2016*.

Division 7 Miscellaneous provisions

44 Taking water from waterholes or lakes

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

Part 6 Monitoring and reporting requirements

45 Monitoring and reporting requirements

- (1) To help the Minister assess the effectiveness of the management strategies for achieving the outcomes mentioned in part 3, the resource operations plan must state—
 - (a) the monitoring requirements for water and natural ecosystems for this plan; and
 - (b) the reporting requirements for this plan for operators of infrastructure interfering with water in the plan area.

allocations authorisations to take unsupplemented water that state an area that may be irrigated.

(5) Subsections (2) and (4) do not limit the matters that may be included in the resource operations plan.

(6) In this section—

authorisation does not include an authorisation to take overland flow water.

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

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

(a) an amendment of an environmental flow objective or a water allocation security objective, or a performance indicator for an objective, if the amendment achieves an equivalent or improved environmental flow and water allocation security outcome;

(b) an amendment to part 5, division 3, that—

(i) does not adversely affect meeting the environmental flow objectives or water allocation security objectives or achieving the outcomes; and

(ii) does not result in a water allocation holder being able to take less water under the allocation than the holder would have been able to take before the amendment;

(d) an amendment or addition of a monitoring or reporting requirement under part 6;

(e) an amendment of schedule 5, definition *works that allow taking overland flow water*.

Part 8

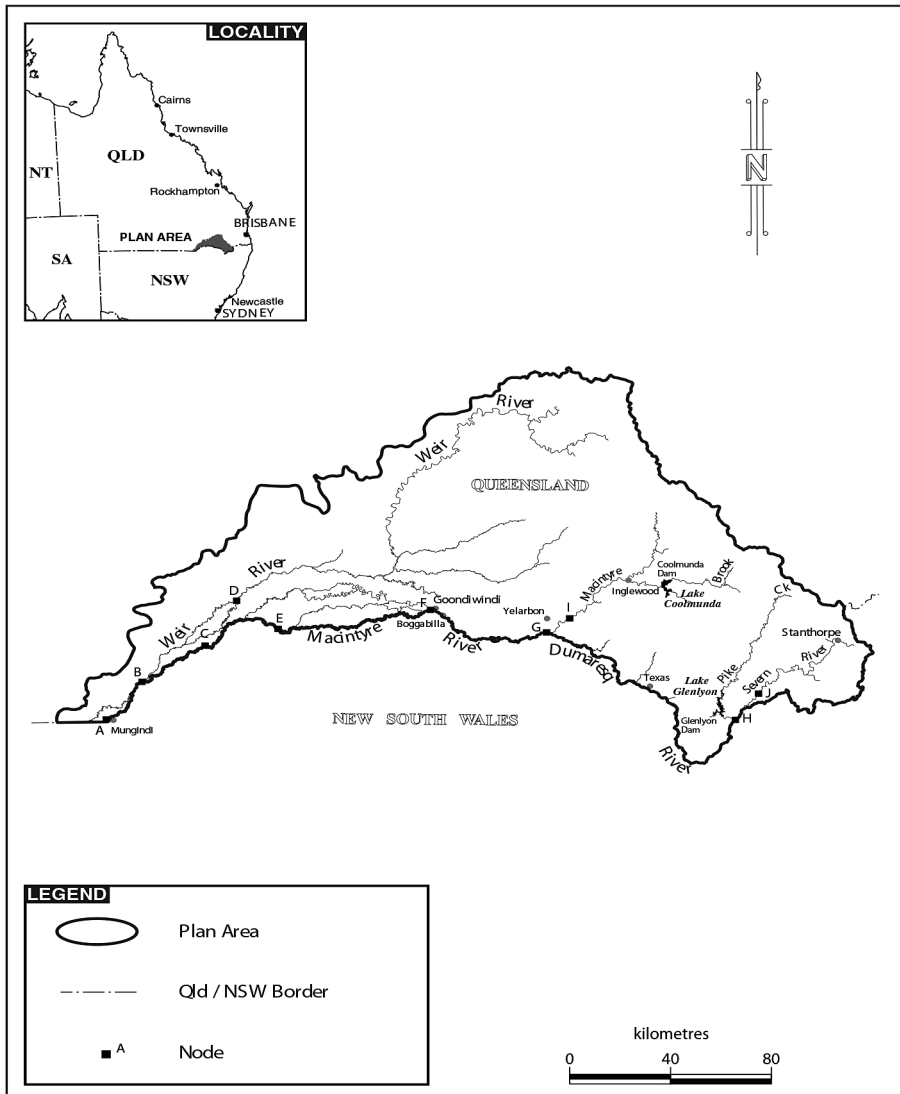
Transitional provision for Water Resource Plans Amendment Plan (No. 2) 2014

51 Existing applications for water licence to take or interfere with groundwater

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

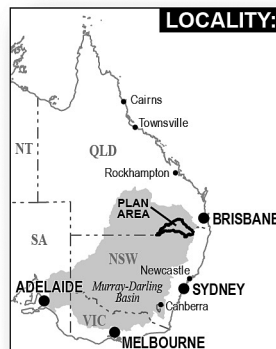
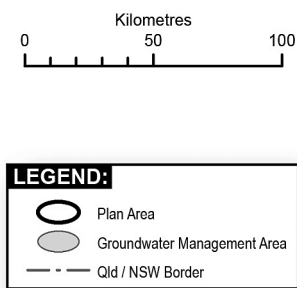
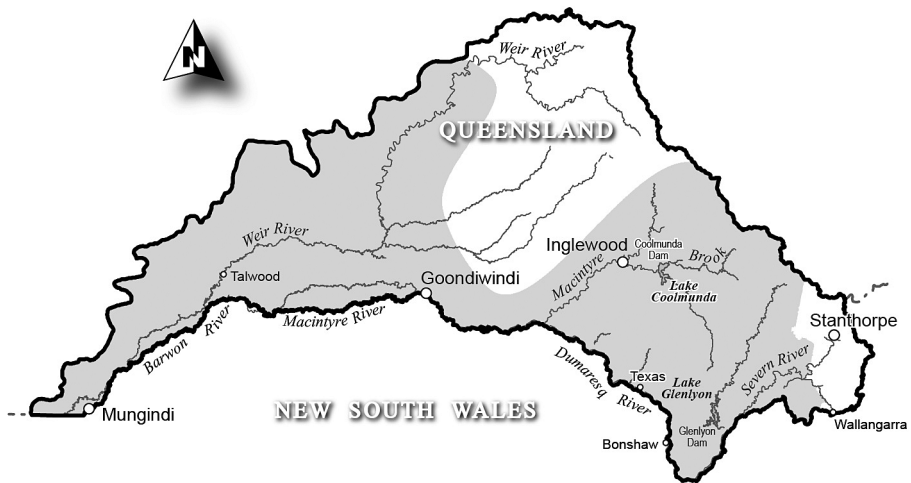
Schedule 1 Plan area and nodes

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



Schedule 1A Border Rivers groundwater management area

section 5A



WM3079_1

Schedule 2 Node descriptions

section 7(2)

Node	Location
A	Barwon River at Mungindi (AMTD 3.3km)
B	Weir River upstream of the confluence of the river and the Macintyre River (AMTD 0km)
C	Macintyre River at Kanowna (AMTD 94km)
D	Weir River at Talwood (AMTD 89.3km)
E	Macintyre River at the Boomi Weir (AMTD 147km)
F	Macintyre River at Goondiwindi (AMTD 275.4km)
G	Dumaresq River downstream of the confluence of Macintyre Brook and the Dumaresq River (AMTD 38.2km)
H	Dumaresq River at Mingoola (AMTD 184km)
I	Macintyre Brook at Booba Sands (AMTD 15.9km)
J	Severn River at Farnbro (AMTD 198.6km)

Schedule 2A Performance indicator ranges

sections 12 and 13

Column 1	Column 2	Column 3
Node	Performance indicator	Range (%)
A	low flow	66–133
	summer flow	66–133
	beneficial flooding	37–133
	1 in 2 year flooding	44–133
B	low flow	66–138
	summer flow	66–133
	beneficial flooding	29–133
	1 in 2 year flooding	29–133
C	low flow	66–133
	summer flow	66–151
	beneficial flooding	58–133
	1 in 2 year flooding	66–133
D	low flow	66–133
	summer flow	66–133
	beneficial flooding	66–133
	1 in 2 year flooding	66–133
E	low flow	66–133
	summer flow	66–152
	beneficial flooding	66–133

Column 1	Column 2	Column 3
Node	Performance indicator	Range (%)
	1 in 2 year flooding	66–133
F	low flow	66–133
	summer flow	66–155
	beneficial flooding	66–133
	1 in 2 year flooding	66–133
G	low flow	66–133
	summer flow	66–138
	beneficial flooding	66–133
	1 in 2 year flooding	66–133
H	low flow	66–133
	summer flow	66–133
	beneficial flooding	66–133
	1 in 2 year flooding	66–133
I	low flow	66–133
	summer flow	66–133
	beneficial flooding	66–133
	1 in 2 year flooding	66–133
J	low flow	66–133
	summer flow	66–133
	beneficial flooding	66–133
	1 in 2 year flooding	66–133

Schedule 3 Pump sizes and maximum rates

section 25

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

Column 1	Column 2	Column 3
Pump size (mm)	Maximum rate (ML/day)	Maximum rate (ML/day)
780 to 810	200	235

Schedule 3A Allocation of unallocated water—general reserve

section 39

Column 1	Column 2	Column 3
Groundwater unit	Annual volume	Use
Border Rivers fractured rock	418ML	Any
sediments above the Great Artesian Basin	3000ML	Any

Schedule 4 Allocation of unallocated water—strategic reserve

section 39

Column 1	Column 2	Column 3
Part of the plan area	Average annual volume	Use
Stanthorpe Water Management Area	3000ML	Irrigation and associated industry
Stanthorpe Water Management Area	1500ML	Town water supply

Schedule 5 Dictionary

section 4

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

45% annual volume probability, for a water allocation group for taking unsupplemented water, means the percentage of years in the simulation period in which the volume of water that may be taken by the group is at least 45% of the total of the nominal volumes for the group.

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

annual volume probability means—

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

authorisation—

- (a) means a licence, permit or other authority to take water given under the Act or the repealed Act, other than a permit for stock or domestic purposes; and
- (b) includes, for part 5, division 3, a development permit for works for taking water under the authorisation.

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

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

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

end of system flow means the volume of water from the plan area that crosses the border from the State into New South Wales at node A and to the west of node A in the simulation period.

existing works—

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

groundwater see section 8.

groundwater management area see section 5A.

groundwater unit see section 5A.

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

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

node see section 7.

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

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

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

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

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

Note—

See the Act, section 1266.

simulation period means the period from 1 January 1890 to 30 September 2000.

started, for existing works, means—

- (a) construction of the works had physically started, or if construction had not physically started, a contract had been entered into to start construction, and construction had started, by 19 November 2000; and

-
- (b) an independently verifiable construction program existed for progressive construction towards completion of the works; and
 - (c) detailed design plans existed showing, among other things, the extent of the works; and
 - (d) if a permit under the *Local Government Act 1993*, section 940 was required for the works—the permit had been issued; and
 - (e) if a development permit was required for the works—the permit had been given.

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

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

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

supplemented water means water supplied under an interim resource operations licence, resource operations licence or other authority to operate water infrastructure.

surface water see section 8.

unsupplemented water means water that is not supplemented water.

water allocation group means—

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

waterhole means a part of a watercourse that contains water after the watercourse ceases to flow, other than a part of a watercourse that is within the storage area of a dam on the watercourse.

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

works that allow taking overland flow water include—

- (a) storages, sumps, drains, embankments, channels and pumps for taking, or that can be used for taking, overland flow water; and
- (b) storages that are connected to the works mentioned in paragraph (a); and
- (c) works that make, or that can be used to make, the original connection between the storages mentioned in paragraph (b) and the works mentioned in paragraph (a).

1 Index to endnotes

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

2 Key

Key to abbreviations in list of legislation and annotations

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

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

3 Table of reprints

A new reprint of the legislation is prepared by the Office of the Queensland Parliamentary Counsel each time a change to the legislation takes effect.

The notes column for this reprint gives details of any discretionary editorial powers under the **Reprints Act 1992** used by the Office of the Queensland Parliamentary Counsel in preparing it. Section 5(c) and (d) of the Act are not mentioned as they contain mandatory requirements that all amendments be included and all necessary consequential amendments be incorporated, whether of punctuation, numbering or another kind. Further details of the use of any discretionary editorial power noted in the table can be obtained by contacting the Office of the Queensland Parliamentary Counsel by telephone on 3003 9601 or email legislation.queries@oqpc.qld.gov.au.

From 29 January 2013, all Queensland reprints are dated and authorised by the Parliamentary Counsel. The previous numbering system and distinctions between printed and electronic reprints is not continued with the relevant details for historical reprints included in this table.

Reprint No.	Amendments included	Effective	Notes
0A	none	5 December 2003	
1	none	1 July 2004	

Reprint No.	Amendments included	Effective	Notes
1A	2006 SL No. 49	31 March 2006	
1B	2007 SL No. 126	15 June 2007	
1C	2008 Act No. 58	13 November 2008	
1D	2009 SL No. 280	18 December 2009	
1E	2011 Act No. 40	24 November 2011	
Current as at		Amendments included	Notes
27 September 2013		2013 Act No. 23	
27 June 2014		2014 SL No. 142	RA ss 35, 44A
19 December 2014		2014 SL No. 331	
6 December 2016		2014 Act No. 64 2016 SL No. 216	RA s 44

4 List of legislation

Regulatory impact statements

For subordinate legislation that has a regulatory impact statement, specific reference to the statement is included in this list.

Explanatory notes

All subordinate legislation made on or after 1 January 2011 has an explanatory note. For subordinate legislation made before 1 January 2011 that has an explanatory note, specific reference to the note is included in this list.

Water Plan (Border Rivers) 2003 SL No. 318 (prev Water Resource (Border Rivers) Plan 2003)

approved by the Governor in Council on 4 December 2003
notfd gaz 5 December 2003 pp 1114–17
ss 1–2 commenced on date of notification
pt 5 div 5 commenced 1 July 2004 (see s 2(1))
remaining provisions commenced on date of notification (see s 2(2))
exp 30 June 2019 (see 2000 Act No. 34 s 52A(3))
Note— An explanatory note was prepared.

amending legislation—

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

notfd gaz 31 March 2006 pp 1282–5

commenced on date of notification

Note— An explanatory note was prepared

Water Resource (Border Rivers) Amendment Plan (No. 1) 2007 SL No. 126

notfd gaz 15 June 2007 pp 892–5

commenced on date of notification

Note— An explanatory note was prepared

Water (Commonwealth Powers) Act 2008 No. 58 ss 1, 20–23

date of assent 13 November 2008

commenced on date of assent

Sustainable Planning Regulation 2009 SL No. 280 ss 1–2, pt 9 div 32

notfd gaz 27 November 2009 pp 1001–6

ss 1–2 commenced on date of notification

remaining provisions commenced 18 December 2009 (see s 2)

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

date of assent 24 November 2011

commenced on date of assent

Land, Water and Other Legislation Amendment Act 2013 No. 23 ss 1, 2(d), 352 sch 1 pt 2

date of assent 14 May 2013

ss 1–2 commenced on date of assent

remaining provisions commenced 27 September 2013 (2013 SL No. 189)

Water Resource Plans Amendment Plan (No. 1) 2014 SL No. 142 pts 1, 4

notfd <www.legislation.qld.gov.au> 27 June 2014

commenced on date of notification

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

date of assent 5 December 2014

ss 1–2 commenced on date of assent

s 255 commenced 19 December 2014 (2014 SL No. 333)

s 255 sch 2 commenced 6 December 2016 (automatic commencement under AIA s 15DA(2) (2015 SL No. 155 s 2))

Water Resource Plans Amendment Plan (No. 2) 2014 SL No. 331 pts 1–2

notfd <www.legislation.qld.gov.au> 19 December 2014

commenced on date of notification

Water Regulation 2016 SL No. 216 ss 1–2, 146 sch 20

notfd <www.legislation.qld.gov.au> 2 December 2016

ss 1–2 commenced on date of notification

s 146 sch 20 commenced 6 December 2016 on the commencement of the Water Reform and Other Legislation Amendment Act 2014, s 68 (see s 2)

5 List of annotations

Short title

s 1 sub 2014 Act No. 64 s 255 sch 2

Groundwater management area

s 5A ins 2014 SL No. 331 s 3

Water to which plan applies

s 8 sub 2006 SL No. 49 s 44

amd 2014 SL No. 331 s 4; 2016 SL No. 216 s 146 sch 20

Outcomes, including ecological outcomes, for the plan area

s 9 amd 2014 SL No. 331 s 5

Environmental flow objective (s 10(a))

s 11 amd 2007 SL No. 126 s 3

Environmental flow objectives (s 10(b) to (e))

s 12 sub 2007 SL No. 126 s 4

Environmental flow objectives (assessing impact of decisions)

s 13 amd 2007 SL No. 126 s 5

Water allocation security objectives

s 15 amd 2007 SL No. 126 s 6

Limitation on taking water without water licence

s 16A ins 2014 SL No. 331 s 6

Application of div 2

s 17 amd 2009 SL No. 280 s 152

Decisions not to increase amount of water taken

s 18 amd 2008 Act No. 58 s 21; 2014 SL No. 142 s 30; 2014 SL No. 331 s 7

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

s 32 amd 2013 Act No. 23 s 352 sch 1 pt 2

Decisions about taking overland flow water

s 33 amd 2009 SL No. 280 s 153

Relationship with Sustainable Planning Act 2009

s 37 amd 2009 SL No. 280 s 154; 2011 Act No. 40 s 107 sch

om 2016 SL No. 216 s 146 sch 20

Division 5A—Regulation of groundwater

div hdg ins 2014 SL No. 331 s 8

Application of div 5A

s 37A ins 2014 SL No. 331 s 8

Elements of water licences

s 37B ins 2014 SL No. 331 s 8

amd 2016 SL No. 216 s 146 sch 20

Conditions for taking groundwater

s 37C ins 2014 SL No. 331 s 8

Limitation on taking or interfering with groundwater

s 37D ins 2014 SL No. 331 s 8

Taking groundwater for stock or domestic purposes using existing groundwater works

s 37E ins 2014 SL No. 331 s 8

Direction to chief executive about non-acceptance of application to take groundwater

s 37F ins 2014 SL No. 331 s 8

Relationship with Sustainable Planning Act 2009

s 37G ins 2014 SL No. 331 s 8
om 2016 SL No. 216 s 146 sch 20

Division 6—Unallocated water

div hdg sub 2014 SL No. 331 s 9

Unallocated water held as a general reserve and strategic reserve

s 38 sub 2014 SL No. 331 s 9

Limitations on allocation from general reserve

s 39 sub 2014 SL No. 331 s 9

Limitations on allocation from strategic reserve

s 40 sub 2014 SL No. 331 s 9

Process for granting unallocated water

s 41 sub 2014 SL No. 331 s 9
amd 2016 SL No. 216 s 146 sch 20

Grant of unallocated water to CEWH

s 41A ins 2008 Act No. 58 s 22
om 2014 SL No. 142 s 31

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

s 42 (3)(c) exp 30 June 2004 (see s 42(6))
om 2013 Act No. 23 s 352 sch 1 pt 2

Measuring devices

s 43 om 2014 SL No. 142 s 32

PART 6—MONITORING AND REPORTING REQUIREMENTS

pt hdg sub 2014 SL No. 142 s 33

Monitoring and reporting requirements

s 45 sub 2014 SL No. 142 s 33

Minister's report on plan—Act, s 53

s 46 sub 2014 SL No. 142 s 33
om 2016 SL No. 216 s 146 sch 20

Water infrastructure operators to give reports

s 47 om 2014 SL No. 142 s 33

Minister's report on plan—Act, s 53

s 48 om 2014 SL No. 142 s 33

Minor or stated amendments of plan—Act, s 57

s 50 amd 2013 Act No. 23 s 352 sch 1 pt 2

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

pt 8 (s 51) ins 2014 SL No. 331 s 10

SCHEDULE 1A—BORDER RIVERS GROUNDWATER MANAGEMENT AREA

sch 1A ins 2014 SL No. 331 s 11

SCHEDULE 2—NODE DESCRIPTIONS

sch 2 amd 2007 SL No. 126 s 7

SCHEDULE 2A—PERFORMANCE INDICATOR RANGES

sch 2A ins 2007 SL No. 126 s 8

**SCHEDULE 3A—ALLOCATION OF UNALLOCATED WATER—GENERAL
RESERVE**

sch 3A ins 2014 SL No. 331 s 12

**SCHEDULE 4—ALLOCATION OF UNALLOCATED WATER—STRATEGIC
RESERVE**

sch 4 sub 2008 Act No. 58 s 23

amd 2014 SL No. 142 s 34; 2014 SL No. 331 s 13

SCHEDULE 5—DICTIONARY

sch 5 def *groundwater* sub 2014 SL No. 331 s 14

def *groundwater management area* ins 2014 SL No. 331 s 14(2)

def *groundwater unit* ins 2014 SL No. 331 s 14(2)

def *resource operations plan* amd 2016 SL No. 216 s 146 sch 20

def *surface water* ins 2014 SL No. 331 s 14(2)