

Queensland



Subordinate Legislation 1995 No. 3

Water Resources Act 1989

**WATER RESOURCES (KAYWANNA BORE
WATER AREA) AMENDMENT REGULATION
(No. 1) 1995**

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**KAYWANNA BORE WATER AREA AMENDMENT
NOTIFICATION (No. 1) 1994**

PART 1—PRELIMINARY

Short title

1. This regulation may be cited as the *Water Resources (Kaywanna Bore Water Area) Amendment Regulation (No. 1) 1995*.

Definition

2. In this regulation—

“**order in council**” means the order in council gazetted on 9 June 1927 at pages 1895–8.

PART 2—AMENDMENT OF ORDER IN COUNCIL

Order amended

3. This regulation amends the order in council.

Omission of words of notification

4. Words of notification¹—

omit.

Omission of ss 2–7

5. Sections 2 to 7—

omit.

¹ For the meaning of ‘words of notification’ see *Reprints Act 1992*, section 42A.

Renumbering of s 1 (Constitution of Area and Board)

6. Section 1—

renumber as section 3.

Insertion of new ss 1 and 2

7. Before section 3 (as renumbered)—

insert—

‘Short title

‘1. This order in council may be cited as the *Water Resources (Kaywanna Bore Water Area) Order 1927*.

‘Definitions

‘2. In this order—

“**Area**” means the Kaywanna Bore Water Area established under section 3.

“**Board**” means the Kaywanna Bore Water Board established under section 3.

“**plan**” means plan number A3–102564 held by the department.²’.

Amendment of s 3 (Constitution of Area and Board)

8. Section 3 (as renumbered), from ‘That’ to ‘hereto is hereby’—

omit, insert—

‘The area within the boundaries shown on the plan is’.

Insertion of new ss 4–7

9. After section 3 (as renumbered)—

² A copy of the plan may be inspected, free of charge, at the Department of Primary Industries, Water Resources, 27 Herbert Street, Goondiwindi or 41 George Street, Brisbane.

insert—

‘Quantity of water Board may divert

‘4. The Board may divert 750 kL of water per day from the Kaywanna Bore.

‘Composition of Board

‘5.(1) The Board consists of 5 members of whom—

- (a) 4 must be elected by the ratepayers; and
- (b) 1 must be appointed by the Governor in Council.

‘(2) A member elected by the ratepayers must be elected in the way stated in the Schedule.

‘Member’s term of office

‘6. Subject to section 14(2) of the Schedule,³ a member holds office for 3 years.

‘Continuation of former Board

‘7.(1) In this section—

“**former Board**” means the Board constituted under this order in council as in force immediately before the commencement of the *Water Resources (Kaywanna Bore Water Area) Amendment Regulation (No. 1) 1995*.

‘(2) Until the first election of members to the Board after the commencement of the regulation, the former Board continues in existence and may perform the functions and exercise the powers of the Board.

‘(3) This section expires on the day members are elected to the Board under section 5.’.

³ Section 14 of the Schedule (Provisions for filling up vacancies)

Omission of Sch 1

10. Schedule 1, including sketch—
omit.

Amendment of Sch 2

11.(1) Schedule 2—
renumber as Schedule.

(2) Schedule (as renumbered), before section 1—
insert—

‘ELECTION OF BOARD MEMBERS

section 5(2) of this order’.

(3) Schedule (as renumbered), section 1(2), from ‘and shall assign’—
omit.

(4) Schedule (as renumbered), section 1—
insert—

‘**(2A)** A person whose name is on the roll is entitled to only 1 vote.’.

(5) Schedule (as renumbered), section 1(3), ‘such vote or votes as’—
omit, insert—

‘the vote’.

(6) Schedule (as renumbered), section 11, ‘Commissioner’—
omit, insert—

‘chief executive’.

(7) Schedule (as renumbered), section 13, after ‘Justice of the Peace’—
insert—

‘or commissioner for declarations’.

(8) Schedule (as renumbered), sections 15 and 16—
omit.

PART 3—MISCELLANEOUS

Declaration of law to which s 20A of the Acts Interpretation Act applies

12. Section 3 of the order in council as in force immediately before the commencement of this regulation is a law to which section 20A of the *Acts Interpretation Act 1954* applies.⁴

Proposals approved

13. Proposals for the Kaywanna Bore Water Area approved under section 9.3(4A) of the Act are contained in the *Kaywanna Bore Water Area Amendment Notification (No. 1) 1994* a copy of which is set out in the Schedule.

Expiry

14. This regulation expires on the day it commences.

⁴ Section 14 of the *Statutory Instruments Act 1992* applies section 20A of the *Acts Interpretation Act 1954* to statutory instruments.

SCHEDULE

KAYWANNA BORE WATER AREA AMENDMENT NOTIFICATION (No. 1) 1994

section 13

Water Resources Act 1989

KAYWANNA BORE WATER AREA AMENDMENT NOTIFICATION (NO. 1) 1994

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SCHEDULE 1

SCHEDULE 2

SCHEDULE 3

SCHEDULE (continued)

Short Title

1. This notification may be cited as the *Kaywanna Bore Water Area Amendment Notification (No. 1) 1994*.

Commencement

2. This notification commences on the day it is published in the Gazette.

Alterations to the Kaywanna Bore Water Area and Board

3. By an order in council made on 9 June 1927 and published in the Queensland Government Gazette on 9 June 1927 at pages 1895 to 1898, the Kaywanna Bore Water Area ("the Water Area"), and the Kaywanna Bore Water Board ("the Water Board") were constituted.

Under the *Water Resources Act 1989*, it is now proposed that the Governor in Council, by order in council, alter the boundaries of the Water Area in accordance with the proposed boundary plan in Schedule 1 by—

- (a) including land not previously forming part of the Water Area; and
- (b) excluding land previously forming part of the Water Area.

Inspection or purchase of boundary plan

4. (1) The proposed boundary plan referred to in clause 3 and contained in Schedule 1 may be inspected at—
 - (a) Department of Primary Industries
 Water Resources
 27 Herbert Street
 GOONDIWINDI QLD.
 - (b) Department of Primary Industries
 Water Resources, Brisbane District Office
 Mineral House
 41 George Street
 BRISBANE QLD.

Purposes of amendment of the boundaries of the Water Area

5. The boundaries of the Water Area are to be amended to enable the Water Board to:—
 - (1) replace the existing bore drain distribution system with a polyethylene pipe reticulation system and associated facilities; and
 - (2) supply water to all properties identified as being within the proposed boundaries for the purposes of—
 - (a) stock watering; and
 - (b) domestic use, other than for human consumption.

SCHEDULE (continued)

Water Allocation

6. (1) The Water Board will be entitled to pump 750 kilolitres per day for distribution through the pipe reticulation system to the properties identified in Schedule 2 as being within the proposed boundaries.
- (2) The entitlement of the Crown in right of the State of Queensland to draw water from the Kaywanna Bore will be reduced to 25 kilolitres per day.

Works to be undertaken by the Water Board

7. The Water Board will undertake the construction of the following works—
- (1) (a) Kaywanna Borehole Pump;
(b) Kaywanna Bore Main Pump Station;
(c) Boogara Creek Booster Pump Station; and
(d) Coorangy Booster Pump Station.
- (2) (a) all designated supply points; and
(b) associated pipelines
- as identified in Schedule 2

Estimated Costs of Proposed Works

8. (1) The estimated capital costs of the proposed works to be constructed are—
- | | |
|--|------------------|
| (a) Kaywanna Borehole Pump | \$ 15,000 |
| (b) Kaywanna Bore Main Pump Station | \$ 75,000 |
| (c) Boogara Creek Booster Pump Station | \$ 32,000 |
| (d) Coorangy Booster Pump Station | \$ 31,000 |
| (e) Pipelines | <u>\$663,000</u> |
| Total A | \$816,000 |
- (2) Additional costs to be provided for include—
- | | |
|---|--------------------------------|
| (a) Allowance for contingencies | \$84,000 |
| (b) Engineering costs including investigations, design, survey, supervision and contract administration | <u>ESTIMATE ONLY \$200,000</u> |
| Total B | \$1,100,000 |

Proposed means of defraying estimated cost of works

9. (1) It is proposed that the cost of the works specified in clause 7 will be defrayed as follows—
- | | |
|--|------------|
| (a) approved borrowings | \$ 712,000 |
| (b) rural water supply scheme subsidy of 20% on pump stations, trunk mains, and other works of community benefit | \$ 192,000 |
| (c) Drought Management Strategy grant | \$ 180,000 |

SCHEDULE (continued)

(d) estimated ratepayer contributions to additional works as per Schedule 3 (to nearest \$1,000)	<u>\$ 16,000</u>
Total	\$1,100,000
 (2) It is estimated that the repayments on approved borrowings of \$712,000, at 7.8% interest over 10 years will be \$105,000.00 per annum.	
 (3) The total annual costs for the proposed scheme will be—	
(a) interest and repayment on borrowings	\$105,000
(b) maintenance of works	\$ 13,000
(c) power costs	<u>\$ 16,000</u>
Total	\$134,000

Estimated Ratepayer Contributions

- 10. (1)** The Water Board proposes to levy charges to recover the annual costs referred to in clause 9(3) in the following manner (as outlined in schedule 3):—
- (a) by charging at the rate of \$1.57 per hectare per annum to cover loan repayments on the capital cost of the works; and
 - (b) by charging at the rate of 4 cents per hectare per annum for each litre of water supplied per hectare per day, to cover the operation, maintenance and administration costs associated with the scheme.
- (2) The charges levied under clause 10(1)(a) and (b) are payable whether or not a participating property uses its full allocation.

Increase in number of Water Board members

- 11. (1)** It is proposed to increase the number of members of the Water Board from three to five as follows:—
- (a) four members are to be elected by the ratepayers in the Kaywanna Bore Water Area; and
 - (b) one member is to be appointed by the Governor in Council.

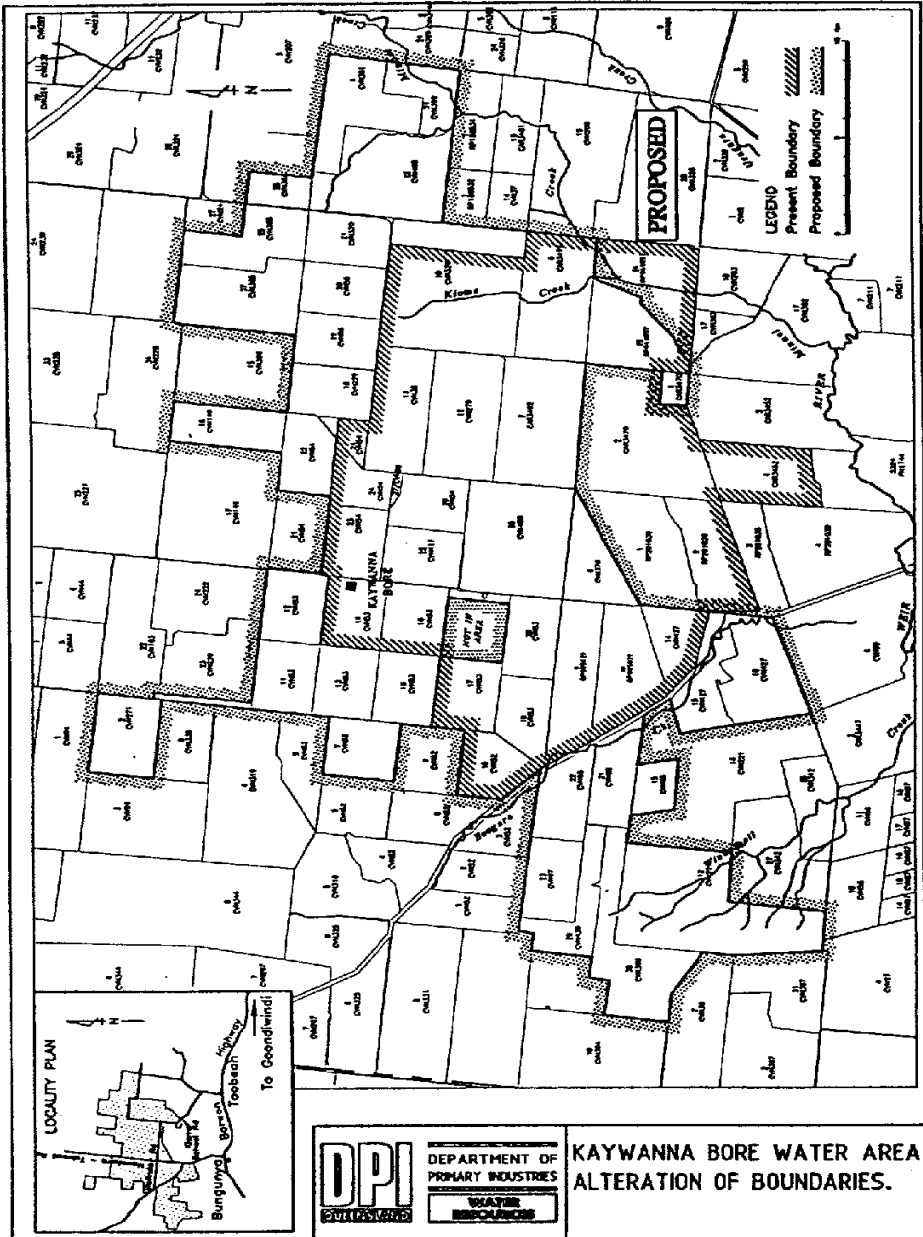
Objections to proposals

- 12.** Objections to the proposals contained in this notification must be—
- (a) in writing; and
 - (b) lodged with—

Department of Primary Industries;
Water Resources
Goondiwindi District Manager
Locked Bag 2
GOONDIWINDI QLD 4390
on or before 20 July 1994.

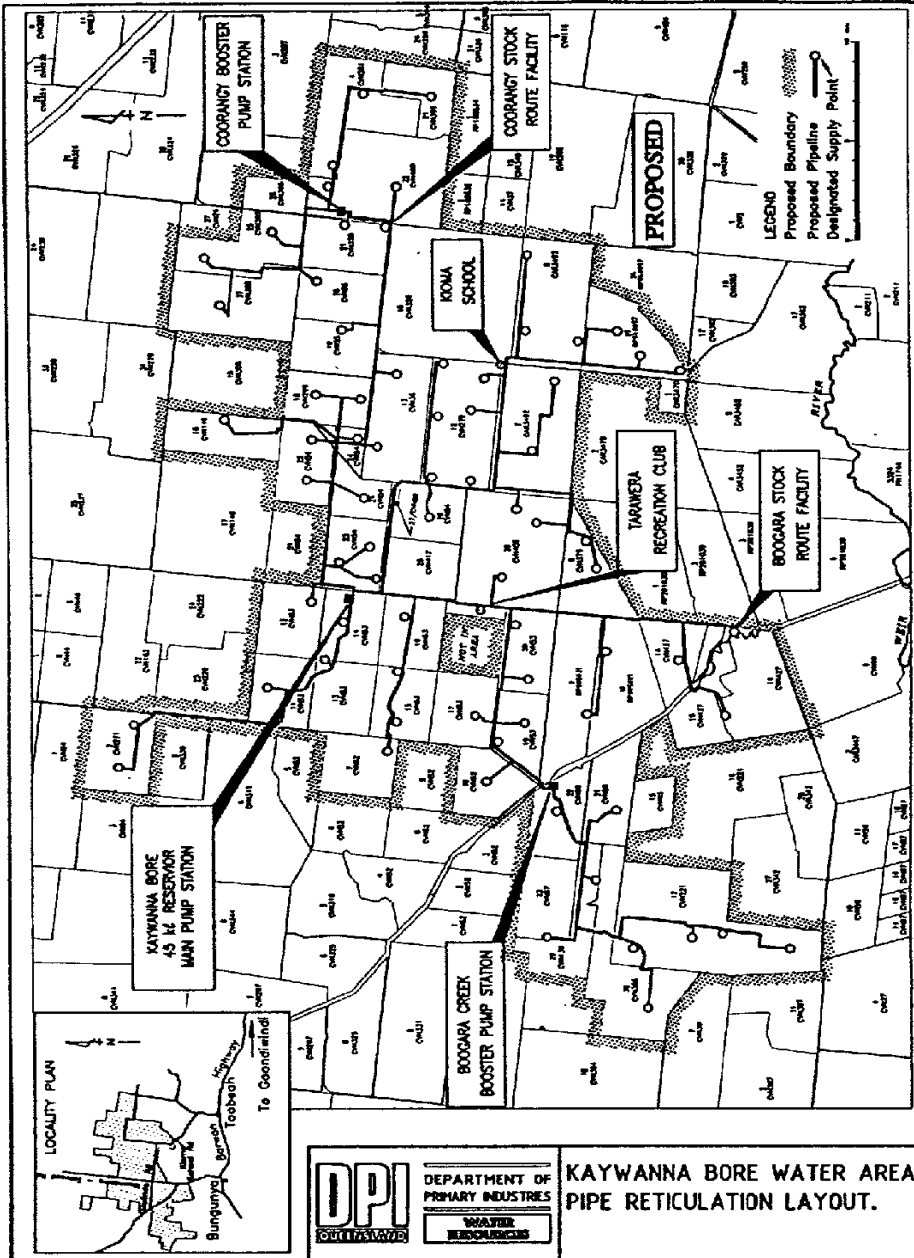
SCHEDULE (continued)

SCHEDULE 1



SCHEDULE (continued)

SCHEDULE 2



SCHEDULE (continued)

SCHEDULE 3

SCHEDULE 3
KAYWANNA BORE WATER AREA
PROPERTY RATING DETAILS FOR PROPOSED PIPE RETICULATION SCHEME

No.	OWNERSHIP	PROPERTY DESCRIPTION	PROPERTY AREA ha	RAIS FOR BUTFLY l/secs/ha/day	PROPERTY ALLOCATION l/secs/day	ESTIMATED ANNUAL RATES INTEREST & AMORTISATION \$/ha	ESTIMATED ANNUAL RATES OPERATION & MAINTENANCE \$/ha	TOTAL ANNUAL RATES	ESTIMATED ADDITIONAL WORKS
1	WD & S.J. White	2 CVN271	1242	10.0	12420	\$1.57	\$0.40	\$2,447	\$190
2	JH & EM Muckey	12 CVN53	1035	10.0	10350	\$1.57	\$0.40	\$2,038	
3	B Bury	16 CVN149	1123	10.0	11220	\$1.57	\$0.40	\$2,212	
4	D Spott	20 CVN55 & 37 CVN365	2890	10.0	28900	\$1.57	\$0.40	\$4,711	
5	PG White	11 CVN53	1035	10.0	10350	\$1.57	\$0.40	\$2,038	
6	E Glauser	18 CVN55	1034	10.0	10340	\$1.57	\$0.40	\$2,037	
7	WG Woods	22 CVN400 & 23 CVN585	4389	12.5	54861	\$1.57	\$0.50	\$9,085	
8	T Woods	4 CVN381	1682	10.0	16820	\$1.57	\$0.40	\$3,274	
9	T Woods	21 CVN399	831	10.0	8310	\$1.57	\$0.40	\$1,837	
10	J Crawley	16 CVN53	1035	10.0	10350	\$1.57	\$0.40	\$2,039	
		15 CVN53	1035	10.0	10350	\$1.57	\$0.40	\$2,039	
		17 CVN53	1035	10.0	10350	\$1.57	\$0.40	\$2,039	
31	M Crawley	7 CVN 52	1028	10.0	10280	\$1.57	\$0.40	\$2,039	\$190
32	Allen Partnership	13 & 14 CVN53	1028	10.0	10280	\$1.57	\$0.40	\$2,039	
33	DS McWilliam	18 CVN298, 28 CVN417, 22, 23 & 24 CVN54	2048	10.0	20480	\$1.57	\$0.40	\$4,074	\$7,000
34	TV & JB Fairfax	10&21 CVN320, & CAR3482, 12 CVN278, 13 CVN58, 28 CVN54 & 27 CVN80	5045	13.0	75675	\$1.57	\$0.80	\$10,848	\$4,770
			11884	10.0	118840	\$1.57	\$0.40	\$23,628	
35	J Woods	10 CVN32	855	10.0	8550	\$1.57	\$0.40	\$1,381	
36	HB & D White	19 & 20 CVN53	1948	10.0	19480	\$1.57	\$0.40	\$3,136	\$380
37	W Davison	26 CVN409	2760	10.0	27600	\$1.57	\$0.40	\$4,337	
38	W Davison	1840	10.0	18400	\$1.57	\$0.40	\$2,821	\$790	
39	Allen Partnership	1 CAR 3470 & 25 RPR40857	3512	10.0	35120	\$1.57	\$0.40	\$6,919	\$1,160
40	C Taitum	29 CVN 30	1000	10.0	10000	\$1.57	\$0.40	\$1,970	
41	Thom Estate P/L & J Thom	7 CAR3492 & 8 CVN376	2070	10.0	20700	\$1.57	\$0.40	\$4,078	
42	AD & ND Robb	22 CVN64 & 23 CVN87	1625	10.0	16250	\$1.57	\$0.40	\$3,201	
43	D Thom	8 RPR40821	2033	10.0	20330	\$1.57	\$0.40	\$4,005	\$1,140
44	MA Clark	30 CVN566	3711	10.0	37110	\$1.57	\$0.40	\$7,311	
45	TK & RJ Durkin	12 CVN221	1951	10.0	19510	\$1.57	\$0.40	\$3,055	
46	RPR, BD, BC Obit & ND Robb	15 CVN85 & 21 CVN68	1586	10.0	15860	\$1.57	\$0.40	\$3,142	
47	UN & OU McWater	10 RPR40821	834	10.0	8340	\$1.57	\$0.40	\$1,643	\$230
48	H McWater	14 CVN 427	1859	15.0	28256	\$1.57	\$0.40	\$3,394	
49	Boogers SRF (4)	18 CVN 427	884	10.0	8840	\$1.57	\$0.40	\$1,781	
50	Cooney SRF (4)	15 CVN 427	242	10.0 (1)	10009	\$1.57	\$0.40	\$2,591 (1)	
51	Tarawera Recreation Club	R6	-	10.0 (1)	10000	\$1.57	\$0.40	\$2,591 (1)	
52	Mania State School	Road Reserve 2 RPR4097 21 R66	4	10.0 (2)	5000	\$1.57	-	-	(2)
			2	10.0 (2)	2500	-	-	-	(2)
			86418		733128			\$130,231	\$18,669

NOTES TO SCHEDULE 3

(1) Interest and Redemption Rates based on 300 hectares. Property Allocation and Operation and Maintenance Rates based on 1000 hectares.

(2) Not Rated Property Allocation based on 500 hectares.

(3) Not Rated Property Allocation based on 250 hectares.

(4) SRF - Stock Route Facility

ENDNOTES

1. Made by the Governor in Council on 12 January 1995.
2. Notified in the Gazette on 13 January 1995.
3. Laid before the Legislative Assembly on . . .
4. The administering agency is the Department of Primary Industries.