Queensland

Water Resource (Condamine and Balonne) Plan 2004

Subordinate Legislation 2004 No. 151

made under the

Water Act 2000

Contents

Part 1 Preliminary

1 Short title

This water resource plan may be cited as the *Water Resource (Condamine and Balonne) Plan 2004*.

2 Commencement

(1) Part 5, division 5, commences on 1 February 2005.

(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.

Part 2 Plan area and water to which plan applies

5 Plan area

This plan applies to the area shown as the plan area on the map in schedule 1.

6 Information about plan area

(1) The exact location of the plan area boundary is held in digital electronic form by the department.

(2) The information held in digital electronic form can be reduced or enlarged to show the details of the boundary.[1]

7 Nodes

(1) A node mentioned in this plan is a place—

(a) on a watercourse in the plan area; and

(b) for which environmental flow objectives are set for performance indicators.

(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

This plan applies to the following water in the plan area—

(a) water in a watercourse, lake or spring;

(b) overland flow water.

1 The boundary location in digital electronic form may be inspected at the department's head office, Brisbane.

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 support economic activity in the plan area while recognising the social and cultural values of communities in the basin;

(b) to build social cohesiveness in the community by recognising the multiple users of water, including both indigenous and non-indigenous social and cultural needs;

(c) to promote improved understanding of social and cultural resources;

(d) to minimise any adverse effect on individual enterprises;

(e) to provide increased security in water entitlements for water users, including protecting the probability of being able to obtain water under an authorisation;

(f) to support an effective and efficient market in water allocations while ensuring safeguards are in place to protect the environment and the entitlements of water users;

(g) to make water from the basin available to be stored and used while retaining water for the riverine and associated environment;

(h) to achieve ecological outcomes consistent with maintaining a healthy riverine environment, floodplains and wetlands, including, for example, maintaining—

(i) pool habitats, and native plants and animals associated with the habitats, in watercourses; and

(ii) natural riverine habitats that sustain native plants and animals; and

(iii) the natural abundance and species richness of native plants and animals associated with habitats within watercourses, riparian zones, floodplains and wetlands; and

(iv) active river-forming processes, including sediment transport; and

(v) existing flow paths across the floodplains to allow ecological processes to take place; and

(vi) the condition and diversity of native vegetation on the floodplains and related streams; and

(vii) the diversity and abundance of native animals within the floodplains and related streams; and

(viii) the success of bird-breeding in the Narran Lakes and on floodplains; and

(ix) the condition of the Narran Lakes and the national parks of the Culgoa floodplain;

(i) to contribute to maintaining or improving the ecological condition of the Darling River upstream of Bourke;

(j) in the Lower Balonne, to provide for the granting of water licences to take overland flow water;

(k) in the Lower Balonne and in the floodplain downstream of the plan area, to provide for improved flows, especially low and medium flows, that mimic the natural variability of the river system by, for example, the real time management of individual flow events;

(l) to reduce the impact of the operation of water infrastructure on natural flow regimes;

(m) to maintain water quality at levels acceptable for water use and to support natural ecological processes;

(n) to promote a continual improvement in water use efficiency, both in the plan area generally and on individual properties;

(o) to promote improved understanding of the matters affecting the health of riverine and associated systems in the basin;

(p) consistency with Murray Darling Basin agreements and commitments, including the Murray Darling Basin Salinity Management Strategy and implementing a cap on the taking of water;

(q) consistency with water sharing agreements and commitments between the State and New South Wales.

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) low flow;

(b) summer flow;

(c) beneficial flooding flow;

(d) 1 in 2 year flood;

(e) 1 in 10 year flood.

11 Environmental flow objectives

For making a decision mentioned in section 18, the environmental flow objectives are that—

(a) at each node described in schedule 2, the extent to which a performance indicator, mentioned in section 10(a) to (d), expressed as a percentage of the same indicator for the pre-development flow pattern, is less than 66% or more than 133% be minimised; and

(b) at nodes A to E described in schedule 2, the extent to which the performance indicator, mentioned in section 10(e), expressed as a percentage of the same

indicator for the pre-development flow pattern, is less than 66% or more than 133% be minimised.

12 Environmental flow objectives (assessing impact of decisions)

For making a decision mentioned in section 18(2), the environmental flow objectives are that—

(a) at each node described in schedule 2, a performance indicator, mentioned in section 10(a) to (d), be—

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

(A) 66% of the indicator for the pre-development flow pattern;

(B) the indicator immediately before the decision is made; and

(ii) not more than the greater of the following—

(A) 133% of the indicator for the pre-development flow pattern;

(B) the indicator immediately before the decision is made; and

(b) at nodes A to E described in schedule 2, the performance indicator, mentioned in section 10(e), be—

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

(A) 66% of the indicator for the pre-development flow pattern;

(B) the indicator immediately before the decision is made; and

(ii) not more than the greater of the following—

(A) 133% of the indicator for the pre-development flow pattern;

(B) the indicator immediately before the decision is made.

Division 2 Water allocation security objectives

13 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.

14 Water allocation security objectives

For making a decision mentioned in section 18(2), the water allocation security objectives are that—

(a) the annual volume probability for a water allocation group be not less than the annual volume probability for the group immediately before the decision is made; 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.

Part 5 Strategies for achieving outcomes

Division 1 Preliminary

15 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 2 Decisions made under this plan

16 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 *Integrated Planning Act 1997,* about taking overland flow water mentioned in section 44(1)(a) or (d); or

(d) to grant a water entitlement to an entity named in the resource operations plan for 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; or

(f) to grant a water entitlement to Dalby Town Council for 300 ML of high priority water for town water supply associated with the raising of Loudoun weir; or

(g) to grant under the resource operations plan, to each of the following entities, a water entitlement under which the average volume of water available to be taken is not more than the volume mentioned, for the entity—

(i) BJ Hill of 'Oakey Park'—750 ML from the Culgoa River and Oakey Creek;

(ii) GW & SR Bowhay of 'Buckinbah'—1 250 ML from the Balonne River.

17 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) A decision mentioned in subsection (1) includes a decision about an application, in relation to taking water under an authorisation, made but not dealt with before the commencement of this plan.

18 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 section 11.

(2) All other decisions, including a decision about the water allocation change rules to be stated in the resource operations plan, must be consistent with—

(a) the environmental flow objectives mentioned in sections 11 and 12; and

(b) the water allocation security objectives mentioned in section 14.

(3) Subsections (1) and (2) do not apply to a decision made in preparing or applying the event management rules for the Lower Balonne.

19 Assessing impact of decisions

(1) The IQQM computer program's simulation for the simulation period and the Lower Balonne decision support tool are used to assess—

(a) for section 17—whether the average volume of water available to be taken would increase; and

(b) for section 18—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 or the Lower Balonne decision support tool, 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 or the Lower Balonne decision support tool.

20 Calculation of performance indicators

(1) Subsection (2) 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.

(2) 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

21 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.

22 Authorisations relating to a single property

(1) Subsection (2) applies if 2 or more authorisations, for taking unsupplemented water in the Lower Balonne, relate to a single property.

(2) In preparing the resource operations plan, the chief executive must, if practicable, convert all authorisations relating to the property to a single water allocation.

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.

24 Unused authorisations in the upper and middle catchment

(1) Subsection (2) applies to allocations converted from authorisations—

(a) to take unsupplemented water in the upper and middle catchment; and

(b) for which works have not been installed (***sleeper allocations***).

(2) The chief executive must amend each sleeper allocation to ensure taking water under all sleeper allocations—

(a) will reduce only the volume of water taken under all other allocations (***non-sleeper allocations***) in the same water allocation group as the sleeper allocations or a water allocation group downstream of the water

allocation group to which the sleeper allocations belong; and

(b) will not reduce the total volume of water taken under all non-sleeper allocations in any water allocation group, in the upper and middle catchment, by more than 2.5%; and

(c) will not reduce the total volume of water taken under allocations in the Lower Balonne; and

(d) will not reduce the reliability of water supplied from Beardmore Dam; and

(e) will not adversely affect achieving the ecological outcomes of this plan.

Subdivision 2 Supplemented water

25 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

26 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.

(3) However, the maximum rate for taking water, for a water allocation to take unsupplemented water in the Lower Balonne, is the rate in megalitres a day decided by the chief executive under subsections (1) and (2), and reduced by 5%.

(4) A water allocation may include more than 1 maximum rate and flow conditions.

(5) Subsections (1) and (2) do not limit the matters the chief executive may consider.

27 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—

(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.

(4) The chief executive must impose a condition, on an allocation for taking water in the Lower Balonne, stating the parcels of land on which water taken under the allocation may be stored.

(5) The chief executive must impose a condition on an allocation, converted from an authorisation held by SunWater for water harvesting in the St George Water Supply Scheme, that limits the land to which water may be supplied under the allocation.

28 Volumetric limit for unsupplemented water in the upper and middle catchment

In deciding the volumetric limit for taking water under an allocation for unsupplemented water in the upper and middle catchment, 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 26; and

(ii) the conditions for taking the water, decided under section 27; 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.

29 Volumetric limit for unsupplemented water in the Lower Balonne

(1) The volumetric limit for taking water under an allocation for unsupplemented water in the Lower Balonne is—

(a) for an authorisation held by SunWater for water harvesting in the St George Water Supply Scheme—35 000 ML a water year; and

(b) for other authorisations, the volumetric limit decided by the chief executive having regard to the lesser of—

(i) the total capacity of existing works for storing water on the property; and

(ii) the volume decided by the chief executive based on information supplied by the authorisation holder for the infrastructure assessment.

(2) To establish the total capacity for subsection (1)(b)(i), the authorisation holder must give the chief executive a certificate in the approved form from a registered professional engineer.

(3) However, the volumetric limit for an authorisation mentioned in schedule 4, column 2, held on the commencement of this plan by the entity mentioned opposite the authorisation in column 1, is the total of—

(a) the volumetric limit decided by the chief executive, for the authorisation, under subsection (1)(b); and

(b) the volumetric limit stated in schedule 4, column 3, for the authorisation.

(4) If more than 1 authorisation is mentioned in schedule 4, column 2 for an entity, the volumetric limit stated in column 3 is the total for the authorisations for the entity.

(5) An authorisation mentioned in subsection (3) includes another authorisation that replaces the authorisation before the resource operations plan is approved.

(6) Subsection (1)(b) does not limit the matters the chief executive may consider.

30 Nominal volume for unsupplemented water

The nominal volume for a water allocation to take unsupplemented water is—

(a) for an authorisation that states an area that may be irrigated—the volume, in megalitres, calculated by multiplying the area, in hectares, by 6; and

(b) for another authorisation—the volume decided by the chief executive having regard to—

(i) the local availability of water; and

(ii) the maximum rate for taking the water, decided under section 26; and

(iii) the conditions for taking the water, decided under section 27; and

(iv) the volumetric limit for the water, decided under section 28 or 29; and

(v) the water sharing rules in the resource operations plan.

Division 4 Resource operations plan

Subdivision 1 General

31 Preparation of resource operations plan

In preparing the resource operations plan, the chief executive must consider the following options for achieving the ecological outcomes, stated in this plan, for the sustainable management of water—

(a) improving the management of water stored and subsequently released for stock and domestic purposes;

(b) changing, removing or constructing works for improving the passage through the watercourse system of environmentally significant flows;

(c) storing and releasing water for environmental purposes;

(d) making use of privately-owned facilities for storing and releasing water for environmental purposes;

(e) improving monitoring of flows;

(f) improving the management of instream water infrastructure.

32 Water sharing rules for water in plan area

(1) The water sharing rules in the resource operations plan, for water in a part of the plan area, must state the circumstances under which a water entitlement holder—

(a) may start taking water; and

(b) must stop taking water.

(2) In deciding the water sharing rules for a part of the plan area, 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 part of the plan area; and

(c) the following—

(i) the maximum rates for taking water, decided under section 26;

(ii) the conditions for taking water, decided under section 27;

(iii) the volumetric limits for water, decided under section 28 or 29; and

(d) any other authorisations to take water in the part of the plan area; and

(e) for authorisations that state an area that may be irrigated—the local availability of water; and

(f) for other authorisations—the availability of water in the part of the plan area for the water allocation group to which the allocations relate.

33 Additional water sharing rules for water in the upper and middle catchment

(1) The water sharing rules may state that, for taking water in the upper and middle catchment, despite the volumetric limit for taking water under a water allocation, decided under section 28, the limit does not apply to the allocation while—

(a) the holder of the allocation continues taking and storing water using only the works used to take and 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; and

(e) if the water sharing rules require the holder to give the chief executive any information about the works—the holder complies with the requirement.

(2) In subsection (1)—

change, in relation to a water allocation, has the meaning given by the Act, section 128.

34 Additional water sharing rules for water in the Lower Balonne

(1) The water sharing rules must state that—

(a) a water entitlement's volumetric limit is the maximum volume of water that may be stored at any time on the property to which the entitlement relates; and

(b) the holder of the entitlement may not take water under the entitlement if a volume of water equivalent to the holder's volumetric limit is in storage on the property at the time; and

(c) despite sections 26(3) and 49(1)(b), for 5 years after the commencement of this section, the holder of a water entitlement may take 5% more than the maximum rate for taking water stated on the entitlement.

(2) In subsection (1)—

water entitlement means—

(a) either of the following—

(i) a water allocation to take unsupplemented water in the Lower Balonne;

(ii) a water licence to take overland flow water in the Lower Balonne; and

(b) for subsection (1)(a) and (b)—does not include a water entitlement held by SunWater for water harvesting in the St George Water Supply Scheme.

35 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.

(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.

36 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.

Subdivision 2 Event management rules for the Lower Balonne

37 Flow event management

(1) The environmental management and water sharing rules in the resource operations plan must contain rules for managing flow events in the Lower Balonne.

(2) In deciding the rules, the chief executive may consider the following options—

(a) releasing stored water from Beardmore Dam and Jack Taylor Weir, including water stored for short periods of time above full supply level;

(b) allowing trading in water entitlements, to achieve environmental outcomes.

(3) Subsection (2) does not limit the matters the chief executive may consider.

38 Managing low flows

(1) The purpose of the rules for managing low flows is to maximise environmental benefits and the reliability of supply of water for stock and domestic purposes.

(2) To achieve the purpose, the rules must ensure that, if an inflow occurs to Beardmore Dam and more than 12 months has passed since a flow through event, the likelihood of a flow through event is maximised by—

(a) releasing water that has been stored for stock and domestic purposes; and

(b) if the release mentioned in paragraph (a) is not likely to result in a flow through event, both—

(i) if the threshold for water harvesting has been reached—

(A) reducing water harvesting to 90% for the period of the flow event up to a maximum period of 5 days; and

(B) reducing by up to 10% the volume of water that could have been taken by weirs below the Jack Taylor weir; and

(ii) managing bifurcation weirs; and

(c) if the actions mentioned in both paragraphs (a) and (b) are not likely to result in a flow through event—releasing up to 10% of the inflow that would usually be stored for use under water allocations in the St George Water Supply Scheme.

(3) In deciding the rules, the chief executive—

(a) must consider making use of privately-owned facilities for the storage and subsequent release of water; and

(b) must ensure that—

(i) water made available under a rule mentioned in subsection (2) is taken only for stock or domestic purposes; and

(ii) during subsequent flow events after the rules mentioned in subsection (2) have been followed,

priority is given to replacing water released under a rule mentioned in subsection (2)(c).

39 Managing medium flow events

(1) The purpose of the rules for managing medium flow events is to provide for improved flows, especially low and medium flows, that mimic the natural variability of the river system and floodplains.

(2) To achieve the purpose, the rules must ensure that, if a flow event happens in either of the following circumstances, water harvesting must be reduced to 90% for the period of the flow event up to a maximum period of 5 days—

(a) more than 2 years has passed since a flow event with a peak of at least 60 000 ML a day at Jack Taylor weir;

(b) more than 3 years has passed since a flow event with a peak of at least 100 000 ML a day at Jack Taylor weir.

40 Managing Narran Lakes filling flow events

(1) The purpose of the rules for managing Narran Lakes filling flow events is to improve water availability for bird-breeding in the Narran Lakes Ramsar site.

(2) The rules must ensure that, if a flow event of a volume sufficient to fill the Narran Lakes Ramsar site under the pre-development flow pattern occurs during the winter bird-breeding months, water harvesting must be reduced to 90% for the period of the flow event up to a maximum period of 10 days.

(3) The rules must also ensure that, if both of the following happen, water harvesting must be reduced to 90% for the period of the flow event up to a maximum period of 10 days—

(a) the Narran Lakes Ramsar site has filled during the winter bird-breeding months;

(b) within 4 months after the site has filled, a flow event that would re-fill the site under the pre-development flow pattern occurs.

41 Application of rules mentioned in ss 38–40

If more than 1 of the rules mentioned in sections 38, 39 and 40 apply in particular circumstances, the maximum period for which water harvesting may be reduced is the greater of the periods mentioned in the rules that apply.

42 Compensation rules for flow event management

(1) If the taking of unsupplemented water has been reduced because of flow event management, the resource operations plan must contain rules that allow holders of water entitlements to take unsupplemented water to take additional water to compensate them for the reduction.

(2) In deciding the rules, the chief executive must—

(a) consider options for water entitlement holders to take water at times of high water availability; and

(b) ensure any increase in the taking of water under the rules does not adversely affect the achievement of the purposes for flow event management; and

(c) ensure any increase in the taking of water under the rules does not adversely affect the ability of other entitlement holders to take water under their entitlements; and

(d) ensure the additional water is taken as soon as practicable and not carried over.

Subdivision 3 Other rules for the Lower Balonne

43 Water sharing rules for the St George Water Supply Scheme

(1) The resource operations plan must contain water sharing rules for water allocations managed under the St George Water Supply Scheme.

(2) The rules must state—

(a) the extent to which the difference between a water allocation holder's nominal volume and the volume of

water taken in a water year may be taken in the following year (the ***carry over volume***); and

(b) the extent to which a water allocation holder may take more than the holder's available allocation in a water year by drawing on the holder's available allocation for the following year (the ***forward draw volume***).

(3) In deciding the rules, the chief executive must ensure—

(a) the total of carry over volumes for water allocations in the St George Water Supply Scheme is not more than 20% of the total of the nominal volumes for allocations managed under the scheme in the water year; and

(b) the total of forward draw volumes for water allocations in the St George Water Supply Scheme is not more than 10% of the total of the nominal volumes for allocations managed under the scheme in the water year; and

(c) the taking of forward draw volumes does not adversely affect the reliability of supply of other supplemented water allocations; and

(d) if forward draw volumes are taken in a water year—

(i) until the end of the water year, the dam is operated to spill at full supply level less the volume that is equivalent to the total of the forward draw volumes; and

(ii) an allocation holder who has taken a forward draw volume, repays the forward draw as soon as is practicable.

Example for subparagraph (ii)—

if the allocation holder also holds a water allocation for water harvesting, by refraining from water harvesting until the forward draw has been repaid

(4) For deciding the water sharing rules, the total volume of water carried over under arrangements in place on 1 July 2004 is taken to be 20% of the total of the nominal volumes for all allocations managed under the scheme.

(5) In subsection (2)(b)—

available allocation, for a water allocation in a water year—

(a) means the volume of water that, under the water sharing rules, may be taken under the allocation during the water year; and

(b) does not take into account any carry over volume or forward draw volume relating to the water allocation.

Division 5 Regulation of overland flow water

44 Limitation on taking overland flow water—Act, s 20(6)

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

(a) for stock or domestic purposes;[2] or

(b) under an authority under section 46; or

(c) under an authorisation; or

(d) overland flow water—

(i) of not more than the amount necessary to satisfy the requirements of—

(A) an environmental authority under the *Environmental Protection Act 1994*; or

(B) a development permit for carrying out an environmentally relevant activity, other than a mining or petroleum activity, 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'.[3]

2 See section 20(4) of the Act.

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

45 Decisions about taking overland flow water

(1) In deciding an application under the Act or the *Integrated Planning Act 1997* 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.

46 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;[4]

(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 plan; 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.

4 See schedule 5, definition *existing works*, paragraph 2.

47 Granting water licences for authorities under s 46

(1) This section applies if—

(a) an owner of land is authorised under section 46 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 may—

(a) under section 212[5] of the Act, grant a water licence to replace the authority under section 46; 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.

48 Granting or amending water licences under the resource operations plan process

(1) For granting, under section 212 of the Act, a water licence to replace an authority under section 46, 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 46; and

(ii) water under another authorisation; and

5 Section 212 (Granting a water licence under a plan process) of the Act

(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 47 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.

49 Water licences for taking overland flow water in the Lower Balonne

(1) A water licence for taking overland flow water in the Lower Balonne, granted to replace an authority under section 46, must include a maximum rate, in megalitres a day, and the flow conditions for taking the water, decided by the chief executive—

(a) having regard to the lesser of—

(i) the rate and flow conditions under which water can be taken using the works, decided by the chief executive based on information supplied by the authorisation holder for the infrastructure assessment; and

(ii) the actual rate and flow conditions under which the works can take water; and

(b) reduced by 5%.

(2) To establish the rate and flow conditions for subsection (1)(a)(ii), the authorisation holder must give the chief executive a certificate in the approved form from a registered professional engineer.

(3) A water licence mentioned in subsection (1) must also include a volumetric limit decided by the chief executive under section 29(1)(b), (2) and (3) as if the water licence were a water allocation for unsupplemented water.

(4) The chief executive must impose a condition on the water licence stating the parcels of land on which water taken under the licence may be stored.

(5) If levee banks constructed on the property reduce the amount of water that infiltrates the soil during flooding, the chief executive must impose a condition on the water licence to ensure there is no reduction in downstream flows if the levee banks are changed or removed or are, for any other reason, no longer fulfilling the purpose for which they were constructed.

(6) The water licence may include more than 1 maximum rate and flow conditions.

(7) A water licence mentioned in this section must be granted for the remainder of the period of time this plan is in force.[6]

(8) Subsections (1) to (3) do not limit the matters the chief executive may consider.

50 Relationship with Integrated Planning Act 1997

(1) Works that allow taking overland flow water, other than works mentioned in subsection (3), are assessable development for the *Integrated Planning Act 1997*, schedule 8, part 1, item 3B(c)(i).

(2) Subsection (1) does not apply to repairs or maintenance to works mentioned in section 46 or works constructed under a development permit, that do not alter the design of the works.

(3) Works for taking overland flow water for stock or domestic purposes are self-assessable development for the *Integrated Planning Act 1997*, schedule 8, part 2, item 9A(b)(i).

6 However, see section 218 (Other amendments chief executive may make to water licence) of the Act.

Division 6 Miscellaneous provisions

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

(1) This section continues, in part, the effect of the public notice, published on 20 September 2000, of the proposed preparation of a water management plan for the plan area—

(a) taken, under the Act, section 1039(2)(b), to be a moratorium notice; and

(b) amended on 9 June 2001, 16 August 2001, 29 October 2001 and 3 December 2003.

(2) Until the resource operations plan is approved—

(a) new works must not be physically started; and

(b) completed works in existence must not be raised, enlarged or deepened.

(3) Subsection (2) applies only to—

(a) works that would increase the taking of water from a watercourse, lake or spring; and

(b) works for taking water from a watercourse, lake or spring that would have the effect of increasing the taking of overland flow water in the plan area; and

(c) works that would increase the taking of overland flow water.

(4) This section does not apply to—

(a) works for taking water under an authorisation that states an area that may be irrigated; or

(b) works for taking only supplemented water; or

(c) works being completed in accordance with a variation of the moratorium notice mentioned in subsection (1); or

(d) works for taking water under a water permit; or

(e) works for taking water under section 20(2), (3), (4) or (5) of the Act.

(5) However, this section applies to works for storing water taken under an authorisation mentioned in subsection (4)(a).

(6) Subsection (2) continues to apply to works mentioned in subsection (3)(c) until 1 February 2005.

52 Measuring devices

(1) A measuring device must be used to measure the volume of the following—

(a) water taken under a water entitlement to take water in the plan area;

(b) floodwater taken in the plan area;

(c) overland flow water taken from the Lower Balonne.

(2) Subsection (1) applies in the circumstances mentioned and on the day a regulation prescribes the matters mentioned in section 1014(2)(d) of the Act, in relation to meters.

53 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 0.5 m 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

54 Monitoring

(1) The monitoring requirements for the plan are—

(a) water monitoring for—

(i) volume, frequency, duration and season of streamflows; and

(ii) taking water; and

(iii) water quality; and

(b) natural ecosystems monitoring, for the condition of riverine habitats including the following—

(i) waterholes and lake ecosystems;

(ii) stream-bed habitats;

(iii) upper and in-channel riparian zones;

(iv) floodplains;

(v) wetlands.

(2) The monitoring requirements are to be achieved by—

(a) monitoring programs undertaken by water infrastructure operators under a resource operations plan; and

(b) monitoring programs undertaken by community groups with relevant State agencies; and

(c) monitoring programs administered by relevant State agencies.

55 Monitoring programs undertaken by water infrastructure operators

(1) Each water infrastructure operator must develop and undertake monitoring programs, satisfactory to the chief executive, that include monitoring water, for the matters stated in section 54(1)(a), in the water supply scheme in which the operator manages water.

(2) The programs must include monitoring the following—

(a) water quantity including—

(i) the flow of water at gauging stations; and

(ii) the volumes of water and the times when the water is supplied and taken; and

(iii) inflows of water to dams or weirs; and

(iv) the quantity of water released from a dam or weir for each of the following—

(A) consumption;

(B) the environment;

(C) the operation of fish ways;

(D) any other purpose stated by the chief executive; and

(v) the level of water in a dam or weir;

(b) water quality including—

(i) temperature; and

(ii) biological, chemical and physical measurements;

(c) the operation of outlet works for a dam including, for example, multi-level offtakes.

(3) The monitoring programs must assist in enabling the chief executive to assess the effectiveness of the strategies under part 5.

56 Water infrastructure operators to give reports

(1) Each water infrastructure operator must give the chief executive a written report containing the following—

(a) details of the information obtained by monitoring the matters mentioned in section 55;

(b) details of decisions made by the operator in managing water and water infrastructure, including, for example, decisions about the following—

(i) making water available to water users under the operator's usual procedures for managing water in a water supply scheme;

(ii) managing the flow of water;

(iii) restrictions on the taking or supply of water;

(iv) infrastructure modifications or installations;

(c) information about any non-compliance by the operator with a resource operations plan for the area;

(d) details about remedial action taken by the operator—

(i) in relation to a requirement under a resource operations plan; or

(ii) in response to an event or thing affecting water quality;

(e) details of any emergency action taken by the operator that may affect the achievement of the outcomes under part 3.

(2) A report about a matter mentioned in subsection (1)(a), (1)(b)(i) or (1)(b)(ii) must be given—

(a) for each financial year in which the operator manages water under this plan; and

(b) within 3 months after the end of the financial year to which the report relates.

(3) A report about a matter mentioned in subsection (1)(b)(iii), (1)(b)(iv), (1)(c) or (1)(d) must be given within 1 month after the matter happens.

(4) A report about a matter mentioned in subsection (1)(e) must be given the next business day after the action is taken.

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

(1) The Minister's report[7] on this plan must be prepared—

(a) for the first report—after the commencement of the resource operations plan; and

7 See section 54 (Matters the reports must include) of the Act.

(b) for subsequent reports—for each financial year this plan is in force and within 6 months after the end of the financial year to which the report relates.

(2) The report prepared 5 years after the commencement of this plan must include information on—

(a) the accuracy of flow gauging in the plan area; and

(b) community views on implementation of this plan; and

(c) the appropriateness of the performance indicators for achieving this plan's outcomes; and

(d) progress in the research and monitoring of this plan's outcomes for the Narran Lakes and the Culgoa floodplain; and

(e) the effectiveness of the event management rules for achieving this plan's outcomes.

Part 7 Implementing and amending this plan

Division 1 General

58 Implementation schedule

(1) This section states—

(a) the proposed arrangements for implementing this plan; and

(b) the priorities for the conversion to, or granting of, water allocations.

(2) Within 1 year after the commencement of this plan, it is proposed to prepare a resource operations plan—

(a) to convert the following authorisations to water allocations—

(i) authorisations to take supplemented water;

(ii) authorisations to take unsupplemented water, other than authorisations that state an area that may be irrigated or authorisations for water spreading; and

(b) to grant water licences to replace authorities under section 46 to take overland flow water in the Lower Balonne; and

(c) to make environmental management rules, water sharing rules, water allocation change rules and seasonal water assignment rules; and

(d) to implement the monitoring requirements in part 6.

(3) Section 217 of the Act applies to the part of an authorisation, mentioned in subsection (2)(a), that is a water licence not converted to a water allocation.

(4) Within 5 years after the commencement of this plan, it is proposed to prepare a new resource operations plan or amend the plan mentioned in subsection (2) to convert to water 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.

59 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 of part 5, division 3,[8] that—

8 Part 5, division 3 (Conversion of authorisations to water allocations)

(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;

(c) an amendment of section 38, 39 or 40[9] if the amendment is to improve the efficiency of the operation of a rule and achieves an equivalent or improved environmental outcome;

(d) an amendment of section 51[10] if notice of the amendment is published as if it were a moratorium notice under section 26 of the Act;

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

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

Division 2 Advisory councils

60 Establishment of advisory councils

The Minister, under section 1005 of the Act, intends to establish—

(a) the Water Advisory Council (Lower Balonne) (the ***Lower Balonne council***), to increase community awareness and understanding of, and involvement in, the management of water resources in the Lower Balonne; and

(b) other advisory councils the Minister considers appropriate for other parts of the plan area.

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9 Section 38 (Managing low flows), section 39 (Managing medium flow events) and section 40 (Managing Narran Lakes filling flow events)

10 Section 51 (Continued effect of moratorium notice—Act, s 46(3))

61 Membership of advisory councils

(1) An advisory council is to consist of the members, appointed by the Minister, representing stakeholders in the part of the plan area for which the council is established and downstream of the part.

(2) In subsection (1)—

stakeholder includes a person with a cultural, economic or environmental interest in water use.

62 Role of advisory councils

(1) An advisory council's role is—

(a) to advise the Minister on the implementation of this plan; and

(b) to assist the chief executive in the development and implementation of the resource operations plan; and

(c) to liaise with any other advisory council in the plan area; and

(d) to assist with the implementation of any agreement made between the State and New South Wales about water in the plan area or downstream of the plan area.

(2) The chief executive may seek the Lower Balonne council's advice on—

(a) the implementation and operation of flow management; and

(b) the development of real time monitoring to support flow management; and

(c) research and monitoring programs, including programs to improve understanding of the ecological functioning of the Lower Balonne and the floodplain downstream of the plan area, and its ecological assets; and

(d) the further development and use of the Lower Balonne decision support tool; and

(e) ensuring the best data and science is available to assist in the development of the resource operations plan.

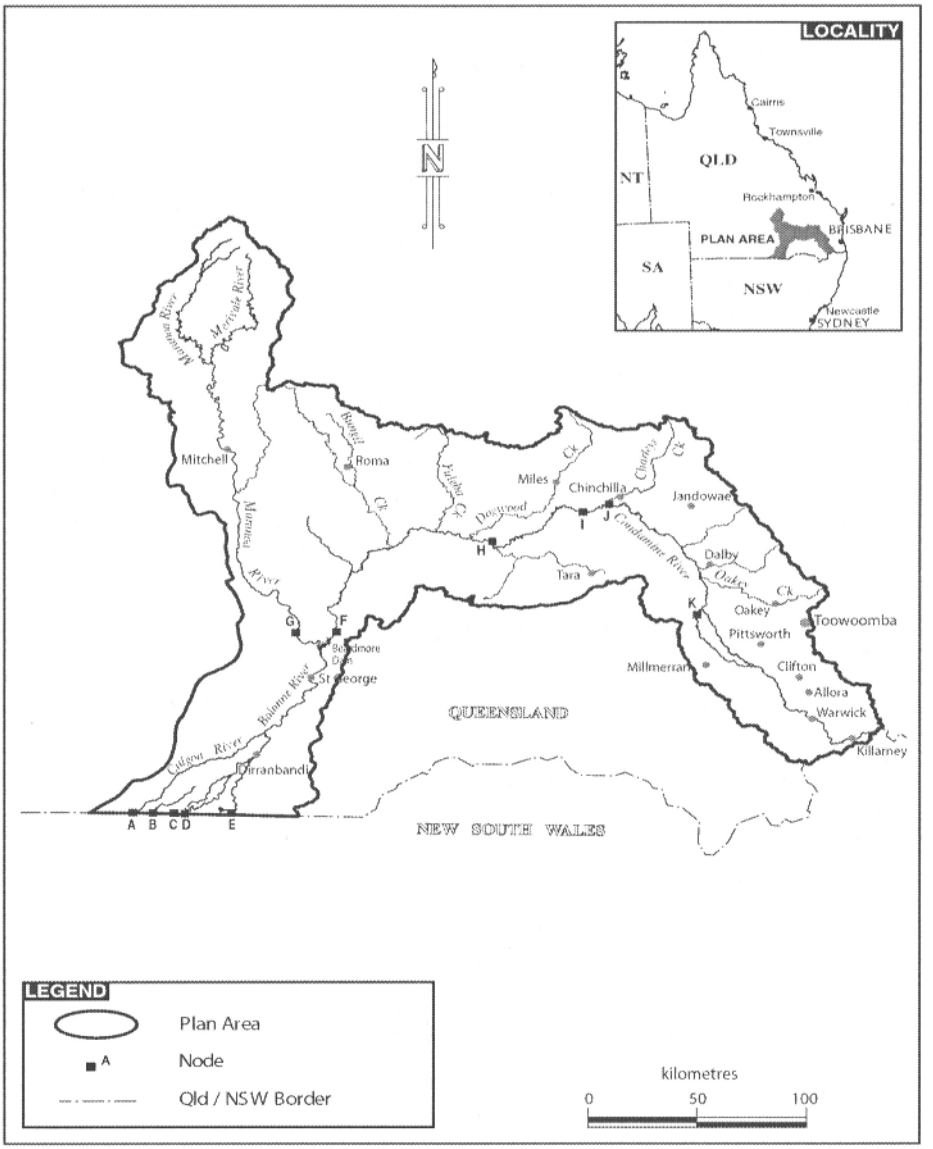
(3) The chief executive may, in relation to the Lower Balonne council, develop procedures for—

(a) seeking the council's advice on the matters mentioned in subsection (2); and

(b) ensuring the timely implementation of the event management rules.

Schedule 1 Plan area and nodes

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



Schedule 2 Node descriptions

sections 7, 11 and 12

Node	Location
A	Culgoa River at the border of the State and New South Wales
B	Briarie Creek at the border of the State and New South Wales
C	Ballandool River at the border of the State and New South Wales
D	Bokhara River at the border of the State and New South Wales
E	Narran River at the border of the State and New South Wales
F	Balonne River at the upstream limit of the impounded area of the E.J. Beardmore Dam (AMTD 280 km)
G	Maranoa River at Old Cashmere gauging station (AMTD 29.3 km)
H	Condamine River at Cotswold (AMTD 537.5 km)
I	Condamine River at the downstream border of the Chinchilla water supply scheme (AMTD 643.7 km)
J	Condamine River at the upstream limit of the impounded area of the Chinchilla Weir
K	Condamine River at the Cecil Plains Weir (AMTD 891.1 km)

Schedule 3 Pump sizes and maximum rates

section 26

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
780 to 810	200	235

Schedule 4 Volumetric limits in the Lower Balonne

section 29

Column 1 Entity	Column 2 Authorisation	Column 3 Volumetric limit in ML
NC & ML Bligh	103561	2120
Olathree Pty Ltd	43214Q and 43285Q	1849
IE & RB Walker	54263Q	473
DT, DM, P & L Crothers	00926Q and 54383Q	600
Camcott Pty Ltd	25970Q	4708
LK Han and CN Han	104465, 39487Q and171140	1548
JD & MM Benn	49258Q	1072
CG & LFJ Price	54360Q and 54358Q	3418
CA Saunders	49255WQ	360
Bimbil Pty Ltd	54283Q and 104650	804
AD & GI Brimblecombe Ingaby	104750 and 43227Q	4678
GA Ferguson	49183WQ and 54343Q	1366
IR Brimblecombe, AM Brimblecombe, SW Brimblecombe, AD Brimblecombe and Ors	54201Q and 54203Q	3440
CJ Lee	104410	158
Wippell and Brimblecombe	49206WQ	3612
Riversands Vineyards Pty Ltd	49256WQ	158

Schedule 4 (continued)

M Brischetto, AJ Brischetto and RR Brischetto	49116Q	860
KP Benn and AJ Benn	54212Q	2242
St George Golf Club	104297 and 104301	197
Table Grape Growers of Australia Pty Ltd	100944, 100945, 49221WQ, 49223WQ and 49220WQ	848
WD Knights	49208Q	520
DH Hardie and PA Hardie	40054Q	1182
KD & SM Radke and JC & CE Burrell	38356Q	1576
LA Fidock and DL Fidock	61376Q	322
FRM & KF Sevil	39976Q	1030
PM Redgen and PA Redgen	171197	2538

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.

1 in 10 year flood means the daily flow that has a 10% probability of being reached at least once a year.

45% annual volume probability, for a water allocation group, 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) for part 5, division 3—includes a development permit for works for taking water under the authorisation.

Schedule 5 (continued)

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.

event management rules are the rules for the management of flow events, mentioned in part 5, division 4, subdivision 2.

existing works—

1. *Existing works* means works that—
   (a) allow taking—
      (i) overland flow water; and
      (ii) for section 29, water from a watercourse, lake or spring; 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 subsubparagraph (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.[11]

11 See section 20 (Authorised taking of water without water entitlement) of the Act.

Schedule 5 (continued)

flow event means a flow of a volume above the threshold for water harvesting.

flow through event means a flow that passes through the entire watercourse system, for example, an inflow at Beardmore Dam that reaches the Darling River.

infrastructure assessment means the infrastructure assessment conducted by the chief executive between November 2002 and April 2003 for the St George and Lower Balonne area.

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.

Lower Balonne means—

(a) the impoundment of Beardmore Dam; and

(b) the watercourses in the plan area downstream of the dam; and

(c) the part of the plan area, downstream of the dam, over which floodwater from the Balonne River and its distributory streams intermittently flows.

Lower Balonne council see section 60.

Lower Balonne decision support tool means—

(a) the department's spatial modelling computer program—

(i) based on the program originally developed by the Lower Balonne Advisory Committee during phase 2 of the Lower Balonne Floodplain Management Study; and

(ii) used to predict the duration and magnitude of flooding in the Lower Balonne and the floodplain downstream of the plan area, for a flow event passing Jack Taylor weir; and

Schedule 5 (continued)

(b) in relation to making an assessment—the version of the program current at the time of the assessment.

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.

Narran Lakes Ramsar site means the parts of the Narran Lakes listed as Wetlands of International Importance under the Ramsar Convention, an international convention, signed in Ramsar, Iran, for the protection of wetlands.

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.

property, for part 5, division 3, means 1 or more parcels of land operated as a single enterprise.

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

simulation period means the period from 1 July 1922 to—

(a) 30 June 1995; or

(b) if the data necessary for a longer period is available to the chief executive, a later date decided by the chief executive.

started, for existing works, means—

Schedule 5 (continued)

(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, by 9 June 2001, either—

(i) construction had started; or

(ii) the chief executive had given written confirmation to the owner of the land on which the works are situated that the works were started; 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[12] 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.

St George Water Supply Scheme means Beardmore Dam, Jack Taylor weir, Moolabah weir, Buckinbah weir and the area supplied by supplemented water allocations from the dam and weir storages.

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.

12 *Local Government Act 1993*, section 940 (Issue of permit)

Schedule 5 (continued)

threshold for water harvesting means the minimum volume of flow in a watercourse before water may be taken under a water allocation for unsupplemented water in relation to the watercourse.

unsupplemented water means water that is not supplemented water.

upper and middle catchment means the plan area other than the Lower Balonne.

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.

water harvesting, for the Lower Balonne, means—

(a) the taking of water under a water allocation for unsupplemented water; and

(b) the taking of overland flow water under a water licence.

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.

water year, for the St George Water Supply Scheme, means—

(a) the period of 12 months ending on 30 June; or

(b) if a different period is stated in the resource operations plan—the period stated.

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.

winter bird-breeding months means 1 April to 31 August in a year.

Schedule 5 (continued)

works that allow taking overland flow water include—

(a) storages, sumps, drains, embankments, channels, pipes 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).

ENDNOTES

1. Approved by the Governor in Council on 5 August 2004.
2. Notified in the gazette on 12 August 2004.
3. Laid before the Legislative Assembly on . . .
4. The administering agency is the Department of Natural Resources, Mines and Energy.