

Queensland



Explanatory Notes for SL 2003 No. 318

Water Act 2000

WATER RESOURCE (BORDER RIVERS) PLAN 2003

GENERAL OUTLINE

Title—*Water Resource (Border Rivers) Plan 2003*.

Authorising Law—Chapter 2, Part 3, Division 2 of the *Water Act 2000*.

Policy objectives of the legislation and how the policy objectives will be achieved

The objectives of the Water Resource Plan ('the Plan') are to provide a framework for the allocation and sustainable management of surface water and overland flow water in the Plan Area, to allow for the co-ordinated management of water and related resources of the Border Rivers, through agreements made between the State and New South Wales, and to meet future water requirements, including the protection of natural ecosystems and security of supply to water users as required by the *Water Act 2000* ('the Act'). The Plan Area lies within the Murray Darling Basin, Australia's major river system, and consists of the Queensland portion of the Border Rivers Catchment (that is, the Dumaresq-Macintyre-Barwon Rivers and tributaries upstream of Mungindi).

The Water Resource Plan provides for the allocation and sustainable management of surface water and overland flow water by—

- defining the availability of water in the Plan Area;
- providing a framework for sustainably managing water and the taking of water;

- identifying priorities and mechanisms for dealing with future water requirements;
- providing a framework for establishing water allocations;
- providing Environmental Flow Objectives and Water Allocation Security Objectives;
- regulating the taking of overland flows;
- outlining the strategies to achieve the outcomes;
- providing a framework for reversing, where practical, degradation that has occurred in natural ecosystems, including, for example, stressed rivers; and
- requiring water and natural ecosystem monitoring to assess the effectiveness of strategies and objectives to achieve the outcomes.

Legislation Consistent with Policy Objectives of Authorising Law

The Subordinate Legislation is consistent with the policy objectives of the Act.

Estimated Cost for Government

Development of the proposed Final Plan is funded from the Department of Natural Resources and Mines' allocation for the Water Resource Plan development program. Funding for the development of the Resource Operations Plan, which will implement the Plan, has been allocated to the Department of Natural Resources and Mines under the Water Reform Implementation limited life special funds allocation. Accordingly, the Plan should not alter the present cost to Government of administering the Act.

Consistency with fundamental legislative Principles

The Subordinate Legislation is consistent with fundamental legislative principles.

Consultation

Government Departments and Agencies affected by the changes have been consulted in respect of the Plan. In addition, conservation,

agriculture, indigenous, tourism, recreation, industry, farming and local government groups have been consulted in accordance with the Water Resource Planning process as outlined in the Act.

Outcomes of community consultation have been outlined in a separate document “Border Rivers Water Resource Plan Consultation Report”.

Regulatory Impact Statement

There is no need to prepare a Regulatory Impact Statement for the approval of a Water Resource Plan under the Act (see section 58).

Notes on Provisions of the Plan

PART 1 – PRELIMINARY

- Clause 1* sets out the short title to the Subordinate Legislation (‘the Plan’).
- Clause 2* provides details on when parts of the Plan commence. The commencement of Part 5, Division 5 is delayed until 1 July 2004.
- Clause 3* states the purposes of the Plan.
- Clause 4* specifies that certain terms are defined in the dictionary in Schedule 6.

PART 2 – PLAN AREA AND WATER TO WHICH PLAN APPLIES

- Clause 5* states that the Plan applies to the Plan Area, which is shown in Schedule 1. The Plan Area consists of the Queensland portion of the Border Rivers Catchment (that is, the

Dumaresq-Macintyre-Barwon Rivers and tributaries upstream of Mungindi).

Clause 6 Identifies the office of the Department of Natural Resources and Mines, where details on boundaries of the Plan Area can be inspected.

Clause 7 defines nodes mentioned in the Plan. Nodes are specific locations on a watercourse within the Plan Area. These nodes are shown in Schedule 1 and are described in Schedule 2. At each node, stream flow characteristics are described and measured and where modelled, stream flows are estimated and reported for the purposes of testing consistency with the Environmental Flow Objectives.

Clause 8 States that the Plan applies to surface water and overland flow water. Surface water is water in a watercourse, lake or spring (including water collected in a weir or dam constructed across a watercourse, lake or spring) in the Plan Area. Overland flow water generally includes water runoff following rainfall, either before it enters the watercourse or after it discharges as floodwater from a watercourse. As only one Water Resource Plan may apply to any area at any given time, both surface water and overland flow water are dealt with in the Plan so as to provide a more comprehensive and sustainable approach to water management within the Border Rivers Plan Area. The Plan does not apply to aquifer systems, though it is envisaged that the Plan will be amended to include management of such systems.

PART 3 – OUTCOMES FOR SUSTAINABLE MANAGEMENT OF WATER

Clause 9 states the general and ecological outcomes for the allocation and sustainable management of water within the Plan Area. The Plan seeks to achieve a balance in the outcomes set out in the clause, which are concerned with—

- balancing water for economic, social and cultural uses and for the environment;
- providing for increased security and trading of water entitlements for water users;
- ensuring that water is available for both consumptive purposes and achieving ecological outcomes;
- providing support for high value production within the Stanthorpe Shire, through greater efficiency of water use;
- maintaining the health of stream and floodplain ecosystems and processes such as water quality, in order to achieve ecological outcomes;
- improving water use efficiency in the Plan Area;
- promoting greater understanding of factors affecting the health of these water systems;
- ensuring consistency with appropriate management strategies and commitments including the Murray Darling Basin Salinity Management Strategy, Murray Darling Basin agreements; and
- ensuring consistency with water sharing agreements and commitments between Queensland and New South Wales.
- The term 'balance' does not necessarily imply that each outcome will be given equal weighting or that any specific weighting is attached to any particular outcome. Instead, the weight given to each outcome will be dependant on the particular conditions and circumstances of a given Plan Area.

PART 4 – PERFORMANCE INDICATORS AND OBJECTIVES

Division 1 – Environmental flow objectives

Clauses 10-13 set out the Environmental Flow Objectives. Environmental Flow Objectives have been set at to address and achieve the general and ecological outcomes as stated in Part 3 of the Plan. Any decisions that are made under the Plan must comply with these objectives.

Clause 10 states the performance indicators for Environmental Flow Objectives. These indicators are measures or methods by which the objectives are tested when making a decision. Using these indicators allows limits to be placed on changes in the flow regime and accordingly, on the environmental impacts those changes may have. These indicators are selected because they are representative of different aspects of the flow regime considered significant for ecological reasons. The “1 in 2 year flood” relates to the daily river flow that has a 50% probability of being reached at least once a year.

Clause 11 sets out the Environmental Flow Objectives for the end of system flow from the Border Rivers catchment. The end of system flow sets the overall long-term balance between the volume of water to be made available for storage, losses and use within the Plan Area and the volume of water that is to be retained in the river for the environment and downstream users. The volume of water at the end of system and to the west of Mungindi must be at least 61% of the pre-development flow pattern. The pre-development flow pattern is the pattern of water flows, over a specified simulation period that would occur if there were no dams or water infrastructure on watercourses in the Plan Area and no water was being taken from watercourses or floodplains in the Plan Area.

For calculating this indicator, as for all the others, the value is assessed using a computer model over a long period. That

is, there is no requirement that the end of system flow be a particular value for any given year—what is required is that the modelling show that over the long-term, the average end of system flow will be at least 61% of what it would be under pre-development conditions.

Clause 12 states the Environmental Flow Objectives for all nodes in the Plan Area, as described in Schedule 2. Except for the end of system flow performance indicator, the value of each performance indicator listed in clause 10 should ideally fall between 66% and 133% of pre-development flow patterns, with the extent to which any values fall outside this range being minimised.

This means that when a decision is made that affects the level of one of these indicators, the decision maker should favour decisions that bring the value of the indicator closer to this range.

Clause 13 states the Environmental Flow Objectives for making decisions in relation to clause 19(2) of the Plan. The value for end of system flow should not be less than it was prior to making the decision. The value for all other performance indicators should either—

- fall within 66% and 133% of the pre-development flow pattern value or,
- if the indicator value immediately prior to making the decision is outside this range, any decision made under the Plan must ensure that the value of the performance indicator is not less than it was immediately before the decision was made.

That is, if the value of an indicator is already within the target range, the value must stay within that range. If the value is outside of the range, then the value must not get worse.

Division 2 – Water allocation security objectives

Clause 14-15 set out the Water allocation security objectives. Water allocation security objectives are designed to ensure that future decisions made under the Plan do not affect the probability of groups of water users being able to obtain their water entitlement. Any decisions made under the Plan must comply with these objectives. It is important to note that these objectives do not represent a prediction or guarantee of future performance of water allocations in any particular year. Actual performance will depend on prevailing climatic factors and water demand distribution patterns as well as the way individual water users choose to use their water entitlements.

Clause 14 states the performance indicators for water allocation security objectives. These performance indicators are calculated for a group of allocations – that is the indicator is a collective one, and is not calculated for individual allocations.

For supplemented water allocations, the annual volume probability is the average annual volume of water taken by the group, expressed as a percentage of total nominal volumes for the group.

For unsupplemented water allocations the annual volume probability represents the percentage of years where the volume taken by a group of water users is at least equal to the total of the nominal volumes of the group. For example, for a group of 10 allocations, each with a nominal volume of 100 megalitres, the annual volume probability will be the number of years in the simulation period when the group would have been able to take at least 1,000 megalitres.

For both supplemented and unsupplemented water allocations, the 45% annual volume probability equates to the percentage of years over the long term that each group of water users could expect to be able to take 45% of their nominal volumes.

Clause 15 states the water allocation security objectives for making decisions in relation to clause 19(2) of the Plan. These objectives prevent a decision being made that would cause a reduction in the security of water entitlements of a water allocation group. In making such a decision, the performance indicators for both supplemented and unsupplemented water must not be less than they were immediately prior to making the decision.

PART 5 – STRATEGIES FOR ACHIEVING OUTCOMES

Division 1 - Preliminary

Clause 16 states that this Part details the strategies that will be used to achieve the outcomes of Part 3. These strategies have been designed to integrate and be consistent with Queensland's commitments to various agreements and obligations for advancing the sustainable management of water.

Division 2 – Decisions made under this Plan

Clause 17 states which decisions concerning the allocation or management of water in the Plan Area that this division does not apply to.

Clause 18 prevents the chief executive from making a decision that would effectively result in an increase of the average volume of water available to be taken in the Plan Area. This means that any application must be assessed to determine the long-term impact on the total amount of water taken from the system. If approving the decision would result in an increase, the application must be refused.

The chief executive still has the ability to make decisions that would allow taking of unallocated water, thus increasing the annual total volume of water allowed to be

taken, where that water has been granted or reserved under the Resource Operations Plan or has been granted by way of a licence under s212 of the Act for a ‘significant project’.

Clause 19 requires decisions made relating to the preparation of the first Resource Operations Plan to be consistent with the Environmental Flow Objectives outlined in clauses 11 and 12. All other decisions must be consistent with environmental and security objectives detailed in clauses 12, 13 and 15 of the Plan. Water allocation security objectives will not take effect until water entitlements have been converted to tradeable water allocations. The conversion of entitlements to tradable water allocations will only occur after the first Resource Operations Plan has been finalised.

Clause 20 states that in making a decision under the Plan the Integrated Quantity and Quality Model (IQQM), or another method the chief executive approves of which is at least as accurate as the IQQM, will be used to assess whether or not—

- a decision in relation to clause 18 would result in an increase in the annual average total volume of water that can be taken in the Plan Area; and
- a decision made under clause 19 would be consistent with objectives listed in Part 4 of the Plan.

The Chief executive may also have regard to other matters when making these assessments. The objectives in Part 4 of the Plan relate to the conditions experienced during the simulation period (1 January 1890—30 September 2000). They are not a projection or prediction of future performance, but instead define performance standards, assuming that future flow patterns will be similar to historical flow patterns. As such, the testing of compliance with the objectives is done by using the simulation data for this period.

There is no requirement to use the IQQM in respect of an application where it is clear that approving the application would increase the average volume of water taken from the

plan area. For example, an application for a new water licence would, if approved, clearly increase the amount of water taken from the plan area. Therefore, there would be no need to use the IQQM to assess the application and the application could simply be refused.

Clause 21 states that performance indicators are calculated with the assumption that all the unallocated water set out in Schedule 4 has actually been allocated. Where a decision would involve changing or moving a water allocation from one water allocation group to another, the performance indicators are to be calculated for all other allocations within the relevant water allocation group or groups, without allowing for the performance of the allocation that is being changed. This ensures that the security of water allocations held by other people in the water allocation group or groups are not diminished as a result of the decision, while acknowledging that the performance of the changed allocation may be affected.

Division 3 – Conversion of authorisations to water allocations

Subdivision 1 - General

Clause 22 specifies that this division applies to authorisations yet to be converted to water allocations, and water allocations already converted from authorisations under the Resource Operations Plan. Section 121(1)(a) of the Act prescribes that on the day the Resource Operations Plan commences, all authorisations to be converted will cease to exist and the chief executive must supply the holders of these expired water entitlements with water allocations or other authorities.

Clause 23 requires a location for taking water to be stated on a water allocation (not to be confused with the location of works). For example, a location may be specified as a particular reach of a watercourse, in kilometres or Adopted Middle Thread Distance (AMTD), from which the water may be accessed. Traditionally, holders of entitlements were

limited to taking water from a specified 'place', which was usually identified by a Lot and Plan and was the point where a bore or pump was situated. By changing this to a location, the Resource Operations Plan will allow holders of allocations to divert water from anywhere within their designated location, irrespective of where the water is to be used. Where a Water Supply Scheme is located within the Plan Area the location for water allocations to take supplemented water must be within the water supply scheme that contains the 'place' from where water could be taken under the authorisation.

Subdivision 2 – Supplemented water

Clause 24 states that the nominal volume for taking supplemented water is that stated on the authorisation.

Subdivision 3 – Unsupplemented water

Clause 25 specifies that when determining the maximum rate for taking unsupplemented water, where the maximum rate is stated on the authorisation the chief executive must have regard to the rate stated.

Where a pump size is stated on an authorisation when converting this size to a maximum rate of take, the chief executive must consider the pump size stated and the rate of take in megalitres per day stated in Schedule 3. If the pump is an axial flow pump, the figure in Column 3 that corresponds to the pump size stated should be used, otherwise the figure in column 2 should be used. Where both a pump size and rate are stated on an authorisation then either the rate stated or that determined under Schedule 3, whichever is the lesser of the two, should be considered. For all other authorisations any relevant terms or conditions that apply to the authorisation need to be considered. Where a condition on an authorisation or authorisations limits the daily volume, the chief executive must ensure that the total daily volume under the

authorisation or authorisations does not exceed the imposed limits. The Resource Operations Plan may place additional conditions on the taking of water under an allocation.

Clause 26 states that when deciding what conditions apply to the taking of unsupplemented water under a water allocation, the chief executive must have regard to any terms or conditions already stated on the authorisation and any existing water sharing arrangements that may be relevant to the authorisation. Water sharing arrangements may include informal arrangements in respect of when the authorisation holder will take water under their authorisation. There is no requirement to use the IQQM in respect of an application where it is clear that approving the application would increase the average volume of water taken from the plan area. For example, an application for a new water licence would, if approved, clearly increase the average amount of water taken from the plan area. Therefore, there would be no need to use the IQQM to assess the application and the application could simply be refused.

If the authorisation is for water harvesting, where overland flow and allocation water are mixed in a single storage, there is a risk that overland flow take can increase when the stored water is moved or used. To prevent this increase in take of overland flow water, the chief executive must impose a condition on such authorisations.

Clause 27 requires the chief executive, when deciding the volumetric limit for taking unsupplemented water under an allocation, to have regard to the maximum rate of take decided under clause 25 and any conditions decided on under clause 26. Where an authorisation states an area to be irrigated the chief executive, in addition to the above matters, must also consider what volume would be necessary to efficiently irrigate the type of crop in the area to which the authorisation relates. Where an authorisation states an annual volume then the chief executive must have regard to that stated volume. For all other authorisations the chief executive must consider the availability of water in the part of the Plan Area to which the authorisation relates.

Clause 28 lists the matters the chief executive must have regard to when determining the nominal volume for a water allocation to take unsupplemented water. The nominal volume is a product of all of the other terms of the allocation. It is not something which affects the amount of water that may be taken under the allocation, but is a reflection of the share of water that may be expected to be available under the allocation.

Division 4 – Resource operations plan

Clause 29 *subclauses 1-2* specify what the water sharing rules (detailed in the Resource Operations Plan) must and may include. The rules must include the conditions under which water allocations may start and must stop taking water, the rate at which water may be taken in any day. These rules ensure that each water allocation to take unsupplemented water within a part of the Plan Area will be able to access the available water resources in proportion to their relative share of nominal entitlement. The chief executive must consider the matters listed in subclause 2 when deciding the rules.

Subclause 3-6 state that the water sharing rules may specify that the volumetric limit for a water allocation does not apply provided that there is no change to the present arrangements; that is, there is no change to the infrastructure used to take and store the water, the allocation itself is not changed and water is taken under the allocation only using the works that have been historically used to take water. Once these conditions are no longer met (eg if the dam is enlarged, or a new pump is installed for taking the water) then the volumetric limit would automatically apply.

- The ROP may provide that, regardless of whether there is a change of some sort, that the volumetric limit automatically applies to all allocations after a set period of time.

These subclauses provide a transitional period where holders of allocations to take unsupplemented water can continue to take water according to the size of their storages (and uninhibited by the volumetric limit) until either the time period, if specified, has expired, or until they alter or reconfigure their storages or change their allocations. A rule made under subclause 3 must not result in an increase in the average annual volume of water able to be taken in the Plan Area. The meaning of ‘change’ in subclause 3 is that given under section 128 of the Act.

Clause 30 states the chief executive must consider the likely or actual impacts on certain aspects of water quality and ecological health when deciding the operating arrangements and supply requirements for water infrastructure and the environmental management rules for the Resource Operations Plan. This is not an exhaustive list and the chief executive may consider other matters. These matters need only be considered when there is a change from existing arrangements, requirements or rules.

Clause 31 requires the chief executive to ensure that the Resource Operations Plan gives effect to any agreements made between Queensland and New South Wales that relate to water within the Plan Area.

Division 5 – Regulation of overland flow water

Clause 32 specifies the only situations in which a person may take overland flow water in accordance with section 20(6) of the Act. This means that the taking of overland flow water in the plan area is prohibited unless authorised under this section. The plan authorises the take of overland flow water for—

- stock and domestic purposes;
- where the take is authorised under a water entitlement;
- for existing take that has been authorised by section 34 of the plan;

- if a person is required to capture water as a condition of an environmental authority, then the person is authorised to take water, provided it is no more than the amount necessary to satisfy the conditions of that authority;
- the capture of agricultural effluent water is permitted. However, the construction of works to capture agricultural effluent water is subject to obtaining a development permit, and therefore may be limited in accordance with the requirements for the Code for assessing applications for constructing overland flow works.

Clause 33 specifies the matters the chief executive must consider when deciding an application under either the *Integrated Planning Act 1997* or the *Water Act 2000*, which concerns the taking of overland flow water. This clause does not apply to applications for a water permit or applications to reinstate or replace an expired licence.

Clause 34 applies where an owner of land has existing works or has works that are reconfigured existing works, where those reconfigurations have not resulted in an increase in the average annual volume of water taken by the works. In these situations a landholder is allowed to continue using those works to take overland flow water for 12 months after the commencement of this Plan. After this period, the taking of overland flow water will not be authorised until details of the existing works are notified to the Department. In some instances, the department may request further information on overland flow works for clarification. This clause does not impact on a landholders ability to take overland flow water for stock and domestic purposes, which will remain authorised.

Clause 35 applies where an owner is authorised to continue taking overland flow water under clause 34 and the chief executive believes the annual rate of take of this overland flow has or may increase due to use of the works. In these circumstances the chief executive must grant a water licence to replace the authorisation and impose a condition to ensure the average annual volume of water does not

increase above that taken before commencement of the Plan. This is to ensure that the total take of water within the Plan Area is not increased, thereby preventing achievement of the Plan outcomes or objectives.

Clause 36 states that the Resource Operations Plan must contain such information as to allow for the granting of water licences to replace authorities given under clause 34 of the Plan. It is envisaged that licensing will be phased in over a period of time and will initially occur in areas or circumstances where the taking of overland flow water may compromise the Plan's outcomes. Similarly, the volume of overland flow water allowed to be taken under an authorisation may in some instances be reduced in order to achieve the Plan outcomes. There is no requirement that water licences will be granted to replace authorities to take overland flow water—the section merely provides a procedure for doing so where it is determined that the resource operations plan should do so.

Clause 37 states that generally, works for taking overland flow water are assessable under the *Integrated Planning Act 1997* (IPA). The clause does not apply to repairs or maintenance to existing works, or works constructed in accordance with a development permit that do not alter the design of the existing works. Works for taking overland flow for stock and domestic purposes are classed as self-assessable under IPA.

Division 6 – Strategic Reserves

Clause 38 states that this division deals with unallocated water that is held as a strategic reserve. The Plan reserves a total of 5000 megalitres (ML) for the Stanthorpe Shire and is comprised of 1500 megalitres for Town Water Supply in Stanthorpe and 3500 for irrigation and associated industry.

Clause 39 defines the limitations on allocation of the unallocated water held in strategic reserve. Unallocated water can only be allocated in parts of the Plan Area set out in Schedule 4, column 1, and can only be used for those purposed

specified in column 3 of the Schedule. Allocations are limited to the annual volume mentioned in column 2 of Schedule 4 and apply to the taking of water from a watercourse, lake or spring. However, the chief executive may allow an equivalent amount of water to be taken as overland flow water. In this clause 'equivalent' means an equivalent impact on the end of system flow of that part of the Plan Area that the water is taken from and may not correlate to an equivalent volume of water.

Clause 40 states the ways that unallocated water may be granted or reserved under the Plan.

Clause 41 states the matters the chief executive must consider when dealing with unallocated water. These include taking into account the efficiency of current and proposed water uses, whether an alternative water supply is available and the types of impacts on a range of environmental and cultural values. This is not an exhaustive list and the chief executive may consider other matters.

Division 7 – Miscellaneous provisions

Clause 42 outlines the components of the continued moratorium notice. The moratorium applies to the starting of new works that would increase the taking of surface water, to works for the taking of surface water that would indirectly increase the taking of overland flow water in the Plan Area, and to works for storing water taken under an area licence. Until 30 June 2004 it also applies to works that would increase the take of overland flow water. The aim of the moratorium is to ensure that the outcomes of the Plan are not eroded by any further changes to water entitlements and is a means of capping further growth in diversions while new water management arrangements take effect. The exemptions that apply under the moratorium are also listed under this clause. The moratorium will be lifted once the Resource Operations Plan is finalised and approved, water entitlements have been better defined and the water sharing rules have taken effect.

Clause 43 requires measuring devices to be installed to measure the volumes of water taken under certain entitlements and authorities listed in the Plan Area, including take of floodwater. This clause will come into effect once the matters mentioned in section 1014(2)(d) of the Act is prescribed in regulation. The Plan therefore does not itself trigger a requirement for metering, but highlights the types of entitlements that it is intended to meter. Metering will assist in compliance monitoring, reporting and overall management of the resource throughout the catchment, as well as provide information for assessment of the effectiveness of the Plan's strategies.

Clause 44 applies when the chief executive is making the water allocation change rules in preparing the Resource Operations Plan, or is deciding an application to change the location from which water may be taken under an allocation where the change in location would allow the taking of water from a waterhole or lake. Where satisfied that such taking of water would adversely affect the cultural and ecological values of the natural waterholes and lakes, the chief executive must impose the specified conditions.

PART 6 – MONITORING AND REPORTING REQUIREMENTS

Clause 45 details the water and natural ecosystems monitoring requirements used to assist in gauging the effectiveness of proposed strategies in achieving the outcomes of the Plan as stated in Part 3. The monitoring requirements are to be achieved by monitoring programs undertaken by—

- Water Infrastructure Operators under a Resource Operations Plan;
- community groups;
- relevant State agencies; and,

- monitoring programs administered by relevant State agencies.

The water monitoring programs will be used in compliance monitoring and reporting as well as assisting in the ongoing assessment of the effectiveness of the Plan's outcomes.

Clause 46 states specific requirements for the monitoring program of a water infrastructure operator.

Clause 47 identifies the reporting requirements for the monitoring program of a water infrastructure operator, specifying the content and time limits for completing the reports.

Clause 48 states that an annual report must be undertaken by the Minister under section 53 of the Act and specifies when the report is required. Section 54 of the Act outlines the matters that must be included in the Ministers report. The report will be used to assess the effectiveness of the implementation of the Plan in achieving the Plan's outcomes. The chief executive must make available a copy of the report for inspection or purchase by the public, during office hours on business days, at the head office or the appropriate regional office of the Department, in accordance with the Act.

PART 7 – IMPLEMENTING AND AMENDING THIS PLAN

Clause 49 provides a schedule for implementing the Plan and states that authorisations for taking overland flow water will not be converted to water allocations. Firstly, within one year after the commencement of the Plan, the matters detailed in subclause (2) will be implemented through the preparation of a Resource Operations Plan. The Resource Operations Plan will outline the rules in relation to the day-to-day management of water flow and water infrastructure to achieve the objectives outlined in Part 4 of the Plan.

Secondly, within 5 years after the commencement of the Plan, the matters detailed in subclause (4) will be implemented through a new or amended Resource Operations Plan. Matters other than those listed under this clause can be included in the Resource Operations Plan. This will allow for emerging issues to be addressed promptly during the life of the Plan.

Clause 50 states the type of amendments that may be made to the Plan under section 57 of the Act. These types of amendments to the Plan allow for efficient and timely responses to changes occurring in the Plan Area, where those changes may be adversely affecting the achievement of desired outcomes of the Plan. These amendments do not require public notification.

SCHEDULES

Schedule 1 shows the total area of the Border Rivers catchment, to which this Plan applies, as well as the location of nodes within the Plan Area.

Schedule 2 lists the nodes used in the Plan and their location. The location is given as a measure of Adopted Middle Thread Distance (AMTD), which gives the distance, in kilometres, measured along the middle of a watercourse, that a particular node is from the mouth or junction of that watercourse, or the border between Queensland and New South Wales.

Schedule 3 states the maximum rate of the take of water in megalitres per day according to pump sizes. This schedule is to be used when determining the maximum rate of take of unsupplemented water under an authorisation.

Schedule 4 lists the annual volume of unallocated water available for use in the Plan Area, specifying the annual volume of

unallocated water that should be used for the purpose of town water supply.

Schedule 5 contains the dictionary of defined terms used in the Plan. The dictionary includes a definition of “works that allow taking of overland flow water”. These works include—

- works that allow for overland flow water to be taken. For example, this may include pumps used for taking overland flow water, or levees or sumps for diverting or capturing overland flow water. This can include works that allow for any form of take of overland flow water—whether by allowing for the water to be “taken” in a dam, or by increasing the amount of overland flow water that will be absorbed by the ground as a result of diverting overland flows.
- Works for storing overland flow water—this includes primary storages, into which overland flow water is directly pumped, as well as any other storages into which it will be possible to store overland flow water. Thus, if there is a single dam which directly captures overland flow, and several other dams to which it is connected (for example by pipes and pumps), then all of the dams will be “works that allow taking of overland flow water”;
- The original works for connecting two storages (one of which can take overland flow water). This means that if works are built of the first time connecting an overland flow storage to another storage, then those connecting works will be captured as assessable development. This is because the works will increase the amount of overland flow water that can be taken. However, once the storages are connected, any changes to the connecting works will not be captured.

ENDNOTES

1. Laid before the Legislative Assembly on . . .
2. The administering agency is the Department of Natural Resources, Mines and Energy.

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