Queensland

Water Resource (Condamine and Balonne) Plan 2004

Explanatory Notes for SL 2004 No. 151

made under the

Water Act 2000

General outline

1 Short title

Water Resource (Condamine and Balonne) Plan 2004.

2 Authorising law

Chapter 2, part 3, division 2 of the *Water Act 2000*.

3 Policy objectives of the legislation

The objectives of the Water Resource Plan (the "plan") are to provide a framework for the allocation and sustainable management of surface and overland flow water in the plan area 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 Condamine Balonne River catchment.

4 Reasons for the Bill

The *Water Act 2000* states the Minister may prepare a water resource plan for any part of Queensland to advance the sustainable management of water. Threats identified through community consultation have highlighted the need to develop a water resource plan for the plan area.

5 Achieving the objectives

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.

6 Administrative costs

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.

However, there are likely to be additional resources required (initially around $1.0 million per year diminishing to around $0.5 million per year in later years) to support the more intensive event-based management and overland flow regulation proposed under the Plan, including increased levels of compliance, monitoring, plan review and community engagement activities. This means that there is likely to be a strong case for applying differential charging arrangements to water users in the Condamine–Balonne in order to recover these additional costs. Water users and other stakeholders in the Condamine–Balonne who query who should pay these additional costs will be encouraged to put forward their views through the community consultation process on the Water Resource Charges Discussion Paper planned for July to September 2004.

Ultimately, the issue of revenue retention to cover these costs will be addressed in the context of the Government's future consideration of the finalisation and application of its Water Resource Charges Policy.

7 Fundamental legislative principles

The subordinate legislation is consistent with fundamental legislative principles.

8 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 'Condamine Balonne Water Resource Plan Consultation Report'.

9 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

Short title

Clause 1 sets out the short title to the subordinate legislation (the "plan").

Commencement

Clause 2 provides details on when parts of the plan commence. The commencement of part 5, division 5 is delayed until 1 February 2005.

Purposes of plan

Clause 3 states the purposes of the plan.

Definition

Clause 4 specifies that certain terms are defined in the dictionary in schedule 5.

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 Condamine Balonne Catchment.

Clause 6 identifies the office of the Department of Natural Resources, Mines and Energy, where the details of boundaries of the plan area are held in digital electronic form and 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 of proposed decisions with the environmental flow objectives.

Clause 8 States that the plan applies to surface water and overland flow water. Surface water includes 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 a 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 this plan. This provides a more comprehensive and sustainable approach to water management within the Condamine Balonne Plan area. The plan does not apply to aquifer systems, though it is envisaged that the plan will be amended during its ten-year life to include the 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 these outcomes, which include—

- 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;
- 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; and

- ensuring consistency with appropriate management strategies and commitments including the Murray Darling Basin Salinity Management Strategy and the 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 10–12 set out the environmental flow objectives. Environmental flow objectives have been designed such that future decisions made under this plan will address and achieve the general and ecological outcomes stated in part 3 of the plan.

Clause 10 states the performance indicators for environmental flow objectives. These indicators are measures or methods by which the objectives are calculated when making a decision. Using these indicators allows for limits to be placed on changes in the flow regime and accordingly, reduce 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", for example, relates to the daily river flow that has a 50% probability of being reached at least once a year.

Clause 11 states the environmental flow objectives for making a decision in relation to clause 18 of the plan for all nodes in the plan area specified in schedule 2. The value of performance indicators (a) to (d) listed in clause 10, should ideally fall between 66% and 133% of pre-development flow patterns, or alternatively minimise the extent to which values fall outside this range. The value of performance indicator (e) listed in clause 10, for nodes A to E, as specified in schedule 2, should ideally fall

between 66% and 133% of pre-development flow patterns, or alternatively minimise the extent to which any values fall outside this range. 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 within this range.

Clause 12 states the environmental flow objectives for making decisions in relation to clause 18(2) of the plan. The value for performance indicators mentioned in clause 9(a) to (d) 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 as close or closer to the range than it was immediately before the decision was made.

The value for performance indicators mentioned in clause 9(e), at nodes A to E as described in schedule 2 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 as close or closer to the range 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 13–14 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 water under their water allocation. 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 exercise their water allocations.

Clause 13 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 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 unsupplemented and supplemented 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 14 states the water allocation security objectives for making decisions in relation to clause 18(2) of the plan. These objectives do not decisions to be 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 lower than they were immediately prior to making the decision.

Part 5 Strategies for achieving outcomes

Division 1 Preliminary

Clause 15 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 16 states which decisions concerning the allocation or management of water in the plan area that this division do and do not apply to.

Clause 17 prevents the chief executive from making a decision that would result in an increase of the average volume of water allowed to be taken under authorisations in the plan area, calculated over the simulation period. This means that any application must be assessed to determine the long-term impact on the total amount of water allowed to be taken from the system. If approving the decision would result in an increase, the application must be refused.

Clause 18 requires decisions made relating to the preparation of the first Resource Operations Plan to be consistent with the environmental flow objectives outlined in clause 11. All other decisions must be consistent with environmental and security objectives detailed in clauses 11, 12 and 14 of the plan. Water allocation security objectives will not take effect until existing water entitlements have been converted to tradable water allocations. The conversion of existing entitlements to tradable water allocations will only occur after the first Resource Operations Plan has been finalised.

Clause 19 states that in making a decision under the plan the Integrated Quantity and Quality Model (IQQM) or the Lower Balonne decision support tool, or another method the chief executive approves of which is at least as accurate as the IQQM or Lower Balonne decision support tool, will be used to assess whether or not—

- a decision in relation to clause 17 would result in an increase of water that can be taken in the plan area; and
- a decision made under clause 18 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. They are not a projection or prediction of future performance, but instead define minimum 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 or Lower Balonne decision support tool in respect of an application where it is clear that approving the

application would increase the average volume of water allowed to be 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 or Lower Balonne decision support tool to assess the application and the application could simply be refused.

Clause 20 states that 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, ignoring the effect on 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 21 specifies that this division only applies to authorisations yet to be converted to water allocations, or 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 22 specifies that, when preparing the resource operations plan, multiple authorisations for a single property would generally be converted to a single authorisation.

Clause 23 requires a location for taking water to be stated on a water allocation (not to be confused with the location of works or a location associated with flow conditions relating to the allocation). 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 must be within the water supply scheme that contains the "place" from where water could be taken under the authorisation.

Clause 24 requires the chief executive to amend each sleeper allocation in the upper and middle catchment to ensure that the impacts on other sleeper allocations, the plan's ecological outcomes and the reliability of Beardmore Dam are minimal. Sleeper allocations converted from an authorisation to take unsupplemented water for which works have not been installed.

Subdivision 2 Supplemented water

Clause 25 states that the nominal volume for taking supplemented water is that stated on the authorisation. This value represents the annual share of water in megalitres, available to be taken by the holder of the water allocation.

Subdivision 3 Unsupplemented water

Clause 26 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, as well as other conditions applicable to the authorisation. 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. More than one maximum rate and flow conditions may be stated on a water allocation.

In the Lower Balonne the maximum rate of take of unsupplemented water is the amount decided by the chief executive through the provisions outlines above, and reduced by 5% to ensure that there is no growth in diversions of water due to the activation of sleeper licences in the Lower Balonne.

The Resource Operations Plan may place additional conditions on the taking of water under an allocation, and the chief executive is not limited by the provisions outline above.

Clause 27 states that when deciding what conditions to 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 documented sharing rules or local agreements or work practise.

If the authorisation is for water harvesting, where overland flow and allocation water are mixed in a single storage, there is a risk that the capacity to take overland flow can increase if the water allocated is moved or used. To prevent this increase in take of overland flow water, the chief executive must impose a condition on such authorisations that would trigger assessment of a proposed move of an a location and the imposition of special conditions on the allocation to prevent any increase in the take of water.

If the water allocation is for taking water in the Lower Balonne, the chief executive must impose a condition stating the land on which the water taken may be stored. If the water allocation is converted from an authorisation held by SunWater, for water harvesting in the St George Water Supply Scheme, the chief executive must impose a condition limiting the land to which the water may be supplied. This is to ensure that the benefit of the unsupplemented water allocation held by SunWater continues to be directed to it customers rather than transferred away from the scheme.

Clause 28 requires the chief executive, when deciding the volumetric limit for taking unsupplemented water in the upper and middle catchment under an allocation, to have regard to the maximum rate of take decided under clause 26 and any conditions decided on under clause 27. 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 to supply town water 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 29 requires the chief executive when deciding the volumetric limit for taking unsupplemented water under an allocation in the Lower Balonne to have regard to the lesser of the following two factors: the total capacity for storing water by existing works and the volume decided by the chief executive based on information supplied by the authorisation holder for the infrastructure assessment. This does not limit the matters that the chief executive may consider. Total capacity for storing water by existing works is determined by a certificate from a registered engineer, on an approved form, given by the authorisation holder to the chief executive. Infrastructure assessment is defined as the infrastructure assessment conducted by the chief executive between November 2002 and April 2003 for the St George and Lower Balonne area.

For authorisations stated in schedule 4, column 2, the volumetric limit is increased by the volume stated in column 3 of the same schedule.

For an authorisation for water harvesting in the St George Water Supply Scheme, held by SunWater, the volumetric limit is 35 000 megalitres per water year.

Clause 30 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 determined having taken into account the water sharing rules and all of the other terms of the allocation. It is not something that affects the amount of water that may be taken under the allocation, but is the number used to calculate an allocation's share of the water available to be taken and is defined in the *Water Act 2000*.

For an authorisation that stated the area that may be irrigated, the nominal volume of to take unsupplemented water is simply the area in hectares multiplied by 6.

Division 4 Resource operations plan

Subdivision 1 General

Clause 31 specifies the options that the chief executive must consider for achieving the ecological outcomes stated in the plan when preparing the Resource Operations Plan.

Clause 32 specifies what the water sharing rules (detailed in the resource operations entitlements may start and must stop taking water and the rate at which water may be taken in any day. The chief executive must consider the matters listed in subclause 2 when deciding the rules.

Clause 33 outlines additional water sharing rules for water in the upper and middle catchment. The volumetric limit decided under section 28 does not apply whilst the works and allocation used to take and store water remain unchanged providing the holder of the allocation does not transfer any part of the water under the allocation; and where the holder complies with any requirements in the water sharing rules to give the chief executive information about the works. Clause 128 of the *Water Act 2000* defines the meaning of change to the water allocation.

Clause 34 outlines the additional water sharing rules for water in the Lower Balonne. The rules must state that a water entitlements holder's volumetric limit is equivalent to the maximum amount of water that may be stored on the property to which the entitlement relates; if the storage is filled, the water sharing rules must specify that entitlement holders cannot take water. For five years after the commencement of this clause the holder of a water entitlement may take 5% more than the maximum rate stated on the entitlement, effectively meaning that the reduction in the diversion rate of 5% specifies in section 26(3) does not take affect until 5 years over the commencement of this plan.

Clause 35 states the chief executive must consider the likely or actual impacts on certain aspects of water quality and ecological health when deciding the operation arrangement and supply requirements for water infrastructure and the environmental management rules for the Resource Operations Plan. Water infrastructure is defined in the *Water Act 2000* to mean works operated by the State or holder of an interim resource operations licence, resource operations licence or other authorisation that is relevant to the management of water entitlements. This is not an exhaustive list and the chief executive may consider other matters. These matters need

only be the considered when there is a change from existing arrangements, requirements or rules.

Clause 36 requires that chief executive ensure any agreement made between Queensland and New South Wales about water in the plan area is given effect through the resource operations plan.

Subdivision 2 Event Management rules for the Lower Balonne

Clause 37 specifies that the environmental management and water sharing rules in the Resource Operations Plan must include flow event management rules for the Lower Balonne. The chief executive may consider a number of factors when deciding the rules, including but not limited to, the release of stored water from Beardmore Dam and Jack Taylor Weir and allowing trading of water entitlements to achieve environmental outcomes.

Clause 38 identifies the purpose of low flows as being to maximise environmental benefits and the reliability of supply water for stock and domestic purposes. The flow event management rules for the Lower Balonne must ensure that if more than 12 months has passed since a flow through event, and an inflow occurs to Beardmore Dam, the probability of a flow through event is maximised by: in the first instance, releasing stored stock and domestic water; in the second instance, if the threshold for water harvesting as been reached, reducing water harvesting to 90% for up to 5 days and reducing by 10% the volume of water that could be taken by weirs below Jack Taylor weir; and, in the third instance, releasing up to 10% of the inflow that would normally be stored for use by water allocations in the St George Water Supply Scheme.

In deciding the flow event management rules the chief executive must consider making use of private facilities for water storage and release.

Clause 39 identifies the purpose of flow event management rules for medium flows as being to provide for improved flows especially, low and medium flows, that mimic the natural variability of the river system and floodplains.

Event management rules must ensure water harvesting is reduced by 90% for the period of the event up to a maximum of 5 days, if either of the following flow events occur: it has been more than two years since a flow event of at least a 60 000 megalitres per day peak, or more than three years since a flow event of at least a 100 000 megalitres.

Clause 40 identifies the purpose of Narran Lakes filling flow events as being to improve water availability for bird-breeding in the Narran Lakes Ramsar site. The event management rules must ensure that if a flow event is of adequate volume to fill Narran Lakes Ramsar site under pre-development flow patterns, water harvesting must be reduced for 90% for the flow event up to a maximum of 10 days.

Event management rules must also ensure water harvesting is reduced by 90% for the period of the event up to a maximum of 10 days, if the Narran Lakes Ramsar site has filled during the winter bird breeding months, and within 4 months after the site has filled, a flow event that would re-fill the site under pre-development flow pattern occurs.

Clause 41 specifies that should more than one of the flow event management rules occur simultaneously, the maximum period of time for reduced water harvesting is the greater of the periods mentioned in the respective flow event rules.

Clause 42 requires the Resource Operations Plan to contain rules allowing the take of additional water to compensate for any reduction due to flow event management.

The clause also identifies the factors the chief executive must consider when deciding compensation rules, including considering options to allow water entitlement holders to take water at times of high availability; ensuring that increased take of water under the rules is consistent with achieving the purposes of flow event management; and ensuring that increased take of water does not affected the ability of entitlement holder to access water under their entitlements and ensuring that additional water is taken as soon as practical.

Subdivision 3 Other rules of the Lower Balonne

Clause 43 requires the Resource Operations Plan to contain water sharing rules for water allocations in the St George Water Supply Scheme. The rules must specify the carry over volume and the forward draw volume permitted for each water allocation. The carry over volume is the volume of water not taken during a water year, which may be taken the following year. The forward draw volume is the volume of water the allocation holder may take by drawing on the holder's available allocation for the following year.

The chief executive must ensure that the total carry over volume for water allocations in the St George Water Supply Scheme is not more than 20% of the total nominal volumes for the scheme in a water year; and that the forward draw volume for water allocations in the scheme is not more than 10% of the total nominal volumes for the scheme.

The chief executive must also ensure that the taking of forward draw volumes does not unfavourably impact on the reliability of other supplemented water supply; and that where forward draw volumes are taken in a water year the dam is operated to spill at full supply level less the volume equivalent to the forward draws and the forward draw taken by an allocation holder is repaid as soon as possible.

Division 5 Regulation of overland flow water

Clause 44 specifies the 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 allows the take of overland flow water for—

- stock and domestic purposes;
- where the take is under an authorisation;
- for existing take authorised by section 46 of the plan;
- if a person is permitted to capture water as a condition of an environmental authority under the *Environmental Protection Act 1994*, then the person is authorised to take water, provided it is no more than the amount necessary to satisfy the conditions of that authority;
- if a person is permitted to capture water as a condition of a development permit for carrying out an environmentally relevant activity, other than for a mining or petroleum activity, under the *Environmental Protection Act 1994*, then the person is authorised to take water, provided it is no more than the amount necessary to satisfy the conditions of that authority; and
- 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 45 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 no apply to applications for a water permit, or applications to reinstate or replace an expired licence.

Clause 46 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 that 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 47 applies where an owner is authorised to continue taking overland flow water under clause 44 and the chief executive believes the annual rate of take of this overland flow water has or may increase due to use of the works. In these circumstances, the chief executive may 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, and to ensure achievement of the plan outcomes or objectives. However, clause 47 would not generally apply where licences controlling overland flow extractions are being contemplated for application under clause 48 or 49.

Clause 48 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 46 of the plan. It is envisaged that licensing would only be phased in over a period of time and 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 49 contains additional requirements that apply to water licences for taking overland flow water in the Lower Balonne. Water licences for overland flow must include a maximum rate in megalitres per day and flow conditions decided by the chief executive. When determining flow conditions the chief executive must have regard to the lesser of the actual rate and actual flow conditions under which water can be taken, as certified by a registered professional engineer and provided to the chief executive by the authorisation holder; and, the rate and flow conditions under which water can be taken based on information supplied for infrastructure assessment. Infrastructure assessment is defined as the infrastructure assessment conducted by the chief executive between November 2002 and April 2003 for the St George and Lower Balonne area. However, this does not limit the matters the chief executive may consider. Water licences may include more than one maximum rate and flow conditions, and licences must be granted for the remainder of the time the plan is in force. The chief executive must also impose a condition on the water licences stating the land upon which the water taken may be stored.

In addition, if levee banks on a property with a licence to take overland flow water reduce the amount of water that infiltrates the soil during flooding, a condition must be imposed on the licence by the chief executive to ensure that there is no reduction to downstream flow if the banks are changed, removed or no longer fulfil their required purpose.

Clause 50 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 Miscellaneous provisions

Clause 51 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 have the effect of increasing the taking of overland flow water in the Plan area, and to works that would increase the take of overland flow water. The moratorium applies to the latter until 1 February 2004. 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 strategies 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 water sharing rules taken effect.

Clause 52 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 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 53 applies when the chief executive is making the water allocation change rules in preparing the Resource Operation Plan, or is deciding an application to change the location from which water may be taken under an allocations where the changes in location would allow the taking of water from a waterholes 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 54 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 stated in part 3. The monitoring requirements are to be achieved by programs undertaken by—

- Water Infrastructure Operators under a Resource Operations Plan; and
- community groups; and
- 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 55 states specific requirements for the monitoring program of a water infrastructure operator where water infrastructure of defined in the *Water Act 2000* as works operated by the State or holder of an interim resource operations licence, resource operations licence or other authorisation that is relevant to the management of water entitlements. These requirements include monitoring the quality and quantity of water. In addition monitoring programs must assist the chief executive in assessing the effectiveness of part 5 of the plan.

Clause 56 identifies the reporting requirements for the monitoring program of a water infrastructure operator, specifying the content and time limits for completing the reports.

Clause 57 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 *Water Act 2000* 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

Division 1 General

Clause 58 provides a schedule for implementing the plan and states that it does not apply to authorisations for taking overland flow water. 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 to allow for area licences to be converted to water allocations.

Clause 59 states the type of amendments that may be made to the plan under section 57(b) 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, but would be discussed and developed with the advice of the advisory councils mention in clause 60.

Division 2 Advisory Councils

Clause 60 states that the Minister intends to establish a Water Advisory Council in the Lower Balonne, as provided for under clause 1005 of the *Water Act 2000*. The Water Advisory Council in the Lower Balonne will possess the role of increasing community awareness and understanding of, and involvement in, the management of water resources. Under the Act the chief executive may provide the advisory council with technical, clerical, secretarial or other help as, and if, considered necessary, with the functions of the advisory council decided by the Minister.

The Minister will also consider establishing further Water Advisory Councils in other parts of the plan area.

Clause 61states that members of the Water Advisory Council are to be representative stakeholders of the section of the plan area for which the Advisory Council has been established, plus downstream of that area. The Minister appoints members of the council. The term stakeholder is defined as a person with cultural, economic or environmental interest in water use.

Clause 62 outlines the role of the Water Advisory Council, and the types of advice the chief executive may seek advice from the Lower Balonne Water Advisory Council on and procedures the chief executive may develop in relation to the Lower Balonne Water Advisory Council.

The role of the Advisory Council is to provide advice to the Minister on the implementation of the Water Resource Plan for the Condamine Balonne; to assist the chief executive in developing and implementing the Resource Operations Plan; to liaise with any other advisory councils in the plan area; and to assist in the implementation of any agreement made between Queensland and New South Wales about water in or downstream from the plan area.

Schedules

Schedule 1 shows the total area of the Condamine Balonne 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 under clause 26 of the plan when determining the maximum rate of take of unsupplemented water under an authorisation.

Schedule 4 states the volumetric limit in megalitres for entities and authorisations in the Lower Balonne. This schedule is to be used under clause 29 of the plan when determining the maximum rate of take of unsupplemented water under an authorisation in the Lower Balonne.

Schedule 5 contains the dictionary of defined terms used in the plan.

ENDNOTES

1 Laid before the Legislative Assembly on . . .

2 The administering agency is the Department of Natural Resources, Mines and Energy.