



Queensland

Water Resource (Georgina and Diamantina) Plan 2004

Explanatory Notes for SL 2004 No. 152

made under the
Water Act 2000

General outline

1 Short title

The short title of the Bill is the *Water Resource (Georgina and Diamantina) Plan 2003*.

2 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, overland flow water and hydraulically linked groundwater 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 Lake Eyre Basin, one of Australia’s major river systems, and consists of the Queensland portion of the Georgina, Diamantina and Hay River catchments.

3 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.

4 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;
- 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.

5 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. Accordingly, the plan should not alter the present cost to Government of administering the Act.

6 Fundamental legislation principles

The subordinate legislation is consistent with fundamental legislative principles.

7 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 ‘Consultation Report—Georgina and Diamantina Water Resource Plan’.

8 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

Part 1 Preliminary

Short title

Clause 1 sets out the short title to the subordinate legislation as the *Water Resource (Georgina and Diamantina) Plan 2004*.

Clause 2 states the purposes of the plan.

Clause 3 specifies that certain terms are defined in the dictionary in schedule 3.

Part 2 Plan area and water to which the plan applies

Clause 4 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 Georgina, Diamantina and part of the Hay River catchments.

Clause 5 identifies the office of the Department of Natural Resource, Mines and Energy as where the details of boundaries of the plan area can be inspected.

Clause 6 states that the plan applies to surface water and overland flow water and hydraulically linked sub-artesian 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. Hydraulically linked water means water that has a direct connection between sub artesian water and surface water to the extent that any water movement between surface water and groundwater would be able to be measured within a 24-hour period. As only one Water Resource Plan may apply to any area at any given time, surface water, overland flow water and hydraulically linked water are dealt with in this plan, providing a more comprehensive and sustainable approach to water management within the Georgina and Diamantina Plan Area.

Part 3 Outcomes for sustainable management of water

Clause 7 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;
- 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 interstate commitments and agreements, in particular the *Lake Eyre Basin Agreement Act 2001*.

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 Strategies for achieving outcomes

Division 1 Preliminary

Clause 8 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.

Clause 9 states which decisions concerning the allocation or management of water in the plan area that this division do and do not apply to.

Division 2 Regulation of overland flow water

Clause 10 specifies the situations in which a person may take overland flow water in accordance with section 20(6) of the Act.

Clause 11 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 12 allows an owner of land that has existing works 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 are authorised under the *Water Act 2000*.

Clause 13 applies where an owner is authorised to continue taking overland flow water and the chief executive believes the annual rate of take of this overland flow water has or may increase. 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 allowed to be 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 14 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 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.

Clause 15 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 3 Strategic reserve

Clause 16 states that this division deals with unallocated water that is held as a strategic reserve.

Clause 17 defines the limitations on allocation of unallocated water held in strategic reserve. Unallocated water can only be allocated in parts of the plan area set out in schedule 5, column 1, and can only be used for those purposes specified in column 3 of the schedule. Allocations are limited to the annual volume mentioned in column 2 of schedule 5 and can apply to the taking of water from a watercourse, lake or spring or to an equivalent take of 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. The plan reserves a total of 1500 megalitres (ML) for use within the plan area for projects of state significance.

Clause 18 states that unallocated water may be granted under a licence that relates to a 'significant project' as declared under the *State Development and Public Works Organisation Act 1971* or can be granted or reserved under a process set out in the Resource Operations Plan.

Clause 19 states the matters the chief executive must consider when dealing with unallocated water whether under a ROP or as a project of state significance. These include taking into account the efficiency of current and proposed water uses, whether an alternative water supply is available and whether there would be an impact on a range of environmental or cultural values. The chief executive must consider imposing flow thresholds on new licences to ensure additional extractions do not impact on ecologically significant flows. This is not an exhaustive list and the chief executive may consider other matters.

Division 4 Water licences for town water supply

Clause 20 states the matters the chief executive must consider when granting a licence for town water supply purposes. These include taking into account a planning study, which demonstrates the need for the additional water, and the matters mentioned in section 19(1). This is not an exhaustive list and the chief executive may consider other matters.

Division 5 Miscellaneous provisions

Clause 21 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. 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.

Part 5 Monitoring and reporting requirements

Clause 22 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—

- community groups; and
- relevant State agencies; and
- interstate 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 23 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 6 Implementing the plan

Clause 24 provides a schedule for implementing the plan within three years after the commencement of the plan; a Resource Operations Plan will be prepared.

Clause 25 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.

Clause 26 states that the Minister must consider amending the plan or preparing a new plan if the minister is satisfied that there is insufficient water to meet the water requirements of a project of state significance.

Schedules

Schedule 1 shows the total area of the catchment to which this plan applies, as well as the location of nodes within the plan area.

Schedule 2 lists the annual volumes of unallocated water available for use in the plan area.

Schedule 3 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.