



Queensland

# Water Resource (Warrego, Paroo, Bulloo and Nebine) Plan 2016

## Subordinate Legislation 2016 No. 6

made under the

*Water Act 2000*

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# Chapter 1 Preliminary

## 1 Short title

This water resource plan may be cited as the *Water Resource (Warrego, Paroo, Bulloo and Nebine) Plan 2016*.

## 2 Purposes of plan

The purposes of this plan are—

- (a) to define the availability of water in the plan area; and
- (b) to provide a framework for sustainably managing the water and the taking of the water; and
- (c) to identify priorities and mechanisms for dealing with future water requirements; and
- (d) to provide a framework for establishing water allocations; and
- (e) to provide a framework for reversing, when practicable, degradation in natural ecosystems; and
- (f) to regulate the taking of overland flow water; and
- (g) to regulate the taking of groundwater.

## 3 Definitions

The dictionary in schedule 6 defines particular words used in this plan.

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## Chapter 2 Plan area and water to which plan applies

### 4 Plan area

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

### 5 Catchment areas

- (1) Each part of the plan area that is shown as a catchment area on the map in schedule 1 is a *catchment area*.
- (2) A reference in this plan to a catchment area by name is a reference to the catchment area in schedule 1 with that name.

### 6 Groundwater management area

- (1) The part of the plan area shown as the groundwater management area on the map in schedule 2 is the *groundwater management area*.
- (2) The groundwater management area consists of the following (each a *groundwater unit*)—
  - (a) the St George alluvium (shallow);
  - (b) the St George alluvium (deep);
  - (c) the sediments above the Great Artesian Basin, containing the aquifers of—
    - (i) the Winton Formation; and
    - (ii) the Mackunda Formation; and
    - (iii) the Allaru Mudstone; and
    - (iv) the Grimman Creek Formation; and
    - (v) the Glendower Formation;
  - (d) the Warrego alluvium.

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## 7 Information about areas

The exact location of the boundaries of the plan area and catchment areas are held in digital electronic form by the department and may be accessed, free of charge, at each office of the department.

*Note—*

The location of each office of the department is available on the department's website.

## 8 Nodes

- (1) A node is a point on a watercourse in the plan area.
- (2) The location of each node is shown on the map in schedule 1 and described in schedule 3.
- (3) Each node is identified on the map by a letter.

## 9 Water to which plan applies

- (1) This plan applies to surface water and groundwater in the plan area.
- (2) **Surface water** is—
  - (a) water in a watercourse or lake; or
  - (b) water in a spring not connected to—
    - (i) artesian water; or
    - (ii) subartesian water connected to artesian water; or
  - (c) overland flow water, other than water in a spring connected to—
    - (i) artesian water; or
    - (ii) subartesian water connected to artesian water.
- (3) **Groundwater** is subartesian water not connected to artesian water.

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## Chapter 3 Outcomes for sustainable management of water

### 10 Outcomes for water in plan area

- (1) This chapter states the outcomes for the sustainable management of water that this plan applies to.
- (2) The outcomes include the allocation and management of water in a way that—
  - (a) recognises the natural state of watercourses, lakes, springs and aquifers has changed because of the taking of, and interfering with, water; and
  - (b) is consistent with the relevant version of the Basin Plan; and
  - (c) is consistent with water sharing agreements and commitments between Queensland and New South Wales; and
  - (d) achieves a balance between—
    - (i) the ecological outcomes in section 11; and
    - (ii) the economic outcomes in section 12; and
    - (iii) the Indigenous outcomes in section 13; and
    - (iv) the social outcomes in section 14.
- (3) In this section—

***relevant version of the Basin Plan***, in relation to a provision of this plan relating to the allocation and management of water, means the *Basin Plan 2012* (Cwlth) as in force 2 years before the provision was given to the Minister under the *Water Act 2007* (Cwlth), section 63(3).

*Note—*

The *Basin Plan 2012* (Cwlth) is made under the *Water Act 2007* (Cwlth).

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## **11 Ecological outcomes**

The ecological outcomes for water in the plan area are—

- (a) minimisation of changes to the natural variability of flows of water that support aquatic ecosystems; and
- (b) maintenance of the near natural flow regime that supports the Paroo River and Bulloo River; and
- (c) maintenance of floodplain vegetation and wetland systems in the plan area, including—
  - (i) Currawinya Lakes; and
  - (ii) Paroo Overflow Lakes; and
  - (iii) Bulloo Lakes; and
- (d) maintenance of flows of water in the plan area that support—
  - (i) waterholes, other than waterholes within the storage area of a dam; and
  - (ii) river channels; and
  - (iii) migratory fish.

## **12 Economic outcomes**

The economic outcomes for water in the plan area are—

- (a) provision for the use of water entitlements and other authorisations in the plan area; and
- (b) protection of the probability of being able to take water under a water entitlement; and
- (c) protection of the productive base of groundwater; and
- (d) support of an effective and efficient market in water allocations; and
- (e) availability of water for—
  - (i) growth in industries dependent on water resources in the plan area; and

- (ii) stock purposes in the plan area; and
- (iii) tourism in the plan area; and
- (f) maintenance of flood flows to support grazing activities in the plan area.

### **13 Indigenous outcomes**

The Indigenous outcomes for water in the plan area are—

- (a) availability of water for traditional owners who are dependent on water resources in the plan area to achieve their economic and social aspirations; and
- (b) maintenance of flows of water that support water-related cultural and recreational values of the traditional owners.

### **14 Social outcomes**

The social outcomes for water in the plan area are—

- (a) availability of water for—
  - (i) population growth in towns and communities dependent on water resources in the plan area; and
  - (ii) domestic purposes in the plan area; and
- (b) maintenance of flows of water that support water-related aesthetic, cultural and recreational values in the plan area.

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## **Chapter 4 Objectives and performance indicators**

### **15 Environmental flow objectives and performance indicators**

- (1) The environmental flow objectives for surface water for this plan are stated in schedule 4.
- (2) The performance indicators for the environmental flow objectives are stated in schedule 4.

### **16 Performance indicators for water allocation security objectives**

The performance indicators for the water allocation security objectives are—

- (a) for water allocations to take supplemented water—the annual supplemented water sharing index; and
- (b) for water allocations to take unsupplemented water—the unsupplemented performance ratio.

### **17 Water allocation security objectives**

The water allocation security objectives for a decision made by the chief executive under chapter 2 of the Act are that—

- (a) the annual supplemented water sharing index for a water allocation group be at least the annual supplemented water sharing index for the group immediately before the decision is made; and
- (b) the unsupplemented performance ratio for a water allocation group be at least 99% of what the unsupplemented performance ratio for the group was immediately before the decision is made; and
- (c) the unsupplemented performance ratio for a water allocation group be at least 95% of what the

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unsupplemented performance ratio for the group was immediately before this plan commenced.

## **Chapter 5 Strategies for achieving outcomes**

### **Part 1 Preliminary**

#### **18 Application of this chapter**

This chapter applies to a decision made by the chief executive about the allocation or management of water in the plan area, other than a decision—

- (a) about a water permit; or
- (b) under the Planning Act about—
  - (i) taking overland flow water for stock or domestic purposes; or
  - (ii) taking overland flow water to comply with an environmental authority.

#### **19 Decision to not increase amount of water taken**

- (1) This section applies to a decision, other than a decision about—
  - (a) taking unallocated water under section 23; or
  - (b) taking or interfering with groundwater that is not in a groundwater unit.
- (2) The chief executive must not make a decision that would increase—
  - (a) the average volume of water that may be taken under this plan; or

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- (b) the total nominal entitlement for taking groundwater under this plan.

## **20 Decisions to be consistent with objectives**

A decision made by the chief executive under chapter 2 of the Act must be consistent with—

- (a) the environmental flow objectives stated in schedule 4; and
- (b) the water allocation security objectives stated in section 17.

## **21 Assessing impact of decisions**

- (1) To assess consistency with the environmental flow objectives and the water allocation security objectives, the model computer program's simulation for the simulation period must be used.
- (2) If it is not practicable to use the model computer program, another kind of assessment, approved by the chief executive, may be used.

# **Part 2 Unallocated water**

## **Division 1 Granting unallocated water**

### **22 Purpose for which unallocated water may be granted**

The chief executive may grant a water entitlement to take unallocated water in the plan area for—

- (a) a community purpose; or
- (b) an Indigenous purpose; or
- (c) any purpose, if the unallocated water is in—
  - (i) the Bulloo catchment area; or

- (ii) a groundwater unit.

## **23 Reserve volumes**

- (1) The total of the average annual volume for water entitlements to take unallocated water in the plan area is stated in—
  - (a) for water entitlements to take unallocated water for a community purpose or Indigenous purpose from a catchment area in schedule 5, table 1, column 1—column 2 of the table; or
  - (b) for water entitlements to take unallocated water from the Bulloo catchment area in schedule 5, table 2, column 1—column 2 of the table.
- (2) The total of the nominal entitlement for water licences to take unallocated water from a groundwater unit in schedule 5, table 3, column 1 is stated in column 2 of the table.

## **Division 2 Process for granting unallocated water**

### **24 Process for granting unallocated water**

The process for granting unallocated water in the plan area is the process stated in the Water Regulation.



Act, if the person takes no more than the volume of water necessary to comply with the authority; or

- (f) if the water contains, or is likely to contain, excess nutrients or farm chemicals at levels that are harmful or potentially harmful to the quality of water in a watercourse; or
- (g) if the works that are used to take the water are existing overland flow works.

## **27 Water licence to take overland flow water**

A water licence to take overland flow water must state—

- (a) the purpose for which the water may be taken as ‘any’; and
- (b) at least 1 of the following—
  - (i) the maximum rate at which the water may be taken;
  - (ii) the maximum volume of the water that may be stored;
  - (iii) the volumetric limit for the water;
  - (iv) the average annual volume for the water; and
- (c) the conditions (if any) that the licence is subject to.

## **28 Relationship with Planning Act**

- (1) Overland flow works are self-assessable development for the Planning Regulation, schedule 3, part 2, table 4, item 1(e) if the works are used—
  - (a) for stock or domestic purposes; or
  - (b) for prescribed activities for general authorisations to take water under the Water Regulation; or
  - (c) to comply with an environmental authority; or

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- (d) to comply with a development permit for carrying out an environmentally relevant activity, other than a mining or petroleum activity, under the Environmental Protection Act.
- (2) Overland flow works to be used for any other purpose are assessable development for the Planning Regulation, schedule 3, part 1, table 4, item 3(f).
- (3) However, subsection (2) does not apply to the repair or maintenance of the following works if the repair or maintenance does not change the design of the works—
  - (a) existing overland flow works;
  - (b) works built under a development permit.

## **Division 3                      Groundwater**

### **29            Limitation on taking or interfering with groundwater—Act, s 20(2)(c)**

- (1) A person may take or interfere with groundwater in a groundwater unit only—
  - (a) under a water licence or water permit; or
  - (b) for stock or domestic purposes; or
  - (c) for an activity prescribed for section 20(2)(a) of the Act.
- (2) However, a person must not take or interfere with groundwater under subsection (1)(c) from the St George Alluvium (deep).

### **30            Relationship with Planning Act**

- (1) Works for taking or interfering with groundwater in a groundwater unit are assessable development for the Planning Regulation, schedule 3, part 1, table 4, item 3(c)(i).
- (2) However, this section does not apply to—
  - (a) an exempt bore as defined in the Water Regulation; or

- (b) a water bore for taking groundwater for a prescribed activity under the Water Regulation, schedule 1; or
- (c) a water bore that is built more than—
  - (i) 200m from a boundary of a parcel of land; or
  - (ii) 400m from another water bore.

## Chapter 6 Monitoring and reporting requirements

### 31 Monitoring requirements

The monitoring requirements for water and natural ecosystems for this plan are stated in the resource operations plan for this plan.

### 32 Minister's report on plan—Act, s 53

- (1) The Minister's report on this plan must be prepared for each reporting period, within 1 year after the end of the reporting period.
- (2) In this section—

***reporting period*** means a period—

  - (a) for the first report—
    - (i) starting when the plan commences; and
    - (ii) ending within 5 years after the start of the financial year in which this plan commenced; or
  - (b) for each later report—
    - (i) starting on the day after the end of the reporting period for the previous report; and
    - (ii) ending within 5 years after the end of the reporting period for the previous report.

## Chapter 7 Amending this plan

### 33 Minor or stated amendment of plan—Act, s 57(b)

The following types of amendment may be made to this plan—

- (a) an amendment or addition of a performance indicator or environmental flow objective if the amendment or addition achieves an equivalent or improved ecological outcome without adversely affecting—
  - (i) the outcomes in chapter 3; or
  - (ii) the water allocation security objectives in section 17;
- (b) an amendment or addition of a water allocation security objective if the amendment or addition does not adversely affect—
  - (i) the outcomes in chapter 3; or
  - (ii) the environmental flow objectives in section 15;
- (c) an amendment or addition of a node location;
- (d) an amendment to adjust the boundaries of a catchment area, a groundwater unit or the plan area if more accurate information about the boundaries of the plan area or hydrological characteristics of the plan area becomes available;
- (e) an amendment or addition of a monitoring or reporting requirement under chapter 6.

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## **Chapter 8            Repeal and transitional provisions**

### **Part 1                Repeal**

#### **34            Repeal**

The Water Resource (Warrego, Paroo, Bulloo and Nebine) Plan 2003, SL No. 317 is repealed.

### **Part 2                Transitional provisions**

#### **35            Existing applications for authorisations to take water**

Section 19 applies to a decision about an application for an authorisation to take water that was made, but not decided, before this plan commenced.

#### **36            Existing overland flow works authorisations**

- (1) The chief executive may grant a water licence under section 212 of the Act to a person who, immediately before this plan commenced, was allowed to use existing overland flow works.
- (2) When deciding what must be stated on the licence under section 27(b), the chief executive—
  - (a) must consider—
    - (i) the average annual volume of water that, immediately before this plan commenced, the person was allowed to take using the existing overland flow works; and
    - (ii) the annual volumes of water that the chief executive estimates were taken using the existing overland flow works in the period, of not more

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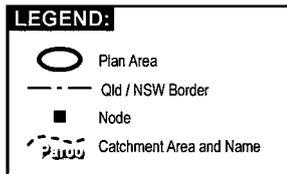
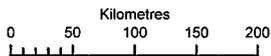
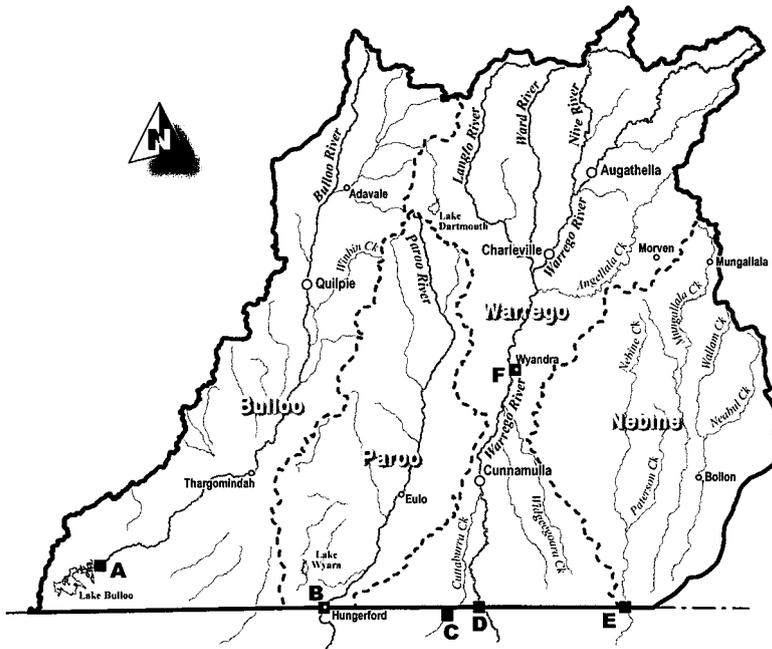
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than 10 years, immediately before this plan commenced; and

- (b) may consider the extent to which, immediately before this plan commenced, the person was allowed to take or store other water using the existing overland flow works.

# Schedule 1 Plan area

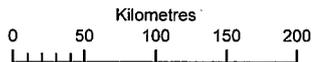
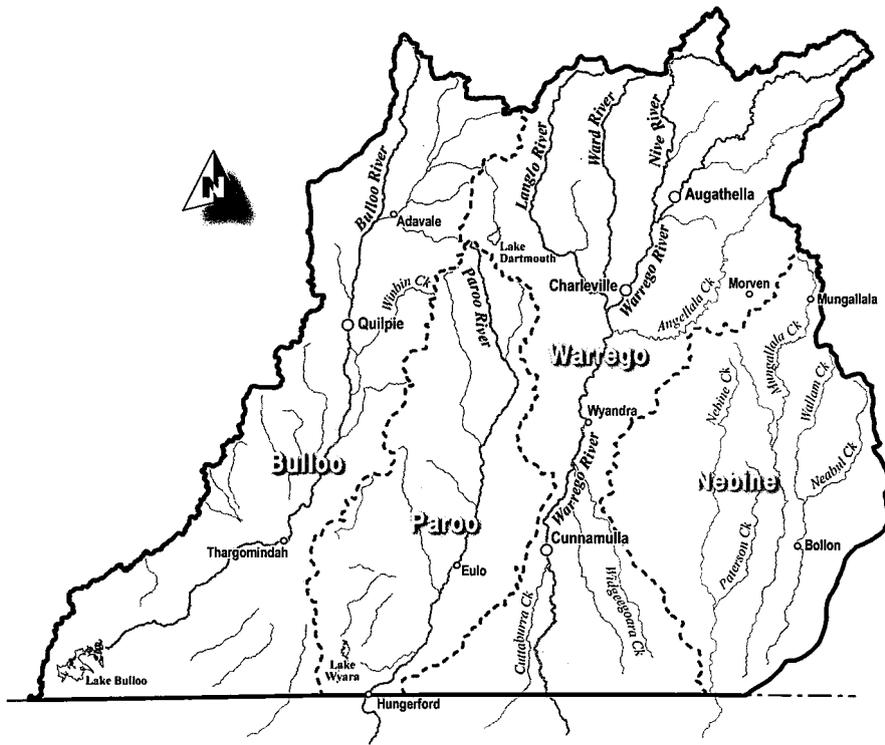
sections 4, 5 and 8



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# Schedule 2 Groundwater management plan

section 6



**LEGEND:**

- Plan Area
- Groundwater Management Area
- Qld / NSW Border
- Catchment Area and Name



WPBN\_Conce,

## Schedule 3      Nodes

### section 8

<b>Column 1</b>	<b>Column 2</b>
<b>Node</b>	<b>Location</b>
A	Bulloo River at the inflow to Lake Bulloo
B	Paroo River at the border of Queensland and New South Wales
C	Cuttaburra Creek at Turra
D	Warrego River at the border of Queensland and New South Wales
E	Nebine Creek at the border of Queensland and New South Wales
F	Warrego River at Wyandra

## Schedule 4 Environmental flow objectives and performance indicators

section 15

### 1 Mean annual flow

- (1) At each node stated in the following table, the mean annual flow during the simulation period must be at least the percentage, of the pre-development flow, that is stated for the node.
- (2) In this section—
 

*pre-development flow* means the mean annual flow, during the simulation period, simulated as if—

  - (a) there were no dams or other water infrastructure in the plan area; and
  - (b) no water had been taken under authorisations in the plan area.

Node	Environmental flow objective
A	99%
B	99%
C	93%
D	87%
E	87%

### 2 Days in no-flow waterhole flow periods

- (1) At each node stated in the following table, the total number of days in all no-flow periods must be no more than the percentage, of the total number of days in the simulation period, that is stated for the node.
- (2) In this section—

***no-flow period*** means a continuous period of more than 1.5 years, during the simulation period, in which daily water flows at the node are no more than 2ML.

Node	Environmental flow objective
D	0%
E	0%
F	0%

### 3 Days in low flow periods

(1) At node D, the total number of days in all low flow periods must be no more than 4.9% of the total number of days in the simulation period.

(2) In this section—

***low flow period*** means a continuous period of at least 1 year, during the simulation period, in which daily water flows at the node are no more than 86ML.

### 4 Days between fish migration flow events

(1) At node D, the total number of days between fish migration flow events during the simulation period must be no more than 2190.

(2) In this section—

***fish migration flow event*** means a continuous period of 8 or more days, between 1 September of a year and 31 March of the next year, during the simulation period—

- (a) starting when the daily water flow at the node is more than 968ML; and
- (b) ending when the daily water flow at the node falls below 842ML.

## 5 Days with river-forming flow

(1) At each node stated in the following table, the total number of days with a river-forming flow must be at least the percentage, of the total number of days in the simulation period, that is stated for the node.

(2) In this section—

*river-forming flow* means a daily water flow at the node that is not less than a daily flow at the node that has a 50% probability of being reached at least once a year.

Node	Environmental flow objective
D	1.2%
E	1.9%
F	1.3%

## 6 Days between floodplain inundation periods

(1) At each node stated in the following table, the total number of days in all floodplain inundation periods must be no more than the percentage, of the total number of days in the simulation period, that is stated for the node.

(2) In this section—

*floodplain inundation flow* means a daily water flow at the node that has a 20% probability of being reached at least once a year.

*floodplain inundation flow period* means a continuous period of more than 4 years, during the simulation period, in which daily water flows at the node are no more than the floodplain inundation flow.

Node	Environmental flow objective
D	80.3%
E	86.6%

## Schedule 5 Reserves for granting unallocated water

section 23

Table 1

Column 1	Column 2
<b>Catchment area</b>	<b>Average annual volume for unallocated water for community or Indigenous purposes</b>
Bulloo River catchment	100ML
Nebine River catchment	100ML
Paroo River catchment	100ML
Warrego River catchment	100ML

Table 2

Column 1	Column 2
<b>Catchment area</b>	<b>Average annual volume for unallocated water for any purpose</b>
Bulloo River catchment	500ML

Table 3

Column 1	Column 2
<b>Catchment area</b>	<b>Average annual volume for unallocated water for any purpose</b>
sediments above the Great Artesian Basin	8000ML
Warrego alluvium	2000ML

## Schedule 6 Dictionary

### section 3

***annual supplemented water sharing index***, for water allocations to take supplemented water, means the percentage of years in the simulation period in which the allocations are fully supplied.

***average annual volume*** means a volume of water expressed as a long-term modelled average over the simulation period.

***average volume***, of water allowed to be taken under all authorisations under this plan, means the total volume of water simulated to have been taken under the authorisation in the simulation period if the authorisation were in existence for all of the simulation period, divided by the number of years in the simulation period.

***catchment area*** see section 5.

***community purpose*** means the purpose of—

- (a) town water supply; or
- (b) supporting ecotourism.

***environmental authority*** see the Environmental Protection Act.

***Environmental Protection Act*** means the *Environmental Protection Act 1994*.

***existing overland flow works*** means overland flow works for which a notice was given, for a purpose other than stock or domestic purposes, under section 34 of the *Water Resource (Warrego, Paroo, Bulloo and Nebine) Plan 2003*.

***groundwater*** see section 9(3).

***groundwater management area*** see section 6.

***groundwater unit*** see section 6.

***Indigenous purpose*** means a use for the purpose of helping an Indigenous community achieve its economic and social aspirations.

***mean annual flow, for a node***, means the total volume of flow of water, at the node, in the simulation period divided by the number of years in the simulation period.

***model computer program*** means—

- (a) the Integrated Quantity and Quality Model computer program that simulates daily stream flows, flow management, storages, releases, instream infrastructure, water diversions, water demands and other hydrologic events in the plan area; and
- (b) the statistical analysis and reporting programs associated with the computer program.

***node*** means a node under section 8.

***nominal entitlement*** see the *Water Regulation 2002*, section 65.

***overland flow works*** means works for taking overland flow water in the plan area, including—

- (a) storages, sumps, drains, embankments, channels and pumps for taking, or that can be used for taking, overland flow water; and
- (b) storages that are connected to the works; and
- (c) works that connect, or that can be used to connect, the storages.

***Planning Act*** means the *Sustainable Planning Act 2009*.

***Planning Regulation*** means the *Sustainable Planning Regulation 2009*.

***simulated*** means simulated by the chief executive using the model computer program.

***simulation period*** means the period from 1 January 1889 to 30 June 2011.

***surface water*** see section 9(2).

***traditional owners*** means the Aboriginal people who identify as descendants of the original inhabitants of the plan area.

***unallocated water*** means water available for allocation in the plan area.

***unsupplemented performance ratio***, for a water allocation group, means the average annual volume of water that may be taken by the group in the simulation period expressed as a percentage of the total of the nominal volumes for the allocations in the group.

***unsupplemented water*** means water that is not supplemented water.

***volumetric limit***, for a water entitlement, has the same meaning as volumetric limit has in section 120B of the Act for a water allocation.

***water allocation group*** means—

- (a) for taking supplemented water—the water allocations in a priority group in a water supply scheme; and
- (b) for taking unsupplemented water—the water allocations in a part of the plan area stated in the resource operations plan.

***Water Regulation*** means the *Water Regulation 2002*.

ENDNOTES

- 1 Made by the Governor in Council on 11 February 2016.
- 2 Notified on the Queensland legislation website on 12 February 2016.
- 3 The administering agency is the Department of Natural Resources and Mines.

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