



Queensland

*Water Act 2000*

# Water Plan (Barron) 2002

Current as at 6 December 2016





Queensland

# Water Plan (Barron) 2002

## Contents

---

		Page
<b>Part 1</b>	<b>Preliminary</b>	
1	Short title . . . . .	5
2	Purposes of plan . . . . .	5
3	Definitions . . . . .	5
<b>Part 2</b>	<b>Areas and water to which plan applies</b>	
4	Plan area . . . . .	6
5	Groundwater management areas . . . . .	6
7	Subcatchment areas . . . . .	6
7A	Water management area . . . . .	6
8	Information about areas . . . . .	6
9	Nodes . . . . .	6
10	Water to which plan applies . . . . .	7
<b>Part 3</b>	<b>Outcomes for sustainable management of water</b>	
11	Outcomes for water in plan area . . . . .	7
12	Economic outcomes . . . . .	8
13	Social outcomes . . . . .	8
14	Ecological outcomes . . . . .	9
<b>Part 4</b>	<b>Performance indicators and objectives</b>	
<b>Division 1</b>	<b>Preliminary</b>	
16	Application of pt 4 . . . . .	10
<b>Division 2</b>	<b>Environmental flow objectives</b>	
17	Performance indicators for environmental flow objectives . . . . .	11
18	Environmental flow objectives . . . . .	11
<b>Division 3</b>	<b>Water allocation security objectives</b>	
19	Performance indicators for water allocation security objectives . . . . .	12
20	Water allocation security objectives . . . . .	12
<b>Part 5</b>	<b>Strategies for achieving outcomes for surface water and</b>	

Contents

---

	<b>groundwater</b>	
<b>Division 1</b>	<b>Preliminary</b>	
21	Application of pt 5 . . . . .	13
22	Decisions consistent with objectives . . . . .	13
23	Assessing impact of decisions . . . . .	13
<b>Division 2</b>	<b>Unallocated water</b>	
24	Unallocated water reserves . . . . .	14
24A	Purpose for which unallocated water may be granted . . . . .	14
24B	Reserve volumes . . . . .	14
24C	Process for granting unallocated water—Act, ss 122 and 212 . .	14
25	Matters chief executive must consider . . . . .	15
<b>Division 3</b>	<b>Authorised taking or interfering with water without water entitlement</b>	
26	Limitations on taking or interfering with water—Act, s 20(2) . . . .	16
26A	Taking water for stock or domestic purposes . . . . .	16
<b>Part 5A</b>	<b>Additional strategies for achieving outcomes for surface water</b>	
<b>Division 1</b>	<b>Preliminary</b>	
26B	Application of pt 5A . . . . .	17
<b>Division 2</b>	<b>Operational and supply arrangements for water infrastructure</b>	
27	Matters chief executive must consider . . . . .	17
<b>Division 3</b>	<b>Interference with water in a watercourse, lake or spring</b>	
28	Application of div 3 . . . . .	18
29	Limitations on interference with water . . . . .	18
29A	Interference with water to enable taking of water for stock or domestic purposes . . . . .	18
29B	Interference with water for provision of pumping pool . . . . .	19
29C	Interference with water to improve security for town water supply	19
29D	Interference with water to store water for purpose not related to the taking of water under water entitlement . . . . .	20
29E	Interference with water related to the granting of unallocated water	20
<b>Division 5</b>	<b>Converting authorisations to water allocations</b>	
<b>Subdivision 1</b>	<b>General provisions</b>	
30	Definition for div 5 . . . . .	20
31	Application of div 5 . . . . .	20
33	Purpose to be stated on water allocation . . . . .	21
<b>Subdivision 3</b>	<b>Unsupplemented water</b>	
37	Elements of water allocation to take unsupplemented water . . .	21

## Contents

38	Nominal volume for unsupplemented water . . . . .	21
39	Annual volumetric limit . . . . .	22
40A	Daily volumetric limit . . . . .	23
42	Conditions for unsupplemented water allocations . . . . .	24
43	Water allocation groups . . . . .	24
<b>Division 6</b>	<b>Licences for taking unsupplemented water</b>	
44	Elements of water licence . . . . .	25
44A	Purpose to be stated on water licence . . . . .	25
45	Nominal entitlement . . . . .	26
45B	Daily volumetric limit . . . . .	27
46	Maximum rates for taking unsupplemented water . . . . .	27
<b>Part 6</b>	<b>Additional strategies for achieving outcomes for groundwater</b>	
<b>Division 1</b>	<b>General provisions</b>	
48	Application of pt 6 . . . . .	28
49	Elements of water licence . . . . .	28
49A	Purpose to be stated on water licence . . . . .	29
<b>Division 2</b>	<b>Criteria for amending particular water licences in Atherton groundwater management area to achieve plan outcomes</b>	
<b>Division 3</b>	<b>Strategies for Cairns Northern Beaches groundwater management area only</b>	
57B	Decisions about taking groundwater . . . . .	30
57C	Restriction on nominal entitlement . . . . .	31
<b>Part 7</b>	<b>Monitoring and reporting requirements</b>	
58	Monitoring and reporting requirements . . . . .	31
<b>Part 8</b>	<b>Implementing the plan</b>	
61	Priorities for converting to, or granting, water allocations . . . . .	32
62	Implementation schedule . . . . .	32
<b>Part 9</b>	<b>Amending plan</b>	
64	Minor amendment of plan—Act, s 57 . . . . .	33
65	Amending or replacing plan . . . . .	33
<b>Schedule 1</b>	<b>Plan area</b> . . . . .	35
<b>Schedule 2</b>	<b>Subcatchment areas</b> . . . . .	36
<b>Schedule 4</b>	<b>Nodes</b> . . . . .	37
<b>Schedule 5</b>	<b>Environmental flow objectives</b> . . . . .	38
<b>Part 1</b>	<b>Low flow objectives</b>	
<b>Part 2</b>	<b>Medium to high flow objectives</b>	

Contents

---

<b>Part 3</b>	<b>Seasonal flow objectives</b>	
<b>Schedule 6</b>	<b>Water allocation security objectives . . . . .</b>	<b>43</b>
<b>Part 1</b>	<b>Supplemented water</b>	
<b>Part 2</b>	<b>Unsupplemented water</b>	
<b>Schedule 7</b>	<b>Total volumes for water allocation groups . . . . .</b>	<b>45</b>
<b>Schedule 8</b>	<b>Rates and pump sizes . . . . .</b>	<b>46</b>
<b>Schedule 9</b>	<b>Priority areas . . . . .</b>	<b>47</b>
1	Mareeba–Dimbulah priority area . . . . .	47
2	Barron River priority area . . . . .	48
3	Tolga priority area . . . . .	48
<b>Schedule 10</b>	<b>Dictionary . . . . .</b>	<b>49</b>

# Water Plan (Barron) 2002

## Part 1 Preliminary

### 1 Short title

This water plan may be cited as the *Water Plan (Barron) 2002*.

### 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 water and the taking of water; and
- (c) to identify priorities and mechanisms for dealing with future water requirements; and
- (d) to provide a framework for reversing, where practicable, degradation that has occurred in natural ecosystems; and
- (e) to provide a framework for establishing water allocations; and
- (f) to regulate the taking of groundwater.

### 3 Definitions

The dictionary in schedule 10 defines particular words used in this plan.

## **Part 2                      Areas 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            Groundwater management areas**

Each part of the plan area shown as a groundwater management area on the map in schedule 1 is a groundwater management area for this plan.

### **7            Subcatchment areas**

Each part of the plan area that is within a subcatchment area shown on the map in schedule 2 is a subcatchment area for this plan.

### **7A          Water management area**

The plan area is a water management area called the Barron Water Management Area.

### **8            Information about areas**

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

*Editor's note—*

The location of each office of the department is available at <[www.dnrm.qld.gov.au](http://www.dnrm.qld.gov.au)>.

### **9            Nodes**

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



- (a) on a watercourse in the plan area; and
  - (b) for which environmental flow objectives are set for performance indicators.
- (2) The location of each node is shown on the map in schedule 1 and described in schedule 4.
- (3) Each node is identified on the map by a number.

## **10 Water to which plan applies**

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

- (a) water in a watercourse, lake or spring (*surface water*) in the plan area;
- (b) underground water (*groundwater*).

# **Part 3 Outcomes for sustainable management of water**

## **11 Outcomes for water in plan area**

- (1) This part states the outcomes for the sustainable management of water to which this plan applies.
- (2) Without limiting subsection (1), the outcomes include the allocation and management of water in a way that—
  - (a) recognises that the natural state of watercourses, lakes, springs and aquifers has changed because of the taking of, and interfering with, water; and
  - (b) achieves a balance in the following outcomes—
    - (i) the economic outcomes mentioned in section 12;
    - (ii) the social outcomes mentioned in section 13;
    - (iii) the ecological outcomes mentioned in section 14.

## **12 Economic outcomes**

Each of the following is an economic outcome for water in the plan area—

- (a) the provision for the continued use of all water entitlements and other authorisations to take or interfere with water;
- (b) the protection of the probability of being able to take water under a water entitlement;
- (c) the allowing of water to be used for the following—
  - (i) agriculture;
  - (ii) aquaculture;
  - (iii) hydro-electric power generation;
  - (iv) industrial needs;
  - (v) small scale uses;
  - (vi) stock purposes;
  - (vii) tourism and recreational uses;
  - (viii) urban needs;
- (d) the encouragement of continual improvement in the efficient use of water;
- (e) the provision of mechanisms that support water being made available for the following—
  - (i) growth in industries dependent on water resources in the plan area;
  - (ii) stock purposes in the plan area;
  - (iii) particular groundwater licences in the Atherton groundwater management area.

## **13 Social outcomes**

Each of the following is a social outcome for water in the plan area—

- (a) the provision of a reliable and secure supply of water from the plan area during the time this plan is in force;
- (b) the maintenance of flows to areas of significant cultural, tourism and recreational value, including the Barron Falls, Barron Gorge and Tinaroo Falls Dam;
- (c) the support of water-related cultural values of Aboriginal and Torres Strait Islander communities in the plan area;
- (d) the ensuring of availability of water for—
  - (i) domestic purposes in the plan area; and
  - (ii) meeting increased demand for urban water supply for Cairns local government area from Lake Placid.

## **14 Ecological outcomes**

Each of the following is an ecological outcome for water in the plan area—

- (a) maintenance of flows that support—
  - (i) the habitats of native plants and animals in watercourses, lakes and springs; and
  - (ii) riparian systems and their functions influencing the riverine ecosystems; and
  - (iii) native plants and animals associated with watercourses, lakes and springs and riparian zones; and
  - (iv) long term water quality suitable for riverine and estuarine ecosystems; and
  - (v) existing geomorphic features and processes; and
  - (vi) the continued capability of one part of a river system to be connected to another—
    - (A) throughout the watercourse network; and
    - (B) within riparian zones, floodplains, watercourses, lakes and springs; and

- (vii) wet season flow to benefit native plants and animals in estuaries; and
  - (viii) the health and persistence of waterholes; and
  - (ix) ecosystem food chains, their balance and the movement of carbon energy;
- (b) the management and allocation of groundwater in the plan area to maintain groundwater contributions to—
  - (i) the flow of water in watercourses, lakes and springs; and
  - (ii) groundwater dependent ecosystems;
- (c) the management and allocation of water in the Barron River catchment area to provide a flow regime to maintain—
  - (i) delivery of freshwater, sediment, nutrients and organic matter to the river's estuary; and
  - (ii) the brackish water habitat in the estuary;
- (d) the management and allocation of water in Flaggy Creek to protect areas and species of significant conservation value associated with the creek.

## **Part 4                      Performance indicators and objectives**

### **Division 1                Preliminary**

#### **16        Application of pt 4**

This part applies only to surface water.

---

## **Division 2                      Environmental flow objectives**

### **17            Performance indicators for environmental flow objectives**

The performance indicators for the environmental flow objectives are—

- (a) for assessing periods of low flow—
  - (i) 50% daily flow; and
  - (ii) 90% daily flow; and
  - (iii) daily flow less than 1ML; and
  - (iv) number of periods of no flow of at least 1 month but less than 3 months; and
  - (v) number of periods of no flow of at least 3 months; and
- (b) for assessing periods of medium to high flow—
  - (i) mean annual flow; and
  - (ii) 1.5 year daily flow volume; and
  - (iii) 5 year daily flow volume; and
  - (iv) 10 year daily flow volume; and
  - (v) 20 year daily flow volume; and
- (c) for assessing seasonal flow patterns—
  - (i) flow regime class; and
  - (ii) annual proportional flow deviation.

### **18            Environmental flow objectives**

The environmental flow objectives for this plan are stated in schedule 5.

## **Division 3**

## **Water allocation security objectives**

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

The performance indicators for the water allocation security objectives are—

- (a) for taking supplemented water—
  - (i) annual supplemented water sharing index; and
  - (ii) monthly supplemented water sharing index; and
- (b) for taking unsupplemented water—
  - (i) for water allocations in the class CA water allocation group—95% unsupplemented water sharing index; and
  - (ii) for water allocations in the class CB, CC and HB water allocation groups—
    - (A) 50% unsupplemented water sharing index; and
    - (B) 70% unsupplemented water sharing index; and
    - (C) 80% unsupplemented water sharing index; and
    - (D) annual volume probability.

### **20 Water allocation security objectives**

The water allocation security objectives for this plan are stated in—

- (a) for water allocations to take supplemented water—schedule 6, part 1; and
- (b) for water allocations to take unsupplemented water—schedule 6, part 2.

---

## **Part 5                      Strategies for achieving                                  outcomes for surface water and                                  groundwater**

### **Division 1                Preliminary**

#### **21            Application of pt 5**

This part applies to surface water and groundwater.

#### **22            Decisions consistent with objectives**

Decisions about the allocation or management of water in the plan area, other than a decision in relation to a water permit, must be consistent with—

- (a) the environmental flow objectives stated in schedule 5; and
- (b) the water allocation security objectives stated in schedule 6.

#### **23            Assessing impact of decisions**

- (1) The IQQM computer program's simulation for the simulation period is used to assess consistency with the objectives.
- (2) If it is not practicable to use the IQQM computer program, another assessment method approved by the chief executive may be used.
- (3) The chief executive may approve an assessment method for subsection (2) only if the chief executive is satisfied the method will assess consistency with the objectives at least as accurately as the IQQM computer program.

## **Division 2                      Unallocated water**

### **24                      Unallocated water reserves**

Unallocated water in the plan area is held as a general reserve or a strategic reserve.

#### **24A                      Purpose for which unallocated water may be granted**

Unallocated water in the plan area may be granted only for the following purposes—

- (a) for unallocated water held as a general reserve—any purpose;
- (b) for unallocated water held as a strategic reserve—town water supply.

#### **24B                      Reserve volumes**

- (1) The total of the volumetric limits for all water entitlements to take unallocated water from the general reserve in subcatchment area B is 300ML.
- (2) The total of the volumetric limits for all water entitlements to take unallocated water from the strategic reserve in subcatchment area A is 4000ML.
- (3) For unallocated water mentioned in subsection (2), the reserve is only available to be taken from the Barron River at Lake Placid for use in the Cairns local government area.

#### **24C                      Process for granting unallocated water—Act, ss 122 and 212**

- (1) The process for granting unallocated water under a water allocation or a water licence is a process stated in the *Water Regulation 2016*, part 2, division 2, subdivision 2.
- (2) The chief executive must—



- (a) keep a record of the volume of unallocated water available; and
- (b) update the record after unallocated water has been granted.

## **25 Matters chief executive must consider**

- (1) In implementing a process for dealing with unallocated water, the chief executive must consider—
  - (a) the efficiency of existing and proposed water use practices; and
  - (b) the availability of an alternative water supply for the purpose for which the water is required; and
  - (c) the impact the proposed taking of, or interfering with, the water may have on the following—
    - (i) water quality;
    - (ii) inundation of habitats;
    - (iii) the movement of fish and other aquatic species;
    - (iv) the natural movement of sediment;
    - (v) recreation and aesthetic values;
    - (vi) cultural values, including, for example, cultural values of local Aboriginal or Torres Strait Islander communities; and
  - (d) whether the proposed taking or interfering is likely to have a direct adverse effect on groundwater flows.
- (2) Subsection (1) does not limit the matters the chief executive may consider.

## **Division 3                      Authorised taking or interfering with water without water entitlement**

### **26            Limitations on taking or interfering with water—Act, s 20(2)**

- (1) This section prescribes for section 20(2) of the Act limitations for taking water under that section.
- (2) The total volume of water that may be taken or interfered with for activities prescribed by regulation for section 20(2)(a) of the Act is—
  - (a) for water taken from part of a watercourse used for distribution of water by a resource operations licence holder—0ML; and
  - (b) for water taken in subcatchment area C or H—20ML.

*Note—*

The part of the plan area included in subcatchment areas C and H is the same part included in the Atherton groundwater management area. The 20ML of water that may be taken or interfered with under paragraph (b) includes surface water and groundwater.

- (3) A person must not take, under section 20(2)(c) of the Act, groundwater in the Atherton groundwater management area or the Cairns Northern Beaches groundwater management area other than for stock or domestic purposes.

*Note—*

A person with a water licence or permit that allows the taking of groundwater in the Atherton groundwater management area or the Cairns Northern Beaches groundwater management area may take groundwater from the groundwater management area under the licence or permit.

### **26A        Taking water for stock or domestic purposes**

For section 20A(5)(a) of the Act, an owner of land may take water, in any way, from a watercourse (other than a part of a watercourse used for distribution of water by a holder of a

resource operations licence), lake or spring in the plan area for stock or domestic purposes.

## **Part 5A                      Additional strategies for achieving outcomes for surface water**

### **Division 1                      Preliminary**

#### **26B      Application of pt 5A**

This part applies to surface water.

### **Division 2                      Operational and supply arrangements for water infrastructure**

#### **27      Matters chief executive must consider**

- (1) In deciding the operating arrangements and supply requirements for water infrastructure, the chief executive must consider—
  - (a) the impact of the infrastructure's operation on the following—
    - (i) water quality;
    - (ii) instream water levels;
    - (iii) erosion of the bed and banks of watercourses;
    - (iv) riparian vegetation;
    - (v) the extent to which artificial variations in instream water levels and flows may adversely affect natural ecosystems;

- (vi) recreation and aesthetic values;
    - (vii) cultural values, including, for example, cultural values of local Aboriginal or Torres Strait Islander communities; and
  - (b) the impact of the infrastructure on the movement of fish and other aquatic species; and
  - (c) the impact of the transfer of water between watercourses; and
  - (d) the likelihood of fish deaths caused by the operation of the infrastructure.
- (2) Subsection (1) does not limit the matters the chief executive may consider.

## **Division 3                      Interference with water in a watercourse, lake or spring**

### **28              Application of div 3**

This division applies to an application, made under section 206 of the Act, for a water licence to interfere with water in a watercourse, lake or spring by impounding the flow of water.

### **29              Limitations on interference with water**

The water licence may be granted only if the purpose of the proposed interference is a purpose provided for in this division.

### **29A            Interference with water to enable taking of water for stock or domestic purposes**

- (1) This section applies if the purpose of the proposed interference with water is to store water to be taken under an authorisation for stock or domestic purposes.

- (2) The storage capacity of the proposed interference must not be greater than—
  - (a) for a water licence to interfere with water in subcatchment area A, B, C or H—20ML; or
  - (b) otherwise—200ML.

## **29B Interference with water for provision of pumping pool**

- (1) This section applies if the purpose of the proposed interference with water is to provide a pumping pool to enable water to be taken under an authorisation.
- (2) The storage capacity of the pumping pool must not be greater than 2ML.
- (3) In this section—

***pumping pool*** means a pool of water near a pump in a watercourse, lake or spring that ensures the water level of the watercourse, lake or spring is appropriate to enable the pump to function properly.

## **29C Interference with water to improve security for town water supply**

- (1) This section applies if the purpose of the proposed interference with water is to provide improved security for town water supplies taken under an authorisation.
- (2) The chief executive must not grant the application unless the chief executive is satisfied—
  - (a) the town has appropriate water supply security strategies, such as demand and drought management strategies, in place; and
  - (b) there is a demonstrated need for an increased reliability of the water supply.

**29D Interference with water to store water for purpose not related to the taking of water under water entitlement**

- (1) This section applies if the purpose of the proposed interference with water is to store water for a purpose not related to the taking of water under a water entitlement.

*Examples of a purpose for subsection (1)—*

community landscaping, retention of water for flood mitigation purposes

- (2) The interference must not be greater than the volume necessary for the purpose of the interference.

**29E Interference with water related to the granting of unallocated water**

- (1) This section applies if the purpose of the proposed interference with water is related to the granting of unallocated water under the process mentioned in section 24C.
- (2) The interference must not be greater than is necessary for the purpose of taking the unallocated water.

**Division 5 Converting authorisations to water allocations**

**Subdivision 1 General provisions**

**30 Definition for div 5**

In this division—

***authorisation*** means an authorisation or authority mentioned in section 31.

**31 Application of div 5**

This division applies only to—

- (a) authorisations converted, under the resource operations plan, to water allocations; and
- (b) water allocations converted, under the resource operations plan, from authorisations.

### **33 Purpose to be stated on water allocation**

The purpose stated on a water allocation must be—

- (a) if the purpose stated on the authorisation is stock, domestic, irrigation, stock intensive, agriculture, dairy, water harvesting, aquaculture or a similar purpose—‘rural’; or
- (b) if the purpose stated on the authorisation is distribution loss—‘distribution loss’; or
- (c) otherwise—‘any’.

## **Subdivision 3 Unsupplemented water**

### **37 Elements of water allocation to take unsupplemented water**

A water allocation to take unsupplemented water must state the following—

- (a) the nominal volume for the allocation;
- (b) the annual volumetric limit for the allocation;
- (c) the daily volumetric limit for the allocation;
- (d) the flow conditions under which water may be taken.

### **38 Nominal volume for unsupplemented water**

In deciding the nominal volume for a water allocation in a water allocation group mentioned in schedule 7, column 1, the chief executive—

- (a) must have regard to—

- (i) the local availability of water; and
  - (ii) the conditions under which the water may be taken under the authorisation; and
  - (iii) the annual volumes of water estimated by the chief executive to have been taken under the authorisation during the period, of not more than 10 years, immediately before the commencement of this plan; and
  - (iv) the simulated mean annual diversion; and
  - (v) the efficiency of the use of the water mentioned in subparagraph (iii); and
- (b) must ensure the total of the nominal volumes for the water allocation group is not more than the volume stated in schedule 7, column 2, for the group.

### **39 Annual volumetric limit**

The annual volumetric limit for a water allocation to take unsupplemented water is—

- (a) for an authorisation that states an annual volume of water—the stated volume; or
- (b) for an authorisation that states the area that may be irrigated—the volume, expressed in megalitres, calculated by multiplying the area, in hectares, by 10; or
- (c) for another authorisation—the volume decided by the chief executive having regard to—
  - (i) the conditions under which water may be taken under the authorisation; and
  - (ii) the water taking capacity of any existing works for taking water under the authorisation; and
  - (iii) the annual volumes of water estimated by the chief executive to have been taken under the authorisation during the period, of not more than



10 years, immediately before the commencement of this plan; and

- (iv) the efficiency of the use of the water mentioned in subparagraph (iii).

#### **40A Daily volumetric limit**

- (1) The daily volumetric limit for a water allocation to take unsupplemented water is—
  - (a) for an authorisation that states the volume of water that may be taken in a day—the stated volume; or
  - (b) for an authorisation that does not state a volume that may be taken in a day but for which a related development permit—
    - (i) states a pump size mentioned in schedule 8, column 1—the daily volumetric limit stated in schedule 8, column 3 for the pump size; or
    - (ii) states a pump size other than a pump size mentioned in schedule 8, column 1—the daily volumetric limit decided by the chief executive having regard to the daily volumetric limits stated for similar pump sizes in schedule 8, column 3; or
  - (c) for another authorisation—the daily volumetric limit decided by the chief executive having regard to—
    - (i) the type of authorisation; and
    - (ii) an estimate or measurement of the rate at which water can be taken under the authorisation.
- (2) However, for subsection (1)(b), if the authorisation holder satisfies the chief executive that the water taking capacity of the pump is different from the daily volumetric limit decided under the subsection, the daily volumetric limit is the volume decided by the chief executive having regard to the following—
  - (a) the conditions under which the water may be taken under the authorisation;

- (b) the water taking capacity of the pump to which the development permit relates (the *existing pump*) under normal operating conditions;
- (c) the irrigation or water distribution system related to the existing pump during the period of not more than 10 years immediately before the commencement of this section;
- (d) the efficiency of the water use associated with the irrigation or water distribution system mentioned in paragraph (c).

## **42 Conditions for unsupplemented water allocations**

In deciding the conditions under which water may be taken under a water allocation to take unsupplemented water, the chief executive must have regard to the conditions stated on the relevant authorisation.

## **43 Water allocation groups**

- (1) A water allocation to take unsupplemented water in subcatchment area C belongs to—
  - (a) for an authorisation for town water supply purposes—the class CA water allocation group; and
  - (b) for an authorisation that states a purpose or similar purpose mentioned in section 33(a), other than water harvesting, or a purpose mentioned in section 33(c)—the class CB water allocation group; and
  - (c) for other authorisations—the class CC water allocation group.
- (2) A water allocation to take unsupplemented water in subcatchment area H belongs to the class HB water allocation group.

---

## **Division 6                      Licences for taking   unsupplemented water**

### **44        Elements of water licence**

- (1) A water licence to take unsupplemented water must state each of the following—
  - (a) the purpose for which water may be taken under the licence;
  - (b) the nominal entitlement for the licence;
  - (c) the daily volumetric limit for the licence;
  - (d) the maximum rate at which water may be taken under the licence;
  - (e) if a condition applies to the licence, including, for example, a flow condition under which water may be taken or a condition about storing water taken under the licence—the condition.
- (2) However—
  - (a) subsection (1)(b) does not apply to a licence that states a purpose of ‘hydro-electric’ or ‘relift’; and
  - (b) subsection (1)(c) does not apply to a licence that states a purpose of ‘relift’.

### **44A    Purpose to be stated on water licence**

- (1) The purpose to be stated on a water licence to take unsupplemented water that replaces an existing licence must be—
  - (a) if the purpose stated on the existing licence is stock or domestic—‘stock and domestic’; or
  - (b) if the purpose stated on the existing licence is irrigation, stock intensive, agriculture, dairy, water harvesting, aquaculture or a similar purpose—‘rural’; or

- (c) if the purpose stated on the existing licence is relift or a similar purpose—‘relift’; or
- (d) if the purpose stated on the existing licence is hydro-electric or a similar purpose—‘hydro-electric’; or
- (e) otherwise—‘any’.

- (2) In this section—

*existing licence* means a water licence to take unsupplemented water in force immediately before the commencement of this section.

## **45 Nominal entitlement**

- (1) Subsection (2) states the nominal entitlement for a water licence to take unsupplemented water.
- (2) The nominal entitlement is—
  - (a) for a licence that states a volume of water that may be taken—the stated volume; or
  - (b) for a licence that states the area that may be irrigated—the volume decided by the chief executive having regard to the volume of water required to efficiently irrigate the area, but not more than the volume, expressed in megalitres, calculated by multiplying the area, in hectares, by—
    - (i) for subcatchment area B—3; and
    - (ii) for subcatchment area C or H—10; and
    - (iii) for other subcatchment areas—6.6; or
  - (c) for another licence—the volume decided by the chief executive having regard to—
    - (i) the conditions under which water may be taken under the licence; and
    - (ii) the water taking capacity of any existing works for taking water under the licence; and

- (iii) the annual volumes of water estimated by the chief executive to have been taken under the licence during the period, of not more than 10 years, immediately before the commencement; and
- (iv) the efficiency of the use of the water mentioned in subparagraph (iii).

#### **45B Daily volumetric limit**

The daily volumetric limit to take unsupplemented water under a water licence is the daily volumetric limit mentioned in section 40A or decided by the chief executive under that section as if the water licence were a water allocation.

#### **46 Maximum rates for taking unsupplemented water**

The maximum rate at which unsupplemented water may be taken under a water licence is—

- (a) for an authorisation that states a maximum rate—the stated rate; or
- (b) for an authorisation that does not state a maximum rate but for which a related development permit states a pump size mentioned in schedule 8, column 1—
  - (i) if the authorisation holder demonstrates that the actual rate at which water can be taken is different from the rate stated in column 2 of the schedule for the pump size—the rate decided by the chief executive having regard to—
    - (A) the conditions under which the water may be taken; and
    - (B) the water-taking capacity of the pump to which the development permit relates (the *existing pump*) under normal operating conditions; and
    - (C) the irrigation or water distribution system related to the existing pump during the

- period of not more than 10 years immediately before the commencement of this plan; and
- (D) the efficiency of the water use mentioned in sub-subparagraph (C); or
- (ii) otherwise—the rate stated in column 2 of the schedule for the pump size; or
- (c) for an authorisation that does not state a maximum rate but for which a related development permit states a pump size other than a pump size mentioned in schedule 8, column 1—the rate decided by the chief executive having regard to the matters mentioned in paragraph (b)(i)(A) to (D); or
- (d) for another authorisation—the rate decided by the chief executive having regard to—
  - (i) the nature of the authorisation; and
  - (ii) an estimate or measurement of the rate at which water is taken under the authorisation.

## **Part 6**

# **Additional strategies for achieving outcomes for groundwater**

### **Division 1**

## **General provisions**

#### **48 Application of pt 6**

This part applies to groundwater.

#### **49 Elements of water licence**

A water licence to take groundwater must state—

- (a) the purpose for which water may be taken under the licence; and
- (b) the nominal entitlement for the licence.

#### **49A Purpose to be stated on water licence**

- (1) The purpose to be stated on a water licence to take groundwater that replaces an existing licence must be—
  - (a) if the purpose stated on the existing licence is irrigation, stock intensive, agriculture, dairy, water harvesting, aquaculture or a similar purpose—‘rural’; or
  - (b) otherwise—‘any’.
- (2) The purpose to be stated on a water licence to take groundwater, other than a water licence mentioned in subsection (1), must be—
  - (a) ‘rural’; or
  - (b) ‘any’.
- (3) In this section—

***existing licence*** means a water licence to take groundwater in force immediately before the commencement of this section.

**Division 2**                      **Criteria for amending particular water licences in Atherton groundwater management area to achieve plan outcomes**

**Division 3**                      **Strategies for Cairns Northern Beaches groundwater management area only**

**57B**      **Decisions about taking groundwater**

- (1) This section applies to an application for or about a water licence to take groundwater in the Cairns Northern Beaches groundwater management area, if granting the application would increase the volume of groundwater taken.
- (2) In deciding the application, the chief executive must have regard to—
  - (a) the availability of an alternative water supply for the purpose for which the water is required; and
  - (b) the efficiency of existing and proposed water use practices; and
  - (c) whether the proposed taking is likely to have a direct adverse effect on surface water flows; and
  - (d) the cumulative impact of taking groundwater on surface water flows and groundwater flows.
- (3) Subsection (2) does not limit the matters the chief executive may consider.
- (4) This section does not apply to an application to—
  - (a) reinstate, under section 221 of the Act, an expired water licence; or
  - (b) amalgamate, under section 224 of the Act, 2 or more water licences in force immediately before the commencement of this section; or



- (c) replace, under section 225 of the Act, an original licence if the original licence is to be replaced with 2 or more water licences; or
- (d) replace, under section 229 of the Act, an expired licence with 1 or more licences.

### **57C Restriction on nominal entitlement**

In deciding the nominal entitlement for a water licence to take groundwater in the Cairns Northern Beaches groundwater management area, the chief executive must not decide a volume that is more than—

- (a) for a licence to take water for irrigation purposes—1.75ML for each hectare of crop to be irrigated; or
- (b) for a licence to take water for another purpose—the volume estimated by the chief executive to be required for the purpose.

## **Part 7 Monitoring and reporting requirements**

### **58 Monitoring and reporting requirements**

- (1) To help the Minister assess the effectiveness of the management strategies for achieving the outcomes mentioned in part 3, the resource operations plan must state—
  - (a) the monitoring requirements for water and natural ecosystems for this plan; and
  - (b) the reporting requirements for this plan for operators of infrastructure interfering with water in the plan area.
- (2) Subsection (1) does not limit the monitoring requirements the chief executive may impose for this plan.

## **Part 8                      Implementing the plan**

### **61            Priorities for converting to, or granting, water allocations**

Each area described in schedule 9 is a priority area for this plan for the conversion to or granting of water allocations to take water in the plan area.

### **62            Implementation schedule**

- (1) This section states—
  - (a) the proposed arrangements for implementing this plan; and
  - (b) the priorities for the conversion to or granting of water allocations.
- (2) Within 1 year after the commencement of this plan, it is proposed to prepare a resource operations plan—
  - (a) to convert authorisations in a priority area to water allocations; and
  - (b) to deal with unallocated surface water available for future water requirements in the plan area; and
  - (c) for water in a priority area—to make environmental management rules, water sharing rules, water allocation change rules and seasonal water assignment rules; and
  - (d) to implement the monitoring requirements in part 7.
- (3) Within 3 years after the commencement, it is proposed to prepare a new resource operations plan or amend the plan mentioned in subsection (2) to amend licences to take surface water to be consistent with this plan.
- (4) Subsections (2) and (3) do not limit the matters that may be included in the resource operations plan.

## Part 9 Amending plan

### 64 Minor amendment of plan—Act, s 57

The following types of amendment may be made to this plan under section 57(b) of the Act—

- (a) an amendment or addition of an environmental flow objective if the amendment or addition achieves an equivalent or improved ecological outcome without adversely affecting the water allocation security objectives or the outcomes under part 3;
- (b) an amendment or addition of a water allocation security objective if the amendment or addition does not adversely affect existing water allocations, environmental flow objectives or the outcomes under part 3;
- (c) an amendment or addition of a priority area;
- (d) an amendment or addition of a node;
- (e) an amendment or addition of a priority group;
- (f) an amendment or addition of a water allocation group;
- (g) an amendment to subdivide a subcatchment area;
- (h) an amendment to subdivide a volume stated in schedule 7;
- (i) an amendment or addition of a monitoring or reporting requirement under part 7.

### 65 Amending or replacing plan

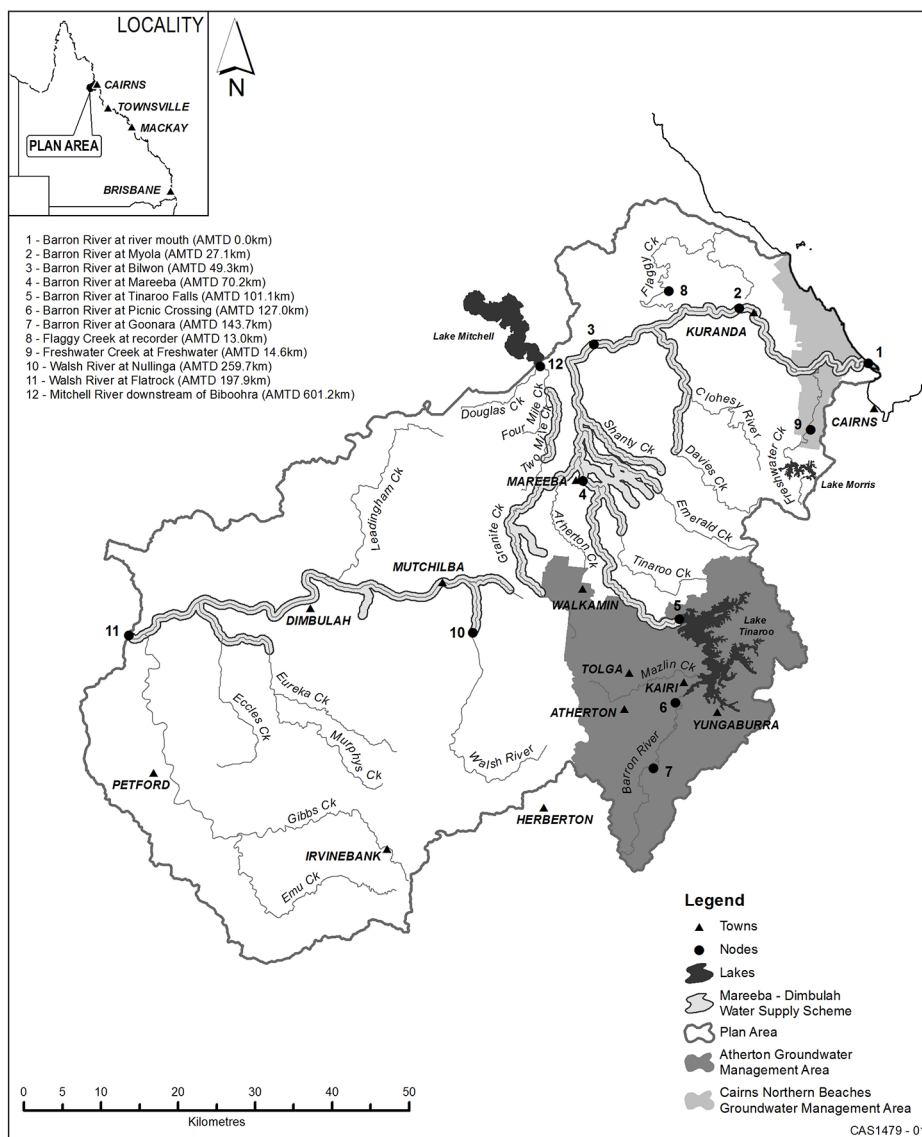
The Minister must consider amending this plan or preparing a new plan to replace this plan if the Minister is satisfied—

- (a) in relation to general outcomes—
  - (i) water entitlements in the plan area are not sufficient to meet water needs sourced from the plan area having regard to—

- (A) the extent to which water is being taken under the water entitlements; and
  - (B) the efficiency of present, and expected future, water use; and
  - (C) emerging requirements for additional water; and
  - (D) alternative water sources including, for example, recycled water and water savings from improvements in the efficiency of water use; and
  - (E) the likely timeframe in which additional water will be required; and
- (ii) there are economically viable and ecologically sustainable uses for additional water; or
- (b) the plan's ecological outcomes are not being achieved.

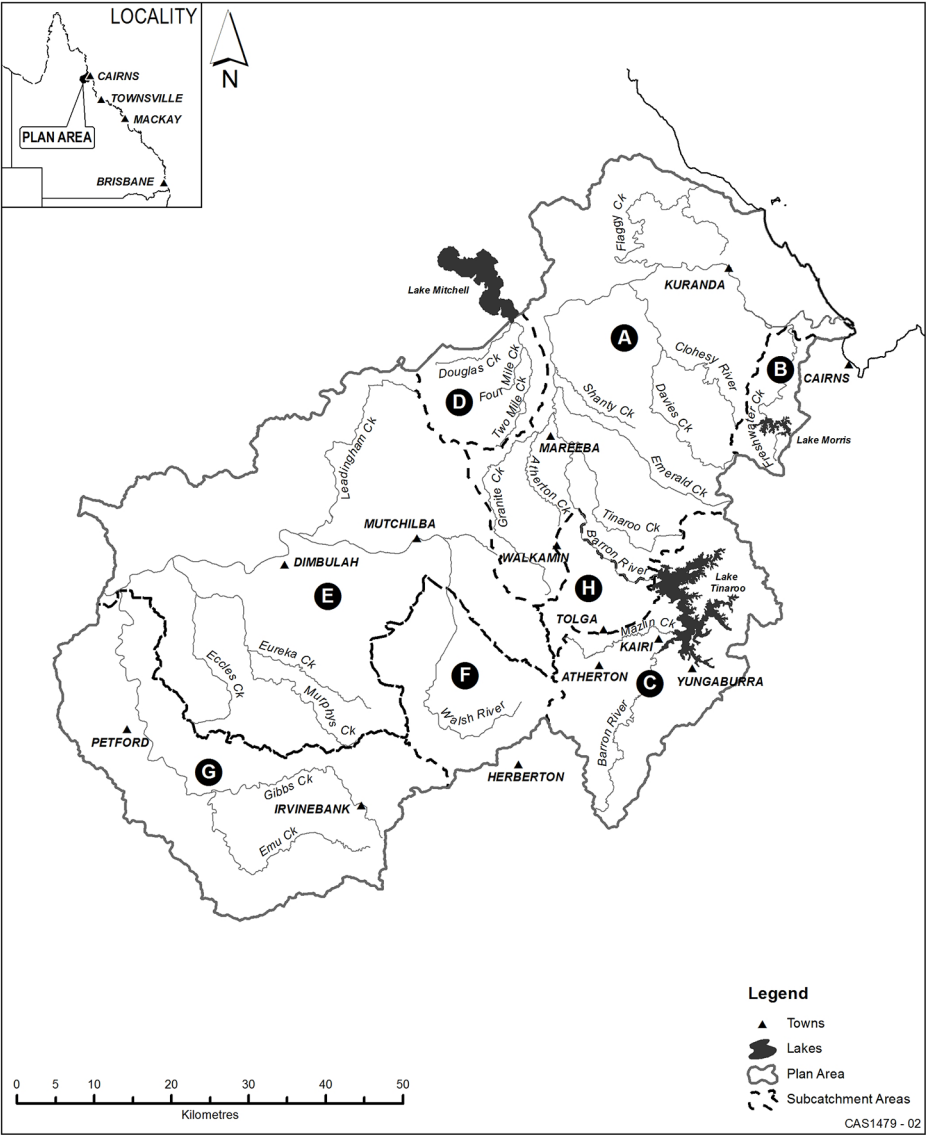
# Schedule 1 Plan area

sections 4, 5 and 9



Schedule 2 Subcatchment areas

section 7



---

## Schedule 4      Nodes

## section 9

<b>Node</b>	<b>Location</b>
1	Barron River at river mouth (AMTD 0.0km)
2	Barron River at Myola (AMTD 27.1km)
3	Barron River at Bilwon (AMTD 49.3km)
4	Barron River at Mareeba (AMTD 70.2km)
5	Barron River at Tinaroo Falls (AMTD 101.1km)
6	Barron River at Picnic Crossing (AMTD 127.0km)
7	Barron River at Goonara (AMTD 143.7km)
8	Flaggy Creek at recorder (AMTD 13.0km)
9	Freshwater Creek at Freshwater (AMTD 14.6km)
10	Walsh River at Nullinga (AMTD 259.7km)
11	Walsh River at Flatrock (AMTD 197.9km)
12	Mitchell River downstream of Bibbohra (AMTD 601.2km)

# Schedule 5      Environmental flow objectives

section 18

## Part 1      Low flow objectives

- 1    At node 8 mentioned in table 1, the 50% daily flow be at least the flow stated for each water flow season in the table between 49% and 50% of the total number of days in the water flow season in the simulation period.

Table 1

Column 1	Column 2	Column 3	Column 4
Node	January–April 50% daily flow	May–August 50% daily flow	September–December 50% daily flow
8	122	47	7

- 2    At each node mentioned in table 2, the percentage of the total number of days in the water flow season in the simulation period that the 50% daily flow stated for the water flow season for the node in the table is equalled or exceeded be at least the percentage stated in the table.

Table 2

Column 1	Column 2	Column 3	Column 4
Node	January–April	May–August	September–December
1	37%	38%	15%
2	36%	37%	15%
4	22%	30%	10%
5	10%	25%	7%
9	34%	17%	6%



- 3 At node 8 mentioned in table 3, the 90% daily flow be at least the flow stated for each water flow season in the table between 89% and 90% of the total number of days in the water flow season in the simulation period.

**Table 3**

<b>Column 1</b>	<b>Column 2</b>	<b>Column 3</b>	<b>Column 4</b>
<b>Node</b>	<b>January–April 90% daily flow</b>	<b>May–August 90% daily flow</b>	<b>September–December 90% daily flow</b>
8	4	15	1

- 4 At each node mentioned in table 4, the percentage of the total number of days in the water flow season in the simulation period that the 90% daily flow stated for the water flow season for the node in the table is equalled or exceeded be at least the percentage stated in the table.

**Table 4**

<b>Column 1</b>	<b>Column 2</b>	<b>Column 3</b>	<b>Column 4</b>
<b>Node</b>	<b>January–April</b>	<b>May–August</b>	<b>September–December</b>
1	74%	57%	30%
2	71%	56%	50%
4	50%	43%	35%
5	13%	38%	32%
9	59%	24%	8%

- 5 At each node mentioned in table 5, the percentage of the total number of days in the simulation period on which the daily flow is less than 1ML be between the minimum and maximum percentages stated for the node in column 2 of the table.

**Table 5**

<b>Column 1</b>	<b>Column 2</b>
<b>Node</b>	<b>Minimum–Maximum percentage</b>
1, 2, 3, 4, 5, 6, 7, 9	0–1
8	0–14
10	5–25
11	26–46
12	0–63

- 6 At nodes 1 to 7 and 9, there be no periods of no flow of at least 1 month in the simulation period.
- 7 At node 8, in the simulation period, there be—
- (a) between 6 and 8 periods of no flow of at least 1 month but less than 3 months; and
  - (b) between 1 and 3 periods of no flow of at least 3 months.

## **Part 2                      Medium to high flow objectives**

- 8 At each node mentioned in table 6, column 1—
- (a) the mean annual flow in the simulation period, expressed as a percentage of the mean annual flow for the pre-development flow pattern, be at least the percentage stated for the node in column 2 of the table; and
  - (b) the 1.5 year daily flow volume (the **1.5 year DFV**), expressed as a percentage of the 1.5 year DFV for the pre-development flow pattern, be at least the percentage stated for the node in column 3 of the table; and
  - (c) the 5 year daily flow volume (the **5 year DFV**), expressed as a percentage of the 5 year DFV for the

- pre-development flow pattern, be at least the percentage stated for the node in column 4 of the table; and
- (d) the 10 year daily flow volume (the 10 year DFV), expressed as a percentage of the 10 year DFV for the pre-development flow pattern, be at least the percentage stated for the node in column 5 of the table; and
  - (e) the 20 year daily flow volume (the 20 year DFV), expressed as a percentage of the 20 year DFV for the pre-development flow pattern, be at least the percentage stated for the node in column 6 of the table.

**Table 6**

<b>Column 1</b>	<b>Column 2</b>	<b>Column 3</b>	<b>Column 4</b>	<b>Column 5</b>	<b>Column 6</b>
<b>Node</b>	<b>Mean annual flow %</b>	<b>1.5 year DFV %</b>	<b>5 year DFV %</b>	<b>10 year DFV %</b>	<b>20 year DFV %</b>
1	75	84	88	86	84
2	73	85	86	86	85
3	60	71	73	72	72
4	47	43	46	48	50
5	27	2	11	18	28
6	88	99	—	—	—
7	93	99	—	—	—
8	99.9	99.9	—	—	—
9	65	63	71	72	72
10	99	99	—	—	—
11	99	99	—	—	—
12	99	99	—	—	—

## Part 3 Seasonal flow objectives

- 9 At nodes 1 to 12, the flow regime class be maintained as late summer flow regime class.
- 10 At each node mentioned in table 7, column 1, the annual proportional flow deviation be not more than the annual proportional flow deviation stated for the node in column 2 of the table.

### Table 7

Column 1	Column 2
Node	Annual proportional flow deviation
1	1.5
2	1.5
3	1.9
4	2.3
5	3.2
9	1.7
11	1.4

---

## **Schedule 6      Water allocation security objectives**

### **section 20**

## **Part 1                      Supplemented water**

- 1 For water allocations in a high priority group in the Mareeba–Dimbulah Water Supply Scheme—
  - (a) the annual supplemented water sharing index be at least 95%; and
  - (b) the monthly supplemented water sharing index be at least 95%; and
  - (c) the extent to which the annual supplemented water sharing index is less than 100% be minimised; and
  - (d) the extent to which the monthly supplemented water sharing index is less than 100% be minimised.
- 2 For water allocations in a medium priority group in the Mareeba–Dimbulah Water Supply Scheme—
  - (a) the annual supplemented water sharing index be at least 75%; and
  - (b) the monthly supplemented water sharing index be at least 90%; and
  - (c) the extent to which the annual supplemented water sharing index is less than 80% be minimised; and
  - (d) the extent to which the monthly supplemented water sharing index is less than 95% be minimised.

## Part 2                      Unsupplemented water

- 3 For a water allocation group mentioned in table 1, column 1, the 50%, 70%, 80% and 95% unsupplemented water sharing indices be at least the percentage stated for the water allocation group in columns 2 to 5.

**Table 1**

<b>Column 1</b>	<b>Column 2</b>	<b>Column 3</b>	<b>Column 4</b>	<b>Column 5</b>
<b>Water allocation group</b>	<b>50%</b>	<b>70%</b>	<b>80%</b>	<b>95%</b>
CA	—	—	—	80
CB	100	90	85	—
CC	100	90	85	—
HB	100	90	85	—

- 4 For a water allocation group mentioned in table 2, column 1, the annual volume probability be at least the percentage stated for the group in column 2.

**Table 2**

<b>Column 1</b>	<b>Column 2</b>
<b>Water allocation group</b>	<b>Annual volume probability</b>
CA	70
CB	60
CC	90
HB	60

## **Schedule 7      Total volumes for water allocation groups**

section 38

<b>Column 1</b>	<b>Column 2</b>
<b>Water allocation group</b>	<b>ML</b>
CA	3688
CB	18337
CC	175
HB	2210

## Schedule 8 Rates and pump sizes

sections 40A, 41 and 45C

Column 1	Column 2	Column 3
Pump size (mm)	Rate (litres/second)	Daily volumetric limit (ML)
32	8	0.6
40	16	1
50	25	1.5
65	46	3.5
80	65	3.9
100	95	6.9
125	120	7.8
150	150	12.1
200	220	15.6
250	300	21.6
300	350	25.9
350	400	30.2
375 to 400	500	37.2
500	660	47.5
600 to 610	1200	86.4
650 to 660	1700	120



---

## Schedule 9      Priority areas

### section 61

#### 1      Mareeba–Dimbulah priority area

The Mareeba–Dimbulah priority area consists of the following—

- (a) the part of the Barron River downstream of Tinaroo Falls Dam, including the ponded area;
- (b) the part of Tinaroo Creek between the supplementation point and the creek's confluence with the Barron River;
- (c) the part of Ada Creek between the supplementation point and the creek's confluence with Tinaroo Creek;
- (d) the part of Granite Creek between the supplementation point and the creek's confluence with the Barron River;
- (e) the part of Nicotine Creek between the supplementation point and the creek's confluence with Granite Creek;
- (f) the part of Atherton Creek between the supplementation point and the creek's confluence with Granite Creek;
- (g) the part of Cobra Creek between the supplementation point and the creek's confluence with the Barron River;
- (h) the part of Emerald Creek between the supplementation point and the creek's confluence with the Barron River;
- (i) the part of Levison Creek between the supplementation point and the creek's confluence with Emerald Creek;
- (j) the part of Shanty Creek between the supplementation point and the creek's confluence with Emerald Creek;
- (k) the part of Brindle Creek between the supplementation point and the creek's confluence with Davies Creek;
- (l) the part of Davies Creek between its confluence with Brindle Creek and its confluence with the Clohesy River;

Schedule 9

---

- (m) the part of the Clohesy River between its confluence with Davies Creek and its confluence with the Barron River;
- (n) the part of the Walsh River between Collins Weir AMTD 269.1km, including the ponded area, and Flatrock Gauging Station AMTD 197.9km;
- (o) the part of Eureka Creek between Solanum Weir, including the ponded area, and the creek's confluence with the Walsh River;
- (p) the part of Murphy's Creek between the supplementation point and the creek's confluence with the Walsh River;
- (q) the part of Two Mile Creek between the supplementation point and the creek's confluence with Douglas Creek;
- (r) the part of an unnamed tributary of the Barron River between the supplementation point and the tributary's confluence with the Barron River at approximately AMTD 70.5km;
- (s) the part of Leadingham Creek between the supplementation point and the creek's confluence with the Walsh River.

## **2 Barron River priority area**

The Barron River priority area consists of the Barron River and its tributaries upstream of Lake Tinaroo.

## **3 Tolga priority area**

The Tolga priority area consists of—

- (a) Cherry Creek and its tributaries; and
- (b) Spring Creek and its tributaries; and
- (c) Rocky Creek and its tributaries.

---

## Schedule 10 Dictionary

### section 3

**AMTD** means the adopted middle thread distance which is the distance in kilometres, measured along the middle of a watercourse, that a specific point in the watercourse is from the watercourse's mouth or junction with the main watercourse.

**amended water licence**, for part 6, division 2, see section 54.

**annual proportional flow deviation** means the statistical measure of changes to flow season and volume in the simulation period calculated using the formula for annual proportional flow deviation described in Technical Report 5 of 'Fitzroy Basin Water Allocation and Management Planning Technical Reports' published by the department.

*Editor's note—*

A copy of the reports is available for inspection on the department's website.

**annual supplemented water sharing index**, for water allocations in a particular priority group, means the percentage of years in the simulation period in which the allocations are fully supplied.

**annual volume probability**, for a water allocation group, means the percentage of years in the simulation period in which the volume of water that may be taken by the group is at least the total of the nominal volumes for the allocations in the group.

**annual volumetric limit**, for a water entitlement, means the maximum volume of water that may be taken under the entitlement in a water year.

**authorisation** means a licence, permit, interim water allocation or other authority to take water given under the Act or the repealed Act, other than a permit for stock or domestic purposes.

***daily flow***, for a place, means the volume of water that flows past the place in a day.

***daily volumetric limit***, for a water entitlement, means the maximum volume of water that may be taken under the entitlement in a day.

***50% daily flow***, for a water flow season, means the flow in megalitres that is equalled or exceeded on 50% of the days in the season in the simulation period for the pre-development flow pattern.

***90% daily flow***, for a water flow season, means the flow in megalitres that is equalled or exceeded on 90% of the days in the season in the simulation period for the pre-development flow pattern.

***flow regime class*** means the measure of flow regime seasonality worked out using the method stated in Haines, A.T., Finlayson, B.L. and McMahon, T.A., 'A global classification of river regimes. Applied Geography, 1988'.

***food chain*** means a series of organisms each of which is the food of the next member of the chain.

***groundwater*** see section 10(b).

***groundwater management area*** means a groundwater management area under section 5.

***IQQM computer program*** means the department's Integrated Quantity and Quality Modelling computer program, and associated statistical analysis and reporting programs, that simulate daily stream flows, flow management, storages, releases, instream infrastructure, water diversions, water demands and other hydrologic events in the plan area.

***late summer flow regime class*** see the Pioneer Valley Water Resource Plan Environmental Flow Report, December 2001.

*Editor's note—*

A copy of the report may be inspected at the department's head office, Brisbane or on the department's website.

***mean annual flow*** means the total volume of flow in the simulation period divided by the number of years in the simulation period.

***monthly supplemented water sharing index***, for water allocations in a particular priority group, means the percentage of months in the simulation period in which the allocations are fully supplied.

***monthly volumetric limit*** means the maximum volume of water that may be taken under a water entitlement in a month.

***node*** see section 9.

***nominal entitlement*** see the *Water Regulation 2016*, section 28.

***nominal volume*** means the volume of water, in megalitres, that represents the share of the water available to be taken by holders of water allocations in a priority group or a water allocation group.

***original application***, for a water licence, for part 6, division 2, see section 53(1)(a).

***period of no flow***, for a node, means a period in which the flow of water in the watercourse at the node is less than 1ML a day.

***plan area*** means the area shown as the plan area on the map in schedule 1.

***pre-development flow pattern*** means the pattern of water flows, during the simulation period, decided by the chief executive using the IQQM computer program as if—

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

***previous nominal entitlement***, for a water licence, for part 6, division 2, see section 54.

***priority area*** see section 61.

***related development permit***, for an authorisation, means the development permit for the works for taking water under the authorisation.

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

*Note—*

See the Act, section 1266.

***simulated mean annual diversion***, for an authorisation or a group of authorisations, means the total volume of water simulated to have been taken under the authorisation or authorisations, if the authorisation or authorisations were in existence for the whole of the simulation period, divided by the number of years in the simulation period.

***simulation period*** means the period from 1 January 1913 to 31 December 1995.

***stock purposes***, in relation to taking water, means watering stock of a number that would normally be depastured on the land.

***subcatchment area*** see section 7.

***supplementation point*** means the most upstream point on a watercourse, lake or spring at which the natural flow is supplemented by water from a dam or weir.

***supplemented water*** means water supplied under an interim resource operations licence, resource operations licence or other authority to operate water infrastructure.

***surface water*** see section 10(a).

***unamended water licence***, for part 6, division 2, see section 54.

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

***50% unsupplemented water sharing index***, for a group of authorisations, means the total volume of water simulated to have been taken annually under the authorisations in at least 50% of years in the simulation period, if the authorisations were in existence for the whole of the simulation period, expressed as a percentage of the simulated mean annual diversion for the authorisations.

***70% unsupplemented water sharing index***, for a group of authorisations, means the total volume of water simulated to have been taken annually under the authorisations in at least 70% of years in the simulation period, if the authorisations

were in existence for the whole of the simulation period, expressed as a percentage of the simulated mean annual diversion for the authorisations.

**80% unsupplemented water sharing index**, for a group of authorisations, means the total volume of water simulated to have been taken annually under the authorisations in at least 80% of years in the simulation period, if the authorisations were in existence for the whole of the simulation period, expressed as a percentage of the simulated mean annual diversion for the authorisations.

**95% unsupplemented water sharing index**, for a group of authorisations, means the total volume of water simulated to have been taken annually under the authorisations in at least 95% of years in the simulation period, if the authorisations were in existence for the whole of the simulation period, expressed as a percentage of the simulated mean annual diversion for the authorisations.

**water allocation group** means a water allocation group mentioned in section 43.

**water flow season** means any of the following periods in a year—

- (a) the period from 1 January to 30 April (**January–April**);
- (b) the period from 1 May to 31 August (**May–August**);
- (c) the period from 1 September to 31 December (**September–December**).

**waterhole** means a part of a watercourse that contains water after the watercourse ceases to flow, other than a part of a watercourse that is within the storage area of a dam on the watercourse.

**water supply scheme** means a scheme for the supply of water under an interim resource operations licence, a resource operations licence or another authority to manage water entitlements.

**1.5 year daily flow volume** means the daily flow that has a 67% probability of being reached at least once a year.

Schedule 10

---

***5 year daily flow volume*** means the daily flow that has a 20% probability of being reached at least once a year.

***10 year daily flow volume*** means the daily flow that has a 10% probability of being reached at least once a year.

***20 year daily flow volume*** means the daily flow that has a 5% probability of being reached at least once a year.



## 1 Index to endnotes

- 2 Key
- 3 Table of reprints
- 4 List of legislation
- 5 List of annotations

## 2 Key

Key to abbreviations in list of legislation and annotations

Key	Explanation	Key	Explanation
<b>AIA</b>	= Acts Interpretation Act 1954	<b>(prev)</b>	= previously
<b>amd</b>	= amended	<b>proc</b>	= proclamation
<b>amd</b>	= amendment	<b>prov</b>	= provision
<b>t</b>			
<b>ch</b>	= chapter	<b>pt</b>	= part
<b>def</b>	= definition	<b>pubd</b>	= published
<b>div</b>	= division	<b>R[X]</b>	= Reprint No. [X]
<b>exp</b>	= expires/expired	<b>RA</b>	= Reprints Act 1992
<b>gaz</b>	= gazette	<b>reloc</b>	= relocated
<b>hdg</b>	= heading	<b>renu</b>	= renumbered
		<b>m</b>	
<b>ins</b>	= inserted	<b>rep</b>	= repealed
<b>lap</b>	= lapsed	<b>(retro</b>	= retrospectively
		<b>)</b>	
<b>notf</b>	= notified	<b>rv</b>	= revised version
<b>d</b>			
<b>num</b>	= numbered	<b>s</b>	= section

<b>Key</b>	<b>Explanation</b>	<b>Key</b>	<b>Explanation</b>
<b>o in c</b>	<b>= order in council</b>	<b>sch</b>	<b>= schedule</b>
<b>om</b>	<b>= omitted</b>	<b>sdiv</b>	<b>= subdivision</b>
<b>orig</b>	<b>= original</b>	<b>SIA</b>	<b>= Statutory Instruments Act 1992</b>
<b>p</b>	<b>= page</b>	<b>SIR</b>	<b>= Statutory Instruments Regulation 2012</b>
<b>para</b>	<b>= paragraph</b>	<b>SL</b>	<b>= subordinate legislation</b>
<b>prec</b>	<b>= preceding</b>	<b>sub</b>	<b>= substituted</b>
<b>pres</b>	<b>= present</b>	<b>unnu m</b>	<b>= unnumbered</b>
<b>prev</b>	<b>= previous</b>		

### 3 Table of reprints

A new reprint of the legislation is prepared by the Office of the Queensland Parliamentary Counsel each time a change to the legislation takes effect.

The notes column for this reprint gives details of any discretionary editorial powers under the **Reprints Act 1992** used by the Office of the Queensland Parliamentary Counsel in preparing it. Section 5(c) and (d) of the Act are not mentioned as they contain mandatory requirements that all amendments be included and all necessary consequential amendments be incorporated, whether of punctuation, numbering or another kind. Further details of the use of any discretionary editorial power noted in the table can be obtained by contacting the Office of the Queensland Parliamentary Counsel by telephone on 3003 9601 or email [legislation.queries@oqpc.qld.gov.au](mailto:legislation.queries@oqpc.qld.gov.au).

From 29 January 2013, all Queensland reprints are dated and authorised by the Parliamentary Counsel. The previous numbering system and distinctions between printed and electronic reprints is not continued with the relevant details for historical reprints included in this table.

<b>Reprint No.</b>	<b>Amendments included</b>	<b>Effective</b>	<b>Notes</b>
1	none	20 December 2002	
1A	2009 SL No. 266	27 November 2009	

Reprint No.	Amendments included	Effective	Notes
1B	2009 SL No. 280	18 December 2009	

Current as at	Amendments included	Notes
27 September 2013	2013 Act No. 23	
28 May 2014	2014 Act No. 29	
27 June 2014	2014 SL No. 142	
4 September 2015	2015 SL No. 117	
6 December 2016	2014 Act No. 64 2016 SL No. 216	

## 4 List of legislation

### *Regulatory impact statements*

For subordinate legislation that has a regulatory impact statement, specific reference to the statement is included in this list.

### *Explanatory notes*

All subordinate legislation made on or after 1 January 2011 has an explanatory note. For subordinate legislation made before 1 January 2011 that has an explanatory note, specific reference to the note is included in this list.

#### **Water Plan (Barron) 2002 SL No. 378 (prev Water Resource (Barron) Plan 2002)**

made by the Governor in Council on 19 December 2002

notfd gaz 20 December 2002 pp 1359–63

commenced on date of notification

exp 19 December 2022 (see 2014 SL No. 174 s 2)

amending legislation—

#### **Water Resource (Barron) Amendment Plan (No. 1) 2009 SL No. 266**

notfd gaz 27 November 2009 pp 1001–6

commenced on date of notification

Note—An explanatory note was prepared

#### **Sustainable Planning Regulation 2009 SL No. 280 ss 1–2, pt 9 div 31**

notfd gaz 27 November 2009 pp 1001–6

ss 1–2 commenced on date of notification

remaining provisions commenced 18 December 2009 (see s 2)

**Land, Water and Other Legislation Amendment Act 2013 No. 23 ss 1, 2(d), 352 sch 1 pt 2**

date of assent 14 May 2013

ss 1–2 commenced on date of assent

remaining provisions commenced 27 September 2013 (2013 SL No. 189)

**Land and Other Legislation Amendment Act 2014 No. 29 s 1, pt 12 div 3**

date of assent 28 May 2014

commenced on date of assent

**Water Resource Plans Amendment Plan (No. 1) 2014 SL No. 142 pts 1, 3**

notfd <[www.legislation.qld.gov.au](http://www.legislation.qld.gov.au)> 27 June 2014

commenced on date of notification

**Water Reform and Other Legislation Amendment Act 2014 No. 64 ss 1, 2(2), 255 sch 2**

date of assent 5 December 2014

ss 1–2 commenced on date of assent

s 255 commenced 19 December 2014 (2014 SL No. 333)

s 255 sch 2 commenced 6 December 2016 (automatic commencement under AIA s 15DA(2) (2015 SL No. 155 s 2))

**Water Resource (Barron) Amendment Plan (No. 1) 2015 SL No. 117**

notfd <[www.legislation.qld.gov.au](http://www.legislation.qld.gov.au)> 4 September 2015

commenced on date of notification

**Water Regulation 2016 SL No. 216 ss 1–2, 146 sch 20**

notfd <[www.legislation.qld.gov.au](http://www.legislation.qld.gov.au)> 2 December 2016

ss 1–2 commenced on date of notification

s 146 sch 20 commenced 6 December 2016 on the commencement of the Water Reform and Other Legislation Amendment Act 2014, s 68 (see s 2)

## **5 List of annotations**

**Short title**

s 1 sub 2014 Act No. 64 s 255 sch 2

**Purposes of plan**

s 2 amd 2015 SL No. 117 s 3

**Groundwater management areas**

s 5 sub 2015 SL No. 117 s 4

**Subartesian management areas**

s 6 om 2015 SL No. 117 s 4

**Subcatchment areas**

s 7 amd 2015 SL No. 117 s 5

**Water management area**

s 7A ins 2009 SL No. 266 s 3

**Information about areas**

s 8 sub 2015 SL No. 117 s 6

**Water to which plan applies**

s 10 sub 2015 SL No. 117 s 7

**Performance indicators for water allocation security objectives**

s 19 amd 2009 SL No. 266 s 4

**PART 3—OUTCOMES FOR SUSTAINABLE MANAGEMENT OF WATER****Division 1—Outcomes for plan area**

div hdg om 2015 SL No. 117 s 8

**Outcomes for water in plan area**

s 11 sub 2015 SL No. 117 s 8

**Economic outcomes**

s 12 sub 2015 SL No. 117 s 8

**Division 2—Ecological outcomes for particular parts of the plan area**

div hdg om 2015 SL No. 117 s 8

**Social outcomes**

s 13 sub 2015 SL No. 117 s 8

**Ecological outcomes**

s 14 sub 2015 SL No. 117 s 8

**Flaggy Creek**

s 15 om 2015 SL No. 117 s 8

**PART 4—PERFORMANCE INDICATORS AND OBJECTIVES****Division 3—Water allocation security objectives****Performance indicators for water allocation security objectives**

s 19 amd 2015 SL No. 117 s 9

**PART 5—STRATEGIES FOR ACHIEVING OUTCOMES FOR SURFACE WATER AND GROUNDWATER**

pt hdg amd 2015 SL No. 117 s 10

**Division 1—Preliminary****Application of pt 5**

s 21 amd 2015 SL No. 117 s 11

**Division 2—Unallocated water**

div hdg sub 2015 SL No. 117 s 13

**Unallocated water reserves**

s 24 prev s 24 om 2015 SL No. 117 s 12

pres s 24 ins 2015 SL No. 117 s 14

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

s 24A ins 2015 SL No. 117 s 14

**Reserve volumes**

s 24B ins 2015 SL No. 117 s 14

**Process for granting unallocated water—Act, ss 122 and 212**

s 24C ins 2015 SL No. 117 s 14  
amd 2016 SL No. 216 s 146 sch 20

**Matters chief executive must consider**

s 25 amd 2015 SL No. 117 s 15

**Division 3—Authorised taking or interfering with water without water entitlement**

div hdg sub 2014 SL No. 142 s 17; 2015 SL No. 117 s 16

**Limitations on taking or interfering with water—Act, s 20(2)**

s 26 prev s 26 om 2014 SL No. 142 s 18  
pres s 26 ins 2015 SL No. 117 s 17

**Taking water for stock for domestic purposes**

s 26A ins 2015 SL No. 117 s 17

**PART 5A—ADDITIONAL STRATEGIES FOR ACHIEVING OUTCOMES FOR SURFACE WATER**

pt hdg ins 2015 SL No. 117 s 18

**Division 1—Preliminary**

div hdg ins 2015 SL No. 117 s 19

**Application of pt 5A**

s 26B ins 2015 SL No. 117 s 19

**Division 2—Operational and supply arrangements for water infrastructure**

div hdg ins 2015 SL No 117 s 20

**Matters chief executive must consider**

s 27 amd 2014 SL No. 142 s 19

**Division 3—Interference with water in a watercourse, lake or spring**

div hdg ins 2015 SL No. 117 s 21

**Application of div 3**

s 28 prev s 28 om 2009 SL No. 266 s 5  
pres s 28 ins 2015 SL No. 117 s 21

**Limitations on interference with water**

s 29 prev s 29 om 2009 SL No. 266 s 5  
pres s 29 ins 2015 SL No. 117 s 21

**Interference with water to enable taking of water for stock or domestic purposes**

s 29A ins 2015 SL No. 117 s 21

**Interference with water for provision of pumping pool**

s 29B ins 2015 SL No. 117 s 21

**Interference with water to improve security for town water supply**

s 29C ins 2015 SL No. 117 s 21

**Interference with water to store water for purpose not related to the taking of water under water entitlement**

s 29D ins 2015 SL No. 117 s 21

**Interference with water related to the granting of unallocated water**

s 29E ins 2015 SL No. 117 s 21

**Division 4—Granting water entitlements**

div hdg om 2009 SL No. 266 s 5

**Application of div 5**

s 31 amd 2009 SL No. 266 s 6

**Location for taking water**

s 32 om 2014 SL No. 142 s 20

**Purpose to be stated on water allocation**

s 33 sub 2009 SL No. 266 s 7

**Division 5—Converting authorisations to water allocations****Subdivision 2—Supplemented water**

sdiv 2 (ss 34–36) om 2014 SL No. 142 s 21

**Elements of water allocation to take unsupplemented water**

s 37 sub 2009 SL No. 266 s 8; 2014 SL No. 142 s 22  
amd 2015 SL No. 117 s 22

**Annual volumetric limit**

s 39 amd 2009 SL No. 266 s 9; 2015 SL No. 117 s 23

**Seasonal volumetric limit**

s 39A ins 2009 SL No. 266 s 10  
om 2015 SL No. 117 s 24

**Monthly volumetric limits**

s 40 om 2014 SL No. 142 s 23

**Daily volumetric limit**

s 40A ins 2009 SL No. 266 s 11  
amd 2015 SL No. 117 s 25

**Maximum rates for taking unsupplemented water**

s 41 om 2015 SL No. 117 s 26

**Water allocation groups**

s 43 amd 2009 SL No. 266 s 12; 2015 SL No. 117 s 27

**Elements of water licence**

s 44 sub 2009 SL No. 266 s 13; 2014 SL No. 142 s 24  
amd 2015 SL No. 117 s 28

**Purpose to be stated on water licence**

s 44A ins 2009 SL No. 266 s 13  
amd 2015 SL No. 117 s 29

**Nominal entitlement**

s 45 amd 2009 SL No. 266 s 14; 2015 SL No. 117 s 30

**Seasonal volumetric limit**

s 45A ins 2009 SL No. 266 s 15  
om 2015 SL No. 117 s 31

**Daily volumetric limit**

s 45B ins 2009 SL No. 266 s 15  
sub 2014 SL No. 142 s 25

**Daily volumetric limit**

s 45C ins 2009 SL No. 266 s 15  
om 2014 SL No. 142 s 25

**Maximum rates for taking unsupplemented water**

s 46 sub 2014 SL No. 142 s 25; 2015 SL No. 117 s 32

**Division 7—Moratorium notice**

div hdg om 2015 SL No. 117 s 33

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

s 47 om 2015 SL No. 117 s 33

**PART 6—ADDITIONAL STRATEGIES FOR ACHIEVING OUTCOMES FOR GROUNDWATER**

pt hdg sub 2009 SL No. 266 s 16; 2015 SL No. 117 s 34

**Division 1—General provisions**

div hdg sub 2009 SL No. 266 s 16

**Application of pt 6**

s 48 sub 2009 SL No. 266 s 16  
amd 2015 SL No. 117 s 35

**Elements of water licence**

s 49 sub 2009 SL No. 266 s 16  
amd 2015 SL No. 117 s 36

**Purpose to be stated on water licence**

s 49A ins 2009 SL No. 266 s 16  
amd 2015 SL No. 117 s 37

**Limitation on taking water—Act, s 20(2)**

s 50 sub 2009 SL No. 266 s 16  
amd 2013 Act No. 23 s 352 sch 1 pt 2  
om 2015 SL No. 117 s 38

**Relationship with Sustainable Planning Act 2009**

s 51 sub 2009 SL No. 266 s 16  
amd 2009 SL No. 280 s 150; 2014 Act No. 29 s 144; 2015 SL No. 117 s 39  
om 2016 SL No. 216 s 146 sch 20

**Division 2—Criteria for amending particular water licences in Atherton groundwater management area to achieve plan outcomes**



**div hdg** sub 2009 SL No. 266 s 16; 2015 SL No. 117 s 40

**Subdivision 1—Applications for or about water licences**

**sdiv hdg** ins 2009 SL No. 266 s 16  
om 2015 SL No. 117 s 40

**Purpose of div 2**

**s 52** sub 2009 SL No. 266 s 16; 2015 SL No. 117 s 40

**Application of div 2**

**s 53** sub 2009 SL No. 266 s 16; 2015 SL No. 117 s 40

**Definitions for div 2**

**s 54** sub 2009 SL No. 266 s 16; 2015 SL No. 117 s 40

**Subdivision 2—Continued authorisations for part of subartesian management area B**

**sdiv hdg** ins 2009 SL No. 266 s 16  
om 2015 SL No. 117 s 40

**Nominal entitlement for amended water licences**

**s 55** sub 2009 SL No. 266 s 16; 2015 SL No. 117 s 40

**Criteria for deciding nominal entitlement**

**s 56** sub 2009 SL No. 266 s 16; 2015 SL No. 117 s 40

**Granting water licences**

**s 57** sub 2009 SL No. 266 s 16  
om 2015 SL No. 117 s 40

**Restriction on nominal entitlement**

**s 57A** ins 2009 SL No. 266 s 16  
om 2015 SL No. 117 s 40

**Division 3—Strategies for Cairns Northern Beaches groundwater management area**

**div hdg** sub 2009 SL No. 266 s 16  
amd 2015 SL No. 117 s 41

**Decisions about taking groundwater**

**s 57B** ins 2009 SL No. 266 s 16  
amd 2015 SL No. 117 s 42

**Restriction on nominal entitlement**

**s 57C** ins 2009 SL No. 266 s 16  
amd 2015 SL No. 117 s 43

**PART 7—MONITORING AND REPORTING REQUIREMENTS**

**pt hdg** sub 2014 SL No. 142 s 26

**Monitoring and reporting requirements**

**s 58** amd 2009 SL No. 266 s 17  
sub 2014 SL No. 142 s 26

**Monitoring programs undertaken by holders of a resource operations licence**

**s 59** om 2014 SL No. 142 s 26

**Resource operations licence holders to give reports**

s 60 amd 2009 SL No. 266 s 18

om 2014 SL No. 142 s 26

**PART 9—Amending plan**

pt hdg amd 2016 SL No. 216 s 146 sch 20

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

s 63 sub 2014 SL No. 142 s 27

om 2016 SL No. 216 s 146 sch 20

**Minor amendment of plan—Act, s 57**

s 64 amd 2009 SL No. 266 s 19; 2015 SL No. 117 s 44

**PART 10—TRANSITIONAL PROVISION FOR WATER RESOURCE (BARRON)  
AMENDMENT PLAN (No. 1) 2009**

pt 10 (s 66) ins 2009 SL No. 266 s 20

om 2015 SL No. 117 s 45

**SCHEDULE 1—PLAN AREA**

sub 2015 SL No. 117 s 46

**SCHEDULE 2—SUBCATCHMENT AREAS**

sub 2015 SL No. 117 s 46

**SCHEDULE 3—SUBCATCHMENT AREAS**

sub 2009 SL No. 266 s 21

om 2015 SL No. 117 s 46

**SCHEDULE 4—NODES**

amd 2015 SL No. 117 s 47

**SCHEDULE 5—ENVIRONMENTAL FLOW OBJECTIVES**

amd 2009 SL No. 266 s 22; 2014 SL No. 142 s 28

sub 2015 SL No. 117 s 48

**SCHEDULE 6—WATER ALLOCATION SECURITY OBJECTIVES**

amd 2009 SL No. 266 s 23; 2015 SL No. 117 s 49

**SCHEDULE 7—TOTAL VOLUMES FOR WATER ALLOCATION GROUPS**

amd 2009 SL No. 266 s 24; 2015 SL No. 117 s 50

**SCHEDULE 8—RATES AND PUMP SIZES**

sub 2009 SL No. 266 s 25

**SCHEDULE 9—PRIORITY AREAS**

**Barron River priority area**

s 2 sub 2009 SL No. 266 s 26; 2015 SL No. 117 s 51(1)

**Tolga priority area**

s 3 ins 2015 SL No. 117 s 51(2)

**SCHEDULE 10—DICTIONARY**

def *amended water licence* ins 2015 SL No. 117 s 52(2)

def *annual volume probability* ins 2009 SL No. 266 s 27(2)  
def *bore pumping test* om 2009 SL No. 266 s 27(1)  
def *daily volumetric limit* ins 2009 SL No. 266 s 27(2)  
def *existing works* amd 2009 SL No. 266 s 27(3)–(5)  
om 2015 SL No. 117 s 52(1)  
def *groundwater* ins 2015 SL No. 117 s 52(2)  
def *groundwater management area* ins 2015 SL No. 117 s 52(2)  
def *nominal entitlement* ins 2009 SL No. 266 s 27(2)  
amd 2016 SL No. 216 s 146 sch 20  
def *original application* ins 2015 SL No. 117 s 52(2)  
def *plan area* ins 2009 SL No. 266 s 27(2)  
def *previous nominal entitlement* ins 2015 SL No. 117 s 52(2)  
def *resource operations plan* amd 2016 SL No. 216 s 146 sch 20  
def *seasonal volumetric limit* ins 2009 SL No. 266 s 27(2)  
om 2015 SL No. 117 s 52(1)  
def *started* om 2015 SL No. 117 s 52(1)  
def *subartesian area* om 2015 SL No. 117 s 52(1)  
def *subartesian management area A* om 2015 SL No. 117 s 52(1)  
def *subartesian management area B* om 2015 SL No. 117 s 52(1)  
def *surface water* sub 2015 SL No. 117 s 52  
def *unamended water licence* ins 2015 SL No. 117 s 52(2)