

Baffle Creek Basin Resource Operations Plan

Consultation Report

December 2011

Prepared by: Water Planning (Central) and Water Services (South East Region), Department of Environment and Resource Management

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Foreword

With finalisation of the Baffle Creek Basin Resource Operations Plan, sustainable water management arrangements for the Littabella, Baffle, Broadwater, Eurimbula and Worthington Creek catchments passed a significant milestone.

The resource operations plan specifies the day-to-day management arrangements needed to implement strategies to meet the outcomes of the Water Resource (Baffle Creek Basin) Plan 2010.

The department received five submissions following the release of the draft resource operations plan for comment in June 2011. This report has been prepared to summarise the issues raised in those submissions and how they were assessed and addressed prior to finalisation of the plan.

This report will help those who made a submission and also the broader community to better understand the plan and how the arrangements work to implement requirements of the Water Resource (Baffle Creek Basin) Plan 2010. It will be particularly helpful for those seeking information on dealing with unallocated water, amending existing entitlements and regulating overland flow water.

I would like to thank the many stakeholders and individuals who contributed to the process. Your input clearly underscores the importance of sustainable water resource management to the Baffle Creek Basin community.

Debbie Best

Deputy Director-General

Department of Environment and Resource Management

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1 Introduction

1.1 Purpose of this report

This report documents the consultation process undertaken by the Department of Environment and Resource Management (the department) in preparing the Baffle Creek Basin Resource Operations Plan (the plan). It also summarises the issues raised in submissions received through the formal consultation process that followed the release of the draft resource operations plan (the draft plan) in June 2011 and how these were addressed in finalising the plan.

1.2 The plan area

The plan area, shown in Figure 1, corresponds to the Water Resource (Baffle Creek Basin) Plan 2010 (the water resource plan) area and includes the Littabella Creek, Baffle Creek, Broadwater Creek, Eurimbula Creek and Worthington Creek catchments.

1.3 Background

Resource operations plans are integral to Queensland's water resource planning process. The primary function of a resource operations plan is to implement a water resource plan, which provides the overarching framework that specifies the general goals and constraints needed for sustainable resource management.

Resource operations plans are developed to manage water resources on a day-to-day basis in a way that maximises overall community benefits, while remaining consistent with the management framework of the water resource plan.

The respective functions of the two plans as strategic and operational parts of a single, integrated planning framework are reflected in provisions of the *Water Act 2000* (the Water Act). While the Minister for Finance, Natural Resources and The Arts (the Minister) is responsible for preparing water resource plans, the chief executive of the department is responsible for preparing the resource operations plans that implement them.

In implementing additional requirements of the water resource plan, the plan is consistent with the goals and requirements of the National Water Initiative and complementary to state and federal government agreements and commitments.

The Baffle Creek Basin Resource Operations Plan implements the water resource plan by:

- establishing a process for releasing and granting unallocated water
- amending existing water licences to include volumetric limits and other conditions
- establishing processes for granting and amending overland flow water licences
- implementing the monitoring and reporting requirements of the water resource plan.

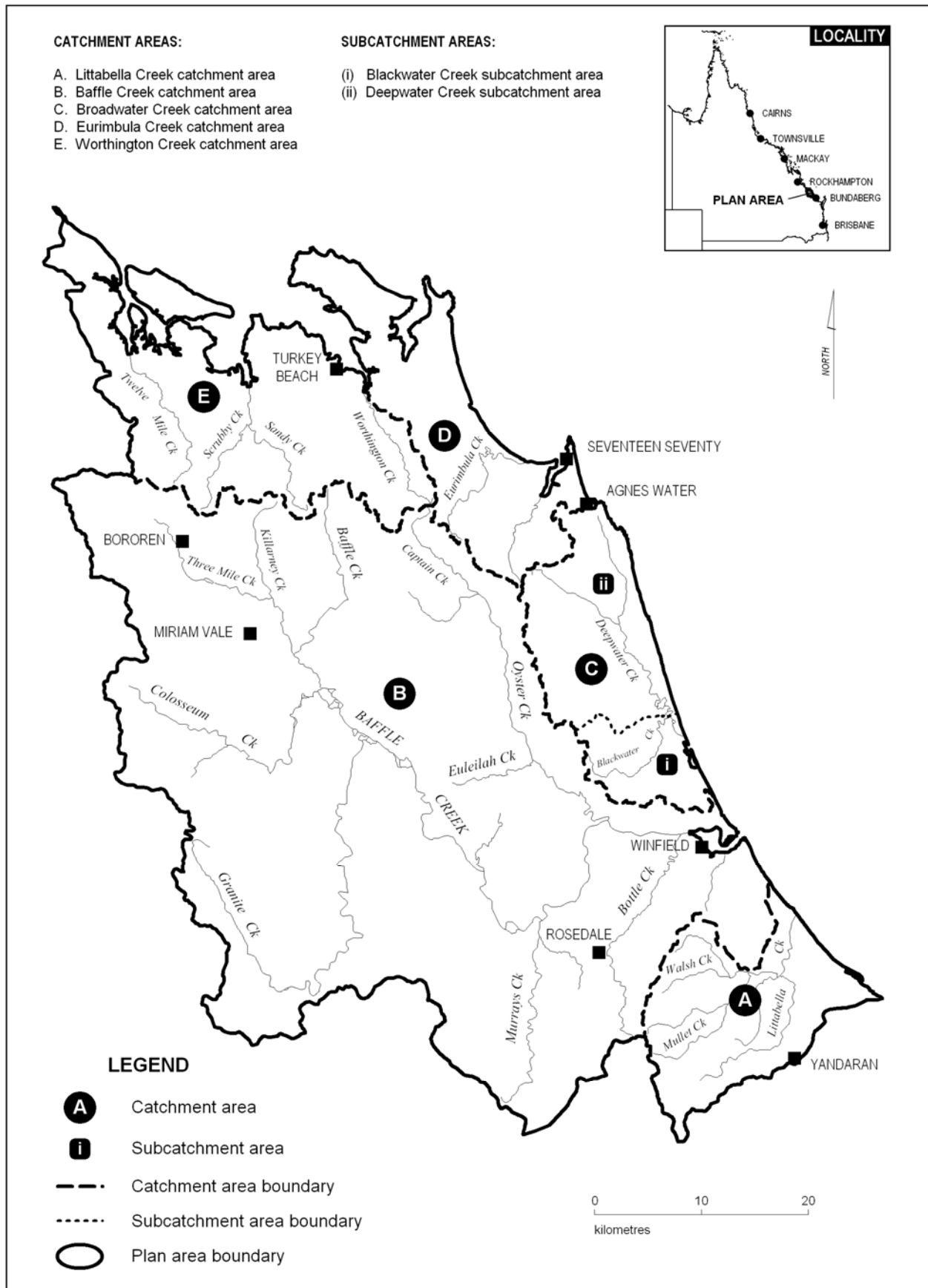


Figure 1. Baffle Creek Basin water resource plan catchment areas and subcatchment areas

1.4 Community consultation

To support preparation of the plan, consultation was held with water users, local and state government authorities, industry peak bodies and conservation groups.

There were two opportunities for the public to make submissions about the draft plan.

Submissions about the intention to prepare a draft plan were formally invited at the outset of the resource operations planning process on 18 March 2010.

Submissions were again invited when the draft plan was released for public comment on 15 June 2011.

A public information session was held in Rosedale on 12 July 2011, shortly after the draft plan was released, to explain the provisions of the draft plan and to assist individuals in making a submission on the draft plan.

Submissions on the draft plan were accepted until 5 August 2011. The department received five properly made submissions on the draft plan. Chapter 2 of this report provides details of those submissions and how they were addressed by the department.

1.5 Government consultation

Relevant Queensland Government agencies were consulted throughout preparation of the draft plan and in finalising the provisions. All local government authorities in the plan area received copies of the draft plan as required under section 100(5) of the Water Act and were invited to comment on the provisions.

1.6 The resource operations plan referral panel

An independent resource operations plan referral panel (the referral panel) was not required to review the issues raised in submissions on the draft plan. A referral panel is only required if, in accordance with section 102 of the Water Act, a properly made submission about a draft resource operations plan requests a change be made to—

- (a) a proposed water allocation; or
- (b) an environmental management rule; or
- (c) a water sharing rule; or
- (d) an implementation schedule.

2 Issues raised in submissions

A total of five properly made submissions were received on the draft plan. This chapter summarises key issues raised, relevant background information relating to each issue, the relevant draft plan provisions, and how the issues were addressed in finalising the plan.

2.1 Unallocated water

Background

Unallocated water reserves are identified through the water resource planning process. Unallocated water is water that can be made available for future consumptive use without compromising the water needs of the environment or existing water users.

The water resource plan identifies volumes of unallocated water held as general and strategic reserves, which are set aside to meet the future long-term water needs of the region. The water resource plan states the purposes and conditions for any water licences issued. Water licences to take unallocated water must not be granted if the location of take is in a lake.

All new water licences to take unallocated water from a watercourse must state the elements specified in the water resource plan, such as the purpose for which water may be taken under the licence, and any conditions, including a pass flow condition.

New water licences to take overland flow water by particular overland flow works will state the purpose for which the water may be used and include at least one of the following—maximum rate of take, daily volumetric limit, nominal entitlement, maximum storage volume—and also other applicable conditions.

The water resource plan also states that unallocated water may be granted under a process in the resource operations plan.

Draft plan provisions

The draft plan stated that the process for releasing and granting unallocated water is the process prescribed in the Water Regulation 2002. Under this process, applications for unallocated water are assessed against efficiency, sustainability, best practice and other criteria specified by the water resource plan. Also, before water can be used for irrigation purposes, licence holders must prepare a land and water management plan in accordance with the requirements of the Water Act.

The draft plan outlined the methodology used to determine the nominal entitlement for a water licence to take overland flow water.

Issues raised

Issue	Response
Additional water requested to irrigate an area larger than that stated on their existing entitlement.	The plan amends existing area based licences to state a nominal entitlement based on the conversion factors stated in the water resource plan. Landholders seeking additional water may apply for unallocated water from the general reserve.
Allow landholders with new overland flow works (particular works) to decide how to use the water captured by the works.	Water granted from the unallocated water reserves for take by particular works will be granted as a water licence and will state a nominal entitlement. The use of the water taken by particular works is at the landholder's discretion.

Finalised provisions

The process for making available and dealing with unallocated water in the draft plan has been retained in the finalised plan.

2.2 Amending existing authorisations

Background

Under the water resource plan, all existing water licences must be amended to state a purpose, and include, where applicable, a maximum rate for taking water, a daily volumetric limit, a nominal entitlement, a monthly volumetric limit, and any conditions the chief executive decides to impose.

The water resource plan states that new water licences to take water from a watercourse or spring, granted from the unallocated water reserves, must have a pass flow condition applied, in accordance with the water resource plan.

A general outcome of the water resource plan is to provide for the continued use of all existing entitlements and existing overland flow works.

Draft plan provisions

The draft plan specified the proposed details of 55 existing water licences that will be amended in accordance with the water resource plan. Where an existing water licence stated a flow condition, this will be retained on the amended licence.

Issues raised

Issue	Response
Apply a pass flow condition to all existing water licences so the ecological objectives will be better achieved and optimised.	The environmental flow objectives were determined considering all existing licence conditions. All existing water harvesting licences have pass flow conditions that will be retained on the amended licences. Licences with specific pass flow conditions account for nearly two thirds of the existing authorised volume of take from watercourses.
Require all existing water licence holders to prepare and implement a land and water management plan.	The legislative requirement for a land and water management plan only applies to a person proposing to use, for irrigation, water granted under section 212 of the Water Act, if a resource operations plan states this requirement. The legislative requirement does not apply to licences in existence before the plan.

Finalised provisions

The proposed amendments to existing authorisations detailed in the draft plan have been retained in the finalised plan.

2.3 Dealing with water licence applications

Background

Under the water resource plan, an application for a water licence made before 16 July 2004 (date of moratorium on water development in Baffle Creek Basin) must be refused if granting the application would result in one or more of the following—

- (a) increase the amount of water that may be taken
- (b) change the location from which water may be taken
- (c) increase the rate at which water may be taken
- (d) change the flow conditions under which water may be taken
- (e) increase or change the interference with water.

For applications made after 16 July 2004, the application must also be refused if granting the application would result in one or more of the same outcomes listed above, until the resource operations plan is approved.

The above requirement to refuse an application does not apply for some applications; for example, to replace an expired licence, to subdivide or amalgamate existing licences, for a water permit or for unallocated water.

Draft plan provisions

The draft plan continued this strategy from the water resource plan, whereby the chief executive must refuse an application that if granted would result in the outcomes mentioned above.

An application to increase the maximum rate at which water may be taken, or to increase the daily volumetric limit, or to take water for stock and domestic purposes, or to interfere with water by impounding flow may be granted where the chief executive decides to do so having considered the matters specified in the draft plan.

Applications for unallocated water or to replace the authority provided under the water resource plan to take overland flow water are also dealt with under the plan.

Issue raised

Issue	Response
<p>There is a need for owners of water licences to return either part of or the whole licence to the system for others to buy, where the water associated with the licence is not used or no longer required.</p>	<p>Under the Water Act, a water licence can be surrendered. Landholders seeking additional water may apply for unallocated water from the general reserve.</p> <p>Water licences in the Baffle Creek Basin are not tradeable for the following reasons:</p> <ul style="list-style-type: none"> ▪ Demand for additional water over the life of the current water resource plan is expected to be low, partly due to there being limited scope for further agricultural development. ▪ The streamflow data currently available is not considered sufficient to assess the viability or impacts of a proposed water licence trading. ▪ The take of water in the Baffle Creek Basin is not supplemented. Water available from a waterhole or lake, or from overland flow, cannot be assumed to be available at another location.

Finalised provisions

The provisions for dealing with water licence applications have been retained in the finalised plan. The ability to trade water entitlements will be examined as part of the 10-year review of the water resource plan.

2.4 Overland flow water

Background

The water resource plan established limits for taking overland flow water; for example a person may only take overland flow water for stock and domestic purposes or under a water licence. The water resource plan also allowed the taking of water from existing overland flow works to continue provided the owner of such works complies with the specified requirements, which included notifying the chief executive of the works.

The water resource plan states matters the chief executive must consider when deciding to grant water licences for using particular overland flow works under the process stated in the resource operations plan and the contents of water licences to take overland flow water.

The water resource plan also authorises the take of overland flow water from new storages when used under any of the following circumstances:

- for stock or domestic purposes
- for any purpose by works with a storage capacity of not more than 20 megalitres
- when of an amount necessary to satisfy the requirements of an environmental authority, or a development permit for carrying out an environmentally relevant activity
- for capturing contaminated agricultural runoff water.

New overland flow works for all purposes stated above, except the capture of contaminated agricultural run-off water, will be self-assessable development under the *Sustainable Planning Act 2009* and the proponent must notify the department of the storage details within 30 days of completion of the works. New works for the purpose of capturing contaminated run-off from agricultural land are assessable development under the *Sustainable Planning Act 2009* and will need a development permit.

The construction and use of new overland flow works of more than 20 megalitres for other purposes will be subject to:

- a development permit obtained under provisions of the *Sustainable Planning Act 2009*
- a licence to take water obtained through the unallocated water release process.

In releasing and granting unallocated water for taking overland flow the chief executive must have regard to the matters listed under section 32(2) of the water resource plan.

Draft plan provisions

The plan regulates the take of overland flow water through the granting or amending of water licences. The draft plan specified matters the chief executive must consider for granting an overland flow water licence, the conditions the chief executive must include on the licence, and a requirement for a certified report for the overland flow storage.

In making a decision about granting or amending a water licence for the take of overland flow water under the plan, the chief executive must consider, amongst other things, any matters the chief executive considers relevant. The content and conditions of a water licence for taking overland flow water must be in accordance with the water resource plan.

The draft plan stated that in releasing and granting unallocated water for taking overland flow, the chief executive must have regard to the matters listed under section 32(2) of the water resource plan, which include impacts on groundwater and aquatic habitats.

Issues raised

Issue	Response
<p>Licence conditions to take and disturb overland flows are developed and included in the plan.</p> <p>Suggested conditions:</p> <ul style="list-style-type: none"> ▪ The take and disturbance of overland flows must not adversely affect groundwater recharge, groundwater dependant ecosystems or flows essential to wetlands. ▪ Subcatchment limits on the take of overland flow must be developed to ensure that natural hydrological cycles are maintained. 	<p>The considerations and conditions specified in the water resource plan for taking overland flow are considered appropriate for ensuring the achievement of the water resource plan outcomes, which include:</p> <ul style="list-style-type: none"> ▪ supporting as far as practicable, surface water and groundwater interactions ▪ maintaining flows that support natural processes such as breeding, growth, and migration in riverine, floodplain, wetland, estuarine and marine environments. <p>As part of the water resource planning process, reserves of unallocated water were identified for each catchment area within the Baffle Creek Basin plan area. Reserves of unallocated water have been set aside to meet future water requirements of the plan area without compromising the water needs of the environment or other water users.</p>

Finalised provisions

The provisions for dealing with overland flow water have been retained in the finalised plan. The achievement of the water resource plan outcomes will be monitored over the life of the water resource plan, and reassessed as part of the 10-year review of the water resource plan.

2.5 Monitoring and reporting

Background

The department collects and manages data on the quantity and quality of fresh water in the state's streams and aquifers, as the basis for water resource planning and water management activities.

The water resource plan states monitoring and reporting requirements, including that all water licences to take water from a watercourse, lake or spring will be metered. The information gathered will contribute to assessing the effectiveness of the water resource plan.

The water resource plan does not apply to groundwater as technical assessments undertaken by the department show only limited potential development of small and localised groundwater resources. Future groundwater development will be monitored to assess the risks to groundwater resources.

Draft plan provisions

The draft plan stated that the chief executive must measure or collect records of water quantity, water taken and the construction of new bores. Under the plan, the chief executive must also collect and record information on ecological assets linked to the ecological outcomes of the water resource plan, the critical water requirements of those assets, and the provision of critical water requirements.

Issues raised

Issue	Response
Conduct specific streamflow monitoring of the Littabella Creek catchment to assess the quantity of water available for development.	<p>Specific streamflow monitoring does not currently occur in the Littabella Creek catchment. Specialised hydrological modelling methods for ungauged streams were used to assess flows in the Littabella Creek catchment.</p> <p>The resource operations plan does not prevent streamflow monitoring occurring in the future.</p>
Survey landholders to assess the extent of groundwater development.	<p>Assessments to date indicate that current levels of groundwater use are low and there are limited opportunities for further groundwater development.</p> <p>Under the Water Act, licensed water bore drillers are required to submit accurate and complete records of newly constructed bores, including the location, aquifer details and yields. This information will be used to monitor any future groundwater development.</p>

Finalised provisions

The monitoring and reporting requirements of the draft plan have been retained in the finalised plan. The construction of new bores will be monitored and any proposed future management of groundwater under the water resource plan will be reviewed.

3 Out of scope issues

Several issues raised in submissions could not be dealt with under the resource operations plan. Matters raised that related to the water resource plan are addressed below. Responses have also been provided, either in person or through correspondence, to those seeking information or clarification on particular issues that were outside the scope of the resource operations plan.

3.1 Issues relating to the water resource plan

The following issues raised in submissions relate to the water resource plan and therefore cannot be addressed through the finalisation of the resource operations plan.

Issue	Response
<p>Remove section 32(2)(b) from the water resource plan—the chief executive’s consideration of the efficiency of existing and proposed water use practices when dealing with unallocated water—as these aspects are addressed under a land and water management plan.</p>	<p>Although a land and water management plan is likely to detail the efficiency of existing and proposed water use practices, the requirement to prepare a land and water management plan does not apply where water will be used for a purpose other than irrigation.</p> <p>It is not appropriate, therefore, to remove this consideration. Furthermore, removing this consideration would require a change to the water resource plan, which is not being amended at this time.</p>
<p>Specific measures should be included in the resource operations plan to ensure the ecological objectives of the water resource plan will be achieved, and to ensure that adverse environmental impacts caused by interference of waterway flows are avoided and mitigated.</p>	<p>Ecological outcomes, which include minimising changes to natural variability of water levels and minimising adverse impacts downstream of new water resource development, are specified under the water resource plan. The water resource plan identifies the strategies for achieving the ecological outcomes.</p> <p>The inclusion of additional strategies or measures would require a change to the water resource plan, which is not being amended at this time.</p>

4 Other matters

4.1 Supporting the plan

Of the five submissions received on the draft plan, three included statements supporting the plan.

One submitter expressed support for the requirement for all new water licence holders to prepare a land and water management plan for water used for irrigation, and supports the requirement for a passflow condition to be stated on a water licence granted to take unallocated water. The refusal of all applications for a water licence to interfere on Baffle Creek and on watercourses in the Eurimbula and Worthington Creek catchment areas is also supported by this submitter.

One submitter supports the plan providing for the continued use of all existing entitlements and existing overland flow works. Another submitter stated that they had no real concerns with the draft plan.

4.2 Errors and improvements

While the draft plan was prepared with diligence and care, minor errors were identified by the department following release of the draft plan. These errors were corrected and the wording of some sections was improved. The intent of the proposals outlined in the draft resource operations plan has not changed in the finalised plan.