

Baffle Creek Basin Resource Operations Plan

Explanatory Notes

December 2011

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December 2011

29973-b

Introduction

These explanatory notes are a plain English guide to the Baffle Creek Basin Resource Operations Plan 2011 (the plan).

They provide a simple explanation and background information on each of the plan's provisions. These provisions need to be understood as they implement the Water Resource (Baffle Creek Basin) Plan 2010 and will be used in assessing future needs.

The explanatory notes should be read in conjunction with the plan, as the detail is within the plan itself. The numbering and partitioning of the explanatory notes align with the plan.

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Chapter 1 Preliminary

1 Short title

This section declares the plan will be known as the Baffle Creek Basin Resource Operations Plan 2011. It states that all references to 'this plan' in the document mean the Baffle Creek Basin Resource Operations Plan 2011.

2 Commencement of the resource operations plan

This section states that the rules and requirements of the plan begin on the first business day after the plan is notified in the Queensland Government Gazette. However, some requirements include a timeline for implementation and so the actual implementation of those requirements might occur after the plan has commenced.

3 Purpose of plan

This section states the purpose of the plan is to implement the water resource plan.

4 Definition of words used in this plan

This section advises that the dictionary is in Attachment 1 of the plan. The dictionary explains particular terms used in the plan.

5 Plan area

This section states that a map of the plan area is shown in Attachment 2. The plan area includes Littabella Creek, Baffle Creek, Broadwater Creek, Eurimbula Creek, and Worthington Creek catchments.

6 Information about areas

This section highlights that the Department of Environment and Resource Management (the department) holds digital maps of the plan area. The maps show where plan-related boundaries lie in relation to property boundaries and watercourses. The maps can be viewed at any of the department's offices and can be enlarged or reduced to show the details of any particular boundary.

7 Water to which this plan applies

The section states that the plan applies to surface water (that is, water in watercourses, lakes or springs and overland flow water) within the plan area. The plan does not deal with water in springs that is either connected to artesian water or subartesian water connected to artesian water.

8 Metering

This section states a meter must be used to measure the amount of water taken under a water entitlement in the plan area. The meter used must comply with the standards approved by the chief executive. This section only applies to water entitlements declared to be metered entitlements under Part 7 of the Water Regulation 2002.

9 Departmental water monitoring data collection standards

The plan states any monitoring and data collection under the plan must be undertaken in accordance with the plan's requirements. It must also be consistent with the department's Water Monitoring Data Collection Standards (the collection standards). The collection standards are available on the department's website at <www.derm.qld.gov.au>.

10 Water year

For the plan, the water year begins on 1 July and concludes on 30 June the following year.

11 Implementation

This section states the requirements of the plan must be implemented by the chief executive as soon as practicable.

12 Sustainable management of water

This section specifies how the plan seeks to sustainably manage water resources in the plan area, as required under section 98(1)(e) of the *Water Act 2000*.

13 Addressing water resource plan outcomes

This section specifies how the plan seeks to achieve the general outcomes, ecological outcomes and specific ecological outcomes set out in the water resource plan, as required under section 98(1)(g) of the *Water Act 2000*. This section also states that Attachment 3 of the plan sets out how the rules and requirements of the plan are linked to the outcomes of the water resource plan.

14 to 20 Section numbers not used

These numbers have intentionally been left blank to accommodate future amendments without the need for the plan to be renumbered.

Chapter 2 Unallocated water

21 Scope of Chapter 2

This chapter specifies the process for making available and dealing with unallocated water in the plan area.

22 Record of volume of unallocated water

The chief executive may develop a register to record the volume of unallocated water that is available. If a register is created, it must be updated when an entitlement has been created under the unallocated water provisions.

23 Land and water management plan

Water granted from the unallocated water reserves cannot be used to irrigate land until a land and water management plan has been approved under section 77 of the *Water Act 2000*.

Part 1 Unallocated water reserves

24 Unallocated water reserves

This section explains that unallocated water, as specified in the water resource plan, is held under the plan as strategic and general reserves. The volumes available at the time of commencement of the plan for each catchment area are shown in Table 1.

Part 2 Granting unallocated water from reserves

Division 1 Granting unallocated water

25 Scope of Division 1

This division details the process for release of unallocated water that may be granted under this chapter.

26 Unallocated water product specification

Unallocated water can only be granted as a water licence.

27 Process for releasing and granting unallocated water

The Water Regulation 2002 prescribes the process for releasing and granting unallocated water. The chief executive must have regard for matters listed under section 32(2) of the water resource plan in releasing and granting unallocated water.

Division 2 Terms and conditions of water licences

28 Scope of Division 2

This division details the terms and conditions the chief executive may include on licences to take water that is granted from the unallocated water reserves.

29 Water licences for taking water from a watercourse, lake or spring

Water licences granted from the unallocated water reserve to take water from a watercourse or spring must be granted in accordance with sections 31 and 41 of the water resource plan.

Section 31 of the water resource plan states that all water licences granted from the strategic and general reserves to take water from a watercourse must include a pass flow condition. Section 41 of the water resource plan outlines the elements that must be stated on a water licence, including the purpose for which water may be taken, the maximum rate at which water may be taken, the daily volumetric limit for the licence, and the nominal entitlement for the licence.

No unallocated water can be granted for taking water from a lake.

30 Water licences for taking overland flow water

Water licences granted from unallocated water reserves to take overland flow water must be granted in accordance with section 54 of the water resource plan.

Section 54 of the water resource plan outlines the elements that must be stated on a water licence to take overland flow water. The licence must state a purpose for which water may be taken, which must be either 'rural' or 'any'. The licence must also state at least one of the following—the maximum rate at which water may be taken under the licence; the daily volumetric limit for the licence; the nominal entitlement for the licence; and the maximum volume of water that may be stored under the licence, and any applicable conditions.

The nominal entitlement for a licence to take overland flow water by particular works—which under this division means a gully dam, hillside storage or similar storage used to take and then store overland flow water—must not be greater than the volume determined under section 31 of the plan.

31 Determining nominal entitlement for water licences to take overland flow water by particular works

The nominal entitlement for a water licence, for the take of overland flow water by particular works, such as gully dams and hillside storages, is to be determined using Equation 1.

The nominal entitlement factor (f_{ne}) will be decided by the chief executive using the storage/catchment ratio for the proposed overland flow storage. The storage/catchment ratio for the proposed overland flow storage is to be determined using Equation 2.

The nominal entitlement factor (f_{ne}) value for the corresponding storage/catchment ratio is provided in Table 2. Values not listed in Table 2 can be linearly interpolated or extrapolated from the listed values. Hence the nominal entitlement can be calculated for a given storage volume and catchment area.

Example

For a proposed overland flow storage size of 200 megalitres with a catchment area of 400 hectares, the following calculations are required to determine the nominal entitlement.

Calculate storage/catchment ratio using Equation 2 to determine nominal entitlement factor (f_{ne}).

$$\begin{aligned}\text{Storage/catchment ratio} &= \text{SV}_{\text{OLF}} / \text{A}_{\text{catchment}} \\ &= 200/400 \\ &= 0.5\end{aligned}$$

From Table 2, for a storage/catchment ratio of 0.5 the nominal entitlement factor (f_{ne}) is 0.83.

Calculate nominal entitlement using Equation 1.

$$\begin{aligned}\text{NE (nominal entitlement)} &= \text{SV}_{\text{OLF}} \times f_{ne} \\ &= 200 \times 0.83 \\ &= 166 \text{ megalitres}\end{aligned}$$

The nominal entitlement for a proposed overland flow storage size of 200 megalitres with a catchment area of 400 hectares is 166 megalitres.

32 Special conditions for licences granted from the strategic reserve

This section gives effect to the position that any water granted from the strategic reserve for a project of State significance or a project of regional significance is only for the life of the project, and when it concludes the water returns to the strategic reserve.

33 to 40 Section numbers not used

These numbers have intentionally been left blank to accommodate future amendments without the need for the plan to be renumbered.

Chapter 3 Amending existing authorisations

41 Application of Chapter 3

This chapter provides for the amendment of existing licences in the Baffle Creek Basin.

42 Amending water licences

Within 120 business days of the commencement of the plan, the chief executive officer must amend all existing water licences to include the terms and conditions stated in Attachment 4 of the plan. These amendments to the water licences are in accordance with section 217 of the *Water Act 2000*.

43 to 50 Section numbers not used

These numbers have intentionally been left blank to accommodate future amendments without the need for the plan to be renumbered.

Chapter 4 Dealing with water licence applications

51 Water licence applications to which this chapter applies

Chapter 4 provides a process for dealing with applications for water licences to take or interfere with water from a watercourse, lake or spring.

The provisions of this chapter apply to applications made under sections 206 and 216 of the *Water Act 2000* if the granting would have one or more of the effects, listed under subsection (1), on water to which the plan applies.

This chapter does not apply to an application made under the sections of the *Water Act 2000* listed under subsection (3).

This chapter also does not apply to applications to interfere with water by artificially improving or changing the course of a watercourse, lake or spring, or to applications made in accordance with Chapter 2 and Chapter 5 of the plan.

An application for a water licence to take unallocated water is dealt with under Chapter 2 of the plan.

An application for a water licence to replace the authority to take overland flow water provided under section 52(2) of the Water Resource (Baffle Creek Basin) Plan 2010 is dealt with under Chapter 5 of the plan.

52 Applications to be refused

An application to which this chapter applies can only be granted if specifically provided for under sections 53 to 56 of the plan. All other applications to which this chapter applies must be refused.

53 Application to increase the maximum rate at which water may be taken

This section states that an application seeking to amend a water licence to increase the maximum rate of take of water can only be dealt with under particular circumstances.

Firstly, the application can only be dealt with if it is to amend a water licence that was in force immediately before the commencement of the water resource plan or to amend a water licence granted to an owner of a relevant lot who has given the chief executive a notice under section 40 of the water resource plan.

Secondly, one of the following conditions must be met:

- An existing development permit associated with an existing water licence states a pump size that is specified in the water resource plan and the maximum rate on the existing water licence is less than the maximum rate for the corresponding pump size specified in the water resource plan.
- An existing development permit associated with an existing water licence states a pump size other than those specified in the water resource plan and the maximum rate on the existing water licence is less than the corresponding maximum rate decided by the chief executive having regard to the maximum rates and pump sizes stated in the water resource plan.
- An existing water licence granted to an owner of a relevant lot, listed under section 40(3) of the water resource plan, states a maximum rate less than the maximum rate specified in the water resource plan for the corresponding pump size that was notified under section 40 of the water resource plan and verified by the chief executive.
- An existing development permit associated with an existing water licence authorises works other than a pump, such as a diversion channel, and those works have a capacity to take water at a rate greater than the maximum rate stated on the existing water licence.

The maximum rate at which water may be taken under a water licence must not exceed both the maximum rate as determined under the water resource plan for the authorised works and the physical capacity of the works.

54 Application to increase the daily volumetric limit

This section states that an application seeking to amend a water licence to increase the daily volumetric limit can only be dealt with under particular circumstances.

Firstly, the application can only be dealt with if it is to amend a water licence that was in force immediately before the commencement of the water resource plan or to amend a water licence granted to an owner of a relevant lot who has given the chief executive a notice under section 40 of the water resource plan.

Secondly, one of the following conditions must be met:

- An existing development permit associated with an existing water licence states a pump size that is specified in the water resource plan and the daily volumetric limit on the existing water licence is less than the daily volumetric limit for the corresponding pump size specified in the water resource plan.
- An existing development permit associated with an existing water licence states a pump size other than those specified in the water resource plan and the daily volumetric limit on the existing water licence is less than the corresponding daily volumetric limit decided by the chief executive having regard to the daily volumetric limits and pump sizes stated in the water resource plan.
- An existing water licence granted to an owner of a relevant lot, listed under section 40(3) of the water resource plan, states a daily volumetric limit less than the daily volumetric limit specified in the water resource plan for the corresponding pump size that was notified under section 40 of the water resource plan and verified by the chief executive.
- An existing development permit associated with an existing water licence authorises works other than a pump, such as a diversion channel, and those works have a capacity to take a volume of water in day that is greater than the daily volumetric limit stated on the existing water licence.

The daily volumetric limit at which water may be taken under a water licence must not exceed both the daily volumetric limit as determined under the water resource plan for the authorised works and the physical capacity of the works.

55 Applications to take water for stock and domestic purposes

This section details the matters considered by the chief executive when deciding to grant an application to take water for stock or domestic purposes only. The application must be refused if any of the following applies:

- The applicant already holds a water entitlement authorising the take of water for use on the land to which the application relates.
- There is a suitable alternative source of water available, such as a reticulated supply, for use on the land to which the application relates.
- Unallocated water is available.
- The plan of survey for the land (that is, a plan that the registrar of titles requires the registered proprietor of a lot to lodge) was not registered prior to the commencement of the resource operations plan.

The chief executive may consider matters other than those stated under this section in deciding the application.

56 Applications to interfere with water by impounding flow

This section details the conditions that apply to an application to interfere with the flow of water in a watercourse, lake or spring.

The water resource plan states the limitations and conditions that apply to an application to interfere and these are dealt with under this section of the plan. Under section 34 of the water resource plan a licence to interfere with water may only be granted if the proposed interference is for stock or domestic purposes, or to provide a pumping pool for an existing or new authorisation, or is in conjunction with the granting of unallocated water. A water licence to interfere may also be granted if the application is made by Gladstone Regional Council to interfere with water in Bottle Creek at Wills Road.

Section 35 of the water resource plan states conditions that apply to an application to interfere with water for the provision of a pumping pool. Section 36 of the water resource plan states conditions that apply to an application to interfere with water related to the granting of unallocated water.

In line with section 37 of the water resource plan, an application to interfere must be refused where the proposed interference is located on Baffle Creek or in the Eurimbula Creek or Worthington Creek catchments.

57 to 60 Section numbers not used

These numbers have intentionally been left blank to accommodate future amendments without the need for the plan to be renumbered.

Chapter 5 Overland flow water

Part 1 Granting water licences for taking overland flow water

61 Scope of Part 1

This section states that this part of the chapter includes a process for the allocation of water under a water licence to replace an authority under section 52(2) of the water resource plan, which is provided for under section 53 of the water resource plan.

The process for granting water licences for taking overland flow water under this part also includes the matters the chief executive must consider in deciding to grant or amend a water licence, the conditions the chief executive must include on the licence, and the requirements for a certified report for overland flow works.

62 Granting or amending a water licence

This section states that the chief executive may at any time replace the authorisation for taking overland flow water, provided for under section 52(2) of the water resource plan, with a water licence. Section 52(2) of the water resource plan provides for an owner of existing overland flow works with a capacity of more than 20 megalitres to continue taking water from the existing works for one year after commencement of the water resource plan, provided the owner has notified the chief executive of the works.

The chief executive must issue a notice to the owner of land prior to granting or amending a water licence replacing the authority for taking overland flow provided for under section 52(2) of the water resource plan. The notice issued by the chief executive must state that the chief executive intends to grant or amend a water licence for taking overland flow water. The chief executive must also request the owner to identify the relevant existing works and provide information such as water use requirements and purpose for which the water is used. The chief executive may also require a certified report stating information about existing works used for taking overland flow water.

In making a decision about granting or amending a water licence, the chief executive must consider the volumes of overland flow water taken, both annually and over a period of not more than 10 years, prior to the commencement of the water resource plan and any other relevant information. The chief executive may also consider the volumes of other water taken or stored by the works prior to the commencement of the water resource plan as provided for under another authorisation—for example, water taken from a watercourse under an entitlement and then stored.

63 Certified reports for overland flow works

This section details the purpose of and the requirements for preparing a certified report for overland flow works. Where the chief executive has issued a notice under section 62 of the plan that includes a request for a certified report, the certified report must be prepared in accordance with the standards and requirements set out in the notice.

The purpose of a certified report is to provide the chief executive with information about the overland flow works, including the capacity of the works and the rate at which the works may take overland flow water.

The report must be verified and signed by a person registered as professional engineer under the *Professional Engineers Act 2002*.

64 Content and conditions for a water licence to take overland flow water

This section states that a water licence issued to take overland flow water must be in accordance with section 54 of the water resource plan. Section 54 requires the licence to state a purpose of either 'rural' or 'any', and at least one of the following terms and conditions:

- the maximum stored volume
- the maximum rate at which the water may be taken under the licence
- the daily volumetric limit for the licence
- the annual volumetric limit for the licence
- the mean annual volume for the licence.

A water licence may also include other conditions, such as flow conditions or conditions for storing the water taken under the water licence.

Part 2 Water licences used in conjunction with overland flow works

65 Application to amend a water licence to change a condition

This section applies to an application to amend a water licence to change an existing condition that requires water taken under the licence to be stored in particular works that also take overland flow water.

This section states that in deciding to grant an application to amend a water licence to change an existing condition, the chief executive must issue a water licence for the taking of overland flow water in accordance with Part 1 of this chapter. If the applicant fails to supply the required information within 90 business days, without reasonable excuse, the application lapses.

66 to 70 Section numbers not used

These numbers have intentionally been left blank to accommodate future amendments without the need for the plan to be renumbered.

Chapter 6 Monitoring and reporting

71 Water monitoring

Water monitoring information to be measured or collected and kept publicly available includes water quantity, water taken and construction of new bores. The collected information may be used by the chief executive to support water resource assessment and reporting. For example, information on newly constructed bores may indicate that groundwater use should be managed to ensure sustainable management of groundwater in the plan area.

72 Natural ecosystems monitoring

Natural ecosystem monitoring information to be collected and kept publicly available includes information on ecological assets linked to the ecological outcomes in the water resource plan and the critical water requirements for these ecological assets.

73 Assessment

The monitoring and reporting requirements will allow the chief executive to determine the effectiveness of the strategies of the water resource plan in achieving the general, ecological and specific ecological outcomes of the water resource plan. The information will contribute to an improved information base for future water planning within the Baffle Creek Basin water resource plan area.

Where it is determined that the general or ecological outcomes in the water resource plan are not being achieved, the minister may consider amending the water resource plan.

74 to 80 Section numbers not used

These numbers have intentionally been left blank to accommodate future amendments without the need for the plan to be renumbered.

Chapter 7 Amendments to the resource operations plan

This chapter states the types of amendments that can be made to the plan under the *Water Act 2000* and whether the amendments need to be publicly notified.

Part 1 Amendments not requiring public notification

81 Application of Part 1

Section 106(b) of the *Water Act 2000* provides for amendments to be made to the plan where the amendment is stated in the plan. These amendments do not require public notification and advertising.

82 Amendment to implement an amendment to the *Water Act 2000*

If the *Water Act 2000* is amended and this affects the intent of the plan then the plan may be amended.

83 Amendment necessary to implement an amendment to the Water Resource (Baffle Creek Basin) Plan 2010

This section states any amendment that is needed as the result of an amendment to the water resource plan may be made to the plan.

84 Amendment to monitoring requirements

This section states that any amendment to the monitoring and assessment provisions in the plan can be made where that amendment will result in improved or more efficient monitoring.

Part 2 Amendments requiring public notification

85 Amendments under the *Water Act 2000*

This section states that the chief executive may amend the plan under section 105(6) of the *Water Act 2000* to include additional requirements for managing water in the plan area.