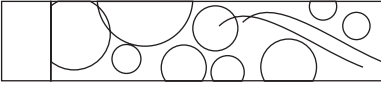


Natural Resources and Water
Managing Queensland's natural resources
... for today and tomorrow



Border Rivers resource operations plan

March 2008

Published by:
Department of Natural Resources and Water
GPO Box 2454
Brisbane Qld 4001

© The State of Queensland (Department of Natural Resources and Water) 2008

The Department of Natural Resources and Water authorises the reproduction of textual material, whole or part, in any form, provided appropriate acknowledgement is given.

This document has been prepared with all due diligence and care, based on the best available information at the time of publication. The department holds no responsibility for any errors or omissions within this document. Any decisions made by other parties based on this document are solely the responsibility of those parties. Information contained in this document is from a number of sources and, as such, does not necessarily represent government or departmental policy.

Printed March 2008
ISBN 978-1-7417-2833-0
#28431

For more information on this document contact:
Department of Natural Resources and Water
Water Allocation and Planning Group
(07) 4688 1000
<www.nrw.qld.gov.au>

This publication is available in alternative formats (including large print and audiotape) on request. Contact NRW on (07) 3404 3070 or email <communications@nrw.qld.gov.au>.

Front cover image: Macintyre River. Courtesy of Tourism Queensland.

Foreword

It is pleasing to note that the Border Rivers Resource Operations Plan has been finalised following a period of consultation and review that began with the release of a draft plan on 8 January 2007.

This resource operations plan will implement requirements of the *Water Resource (Border Rivers) Plan 2003*, which has been amended to facilitate trading of supplemented water with New South Wales. The rules set out in this plan will provide the community with continued access to water resources within the framework of sustainable goals and objectives of the water resource plan, including those for the natural environment and other consumptive uses.

The implementation phase of the water resource planning process will bring water users an unprecedented level of confidence and flexibility, especially through the conversion of over 540 water entitlements to tradable water allocations. This new water market will foster efficiency and innovation by allowing water to move to new locations and uses, with interstate trading of water between Glenlyon Dam and Mungindi.

The introduction of interstate trading, as a means of promoting maximum value to the community from the available water resources, is a top priority of the National Water Initiative.

This resource operations plan provides for:

- operating rules and management arrangements for supplemented water in the Macintyre Brook Water Supply Scheme and the Border Rivers Water Supply Scheme
- a process for dealing with 3 500 megalitres per year of unallocated water for irrigation and associated industry for the Stanthorpe Shire
- 1 500 megalitres per year of unallocated water for town water supply for Stanthorpe Shire
- rules to allow trading of water allocations
- monitoring arrangements for infrastructure operators and the State
- amendments to the plan through public notification and consultation.

I would like to thank the many groups and individuals who participated in the development of this plan. With the introduction of interstate water trading between Queensland and its southern neighbour, the water reform agenda reaches another milestone in the national drive to maximise the value and benefit we derive from our finite water resources.



Debbie Best
Deputy Director-General
Department of Natural Resources and Water

This document contains the following:

- 1. Border Rivers Resource Operations Plan 2008**
- 2. Explanatory notes for the resource operations plan**

Border Rivers

Resource Operations Plan

Contents

Chapter 1—Preliminary..... 1

- 1. Purpose of this resource operations plan..... 1
- 2. Name of this resource operations plan 1
- 3. Commencement of this resource operations plan..... 1
- 4. Plan area 1
- 5. Definitions 1
- 6. Water to which this plan applies..... 1
- 7. Water management areas and resource operations plan zones 2
- 8. Water allocation groups 2
- 9. Purpose of a water allocation 2
- 10. Departmental water monitoring data collection standard 2
- 11. Departmental water monitoring data reporting standard 3
- 12. Operating and environmental management rules and monitoring requirements 3
- 13. Metering 3
- 14. Implementation..... 4
- 15. Sustainable management of water..... 5
- 16. Addressing the outcomes of the Water Resource (Border Rivers) Plan 2003 .. 7
- 17 to 30 section numbers not used 7

Chapter 2—Process for dealing with unallocated water 8

- 31. Scope of chapter 2 8

Part 1—Dealing with unallocated water for irrigation and associated industry 8

- 32. Scope of part 1 8
- 33. Decision on whether to make unallocated water available 8
- 34. Auction process..... 9
- 35. Specification of water allocations and water licences 9
- 36. Public notification of successful bidders for a water licence for take of overland flow water 10
- 37. Review of submissions and settling of bids for water licences for take of overland flow water 10
- 38. Granting water allocations and water licences 11

Part 2—Dealing with unallocated water for town water supply 11

- 39. Scope of part 2..... 11
- 40. Requirements for making the reserved water available 11
- 41. Assessing a submission..... 12
- 42. Additional information..... 12
- 43. Deciding a submission 12
- 44. Granting a water allocation 12
- 45 to 50 section numbers not used 12

Chapter 3—Granting and converting entitlements and dealing with water licence applications..... 13

- 51. Scope of chapter 3 13
- Part 1—Granting resource operations licences—Act, s. 108 13**
 - 52. Resource operations licence for the Macintyre Brook Water Supply Scheme 13
 - 53. Resource operations licence for the Border Rivers Water Supply Scheme 13
- Part 2—Granting distribution operations licences 14**
 - 54. Distribution operations licence for the Callandoon Water Board..... 14
 - 55. Distribution operations licence for the Yambocully Water Board 14
- Part 3—Granting and amending water licences 14**
 - Division 1—Granting and amending water licences..... 14*
 - 56. Granting and amending water licences..... 14
 - Division 2—Granting water licences 15*
 - 57. Granting water licences..... 15
 - 58. Water licences granted to Stanthorpe Shire Council 15
 - 59. Water licences granted to Waggamba Shire Council..... 16
 - 60. Water licence granted to Inglewood Shire Council 16
- Part 4—Granting and amending water allocations 16**
 - 61. Water allocation granted to the resource operations licence holder for the Border Rivers Water Supply Scheme 16
 - 62. Amending a water allocation to include a new condition dealing with take of overland flow water 17
- Part 5—Conversions to water allocations 17**
 - 63. Converting water entitlements..... 17
 - Division 1—Conversion of supplemented water entitlements 17*
 - Subdivision 1—All supplemented water entitlements 17*
 - 64. Application of subdivision 1 17
 - 65. Rules for the conversion of existing water entitlements 17
 - Subdivision 2—Supplemented water entitlements located within the Macintyre Brook Water Supply Scheme 18*
 - 66. Application of subdivision 2 18
 - 67. Nominal location..... 18
 - Division 2—Conversion of unsupplemented water entitlements 19*
 - 68. Application of division 2..... 19
 - 69. Location..... 19
 - 70. Maximum rate for take of unsupplemented water 19
 - 71. Conditions for take of unsupplemented water..... 20
 - 72. Volumetric limit for unsupplemented water allocations 20
 - 73. Nominal volume for unsupplemented water allocations 20
- Part 6—Dealing with water licence applications..... 20**
 - 74. Water licence applications to which part 6 applies..... 20
 - 75. Applications to be refused..... 20

76. Applications to interfere with the flow of water21

77 to 85 section numbers not used21

Chapter 4—Macintyre Brook Water Supply Scheme22

86. Application of chapter 4.....22

Part 1—Operating rules 22

87. Use of watercourses for distribution22

88. Operating level of storages22

89. Change in rate of release22

90. Releases to provide for environmental flows23

91. Waterhole management.....23

Part 2—Water sharing rules 23

92. Management of water allocations23

93. Transfer to and from management as an individual continuous share23

94. Sharing of inflows24

Division 1—Continuous sharing rules 24

95. Application of division 1.....24

96. Continuous share percentage24

97. Continuous share volume26

98. Continuous share water accounts.....26

99. Continuous share water accounts reconciliation process28

Division 2—Bulk sharing rules 29

100. Application of division 2.....29

101. Bulk sharing rules.....29

102. High priority water allocations29

103. Medium priority water allocations30

Division 3—Volumetric limit 31

104. Scope of division 331

105. Maximum volume of water that may be taken.....31

Division 4—Critical water supply arrangements..... 32

106. Critical water supply arrangements.....32

107. Commencement and cessation of critical water supply arrangements32

108. Changing the critical water supply arrangements33

Part 3—Dealings with water allocations 33

109. Scope of part 3.....33

Division 1—Subdivision or amalgamation of water allocations 33

110. Permitted subdivisions or amalgamations.....33

111. Prohibited subdivisions or amalgamations.....34

Division 2—Water allocation change rules..... 34

Subdivision 1—Permitted changes 34

112. Location.....34

113. Purpose.....35

Subdivision 2—Prohibited changes 35

114. Location.....35

| | | |
|------|--|-----------|
| 115. | Purpose..... | 36 |
| 116. | Priority | 36 |
| 117. | Nominal location..... | 36 |
| | <i>Subdivision 3—Other changes to water allocations.....</i> | <i>36</i> |
| 118. | Application for a change to a water allocation not specified as permitted or prohibited | 36 |
| | Part 4—Seasonal water assignments | 36 |
| 119. | Maximum water use | 36 |
| 120. | Seasonal water assignment rules | 37 |
| | Part 5—Interscheme trading agreement | 38 |
| 121. | Interscheme trading agreement | 38 |
| | 122 to 130 section numbers not used | 38 |
| | Chapter 5—Inglewood Weir..... | 39 |
| 131. | Application of chapter 5..... | 39 |
| 132. | Compatibility with water supply scheme operations..... | 39 |
| 133. | Water licence to interfere with flow | 39 |
| | 134 to 136 section numbers not used | 39 |
| | Chapter 6—Border Rivers Water Supply Scheme..... | 40 |
| 137. | Application of chapter 6..... | 40 |
| 138. | Water sharing agreements between the State and New South Wales | 40 |
| | Part 1—Operating rules..... | 40 |
| 139. | Use of watercourses for distribution..... | 40 |
| 140. | Infrastructure operating rules | 41 |
| 141. | Essential supplies allowance | 41 |
| | Part 2—Water sharing rules | 41 |
| 142. | Scope of part 2..... | 41 |
| 143. | Annual announced limit..... | 41 |
| | <i>Division 1—Water sharing rules for bulk storage accounts.....</i> | <i>42</i> |
| | <i>Subdivision 1—Distribution to bulk storage accounts</i> | <i>42</i> |
| 144. | Resource assessment..... | 42 |
| 145. | Distribution to bulk storage accounts | 42 |
| | <i>Subdivision 2—Water sharing rules for high priority water allocations</i> | <i>43</i> |
| 146. | Application of subdivision 2 | 43 |
| 147. | Water sharing rules for high priority water allocations | 43 |
| | <i>Division 2—Water sharing rules for individual accounts</i> | <i>44</i> |
| 148. | Application of division 2..... | 44 |
| | <i>Subdivision 1—Distribution to individual storage accounts.....</i> | <i>44</i> |
| 149. | Distribution to individual storage accounts..... | 44 |
| | <i>Subdivision 2—Individual accounts for continuous accounting.....</i> | <i>44</i> |
| 150. | Individual storage accounts..... | 44 |
| 151. | Individual usage accounts..... | 46 |

Division 3—Critical water supply arrangements..... 46

152. Critical water supply arrangements.....46

153. Commencement and cessation of critical water supply arrangements47

154. Changing the critical water supply arrangements47

Part 3—Dealings with water allocations 47

155. Scope of part 3.....47

Division 1—Subdivision or amalgamation of water allocations 47

156. Permitted subdivisions or amalgamations.....47

157. Prohibited subdivisions or amalgamations.....48

Division 2—Water allocation change rules..... 48

Subdivision 1—Permitted changes 48

158. Location.....48

159. Purpose.....49

160. Priority group.....49

Subdivision 2—Prohibited changes 49

161. Location.....49

162. Purpose.....49

163. Priority group.....49

Subdivision 3—Other changes to water allocations..... 50

164. Application for a change to a water allocation not specified as permitted or prohibited 50

Part 4—Seasonal water assignments 50

165. Seasonal water assignment rules 50

Part 5—Interscheme trading agreement 50

166. Interscheme trading agreement 50

Part 6—Distribution operations licence holder responsibilities..... 51

Division 1—Callandoon Water Board..... 51

167. Application of division 1.....51

168. Use of watercourse for distribution.....51

169. Distribution losses51

Division 2—Yambocully Water Board 51

170. Application of division 2.....51

171. Use of watercourses for distribution.....51

172. Distribution losses52

173 to 184 section numbers not used 52

Chapter 7—Unsupplemented water allocations **53**

185. Application of chapter 7.....53

Part 1—Water sharing rules 53

186. Consistency with interstate agreements 53

Division 1—Border Rivers Water Management Area 53

187. Application of division 1.....53

| | | |
|------|--|-----------|
| 188. | Announced period | 53 |
| 189. | Declaration of access to unsupplemented water | 53 |
| | <i>Division 2—Other water management areas with announced periods</i> | <i>54</i> |
| 190. | Application of division 2..... | 54 |
| 191. | Announced period | 54 |
| 192. | Resource operations management guidelines..... | 54 |
| | <i>Division 3—Data collection and transfer</i> | <i>54</i> |
| 193. | Application of division 3..... | 54 |
| 194. | Water allocation holder data collection and transfer | 54 |
| 195. | Water allocation holder notification of change to storage | 55 |
| | Part 2—Dealings with water allocations | 55 |
| 196. | Scope of part 2..... | 55 |
| | <i>Division 1—Subdivision or amalgamation of water allocations</i> | <i>55</i> |
| 197. | Permitted subdivisions or amalgamations..... | 55 |
| 198. | Prohibited subdivisions or amalgamations..... | 56 |
| | <i>Division 2—Water allocation change rules.....</i> | <i>57</i> |
| | <i>Subdivision 1—Permitted changes</i> | <i>57</i> |
| 199. | Purpose..... | 57 |
| | <i>Subdivision 2—Prohibited changes</i> | <i>57</i> |
| 200. | Location..... | 57 |
| 201. | Purpose..... | 57 |
| | <i>Subdivision 3—Other changes to water allocations.....</i> | <i>57</i> |
| 202. | Application for a change to a water allocation not specified as permitted or prohibited | 57 |
| | Part 3—Seasonal water assignments | 58 |
| 203. | Scope of part 3..... | 58 |
| 204. | Seasonal water assignment rules | 58 |
| | 205 to 215 section numbers not used | 59 |
| | Chapter 8—Overland flow water | 60 |
| | Part 1—Water allocations used in conjunction with overland flow works..... | 60 |
| 216. | Application to remove a special condition | 60 |
| | Part 2—Granting water licences for take of overland flow water..... | 60 |
| 217. | Scope of part 2..... | 60 |
| 218. | Replacement of an authority to take overland flow water with a water licence | 60 |
| 219. | Granting or amending a water licence under section 36 of the Water Resource (Border Rivers) Plan 2003 | 60 |
| 220. | Granting a water licence to allow a change to a water allocation under section 216..... | 61 |
| 221. | Certified reports for overland flow works..... | 61 |
| 222. | Conditions for take of overland flow water | 62 |
| 223. | Assessment of maximum rate for take of overland flow water | 62 |
| 224. | Assessment of storage volume | 62 |

225. Assessment of the volumetric limit for take of overland flow water 62

226. Assessment of the average annual diversion of overland flow water 63

227. Minimum share of overland flow water 63

228 to 238 section numbers not used 63

Chapter 9—Obligations under interstate agreements 64

239. Scope of chapter 9 64

Part 1—Water sharing agreements between the State and New South Wales 64

240. Scope of part 1 64

Division 1—Limit to long term average annual take 64

241. Limit to long term average annual take from the Border rivers 64

242. Limit to long term average annual take in other parts of the plan area 65

243. Determination of limit for total long term average annual take 65

244. Assessment of long term average annual take 65

Division 2—Annual announced limit 65

245. Application of division 2 65

246. Annual announced limit 66

247. Revising the annual announced limit 66

248. Reducing the annual announced limit 67

249. Management of long term average annual take of unsupplemented water 67

Division 3—Annual accounting for unsupplemented water allocations 67

250. Annual accounting for unsupplemented water allocations 67

Part 2—Interstate trading agreements 68

251. Commencement of interstate trading 68

252. Interstate trading agreements dealing with supplemented water 68

253. Interstate trading agreements dealing with unsupplemented water 69

Part 3—Murray–Darling Basin 69

254. Murray–Darling Basin Agreement 69

255 to 260 section numbers not used 69

Chapter 10—Performance assessment 70

261. Scope of chapter 10 70

262. Water monitoring 70

263. Ecological performance monitoring and assessment 70

264. Assessment 71

265. Links to other monitoring programs 71

266. Interstate obligations 71

267. Murray–Darling Basin Cap audit 71

268 to 270 section numbers not used 71

| | |
|---|-----------|
| Chapter 11—Resource operations licence holder monitoring and reporting | 72 |
| 271. Scope of chapter 11 | 72 |
| 272. Monitoring data | 72 |
| Part 1—Macintyre Brook Water Supply Scheme | 72 |
| 273. Scope of part 1 | 72 |
| <i>Division 1—Water quantity.....</i> | <i>72</i> |
| 274. Stream flow and storage water level | 72 |
| 275. Storage inflow | 73 |
| 276. Releases from storage | 73 |
| 277. Continuous share water accounts and reconciliations | 73 |
| 278. Announced allocations for the bulk share | 73 |
| 279. Water taken by water users | 74 |
| 280. Seasonal water assignments | 74 |
| 281. Critical water supply arrangements | 74 |
| 282. Waterholes | 74 |
| <i>Division 2—Impact of storage operation on aquatic ecosystems.....</i> | <i>74</i> |
| 283. Water quality | 74 |
| 284. Bank condition..... | 75 |
| 285. Fish stranding..... | 75 |
| <i>Division 3—Reporting</i> | <i>75</i> |
| 286. Reporting requirements..... | 75 |
| <i>Subdivision 1—Quarterly reporting</i> | <i>75</i> |
| 287. Quarterly report | 75 |
| <i>Subdivision 2—Annual reporting.....</i> | <i>76</i> |
| 288. Annual report..... | 76 |
| 289. Water quantity monitoring – annual report..... | 76 |
| 290. Impact of water storage operation on water quality – annual report | 77 |
| <i>Subdivision 3—Operational reporting</i> | <i>77</i> |
| 291. Operational report | 77 |
| <i>Subdivision 4—Emergency reporting.....</i> | <i>78</i> |
| 292. Emergency report..... | 78 |
| Part 2—Border Rivers Water Supply Scheme | 79 |
| 293. Scope of part 2..... | 79 |
| <i>Division 1—Water quantity.....</i> | <i>79</i> |
| 294. Stream flow and storage water level | 79 |
| 295. Releases from storages | 79 |
| 296. Distributions to bulk storage accounts | 79 |
| 297. Water taken by water users | 80 |
| 298. Seasonal water assignments | 80 |
| 299. Critical water supply arrangements | 80 |
| <i>Division 2—Impact of storage operation on aquatic ecosystems.....</i> | <i>80</i> |
| 300. Water quality | 80 |

| | | |
|---|---|-----------|
| 301. | Bank condition..... | 80 |
| 302. | Fish stranding..... | 81 |
| <i>Division 3—Reporting</i> | | <i>81</i> |
| 303. | Reporting requirements..... | 81 |
| <i>Subdivision 1—Quarterly reporting</i> | | <i>81</i> |
| 304. | Quarterly report..... | 81 |
| <i>Subdivision 2—Annual reporting.....</i> | | <i>81</i> |
| 305. | Annual report..... | 81 |
| 306. | Water quantity monitoring—annual report | 82 |
| 307. | Impact of water storage operation on water quality—annual report..... | 82 |
| <i>Subdivision 3—Operational reporting</i> | | <i>83</i> |
| 308. | Operational report | 83 |
| <i>Subdivision 4—Emergency reporting.....</i> | | <i>84</i> |
| 309. | Emergency report..... | 84 |
| <i>Subdivision 5—Other reporting.....</i> | | <i>84</i> |
| 310. | Reporting to the Dumaesq–Barwon Border Rivers Commission | 84 |
| 311 to 316 | section numbers not used | 84 |
| | | |
| Chapter 12—Distribution operations licence holder monitoring and reporting | | 85 |
| 317. | Scope of chapter 12..... | 85 |
| Part 1—Monitoring..... | | 85 |
| <i>Division 1—Water quantity.....</i> | | <i>85</i> |
| 318. | Water diversions | 85 |
| 319. | Water taken by water users | 85 |
| 320. | Seasonal water assignments | 85 |
| <i>Division 2—Impact of storage operations on aquatic ecosystems</i> | | <i>86</i> |
| 321. | Bank condition..... | 86 |
| <i>Division 3—Data transfer.....</i> | | <i>86</i> |
| 322. | Data transfer | 86 |
| 323. | Data transfer to the chief executive..... | 86 |
| Part 2—Reporting..... | | 86 |
| 324. | Reporting requirements..... | 86 |
| <i>Division 1—Operational reporting</i> | | <i>87</i> |
| 325. | Operational report | 87 |
| <i>Division 2—Emergency reporting</i> | | <i>87</i> |
| 326. | Emergency report..... | 87 |
| 327 to 332 | section numbers not used | 88 |
| | | |
| Chapter 13—Amendments to this plan | | 89 |
| 333. | Scope of chapter 13..... | 89 |
| Part 1—Amendments not requiring public notification | | 89 |
| 334. | Scope of part 1..... | 89 |

| | | |
|---|---|------------|
| 335. | Commencement of amendments under part 1..... | 89 |
| 336. | Amendment to implement an amended Water Resource (Border Rivers) Plan 2003..... | 89 |
| 337. | Amendment to grant an entitlement for unallocated water..... | 89 |
| 338. | Amendment to monitoring requirements..... | 89 |
| 339. | Amendment to infrastructure details..... | 90 |
| 340. | Amendments to chapter 4 or 6..... | 90 |
| 341. | Amendment to allow for changes to the method of determining conditions on an overland flow water licence..... | 90 |
| 342. | Amendment to ensure consistency with interstate agreements..... | 90 |
| 343. | Amendment to include carry-over of annual resource cap in the Macintyre Brook Water Supply Scheme..... | 91 |
| 344. | Amendment to convert an interim water allocation to a water allocation..... | 91 |
| 345. | Amendment to create additional resource operation plan zones..... | 91 |
| Part 2—Amendments requiring public notification..... | | 91 |
| 346. | Commencement of amendments under part 2..... | 91 |
| 347. | Amendment to include additional requirements for allocating and managing water..... | 91 |
| Attachment 1—Plan area and water management areas..... | | 93 |
| Attachment 2—Water allocation groups..... | | 94 |
| Attachment 3(A)—Zones for the Border Rivers plan area..... | | 97 |
| Part 1—Water supply scheme zones (supplemented water)..... | | 97 |
| Part 2—Border Rivers Water Management Area zones (unsupplemented water)..... | | 98 |
| Attachment 3(B)—Stanthorpe Water Management Area zones (for seasonal assignment)..... | | 99 |
| Part 1—Accommodation subcatchment zones..... | | 100 |
| Part 2—Broadwater subcatchment zones..... | | 103 |
| Part 3—Pike Creek subcatchment zones..... | | 107 |
| Part 4—Quart Pot subcatchment zones..... | | 110 |
| Part 5—Severn subcatchment zones..... | | 113 |
| Attachment 4—Links between this plan and the outcomes of the Water Resource (Border Rivers) Plan 2003..... | | 119 |
| Attachment 5(A)—Macintyre Brook Water Supply Scheme infrastructure..... | | 121 |
| <i>Table 1 Coolmunda Dam – Macintyre Brook.....</i> | | <i>121</i> |

| | |
|---|-----|
| <i>Table 2 Greenup Weir – Macintyre Brook</i> | 121 |
| <i>Table 3 Whetstone Weir – Macintyre Brook</i> | 122 |
| <i>Table 4 Ben Dor Weir – Macintyre Brook</i> | 122 |

Attachment 5(B)—Border Rivers Water Supply Scheme infrastructure 123

| | |
|---|-----|
| <i>Table 1 Glenlyon Dam – Pike Creek</i> | 123 |
| <i>Table 2 Boggabilla Weir – Macintyre River</i> | 123 |
| <i>Table 3 Bonshaw Weir – Dumaresq River</i> | 124 |
| <i>Table 4 Cunningham Weir – Dumaresq River</i> | 124 |
| <i>Table 5 Glenarvon Weir – Dumaresq River</i> | 125 |
| <i>Table 6 Goondiwindi Weir – Macintyre River</i> | 125 |
| <i>Table 7 Boomi Weir – Macintyre River</i> | 126 |
| <i>Table 8 Mungindi Weir – Barwon River</i> | 126 |
| <i>Table 9 Newinga Regulator</i> | 127 |

Attachment 5(C)—Distribution operations licence holder infrastructure 128

| | |
|------------------------------------|-----|
| Part 1—Callandoon Water Board..... | 128 |
| Part 2—Yambocully Water Board..... | 128 |

Attachment 5(D)—Inglewood Weir infrastructure 129

Attachment 6(A)—Water licences granted to Stanthorpe Shire Council 130

| | |
|--|-----|
| <i>Table 1 Water licence to take water from Quart Pot Creek</i> | 130 |
| <i>Table 2 Water licence to interfere with flow of water for Storm King Dam</i> | 130 |
| <i>Table 3 Water licence to take water from unnamed tributary of Accommodation Creek</i> | 130 |
| <i>Table 4 Water licence to interfere with flow of water for Beehive Dam</i> | 131 |

Attachment 6(B)—Water licences granted to Waggamba Shire Council 132

| | |
|--|-----|
| <i>Table 1 Water licence to take water from the Weir River</i> | 132 |
| <i>Table 2 Water licence to take water from the Weir River</i> | 132 |
| <i>Table 3 Water licence to take water from Yarrilwanna Creek</i> | 132 |
| <i>Table 4 Water licence to take water from Yarrilwanna Creek</i> | 133 |
| <i>Table 5 Water licence to interfere with flow of water in the Weir River</i> | 133 |
| <i>Table 6 Water licence to interfere with flow of water in the Weir River</i> | 134 |

| | |
|---|------------|
| Attachment 6(C)—Water licence granted to Inglewood Shire Council | 135 |
| Attachment 7(A)—Supplemented water allocations supplied under the resource operations licence for the Macintyre Brook Water Supply Scheme..... | 136 |
| Attachment 7(B)—Supplemented water allocations supplied under the resource operations licence for the Border Rivers Water Supply Scheme..... | 145 |
| Attachment 7(C)—Unsupplemented water allocations | 158 |
| Part 1—Stanthorpe Water Management Area | 158 |
| Part 2—Border Rivers Water Management Area | 182 |
| Part 3—Macintyre Brook Water Management Area | 210 |
| Part 4—Callandoon Creek Water Management Area | 211 |
| Part 5—Northern Weir River Water Management Area | 220 |
| Part 6—Upper Weir River Water Management Area | 222 |
| Part 7—Lower Weir River Water Management Area | 228 |
| Attachment 8(A)—Water allocations distributed under the distribution operations licence for the Callandoon Water Board .. | 231 |
| Part 1—Supplemented water allocations | 231 |
| Part 2—Unsupplemented water allocations | 232 |
| Attachment 8(B)—Water allocations distributed under the distribution operations licence for the Yambocully Water Board . | 235 |
| Part 1—Supplemented water allocations | 235 |
| Part 2—Unsupplemented water allocations | 237 |
| Attachment 9—Interim water allocation not being converted to a water allocation | 241 |
| Attachment 10—Water licences granted under section 56 | 242 |
| <i>Table 1 Water licence to take water from the Weir River.....</i> | <i>242</i> |
| <i>Table 2 Water licence to take water from the Weir River.....</i> | <i>243</i> |
| <i>Table 3 Water licence to take water from the Weir River.....</i> | <i>244</i> |
| <i>Table 4 Water licence to take water from the Weir River.....</i> | <i>245</i> |
| <i>Table 5 Water licence to take water from the Weir River.....</i> | <i>246</i> |

Table 6 Water licence to take water from the Weir River..... 247
Table 7 Water licence to take water from the Weir River..... 248
Table 8 Water licence to take water from the Weir River..... 249

Attachment 11—Water licences granted under section 57250

Table 1 Water licence to take water from Lode Creek 250
Table 2 Water licence to interfere with flow of water for private storage 250
Table 3 Water licence to take water from Warril Creek..... 251
Table 4 Water licence to take water from Yambocully Creek..... 253
Table 5 Water licence to take water from Yambocully Creek..... 254
Table 6 Water licence to take water from Yambocully Creek..... 255

Attachment 12—Dictionary256

Attachment 13—Glossary.....258

Chapter 1—Preliminary

1. Purpose of this resource operations plan

This resource operations plan has been prepared to implement the *Water Resource (Border Rivers) Plan 2003*¹.

2. Name of this resource operations plan

- (1) This resource operations plan may be cited as the '*Border Rivers Resource Operations Plan 2008*'.
- (2) Reference in this document to 'this plan' or 'the plan' means the '*Border Rivers Resource Operations Plan 2008*'.

3. Commencement of this resource operations plan

This plan commences on the first business day after this plan is notified in the Queensland Government *Gazette*, unless a provision of this plan provides otherwise².

4. Plan area

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

5. Definitions

- (1) The dictionary in attachment 12 defines particular words used in this plan.
- (2) The glossary in attachment 13 provides further information on particular words used in this plan.
- (3) Words defined in the dictionary or glossary are italicised in this plan.

6. Water to which this plan applies

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

- (a) water in a watercourse or lake;
- (b) water in springs not connected to—
 - (i) artesian water; or
 - (ii) subartesian water connected to artesian water;
- (c) overland flow water, other than water in springs connected to—
 - (i) artesian water; or
 - (ii) subartesian water connected to artesian water.

¹ Because of the size and complexity of this plan some section numbers have been deliberately left blank. This will facilitate any plan amendments that may occur without the need for the whole plan to be renumbered.

² Examples of provisions in this plan that provide for a different commencement date include sections 204(3), 251, 335 and 346.

7. Water management areas and resource operations plan zones

- (1) Each water management area shown in the map in attachment 1 is a water management area for this plan.
- (2) Each zone shown in the maps in attachment 3 is a *resource operations plan zone* for the purposes of the water allocation change rules and seasonal assignment rules in this plan.
- (3) Each water management area or zone includes—
 - (a) each part of a watercourse, lake or spring that lies within the water management area or zone; and
 - (b) those sections of tributaries where there is access to flow or pondage from a watercourse or lake within the water management area or zone.

8. Water allocation groups

Each water allocation group stated in attachment 2 is a water allocation group for this plan.

9. Purpose of a water allocation

- (1) The water taken under a water allocation must only be used for the purpose stated on that water allocation.
- (2) Subsection (1) does not apply to water taken under seasonal assignment.

10. Departmental water monitoring data collection standard

- (1) Where this plan requires monitoring by a person or entity, including measurement, collection, analysis, and storage of data, the person or entity must ensure the monitoring is consistent with the *Water Monitoring Data Collection Standard*³.
- (2) The *Water Monitoring Data Collection Standard* may be reviewed and updated by the chief executive at any time.
- (3) The chief executive must notify the resource operations licence holders, and the distribution operations licence holders at least 20 business days before any substantive changes are made to the *Water Monitoring Data Collection Standard*.

³ The *Water Monitoring Data Collection Standard* can be accessed at <<http://www.nrw.qld.gov.au>> or inspected at any of the department's offices.

11. Departmental water monitoring data reporting standard

- (1) Any data that is transferred or published by the resource operations licence holders and the distribution operations licence holders must be consistent with the chief executive's *Water Monitoring Data Reporting Standard*.⁴
- (2) The *Water Monitoring Data Reporting Standard* may be reviewed and updated by the chief executive at any time.
- (3) The chief executive must notify the resource operations licence holders and the distribution operations licence holders at least 20 business days before any substantive changes are made to the *Water Monitoring Data Reporting Standard*.

12. Operating and environmental management rules and monitoring requirements

- (1) The operating and environmental management rules and monitoring requirements of this plan do not apply in situations where carrying out those rules or requirements would be unsafe to a person or persons.
- (2) Under circumstances where subsection (1) applies, the resource operations licence holder or the distribution operations licence holder—
 - (a) must comply with the reporting requirements for operational or emergency incidents; and
 - (b) may submit an interim program for implementing the rules and requirements of this plan under section 14.

13. Metering

- (1) Metering of the taking of water to which this plan applies must be in accordance with the arrangements prescribed by regulation made under the *Water Act 2000*.
- (2) Taking water under a water licence must be metered where—
 - (a) a volumetric limit is stated on the licence; or
 - (b) the licence is located in the Stanthorpe Water Management Area; or
 - (c) the licence has been granted by the chief executive under section 56; or
 - (d) the licence has been granted by the chief executive under section 57(1).
- (3) The resource operations licence holder for the Macintyre Brook Water Supply Scheme must meter all water allocations managed under the resource operations licence.

⁴ The *Water Monitoring Data Reporting Standard* can be accessed at <<http://www.nrw.qld.gov.au>> or inspected at any of the department's offices.

- (4) The resource operations licence holder for the Border Rivers Water Supply Scheme must meter all water allocations managed and distributed under the resource operations licence.
- (5) The distribution operations licence holder for the Yambocully Water Board must meter the taking of water under those water allocations within the Border Rivers Water Supply Scheme that the distribution operations licence holder distributes water to.
- (6) The distribution operations licence holder for the Callandoon Water Board must meter the taking of water under those water allocations within the Border Rivers Water Supply Scheme that the distribution operations licence holder distributes water to.
- (7) This section does not apply to water licences for stock and domestic purposes.

14. Implementation

- (1) The chief executive must implement requirements of this plan as soon as is practical.
- (2) Subsections (3) to (11) apply where a resource operations licence holder or the distribution operations licence holder is unable to meet the requirements on commencement of this plan.
- (3) The resource operations licence holder or distribution operations licence holder must—
 - (a) submit a statement of current programs to the chief executive for approval, within 40 business days of commencement of this plan; and
 - (b) submit a program (the interim program) for meeting the requirements of this plan to the chief executive for approval within six months of commencement of this plan. The program must include a timetable and interim methods to be used.
- (4) Where an emergency or operational incident results in an inability to comply with any rules or requirements of this plan, the resource operations licence holder or distribution operations licence holder may submit an interim program for meeting the requirements of this plan to the chief executive for approval. The program must include a timetable and interim methods to be used.
- (5) Where the program submitted under subsections (3)(b) or (4) relates to the *Water Monitoring Data Collection Standard*, the program must include the accuracy of methods currently used.
- (6) The chief executive, in considering any program submitted under subsections (3)(b) or (4), may request further information.
- (7) The chief executive, in considering any program submitted under subsections (3)(b) or (4), may either—
 - (a) approve the program with or without conditions;
 - (b) amend and approve the amended program; or

- (c) require the resource operations licence holder to submit a proposal for a revised program.
- (8) Within 10 business days of making a decision on any program submitted under subsections (3)(b) or (4), the chief executive must notify the resource operations licence holder or distribution operations licence holder of the decision.
- (9) Following approval of the program by the chief executive, the resource operations licence holder or distribution operations licence holder must implement and operate in accordance with the approved program.
- (10) Where there is conflict between the provisions of this plan and the provisions of an approved program, the approved program prevails for the time that the program is in place.
- (11) Where this section applies, the resource operations licence holder or distribution operations licence holder may continue to operate under current operation programs prior to approval of a program.

15. Sustainable management of water

This plan, in implementing the *Water Resource (Border Rivers) Plan 2003*, provides for the sustainable management of water by—

- (a) allowing for the allocation of water and contributing to the fair, orderly and efficient allocation of water to meet community needs by—
 - (i) detailing processes for dealing with unallocated water;
 - (ii) granting authorisations for the management of, taking of and interfering with water;
 - (iii) establishing water allocations that are tradable and separate from land;
 - (iv) detailing processes for dealing with water licences relating to overland flow; and
 - (v) detailing processes to limit growth in *long term average annual take* of water in the plan area;
- (b) protecting the biological diversity and health of natural ecosystems and contributing to the protection, or ,where possible, reversal of degradation of water, watercourses, lakes, springs, aquifers, natural ecosystems, and other resources by—
 - (i) detailing the operating and water sharing rules for the Macintyre Brook Water Supply Scheme and for the Border Rivers Water Supply Scheme;
 - (ii) detailing arrangements for the collection and assessment of data by the chief executive relating to water resource plan general ecological outcomes;

- (iii) detailing water monitoring responsibilities for the holder of the resource operations licence for the Macintyre Brook Water Supply Scheme; and
- (iv) detailing water monitoring responsibilities for the resource operations licence for the Border Rivers Water Supply Scheme;
- (c) contributing to improving the confidence of water users regarding the availability and security of water authorisations by—
 - (i) establishing water allocations that are tradable and separate from land;
 - (ii) detailing processes for dealing with unallocated water;
 - (iii) detailing the operating and water sharing rules for the Macintyre Brook Water Supply Scheme;
 - (iv) detailing the operating and water sharing rules for the Border Rivers Water Supply Scheme;
 - (v) detailing change rules for water allocations in the plan area;
 - (vi) detailing water and natural ecosystem monitoring responsibilities for the holder of the resource operations licence for the Macintyre Brook Water Supply Scheme;
 - (vii) detailing water and natural ecosystem monitoring responsibilities for the holder of the resource operations licence for the Border Rivers Water Supply Scheme;
 - (viii) detailing processes for dealing with applications for water licences relating to unsupplemented water in watercourses, lakes and springs;
 - (ix) detailing arrangements for the collection and assessment of data by the chief executive relating to *Water Resource (Border Rivers) Plan 2003* outcomes; and
 - (x) detailing those parts of this plan that may be amended under sections 105(5) and 106(b) of the *Water Act 2000*;
- (d) contributing to increasing community understanding and participation in the sustainable management of water by—
 - (i) providing opportunities for community participation as part of plan development; and
 - (ii) clearly specifying rules and arrangements for the allocation and management of water in the plan area, including explanatory notes that provide details of the intent and application of each section of this plan.

16. Addressing the outcomes of the Water Resource (Border Rivers) Plan 2003

- (1) This plan addresses *Water Resource (Border Rivers) Plan 2003* outcomes by—
 - (a) specifying processes, rules and limits that are consistent with the achievement of the environmental flow objectives and water allocation security objectives specified in the *Water Resource (Border Rivers) Plan 2003*
 - (b) specifying rules that reflect the intent of interstate agreements and rules that will give effect to the *Murray–Darling Basin Agreement 1992*; and
 - (c) providing reporting arrangements that will assist in the ongoing assessment of whether water allocation and management arrangements in the plan area will contribute to the achievement of *Water Resource (Border Rivers) Plan 2003* outcomes.
- (2) Attachment 4 lists the outcomes of the *Water Resource (Border Rivers) Plan 2003* and how the rules of this plan are linked to those outcomes.

17 to 30 section numbers not used⁵

⁵ Refer to footnote 1, section 1.

Chapter 2—Process for dealing with unallocated water

31. Scope of chapter 2

This chapter sets out the process for dealing with—

- (a) release of unallocated water for irrigation and associated industry by grant of water allocations and/or water licences; and
- (b) unallocated water for town water supply use in Stanthorpe Shire by grant of a water allocation.

Part 1—Dealing with unallocated water for irrigation and associated industry

32. Scope of part 1

- (1) This part sets out the process for dealing with up to 3 500 ML of unallocated water that may be made available in the Stanthorpe Shire for irrigation and associated industry⁶.
- (2) For the purpose of this part, the volume specified in subsection (1) represents the average annual volume of water that may be taken.

33. Decision on whether to make unallocated water available

- (1) The chief executive may decide to—
 - (a) commence the process detailed in section 34 for all or part of the unallocated water; or
 - (b) reserve all or part of the unallocated water for future use; or
 - (c) commence a process other than that specified in section 34 for all or part of the unallocated water⁷.
- (2) Subsection (1)(a) does not apply to the unallocated water that the chief executive determines is required for a project declared as a significant project under section 26 of the *State Development and Public Works Organisation Act 1971*.

⁶ Reserved under section 39 of the *Water Resource (Border Rivers) Plan 2003*.

⁷ Where the chief executive decides to commence a different process under subsection (1)(c) this will require an amendment to this plan in accordance with section 337.

34. Auction process

- (1) The chief executive must make the unallocated water available by public auction.
- (2) Prior to a public auction, the chief executive must determine the minimum price per megalitre of average annual volume of water that may be taken, which—
 - (a) will not be made public; and
 - (b) may be altered at any time.
- (3) Bids must meet the minimum price.
- (4) Bidders for unallocated water must be registered.
- (5) In making an invitation to register—
 - (a) the chief executive must publicly call for registration of interest by publishing a notice in a newspaper distributed throughout the plan area and on the departmental website; and
 - (b) the notice must—
 - (i) make relevant information about the auction process available; and
 - (ii) specify a date for registration of interest of no less than 30 business days after the date the notice is published.
- (6) Registration must be made in the form approved by the chief executive.
- (7) The chief executive may require a one-off, non-refundable processing fee to be lodged with the request for registration.

35. Specification of water allocations and water licences

- (1) The chief executive must specify a purpose of ‘agriculture’ upon granting a water allocation or a water licence.
- (2) The chief executive may place conditions on a water allocation or water licence.
- (3) In proposing conditions for the water allocation or water licence, the chief executive must consider—
 - (a) the bid and additional information given in relation to the bid;
 - (b) availability of unallocated water at the specified *location*; and
 - (c) consistency of the proposed take of water with the *Water Resource (Border Rivers) Plan 2003*.

36. Public notification of successful bidders for a water licence for take of overland flow water

- (1) Once the process detailed under section 34 has been finalised, all licences that may be issued for take of overland flow water must be advertised as a draft amendment to this plan.
- (2) The advertisement must be—
 - (a) placed in a newspaper distributed throughout the Stanthorpe Water Management Area and on the departmental website;
 - (b) sent to all local governments within the plan area; and
 - (c) sent to all regional natural resource management bodies⁸ in the plan area.
- (3) For each of the licences advertised in the draft amendment, the following must be specified—
 - (a) *location* of the proposed taking of water;
 - (b) a volume in the form of one of the following—
 - (i.) maximum annual volume; or
 - (ii.) average annual take; or
 - (iii.) storage volume; or
 - (iv.) maximum rate for taking water in ML/day;
 - (c) where information on any draft conditions the chief executive proposes to apply to the proposed licence can be viewed;
 - (d) that written submissions may be made by any entity regarding the issuing of the licence; and
 - (e) a day by which submissions must be made and the person to whom and the place where the submissions must be made.

37. Review of submissions and settling of bids for water licences for take of overland flow water

- (1) The chief executive, in settling bids for a water licence to take overland flow water must—
 - (a) consider each submission received; and
 - (b) consider any other matters the chief executive considers appropriate; and
 - (c) for each bid, either—
 - (i) accept the bid;
 - (ii) refuse the bid; or
 - (iii) offer the bidder a water licence with amended conditions.

⁸ As defined in *bilateral agreement between the Commonwealth and the State of Queensland to deliver phase three of the Natural Heritage Trust*.

- (2) If the conditions to be imposed by the chief executive are not acceptable to the bidder then a licence will not be issued.

38. Granting water allocations and water licences

The chief executive must, when having decided to make all or part of the unallocated water available under section 33(1)(a)—

- (a) where the unallocated water is to be made available for take of water from a watercourse—grant the unallocated water in the form of a water allocation or water allocations under section 122 of the *Water Act 2000*; or
- (b) where the unallocated water is to be made available for take of overland flow water—issue the unallocated water in the form of a water licence or water licences under section 212 of the *Water Act 2000*.

Part 2—Dealing with unallocated water for town water supply

39. Scope of part 2

- (1) This part sets out the process for dealing with up to 1 500 ML of unallocated water reserved for future town water supply in Stanthorpe Shire⁹.
- (2) For the purpose of this part, the volume specified in subsection (1) represents the average annual volume of water that may be taken.

40. Requirements for making the reserved water available

- (1) The chief executive may only make all or part of the reserved water available following receipt of a submission in writing where the chief executive is satisfied that the volume requested is needed to meet demand for town water supply in the Stanthorpe Shire.
- (2) In making a submission for reserved water to be made available, the Stanthorpe Shire Council must provide the following—
 - (a) the volume of water required;
 - (b) an offer price, per megalitre, for the water;
 - (c) the date by which the water is required;
 - (d) a statement addressing each of the matters that the chief executive must consider under section 41(1) of the *Water Resource (Border Rivers) Plan 2003*
 - (e) information demonstrating that the water is needed to meet water demands in the Stanthorpe Shire local government area;
 - (f) details of the proposed arrangements for the taking of the reserved water; and

⁹ Reserved under section 39 of the *Water Resource (Border Rivers) Plan 2003*.

- (g) information demonstrating that the proposed arrangements for taking of the reserved water are consistent with the *Water Resource (Border Rivers) Plan 2003*.

41. Assessing a submission

- (1) In assessing a submission for the reserved water to be made available, the chief executive must consider the matters specified in section 40(2).
- (2) Subsection (1) does not limit the matters the chief executive may consider.

42. Additional information

The chief executive may require additional information about the submission.

43. Deciding a submission

- (1) If the chief executive is satisfied that the submission is consistent with section 41(1) of the *Water Resource (Border Rivers) Plan 2003*, the chief executive may decide to make all or part of the reserved water available.
- (2) Where the chief executive decides to make the reserved water available, the chief executive must decide the—
 - (a) maximum volume of water to be released;
 - (b) price for the water that will be made available; and
 - (c) conditions under which the water will be made available.

44. Granting a water allocation

- (1) Where the chief executive decides to make reserved water available, the water will be issued as a water allocation in accordance with section 122 of the *Water Act 2000*.
- (2) A water allocation issued under subsection (1) must have a purpose of ‘urban’.

45 to 50 section numbers not used¹⁰

¹⁰ Refer to footnote 1, section 1.

Chapter 3—Granting and converting entitlements and dealing with water licence applications

51. Scope of chapter 3

This chapter deals with—

- (a) granting—
 - (i) resource operations licences and distribution operations licences;
 - (ii) and amending water licences;
 - (iii) water licences; and
 - (iv) a water allocation to the Border Rivers Water Supply Scheme;
- (b) conversion of existing water entitlements to water allocations; and
- (c) water licence applications.

Part 1—Granting resource operations licences—Act, s. 108

52. Resource operations licence for the Macintyre Brook Water Supply Scheme

- (1) The chief executive must grant a resource operations licence to SunWater for the Macintyre Brook Water Supply Scheme on commencement of this plan.
- (2) The infrastructure associated with the resource operations licence for the Macintyre Brook Water Supply Scheme is described in attachment 5(A).
- (3) Water allocations managed under the resource operations licence for the Macintyre Brook Water Supply Scheme are detailed in attachment 7(A).

53. Resource operations licence for the Border Rivers Water Supply Scheme

- (1) The chief executive is the resource operations licence holder for the Border Rivers Water Supply Scheme on commencement of this plan.
- (2) The infrastructure associated with the resource operations licence for the Border Rivers Water Supply Scheme is described in attachment 5(B).
- (3) Water allocations managed under the resource operations licence for the Border Rivers Water Supply Scheme are detailed in attachment 7(B).

Part 2—Granting distribution operations licences

54. Distribution operations licence for the Callandoon Water Board

- (1) The chief executive must grant a distribution operations licence to the Callandoon Water Board for the water distribution infrastructure owned by the Callandoon Water Board.
- (2) The distribution infrastructure associated with the distribution operations licence is described in attachment 5(C), part 1.
- (3) Water allocations distributed under the distribution operations licence at the time this plan commences are detailed in attachment 8(A), parts 1 and 2.

55. Distribution operations licence for the Yambocully Water Board

- (1) The chief executive must grant a distribution operations licence to the Yambocully Water Board for the water distribution infrastructure owned by the Yambocully Water Board.
- (2) The distribution infrastructure associated with the distribution operations licence is described in attachment 5(C), part 2.
- (3) Water allocations distributed under the distribution operations licence at the time this plan commences are detailed in attachment 8(B), parts 1 and 2.

Part 3—Granting and amending water licences

Division 1—Granting and amending water licences

56. Granting and amending water licences

- (1) The chief executive must grant a water licence for take of water to each owner of the following land—
 - (a) Lot 5 on BLM468;
 - (b) Lot 23 on SP120173;
 - (c) Lot 7 on BLM715;
 - (d) Lot 11 on RP218867;
 - (e) Lot 2 on CP853479;
 - (f) Lot 31 on BLM809;
 - (g) Lot 6 on RP213579; and
 - (h) Lot 2 on BLM465.

- (2) The water licences granted under subsection (1) must be—
 - (a) granted in accordance with attachment 10; and
 - (b) must include a condition to the effect that the chief executive may amend the water licence to specify a volumetric limit.

Division 2—Granting water licences

57. Granting water licences

- (1) The chief executive must grant a water licence for take of water to each owner of the following land—
 - (a) Lot 335 on B348;
 - (b) Lot 336 on B348;
 - (c) Lot 2 on BLM465;
 - (d) Lot 62 on CVN334;
 - (e) Lot 4 on CVN14; and
 - (f) Lot 97 on CAR3471.
- (2) The chief executive must grant a water licence to interfere with flow to the owner of land Lot 335 on B348.
- (3) The water licences granted under subsections (1) and (2) must be granted in accordance with attachment 11.

58. Water licences granted to Stanthorpe Shire Council

- (1) The chief executive must grant the following water licences to Stanthorpe Shire Council—
 - (a) a water licence to take water from Quart Pot Creek in accordance with attachment 6(A), table 1;
 - (b) a water licence to interfere with flow in accordance with attachment 6(A), table 2;
 - (c) a water licence to take water from unnamed tributary of Accommodation Creek in accordance with attachment 6(A), table 3; and
 - (d) a water licence to interfere with flow in accordance with attachment 6(A) table 4.
- (2) The licences granted under subsection (1) replace the existing authorisations to take held by the Stanthorpe Shire Council and originally authorised by¹¹—
 - (a) Order in Council dated 10 April 1986; and
 - (b) Order in Council dated 29 September 1940.

¹¹ The replaced entitlements automatically expire under section 1037(1) (b) of the *Water Act 2000*.

59. Water licences granted to Waggamba Shire Council

- (1) The chief executive must grant the following water licences to Waggamba Shire Council—
 - (a) a water licence to take water from the Weir River in accordance with attachment 6(B), table 1;
 - (b) a water licence to take water from the Weir River in accordance with attachment 6(B), table 2;
 - (c) a water licence to take water from Yarrilwanna Creek in accordance with attachment 6(B), table 3; and
 - (d) a water licence to take water from Yarrilwanna Creek in accordance with attachment 6(B), table 4.
- (2) The licences granted under subsection (1) replace the existing authorisations to take held by the Waggamba Shire Council and originally authorised by¹²—
 - (a) Order in Council dated 11 June 1987; and
 - (b) Order in Council dated 2 February 1989.
- (3) The chief executive must grant the following water licences to Waggamba Shire Council—
 - (a) a water licence to interfere with flow in accordance with attachment 6(B), table 5; and
 - (b) a water licence to interfere with flow in accordance with attachment 6(B), table 6.

60. Water licence granted to Inglewood Shire Council

- (1) The chief executive must grant a water licence to Inglewood Shire Council to interfere with water in accordance with attachment 6(C).
- (2) The licence granted under subsection (1) replaces the existing authorisation to interfere, held by the Council and originally authorised by Order in Council dated 12 December 1985¹³.

Part 4—Granting and amending water allocations**61. Water allocation granted to the resource operations licence holder for the Border Rivers Water Supply Scheme**

The chief executive must grant a water allocation to the resource operations licence holder for the Border Rivers Water Supply Scheme in accordance with attachment 7(B).

¹² Refer to footnote 11.

¹³ Refer to footnote 11.

62. Amending a water allocation to include a new condition dealing with take of overland flow water

- (1) The chief executive must amend a water allocation to include a new condition where—
 - (a) the water allocation does not include a condition regarding storage works; and
 - (b) the chief executive is satisfied that water taken under the water allocation is stored in works that store overland flow water.
- (2) For subsection (1), the new condition must state that water taken under the authority of the water allocation must not be stored unless the water is being stored in notified storage works.

Part 5—Conversions to water allocations**63. Converting water entitlements**

- (1) Details of water allocations converted and granted from existing water entitlements are listed in attachment 7¹⁴.
- (2) The interim water allocation specified in attachment 9 continues in force until an amendment is made to this plan under section 344.

Division 1—Conversion of supplemented water entitlements***Subdivision 1—All supplemented water entitlements*****64. Application of subdivision 1**

This subdivision applies to—

- (a) interim water allocations being converted to water allocations located within the Macintyre Brook Water Supply Scheme; and
- (b) supplemented water entitlements located within the Border Rivers Water Supply Scheme.

65. Rules for the conversion of existing water entitlements

The rules applied in determining details of the water allocations detailed in attachments 7(A) and 7(B) are—

- (a) the person granted the water allocation must be the person who holds the existing water authorisation from which the water allocation is converted;

¹⁴ Converted water entitlements automatically expire under section 121 of the *Water Act 2000*.

- (b) the nominal volume for the water allocation must be in accordance with section 24 of the *Water Resources (Border Rivers) Plan 2003*;
- (c) the *location* for the water allocation must be the zone that includes the *place* on a watercourse, lake, or spring at which the water could be taken under, or for, the existing water authorisation;
- (d) the purpose for the water allocation must be—
 - (i) ‘urban’ where the water allocation is for town water supply;
 - (ii) ‘agriculture’ where the water allocation is for rural activities and associated industry;
 - (iii) ‘bulk water supply commitment’ where the water allocation is converted from the interim water allocation identified in Schedule 2 of the Interim Resource Operations Licence (Macintyre Brook Water Supply Scheme), as ‘bulk water supply commitment to Dumaresq River Irrigation Project’; or
 - (iv) ‘any’ for all other water allocations;
- (e) the priority group for the water allocation must be—
 - (i) high priority where identified on the existing entitlement as high priority or essential supplies; or
 - (ii) medium priority where identified on the existing entitlement as medium priority or general use.

Subdivision 2—Supplemented water entitlements located within the Macintyre Brook Water Supply Scheme

66. Application of subdivision 2

This subdivision applies to interim water allocations being converted to water allocations within the Macintyre Brook Water Supply Scheme.

67. Nominal location

The *nominal location* for the water allocation must be the zone, identified in table 1 that includes the *place* on a watercourse, lake or spring at which the water could be taken under, or for, the existing water entitlement.

Table 1 Nominal location for water allocations

| Nominal location | Description |
|-------------------------------|--|
| Macintyre Brook Zone A | Coolmunda Dam storage (<i>ponded area</i> of Coolmunda Dam upstream of Macintyre Brook AMTD 78.0 km) |
| | Downstream of Coolmunda Dam to AMTD 73.4 km (Greenup Weir), including those sections of tributaries where there is access to flow or pondage from a watercourse or lake within the zone. (Macintyre Brook: AMTD 78.0 km–73.4 km) |
| Macintyre Brook Zone B | AMTD 73.4 km (Greenup Weir) to upstream of the confluence of Canning Creek, including those sections of tributaries where there is access to flow or pondage from a watercourse or lake within the zone. (Macintyre Brook: AMTD 73.4 km–55.3 km) |
| | Downstream of the confluence of Canning Creek to upstream of Whetstone Weir, including those sections of tributaries where there is access to flow or pondage from a watercourse or lake within the zone. (Macintyre Brook: AMTD 55.3 km–38.5 km) |
| Macintyre Brook Zone C | Whetstone Weir to Ben Dor Weir, including those sections of tributaries where there is access to flow or pondage from a watercourse or lake within the zone. (Macintyre Brook: AMTD 38.5 km–18.7 km) |
| | Ben Dor Weir to Macintyre Brook junction with Dumaresq River, including those sections of tributaries where there is access to flow or pondage from a watercourse or lake within the zone. (Macintyre Brook: AMTD 18.7 km–0 km) |

Division 2—Conversion of unsupplemented water entitlements**68. Application of division 2**

This division applies to unsupplemented water entitlements being converted to water allocations.

69. Location

The *location* for the water allocation must be determined in accordance with section 23 of the *Water Resource (Border Rivers) Plan 2003*.

70. Maximum rate for take of unsupplemented water

The maximum rate for taking water for the water allocation must be determined in accordance with section 25 of the *Water Resource (Border Rivers) Plan 2003*.

71. Conditions for take of unsupplemented water

The conditions for taking water for the water allocation must be determined in accordance with section 26 of the *Water Resource (Border Rivers) Plan 2003*.

72. Volumetric limit for unsupplemented water allocations

The volumetric limit for taking water under a water allocation must be determined in accordance with section 27 of the *Water Resource (Border Rivers) Plan 2003*.

73. Nominal volume for unsupplemented water allocations

The nominal volume for the water allocation must be determined in accordance with section 28 of the *Water Resource (Border Rivers) Plan 2003*.

Part 6—Dealing with water licence applications**74. Water licence applications to which part 6 applies**

- (1) This part deals with applications for water licences for surface water.
- (2) This part applies to applications for a water licence under section 206 of the *Water Act 2000* if granting the applications would have one or more of the following effects—
 - (a) increase the amount of water that may be taken from a watercourse, lake, or spring;
 - (b) change the *location* from which water may be taken from a watercourse, lake, or spring;
 - (c) increase the rate at which water may be taken from a watercourse, lake or spring;
 - (d) change the flow conditions under which water can be interfered with or taken from a watercourse, lake, or spring;
 - (e) increase the interference with water in a watercourse, lake, or spring;
- (3) This part applies even if the applications were made before the commencement of this plan.
- (4) This part does not apply to applications made under sections 221, 224, 225, and 229 of the *Water Act 2000*.

75. Applications to be refused

The chief executive must refuse applications to which this part applies unless this part explicitly provides for accepting or dealing with the applications.

76. Applications to interfere with the flow of water

- (1) This section applies to applications to interfere with the flow of water or to increase the interference with the flow of water in a watercourse, lake or spring.
- (2) The chief executive may accept and deal with the applications if the purpose of the proposed interference is—
 - (a) to store water for stock or domestic supplies;
 - (b) to provide a pumping pool to enable the taking of water under a water entitlement; or
 - (c) to store water for town water supply—
 - (i) to enable the taking of water under a water allocation to supply town water; and
 - (ii) where the application is made by a local government.
- (3) The chief executive may approve an application if—
 - (a) the chief executive is satisfied that the interference is necessary for the purposes stated under subsection (2); and
 - (b) the storage capacity for the purposes described under subsections (2)(a) and (b) will not be greater than 2 ML.
- (4) The chief executive must refuse an application for a water licence to interfere with the flow of water for the purposes described under subsections (2)(a) and (b) if the total volume of the proposed storage is greater than 2 ML.

77 to 85 section numbers not used¹⁵

¹⁵ Refer to footnote 1, section 1.

Chapter 4—Macintyre Brook Water Supply Scheme

86. Application of chapter 4

This chapter applies to—

- (a) the resource operations licence holder for the Macintyre Brook Water Supply Scheme; and
- (b) all water allocations managed under the resource operations licence for the Macintyre Brook Water Supply Scheme.

Part 1—Operating rules

87. Use of watercourses for distribution

The resource operations licence holder must use only the following watercourses for distribution of water—

- (a) the *ponded area* of Coolmunda Dam upstream of AMTD 78 km on Macintyre Brook; and
- (b) Macintyre Brook downstream of Coolmunda Dam to the junction with Dumaresq River, that is, from AMTD 78 km to 0 km.

88. Operating level of storages

- (1) The *minimum operating level* for storages within the Macintyre Brook Water Supply Scheme are specified in table 2.
- (2) The resource operations licence holder must not release or supply water from a storage when the water level in that storage is at or below its *minimum operating level*.
- (3) This section does not apply to the release or supply of water in accordance with the *critical water supply arrangements* outlined under section 106.

Table 2 Storage operating levels

| Storage | Full supply level | Minimum operating level |
|----------------|-------------------|-------------------------|
| Coolmunda Dam | EL 314.07 m AHD | EL 301.19 m AHD |
| Whetstone Weir | EL 262.45 m AHD | EL 257.44 m AHD |
| Ben Dor Weir | EL 250.05 m AHD | EL 244.26 m AHD |

89. Change in rate of release

The resource operations licence holder must minimise the occurrence of adverse environmental impacts by ensuring that any reduction or increase in the rate of release of water from Coolmunda Dam to Macintyre Brook occurs incrementally.

90. Releases to provide for environmental flows

- (1) The first 100 ML per day of inflow into Coolmunda Dam must be released through the outlet works when the water level in Coolmunda Dam is—
 - (a) less than full supply level; and
 - (b) greater than 311.05 m AHD.
- (2) Notwithstanding subsection (1), where the capacity of the outlet works of Coolmunda Dam is insufficient to release the volume required for water orders plus the requirements under subsection (1), the amount to be released under subsection (1) shall be reduced to the balance capacity of the outlet works after allowing for releases for water orders.
- (3) The total volume of releases made under subsection (1) for a *water year* must not exceed 6 000 ML.

91. Waterhole management

The water level in any waterhole may be drawn down to 0.5 m below the natural *cease to flow level* to allow water to be taken under a water allocation.

Part 2—Water sharing rules**92. Management of water allocations**

- (1) A water allocation must be managed as part of the bulk share unless the water allocation holder elects to have their water allocation managed as an individual continuous share.
- (2) Where a water allocation holder has elected to have their water allocation managed as an individual continuous share, the resource operations licence holder must manage that water allocation in accordance with division 1.
- (3) Where a water allocation holder has not elected to have their water allocation managed as an individual continuous share, the resource operations licence holder must manage that water allocation as part of the bulk share in accordance with division 1 and division 2.
- (4) Subsections (1), (2) and (3) only apply where no *critical water supply arrangements* have been triggered under section 107.

93. Transfer to and from management as an individual continuous share

- (1) Where a water allocation holder elects to transfer management of a water allocation to management as an individual continuous share, the water allocation holder must notify the resource operations licence holder no less than 30 business days before the commencement of the *water year*.
- (2) A water allocation holder may only elect to transfer under subsection (1) where the water allocation has a minimum nominal volume of 10 ML.
- (3) Where a water allocation holder elects to transfer management of a water allocation to management as part of the bulk share, the volume of water held

in the continuous share water account¹⁶ allocated to that water allocation must be added to the continuous share water account for all of the water allocations being managed as part of the bulk share.

94. Sharing of inflows

- (1) If the water level in Coolmunda Dam is below 304.53 m AHD, inflows must be allocated to the high priority water allocations in proportion to the continuous share percentage of the water allocations.
- (2) If the water level in Coolmunda Dam is equal to or above 304.53 m AHD, inflows must be shared as follows—
 - (a) a volume of the inflow must be provided for releases consistent with section 90;
 - (b) for a water allocation managed as an individual continuous share; a volume of the balance of the inflow in proportion to the continuous share percentage¹⁷ of the water allocation;
 - (c) for the group of water allocations managed as the bulk share; a volume of the balance of the inflow in proportion to the total of the continuous share percentages¹⁸ for the water allocations in the group; and
 - (d) any portion of inflows that is in excess of the continuous share volume for a water allocation, or a group of water allocations, must be shared amongst the remaining allocations and groups of allocations in accordance with subsections (2)(b) and (2)(c).

Division 1—Continuous sharing rules

95. Application of division 1

This division applies to water allocations managed as individual continuous shares and water allocations managed as part of the bulk share.

96. Continuous share percentage

- (1) The continuous share percentage for a water allocation must be determined using the following formulae—
 - (a) for a high priority water allocation—

$$CS\% = 100 \times \frac{NV}{\eta_S} \times \frac{TCSV_{HP}}{\Sigma HP_{EQ} \times TCSV}$$

¹⁶ Refer to section 98.

¹⁷ Refer to section 96.

¹⁸ Refer to section 96.

(b) for a medium priority water allocation—

$$CS\% = 100 \times \frac{NV}{\eta_s} \times \frac{TCSV_{MP}}{\Sigma MP_{EQ} \times TCSV}$$

(2) The parameters used in the formulae under subsection (1) are defined in table 3.

Table 3 Continuous share percentage parameters

| Parameter | Description |
|------------------|--|
| η_s | The relevant storage factor that applies to the zone for the <i>nominal location</i> for the water allocation (refer to table 4). |
| NV | Nominal volume of the water allocation. |
| ΣMP_{EQ} | The sum of the nominal volume for each medium priority water allocation in the Macintyre Brook Water Supply Scheme, divided by the applicable storage factor for each medium priority water allocation (refer to table 4). |
| ΣHP_{EQ} | The sum of the nominal volume for each high priority water allocation in the Macintyre Brook Water Supply Scheme, divided by the applicable storage factor for each high priority water allocation (refer to table 4). |
| TCSV | The total conceptual storage volume for the Macintyre Brook Water Supply Scheme, calculated as follows— TCSV = maximum useable volume for Coolmunda Dam (69 000 – 210 ML) + a storage volume for Whetstone Weir (270 – 3 ML) + a storage volume for Ben Dor Weir (400 – 20 ML) = 69 437 ML |
| $TCSV_{HP}$ | A volume that provides for sufficient storage reserve to supply projected high priority water allocation demands and associated evaporation and seepage losses for up to two years. This volume preserves the relative shares between high priority and medium priority water allocations. $TCSV_{HP} = 9\,300\text{ ML}$ |
| $TCSV_{MP}$ | $TCSV_{MP} = TCSV - TCSV_{HP}$ $= 60\,137\text{ ML}$ |

Table 4 Storage factors

| Location | Storage factor (η_s) |
|------------------------|-----------------------------|
| Macintyre Brook Zone A | 1.00 |
| Macintyre Brook Zone B | 0.85 |
| Macintyre Brook Zone C | 0.65 |

97. Continuous share volume

- (1) The resource operations licence holder must determine the continuous share volume for a water allocation using the following formula—

$$\text{CSV} = \frac{\text{TCSV} \times \text{CS}\%}{100}$$

- (2) The parameters used in the formula under subsection (1) are defined in table 3

98. Continuous share water accounts

- (1) The resource operations licence holder must establish a continuous share water account for—
- (a) each water allocation managed as an individual continuous share; and
 - (b) the group of water allocations managed as the bulk share.
- (2) The volume of water held in a continuous share water account must be in accordance with *critical water supply arrangements* under section 106.
- (3) The maximum volume of water that may be held in a continuous share water account is the continuous share volume for that water allocation or group of water allocations.
- (4) The minimum volume of water that may be held in a continuous share water account is 0 ML.
- (5) The resource operations licence holder must estimate the volume of water held in each continuous share water account a minimum of every five business days.
- (6) The resource operations licence holder may increase the frequency of estimating the volume of water held in each continuous share water account.
- (7) The volume of water held in each continuous share water account must be determined using the following formula—

Estimated continuous share water account volume =

Previous estimated continuous share water account volume

Less

Estimated share of *storage losses* in the period since the last estimate or reconciliation determined under section 99

Less

Water withdrawals from the continuous share water account in the period since the last estimate or reconciliation determined under section 99

Plus

Water deposits into the continuous share water account in the period since the last estimate or reconciliation determined under section 99

Plus

Estimated share of inflows in the period since the last estimate or reconciliation determined under section 99

- (8) The parameters used in the formula under subsection (7) are defined in table 5.

Table 5 Parameters used to estimate the volume held in a continuous share water account

| Parameter | Description |
|-------------------|---|
| Storage losses | Storage losses are estimated by applying the daily values listed in table 6 to the number of days since the last estimate or reconciliation, and assuming no contribution to the storages from rainfall falling directly into the storages. Storage losses are distributed in proportion to the estimated continuous share water account volumes. |
| Water withdrawals | <p>Withdrawal of water from a continuous share water account is equal to the sum of—</p> <ul style="list-style-type: none"> (1) the water orders for the period since the last estimate or reconciliation determined using the following formula— $\text{withdrawal} = \frac{\text{water order}}{\eta_s}$ <p>Where—</p> <ul style="list-style-type: none"> Water order = the volume of water ordered by a water allocation holder for delivery to the <i>location</i> of take. η_s = the storage factor that applies at the <i>location</i> of that take as shown in table 4. <ul style="list-style-type: none"> (2) the volumes of water transferred to other continuous share water accounts by seasonal assignment for the period since the last estimation or reconciliation. <p><i>Note – A water order supplied from tributary inflows or from a storage within the scheme is taken to be a withdrawal.</i></p> |
| Water deposits | A water deposit is the sum of volumes of water transferred from other continuous share water accounts for the period since the last estimation or reconciliation. |
| Share of inflows | <p>Inflows for the period since the last estimate or reconciliation are estimated using the <i>storage inflow derivation technique</i> as defined under section 274 and shared in accordance with section 94.</p> <p><i>Note – Downstream tributary inflows within the scheme that are used to supply orders are treated as an inflow, and distributed through the continuous sharing reconciliation process under section 99.</i></p> |

Table 6 Scheme storage losses

| Month | Monthly (mm/month) | Daily (mm/day) |
|-----------|-----------------------|----------------|
| July | 76 | 2.45 |
| August | 101 | 3.26 |
| September | 133 | 4.43 |
| October | 177 | 5.71 |
| November | 212 | 7.07 |
| December | 238 | 7.68 |
| January | 243 | 7.84 |
| February | 201 | 7.18 |
| March | 185 | 5.97 |
| April | 133 | 4.43 |
| May | 92 | 2.97 |
| June | 72 | 2.40 |

99. Continuous share water accounts reconciliation process

- (1) The resource operations licence holder must apply a continuous share water accounts reconciliation process at least once every 30 business days.
- (2) The resource operations licence holder may increase the frequency of the continuous share water accounts reconciliation process, in response to significant inflows, changes in usage activity or *critical water supply arrangements* under section 106.
- (3) The continuous share water accounts reconciliation process must calculate the difference between the total volume of water estimated to be available in the conceptual storage and the total volume of water held in all continuous share water accounts using the following formula—

Water volume difference =

Total volume of water estimated to be available in the conceptual storage

Less

Total volume held in all water accounts managed as individual continuous shares and the bulk share

- (4) Where the water volume difference is greater than zero, the water available must be shared amongst continuous share water accounts in proportion to the continuous share percentage for a water allocation or group of water allocations.
- (5) Where the water volume difference is less than zero, the shortfall must be applied as a reduction to continuous share water accounts in proportion to the volume of water held in the continuous share water accounts.

Division 2—Bulk sharing rules

100. Application of division 2

This division applies to water allocations managed as part of the bulk share.

101. Bulk sharing rules

- (1) The resource operations licence holder must—
 - (a) determine an *announced allocation* for each priority group;
 - (b) use the water sharing rules in this division to determine *announced allocations* throughout the year;
 - (c) determine and set the *announced allocation* effective from the first day of each *water year*;
 - (d) redetermine the *announced allocation* whenever the continuous share water accounts reconciliation process under section 99 is applied and reset the *announced allocation* where the redetermination indicates that the *announced allocation* would—
 - (i) increase by five or more percentage; or
 - (ii) increase to 100 percent;
 - (e) publish details of the *announced allocation* and parameters for determining the *announced allocation* within five business days of setting or resetting an *announced allocation*; and
 - (f) not reduce the *announced allocation* during a *water year* unless water restrictions are imposed in accordance with approved *critical water supply arrangements* under section 106.
- (2) The announced allocation must not be greater than 100 percent.

102. High priority water allocations

- (1) The *announced allocation* for high priority water allocations must be—
 - (a) 100 percent where the *announced allocation* for medium priority water is greater than zero percent; or
 - (b) determined using the following formula where the *announced allocation* for medium priority water (AA_{MP}) is zero percent—

$$AA_{HP} = 100 \times \frac{(UV_{BS} - TOA_{BS} + DIV_{BS})}{HPA_{BS}}$$

- (2) The parameters used in the formula under subsection (1) are defined in table 7.
- (3) Subsection (1) only applies where no *critical water supply arrangements* have been triggered under section 107.

103. Medium priority water allocations

- (1) The *announced allocation* for medium priority water allocations must be determined using the following formula—

$$AA_{MP} = 100 \times \frac{(UV_{BS} - HPA_{BS} RE_{BS} - TOA_{BS} + DIV_{BS})}{MPA_{BS}}$$

- (2) The parameters used in the formula under subsection (1) are defined in table 7.
 (3) Subsection (1) only applies where no *critical water supply arrangements* have been triggered under section 107.

Table 7 Announced allocation parameters

| Parameter | Description |
|-------------------|---|
| AA _{MP} | Medium priority <i>announced allocation</i> percentage. The percentage of the annual resource cap for a medium priority water allocation managed as part of the bulk share that may be taken for the <i>water year</i> . |
| AA _{HP} | High priority <i>announced allocation</i> percentage. The percentage of the annual resource cap for a high priority water allocation managed as part of the bulk share that may be taken for the <i>water year</i> . |
| HPA _{BS} | High priority water allocations. The total nominal volume of high priority water allocations managed as part of the bulk share. |
| MPA _{BS} | Medium priority water allocations. The total nominal volume of medium priority water allocations managed as part of the bulk share. |
| UV _{BS} | <p>The usable volume in the bulk share. The volume of water available for water allocations managed as part of the bulk share minus projected storage losses determined using the following formula—</p> $UV_{BS} = CV - SL$ <p>Where—</p> <p>CV = the current volume in the bulk share water account.</p> <p>SL = the projected storage loss associated with the water allocations being managed as part of the bulk share for the remainder of the <i>water year</i>. Storage losses include evaporation and seepage. The monthly storage loss depths to be applied are given in table 6.</p> <p>The storage loss volume is applied as a reduction to the total volume held in all water accounts managed as the bulk share in proportion to the volume of water held in the continuous share water accounts.</p> |
| RE _{BS} | Reserve (high priority). An allowance set aside to provide for the supply of water to high priority water allocations managed as part of the bulk share. The reserve must be equal to a volume based on 12 months supply from the end of the current <i>water year</i> , including storage losses and a transmission operational allowance. |

| Parameter | Description |
|-------------------|---|
| TOA _{BS} | <p>Transmission operational allowance. An allowance for the river transmission and operational losses expected to occur in supplying water to the end of the <i>water year</i> to water allocations managed as part of the bulk share.</p> <p>TOA_{BS} varies with the amount of water allocation being managed as the bulk share that remains to be delivered to each <i>location</i>.</p> <p>TOA_{BS} is based on application of the storage factors in table 4 for the locations of the water allocations managed as part of the bulk share.</p> |
| DIV _{BS} | <p>Diverted volume. The volume of water diverted by high and medium priority water allocations managed as part of the bulk share since the start of the current <i>water year</i>.</p> |

Division 3—Volumetric limit

104. Scope of division 3

This division deals with the water sharing rules used to define the volumetric limit, as provided for under section 120B(3) of the *Water Act 2000*.

105. Maximum volume of water that may be taken

- (1) The maximum volume of water that may be taken in a *water year* under a water allocation is—
 - (a) for a water allocation managed as an individual continuous share, a volume equal to the annual resource cap for the water allocation; or
 - (b) for a water allocation managed as part of the bulk share, a volume equal to the annual resource cap for the water allocation multiplied by the *announced allocation* that applies to that water allocation.
- (2) The annual resource cap is determined using the following formula—

$$\text{annual resource cap} = \frac{NV \times \eta_{C \text{ location}}}{\eta_{C \text{ nominal location}}}$$

- (3) The parameters used in the formula under subsection (2) are defined in table 8.

Table 8 Annual resource cap parameters

| Parameter | Description |
|-------------------------------------|--|
| $\eta_{C \text{ location}}$ | The relevant cap adjustment factor that applies to the <i>location</i> of the water allocation as specified in table 9. |
| $\eta_{C \text{ nominal location}}$ | The relevant cap adjustment factor that applies to the <i>nominal location</i> of the water allocation, as specified in table 9. |
| NV | Nominal volume associated with the water allocation. |

Table 9 Cap adjustment factors (η_C)

| Location | Cap adjustment factor (η_C) |
|------------------------|------------------------------------|
| Macintyre Brook Zone A | 1.00 |
| Macintyre Brook Zone B | 0.85 |
| Macintyre Brook Zone C | 0.65 |

Division 4—Critical water supply arrangements**106. Critical water supply arrangements**

- (1) The resource operations licence holder must prepare and submit *critical water supply arrangements* to the chief executive for approval within 12 months of commencement of this plan.
- (2) The *critical water supply arrangements* must—
 - (a) be developed with participation from local government, stakeholders and the community;
 - (b) include triggers for commencement and cessation of the arrangements;
 - (c) include a monitoring and reporting schedule; and
 - (d) consider the minimum requirements for essential services, industry and basic per capita consumption (excluding water for use outside of the home).
- (3) The chief executive, in assessing or determining the submission, may either—
 - (a) request further information; or
 - (b) approve the *critical water supply arrangements* with or without conditions; or
 - (c) require the resource operations licence holder to submit a proposal for revised *critical water supply arrangements*; and
 - (d) approve the revised proposal.

107. Commencement and cessation of critical water supply arrangements

- (1) When the commencement triggers in the *critical water supply arrangements* are met, the *critical water supply arrangements* apply and the relevant sections of this plan cease to apply for the *critical water supply arrangement* period.
- (2) When the cessation triggers in the *critical water supply arrangements* are met the provisions in this plan fully apply.

108. Changing the critical water supply arrangements

- (1) The resource operations licence holder may submit proposed changes of the *critical water supply arrangements* to the chief executive at any time.
- (2) The chief executive, in assessing or deciding on proposed changes to the *critical water supply arrangements*, submitted under subsection (1), may either—
 - (a) request further information;
 - (b) approve the proposed changes with or without conditions;
 - (c) amend and approve the amended changes; or
 - (d) refuse the proposed changes.
- (3) Where the chief executive approves changes to the *critical water supply arrangements* under this section, the chief executive must amend this plan in accordance with section 340.

Part 3—Dealings with water allocations**109. Scope of part 3**

This part provides for dealings with water allocations managed under the resource operations licence for Macintyre Brook Water Supply Scheme.

Division 1—Subdivision or amalgamation of water allocations**110. Permitted subdivisions or amalgamations**

- (1) The subdivision of a water allocation into two or more water allocations is permitted where—
 - (a) the sum of the nominal volumes of the new water allocations are equal to the nominal volume of the water allocation being subdivided; and
 - (b) the *nominal location, location*, priority group and purpose of the new water allocations remain the same as that of the water allocation being subdivided.
- (2) The amalgamation of two or more water allocations into a new water allocation is permitted where—
 - (a) the nominal volume of the new water allocation is equal to the sum of the nominal volumes of the water allocations being amalgamated; and
 - (b) the *nominal location, location*, priority group and purpose of the new water allocation remains the same as that of the water allocations being amalgamated.

111. Prohibited subdivisions or amalgamations

- (1) The subdivision of a water allocation into two or more water allocations is prohibited where—
 - (a) the sum of the nominal volumes of the new water allocations are not equal to the nominal volume of the water allocation being subdivided;
 - (b) the resulting nominal volume is not expressed as a whole number.
- (2) The amalgamation of two or more water allocations into a new water allocation is prohibited where the nominal volume of the new water allocation is not equal to the sum of the nominal volumes of the water allocations being amalgamated.

Division 2—Water allocation change rules**Subdivision 1—Permitted changes****112. Location**

- (1) A change to the *location* for the taking of water under a water allocation that belongs to a medium priority water allocation group is permitted provided—
 - (a) the *location* is being changed to Macintyre Brook Zone A, Macintyre Brook Zone B, or Macintyre Brook Zone C; and
 - (b) the change would not result in a total nominal volume in a zone that—
 - (i) exceeds the maximum total nominal volume for the zone in which the water allocation is proposed to be located, as defined in table 10; or
 - (ii) is less than the minimum total nominal volume for the zone in which the water allocation is proposed to be located, as defined in table 10.
- (2) A change to the location for the taking of water under a water allocation that belongs to a high priority water allocation group is permitted provided—
 - (a) the *location* is being changed to Macintyre Brook Zone A, Macintyre Brook Zone B, or Macintyre Brook Zone C; and
 - (b) the change would not result in a total nominal volume for high priority water allocations in the Macintyre Brook Water Supply Scheme greater than 488 ML.
- (3) For this section, the total nominal volume in a zone is the total nominal volume of all water allocations—
 - (a) for the zone; and
 - (b) for which relevant *valid change certificates* have been issued under section 129 of the *Water Act 2000*.

Table 10 Permitted distribution of nominal volumes for medium priority water allocations in the Macintyre Brook Water Supply Scheme

| Parameter | Macintyre Brook Zone A | Macintyre Brook Zone B | Macintyre Brook Zone C |
|------------------------------|------------------------|------------------------|------------------------|
| Maximum total nominal volume | 18 109 ML | 18 109 ML | 24 509 ML |
| Minimum total nominal volume | 0 ML | 0 ML | 6 900 ML |

113. Purpose

A change to the purpose of a water allocation is permitted where the change in purpose is from—

- (a) ‘any’ to—
 - (i) ‘agriculture’; or
 - (ii) ‘urban’;
- (b) ‘agriculture’ to—
 - (i) ‘any’; or
 - (ii) ‘urban’.

Subdivision 2—Prohibited changes

114. Location

- (1) A change to the *location* for the taking of water under a water allocation is prohibited where the change in *location*—
 - (a) is from within the Macintyre Brook Water Supply Scheme to Border Rivers Zone A;
 - (b) is from Border Rivers Zone B to Border Rivers Zone A;
 - (c) would result in the total nominal volume in a zone exceeding the maximum nominal volume for a zone shown in table 10;
 - (d) would result in the total nominal volume in a zone being less than the minimum nominal volume for a zone shown in table 10.
- (2) For this section, the total nominal volume in a zone is the total nominal volume of all water allocations for the zone.

115. Purpose

A change to the purpose of a water allocation is prohibited where the change in purpose is from—

- (a) ‘urban’ to—
 - (i) ‘any’; or
 - (ii) ‘agriculture’;
- (b) ‘bulk water supply commitment’ to any other purpose.

116. Priority

A change to the priority group of a water allocation is prohibited where the change is to a priority group that is not medium or high priority.

117. Nominal location

A change to the nominal location for a water allocation is prohibited.

Subdivision 3—Other changes to water allocations**118. Application for a change to a water allocation not specified as permitted or prohibited**

An application for a change to a water allocation that is not specified in this division as permitted or prohibited may be made in accordance with section 130 of the *Water Act 2000*.

Part 4—Seasonal water assignments**119. Maximum water use**

For this part—

- (a) the maximum volume of water that may be used in a zone in a *water year* for the Macintyre Brook Water Supply Scheme is the maximum allowable use volume shown in table 11 for each zone;
- (b) total *water use* in a zone is the total volume of water used under water allocations of all priority groups managed by the resource operations licence holder for the zone.

Table 11 Maximum allowable use volumes for the Macintyre Brook Water Supply Scheme zones

| Parameter | Macintyre Brook Zone A | Macintyre Brook Zone B | Macintyre Brook Zone C |
|-----------------------|------------------------|------------------------|------------------------|
| Maximum allowable use | 24 061 ML | 20 282 ML | 21 910 ML |

120. Seasonal water assignment rules

- (1) The resource operations licence holder may approve a seasonal assignment of water provided that the total *water use* in a *water year* for each zone does not exceed the maximum allowable use volume for each zone.
- (2) The resource operations licence holder may approve a seasonal water assignment from the Macintyre Brook Water Supply Scheme to Border Rivers Zone B where the sum of the—
 - (a) total volume of water delivered to the Border Rivers Water Supply Scheme under seasonal assignment; and
 - (b) total volume of water used in the Macintyre Brook Water Supply Scheme in a *water year*;
 does not exceed the maximum allowable use volume defined for Macintyre Brook Zone C shown in table 11.
- (3) The resource operations licence holder must not approve a seasonal water assignment of a water allocation with the purpose ‘bulk water supply commitment’.
- (4) When seasonally assigning unused annual resource cap from a water allocation managed as an individual continuous share, the volume that may be seasonally assigned must be determined as follows—

$$\text{assignable unused annual resource cap} = \frac{\text{existing unused annual resource cap} \times \eta_{C \text{ new location}}}{\eta_{C \text{ old location}}}$$

- (5) The parameters used in the formula under subsection (4) are defined in table 12.
- (6) When seasonally assigning from a water allocation managed as part of the bulk share, the volume of water available in the continuous share water account at the new *location* must be determined by the following formula—

$$\text{volume available to assign} = \frac{\text{volume being assigned} \times \eta_{C \text{ new location}}}{\eta_{C \text{ old location}}}$$

- (7) The parameters used in the formula under subsection (6) are defined in table 12.

Table 12 Seasonal assignment parameters

| Parameter | Description |
|-------------------------------------|---|
| $\eta_{C \text{ new location}}$ | The relevant cap adjustment factor, as defined in table 9, which applies to the <i>location</i> of the water allocation to which the unused annual resource cap is being assigned. |
| $\eta_{C \text{ old location}}$ | The relevant cap adjustment factor, as defined in table 9, which applies to the <i>location</i> of the water allocation from which the unused annual resource cap is being assigned. |
| existing unused annual resource cap | The annual resource cap as determined under section 105 minus the volume of water taken at the <i>location</i> of the water allocation from which the unused annual resource cap is being assigned. |

Part 5—Interscheme trading agreement

121. Interscheme trading agreement

- (1) There must be an interscheme trading agreement between the resource operations licence holder for the Macintyre Brook Water Supply Scheme and the resource operations licence holder for the Border Rivers Water Supply Scheme to facilitate the transfer and change of *location* or seasonal assignment of a water allocation between the Macintyre Brook Water Supply Scheme and the Border Rivers Water Supply Scheme.
- (2) The interscheme trading agreement must address—
 - (a) resource operations licence holder monitoring and reporting requirements; and
 - (b) meter reading and water charges.
- (3) Subsection (2) does not limit matters that may be dealt with by the interscheme trading agreement.

122 to 130 section numbers not used¹⁹

¹⁹ Refer to footnote 1, section 1.

Chapter 5—Inglewood Weir

131. Application of chapter 5

This chapter applies to the water licence holder for Inglewood Weir and all associated infrastructure described in attachment 5(D).

132. Compatibility with water supply scheme operations

The water licence holder must ensure water is released through the Inglewood Weir works as required by the resource operations licence holder for the Macintyre Brook Water Supply Scheme.

133. Water licence to interfere with flow

The chief executive must include the requirements of section 132 on the licence granted under section 60.

134 to 136 section numbers not used²⁰

²⁰ Refer to footnote 1, section 1.

Chapter 6—Border Rivers Water Supply Scheme

137. Application of chapter 6

This chapter applies to—

- (a) the resource operations licence holder for the Border Rivers Water Supply Scheme;
- (b) all water allocations managed under the resource operations licence for the Border Rivers Water Supply Scheme;
- (c) the distribution operations licence holder for the Callandoon Water Board (part 6); and
- (d) the distribution operations licence holder for the Yambocully Water Board (part 6).

138. Water sharing agreements between the State and New South Wales

Where there is inconsistency between the provisions in this chapter and the provisions of any *water sharing agreement* between the State and New South Wales, then to the extent of the inconsistency, the *water sharing agreement* prevails.

Part 1—Operating rules

139. Use of watercourses for distribution

The resource operations licence holder must use only the following watercourses for distribution of water—

- (a) the *ponded area* of Glenlyon Dam upstream of AMTD 6.4 km on Pike Creek; and
- (b) those watercourses listed in table 13.

Table 13 Watercourses used for distribution

| Watercourse | Description |
|-----------------|--|
| Pike Creek | The part of Pike Creek between Glenlyon Dam and the creek's confluence with the Dumaresq River. (Pike Creek downstream of Glenlyon Dam to AMTD 0 km or Dumaresq River AMTD 186.3 km) |
| Dumaresq River | The part of the Dumaresq River from the river's confluence with Pike Creek downstream to the river's confluence with the Macintyre River.(Dumaresq River: AMTD 186.3 km to 0 km or AMTD 305.1 km on the Macintyre River) |
| Macintyre River | The part of the Macintyre River from the river's confluence with the Dumaresq River downstream to the confluence with the Weir River. (Macintyre River: AMTD 305.1 km to 35.2 km) |

| Watercourse | Description |
|--------------|--|
| Barwon River | The part of the Barwon River from the Macintyre River's confluence with the Weir River downstream to the Mungindi Weir. (Barwon River: AMTD 35.2 km to 4.8 km) |

140. Infrastructure operating rules

- (1) This section applies to—
 - (a) Glenlyon Dam;
 - (b) Boggabilla Weir; and
 - (c) Newinga regulator.
- (2) The resource operations licence holder must operate the infrastructure defined under subsection (1) in accordance with—
 - (a) *water sharing arrangements* agreed to by the State and New South Wales;
 - (b) operating procedures established by the Dumaresq–Barwon Border Rivers Commission.

141. Essential supplies allowance

The resource operations licence holder must provide for the *essential supplies allowance* for the Callandoon Water Board and the Yambocully Water Board.

Part 2—Water sharing rules

142. Scope of part 2

This part deals with—

- (a) water sharing rules for bulk storage accounts;
- (b) water sharing rules for individual water allocation holders; and
- (c) critical water supply arrangements.

143. Annual announced limit

The resource operations licence holder must apply the annual announced limit determined by the chief executive under chapter 9, part 1.

Division 1—Water sharing rules for bulk storage accounts

Subdivision 1—Distribution to bulk storage accounts

144. Resource assessment

Where a *resource assessment* has been conducted, the resource operations licence holder must distribute the volume of water as detailed under section 145.

145. Distribution to bulk storage accounts

- (1) The resource operations licence holder must distribute any water determined to be available under section 144, to the bulk storage accounts in accordance with—
 - (a) table 14, where the *resource assessment* has determined a positive volume of water to be distributed; or
 - (b) table 15, where the *resource assessment* has determined a negative volume of water to be distributed.
- (2) Subsection (1) only applies where no *critical water supply arrangements* have been triggered under section 153.
- (3) The bulk storage accounts for Queensland’s share of the usable storage in Glenlyon Dam are defined in table 16.

Table 14 Priorities for water distribution to bulk storage accounts where the resource assessment has determined a positive volume

| Priority | Rules for distribution of water |
|----------|--|
| 1 | To the ‘storage loss account’ up to the account limit where the storage loss account balance is less than the account limit as at the date of the <i>resource assessment</i> . If the storage loss account balance is greater than the account limit as at the date of the <i>resource assessment</i> , then the excess reserve in the storage loss account must be distributed across the other bulk storage accounts. |
| 2 | To the ‘general use delivery loss account’ (if the account balance is negative) to bring the storage account balance to zero. |
| 3 | To the ‘essential supplies account’ and the ‘essential supplies delivery loss account’ up to the account limits in proportion to the quantities required to fill each of the accounts. |
| 4 | To the ‘general use delivery loss account’ (if the account balance is less than 30% of the ‘general use account’) up to 30% of the general use account. |
| 5 | To the general use account and the general use delivery loss account in the proportion 1:0.3 up to the account limits. |

Table 15 Priorities for water distribution to bulk storage accounts where the resource assessment has determined a negative volume

| Priority | Rules for distribution of water |
|----------|--|
| 1 | Deduct the deficit or an additional 30% of the essential supplies use during the period, whichever is the lesser, from the essential supplies delivery loss account. |
| 2 | Deduct any remaining deficit from the general use delivery loss account. |

Table 16 Queensland bulk storage accounts

| Queensland bulk storage accounts | Description |
|--|---|
| Storage loss account | The storage loss account provides a reserve for the losses due to evaporation and seepage from Glenlyon Dam. The storage loss account limit as at any assessment date will vary depending on the volume of water held in Queensland's share of Glenlyon Dam and will be the volume of water required to provide for storage losses for the ensuing 12-month period assuming that the storage is drawn down at a constant rate. |
| Essential supplies account | The essential supplies account provides a 24-month reserve for town water supplies and comprises a usable volume and an additional storage loss reserve. |
| Essential supplies delivery loss account | The essential supplies delivery loss account provides for transmission and operational losses for essential supplies and is based on a reserve of 60% of deliverable essential supplies. The <i>resource assessment</i> process assumes that delivery loss will only be 30% of the volume delivered under normal operating conditions. |
| General use account | The general use account provides for water to distribute to the individual water users individual storage account. The maximum volume that Queensland can store in this account is limited to 85% of the total volume of supplemented entitlement in the Border Rivers Water Supply Scheme. |
| General use delivery loss account | The general use delivery loss account provides for transmission and operational losses incurred in delivering supplies to individual users to the end of the regulated system. |

Subdivision 2—Water sharing rules for high priority water allocations**146. Application of subdivision 2**

This subdivision applies to high priority water allocations.

147. Water sharing rules for high priority water allocations

- (1) The resource operations licence holder must not supply a volume of water to a high priority water allocation holder in a *water year* which is in excess of the nominal volume for that water allocation.

- (2) Supply of high priority water allocations is subject to *critical water supply arrangements* under section 152.

Division 2—Water sharing rules for individual accounts

148. Application of division 2

This division applies to medium priority water allocations.

Subdivision 1—Distribution to individual storage accounts

149. Distribution to individual storage accounts

- (1) The resource operations licence holder must make a *priority distribution* of water to each water allocation holder's individual storage account in accordance with a resource operations management guideline to be developed by the chief executive.
- (2) The chief executive must make public details of the *priority distribution*.
- (3) Where water has been distributed for the *priority distribution*, the resource operations licence holder must distribute water held in the general use account in proportion to the individual storage account limits established for each water allocation.

Subdivision 2—Individual accounts for continuous accounting

150. Individual storage accounts

- (1) The resource operations licence holder must establish an individual storage account for each water allocation.
- (2) The maximum volume that may be stored in an individual storage account must not exceed the individual storage account limit for that water allocation.
- (3) The individual storage account limit must be determined using the following formula—

$$ISA_{\text{limit}} = NV \times 85\%$$

- (4) The parameters used in the formula under subsection (3) are defined in table 17.
- (5) The resource operations licence holder must maintain a record of the individual storage account balance for each water allocation.
- (6) The maximum volume that the resource operations licence holder may supply for a water allocation must not exceed the individual storage account balance for that water allocation.

- (7) The individual storage account balance must be determined using the following formula—

$$ISA_{\text{balance}} = (ISA_{\text{previous balance}} - \sum WO - \sum MR_{\text{adjustment}} + \sum SWA) + \sum PD + \sum GD$$

- (8) The parameters used in the formula under subsection (7) are defined in table 18.

Table 17 Parameters used to determine an individual storage account

| Parameter | Description |
|----------------------|--|
| ISA _{limit} | The individual storage account limit is the maximum volume that may be stored in an individual storage account at any one time. |
| NV | Nominal volume of the water allocation. |
| 85.0% | The total storage capacity available in Glenlyon Dam for the storage of water for Queensland water allocations (70.12 GL) as a percentage of the total nominal volume for Queensland water allocations (82.49 GL). |

Table 18 Parameters used in determining the individual storage account balance

| Parameter | Description |
|---------------------------------|--|
| ISA _{balance} | Individual storage account balance. The ISA _{balance} represents the volume of water available in an individual storage account. |
| ISA _{previous balance} | Individual storage account balance at the time of the previous <i>resource assessment</i> . |
| WO | Volume of water ordered by the water allocation holder with release dates from the date of the previous <i>resource assessment</i> and the current date. |
| MR _{adjustment} | Adjustment for volume of water taken in excess of water ordered since previous <i>resource assessment</i> . |
| SWA | Total volume of seasonal water assignments (into and out of the storage account). This volume may be positive or negative depending on net transfers. |
| PD | <i>Priority distribution</i> assigned to the individual storage account since the previous <i>resource assessment</i> . |
| GD | General distribution assigned to the individual storage account since the previous <i>resource assessment</i> . |

151. Individual usage accounts

- (1) The resource operations licence holder must establish an individual usage account for each water allocation which is equal to the nominal volume of the water allocation.
- (2) The resource operations licence holder must record the amount of water taken under a water allocation in the individual usage account.
- (3) The maximum volume of water that a resource operations licence holder may supply under a water allocation in a *water year* is the water allocation holder's individual usage account limit.
- (4) On the first day of each *water year*, the resource operations licence holder must set the balance of all individual usage accounts to zero.

Division 3—Critical water supply arrangements**152. Critical water supply arrangements**

- (1) The resource operations licence holder must prepare and submit *critical water supply arrangements* to the chief executive for approval within 12 months of commencement of this plan.
- (2) The *critical water supply arrangements* must—
 - (a) be developed with participation from local government, stakeholders and the community;
 - (b) include triggers for commencement and cessation of the arrangements;
 - (c) include a monitoring and reporting schedule;
 - (d) include a process to debit losses from individual storage accounts where the storage loss account and the delivery loss accounts are totally depleted; and
 - (e) consider the minimum requirements for essential services, industry and basic per capita consumption (excluding water for use outside of the home).
- (3) The chief executive, in assessing the submission, may either—
 - (a) request further information; or
 - (b) approve the *critical water supply arrangements* with or without conditions; or
 - (c) require the resource operations licence holder to submit a proposal for revised *critical water supply arrangements*; and
 - (d) approve the revised proposal.

153. Commencement and cessation of critical water supply arrangements

- (1) When the commencement triggers in the *critical water supply arrangements* are activated, the *critical water supply arrangements* apply and the relevant sections of this plan cease to apply for the *critical water supply arrangement* period.
- (2) When the cessation triggers in the *critical water supply arrangements* are activated the provisions in this plan fully apply.

154. Changing the critical water supply arrangements

- (1) The resource operations licence holder may submit proposed changes of the *critical water supply arrangements* to the chief executive at any time.
- (2) The chief executive, in assessing or deciding on proposed changes to the *critical water supply arrangements*, submitted under subsection (1), may either—
 - (a) request further information;
 - (b) approve the proposed changes with or without conditions;
 - (c) amend and approve the amended changes; or
 - (d) refuse the proposed changes.
- (3) Where the chief executive approves changes to the *critical water supply arrangements* under this section, the chief executive must amend this plan in accordance with section 340.

Part 3—Dealings with water allocations**155. Scope of part 3**

This part provides for dealings with water allocations managed under the resource operations licence for the Border Rivers Water Supply Scheme.

Division 1—Subdivision or amalgamation of water allocations**156. Permitted subdivisions or amalgamations**

- (1) The subdivision of a water allocation into two or more water allocations is permitted where—
 - (a) the sum of the nominal volumes of the new water allocations are equal to the nominal volume of the water allocation being subdivided; and
 - (b) the *location*, priority group and purpose of the the new water allocations remain the same as that of the water allocation being subdivided.

- (2) The amalgamation of two or more water allocations into a new water allocation is permitted where—
 - (a) the *location*, priority group and purpose of the water allocations being amalgamated are the same;
 - (b) the nominal volume of the the new water allocation is equal to the sum of the nominal volumes of the water allocations being amalgamated; and
 - (c) the *location*, priority group and purpose of the the new water allocation remain the same as that of the water allocations being amalgamated.

157. Prohibited subdivisions or amalgamations

- (1) The subdivision of a water allocation into two or more water allocations is prohibited where—
 - (a) the sum of the nominal volumes for each new water allocations is not equal to the nominal volume of the water allocation being subdivided; and
 - (b) the nominal volumes of the new water allocations would not be expressed as a whole number.
- (2) The amalgamation of two or more water allocations into a new water allocation is prohibited where—
 - (a) the nominal volume of the the new water allocation is not equal to the sum of the nominal volumes of the water allocations being amalgamated;
 - (b) the *location*, priority group and purpose of the water allocations being amalgamated are not the same; and
 - (c) the nominal volume for the new water allocation would not be expressed as a whole number.

Division 2—Water allocation change rules

Subdivision 1—Permitted changes

158. Location

A change to the *location* for the taking of water under a water allocation is permitted where the change is from—

- (a) Border Rivers Zone A to Border Rivers Zone B; or
- (b) from Border Rivers Zone B to Border Rivers Zone A where the water allocation is not supplied under the resource operations licence for Macintyre Brook Water Supply Scheme.

159. Purpose

A change to the purpose of a water allocation is permitted where the change in purpose is from—

- (a) ‘any’ to—
 - (i) ‘agriculture’; or
 - (ii) ‘urban’;
- (b) ‘agriculture’ to—
 - (i) ‘any’; or
 - (ii) ‘urban’.

160. Priority group

- (1) A change to the priority group of a water allocation is permitted where—
 - (a) the change is from medium priority to high priority;
 - (b) an exchange factor of 0.5 is applied to the nominal volume; and
 - (c) the purpose of that water allocation is changed to ‘urban’.
- (2) The total nominal volume of medium priority water that may be changed to high priority water must not exceed 2 000 ML.

Subdivision 2—Prohibited changes**161. Location**

A change to the *location* for the taking of water under a water allocation is prohibited where the change is—

- (a) from Border Rivers Zone A to a *location* within the Macintyre Brook Water Supply Scheme; and
- (b) from Border Rivers Zone B to Border Rivers Zone A where the water allocation is supplied under the resource operations licence for Macintyre Brook Water Supply Scheme.

162. Purpose

A change to the purpose of a water allocation is prohibited where the change in purpose is from ‘urban’ to—

- (a) ‘any’; or
- (b) ‘agriculture’.

163. Priority group

A change to the priority group of a water allocation is prohibited where the change is to a priority group that is not medium or high priority.

Subdivision 3—Other changes to water allocations

164. Application for a change to a water allocation not specified as permitted or prohibited

An application for a change to a water allocation that is not specified in this division as permitted or prohibited may be made in accordance with section 130 of the *Water Act 2000*.

Part 4—Seasonal water assignments

165. Seasonal water assignment rules

The resource operations licence holder may approve a seasonal assignment of a water allocation where the total use in a *water year* for the water supply scheme does not exceed the maximum volume of water available having regard to the annual announced limit for the water supply scheme.

Part 5—Interscheme trading agreement

166. Interscheme trading agreement

- (1) There must be an interscheme trading agreement between the resource operations licence holder for the Border Rivers Water Supply Scheme and the resource operations licence holder for the Macintyre Brook Water Supply Scheme to facilitate the transfer and change of *location* or seasonal assignment of a water allocation between the Border Rivers Water Supply Scheme and the Macintyre Brook Water Supply Scheme.
- (2) The interscheme trading agreement must address—
 - (a) resource operations licence holder monitoring and reporting requirements; and
 - (b) meter reading and water charges.
- (3) Subsection (2) does not limit matters that may be dealt with by the interscheme trading agreement.

Part 6—Distribution operations licence holder responsibilities

Division 1—Callandoon Water Board

167. Application of division 1

This division applies to—

- (a) the distribution operations licence holder for the Callandoon Water Board water distribution infrastructure; and
- (b) all water allocations associated with the Callandoon Water Board water distribution infrastructure.

168. Use of watercourse for distribution

The distribution operations licence holder must use only Callandoon Creek (AMTD 0 km to 98 km) for distribution of water.

169. Distribution losses

- (1) The distribution operations licence holder must apportion distribution losses associated with delivery of water from the Macintyre River to a water allocation holders' diversion works in proportion to each water allocation's share of the total volume of water allocated.
- (2) Subsection (1) only applies to the distribution losses associated with water authorisations held by Callandoon Water Board members on establishment of the Callandoon Water Board.

Division 2—Yambocully Water Board

170. Application of division 2

This division applies to—

- (a) the distribution operations licence holder for the Yambocully Water Board water distribution infrastructure; and
- (b) all water allocations associated with the Yambocully Water Board water distribution infrastructure.

171. Use of watercourses for distribution

The distribution operations licence holder must use only those watercourses listed in table 19 for distribution of water.

Table 19 Watercourses for distribution of water

| Watercourse | Description |
|-------------------|--|
| Crooked Creek | From the point where the constructed earth channel enters Crooked Creek (on or adjacent to Lot 272 on MH875) downstream to its confluence with Piggy Piggy Creek. <i>Note – The constructed earth channel (located on Lot 272 on MH875, Lot 273 on CP899679 and Lot 2 on RP264593) is used to deliver water that is taken from the Macintyre River.</i> |
| Piggy Piggy Creek | From the confluence with Crooked Creek (on or adjacent to Lot 298 on MA3452) downstream to its confluence with Yambocully Creek. |
| Yambocully Creek | From the confluence with Piggy Piggy Creek (on or adjacent to Lot 3 on RP34771) downstream to its confluence with the Weir River. |
| Weir River | From the confluence with Yambocully Creek (on or adjacent to Lot 17 on CAR3471) downstream to a point on the Weir River which coincides with the projection of the boundary between Lot 2 on CP853479 and Lot 22 on CVN226. |

172. Distribution losses

- (1) The distribution operations licence holder must apportion distribution losses associated with delivery of water from the Macintyre River to a water allocation holders' diversion works in proportion to each water allocation's share of the total volume of water allocated.
- (2) Subsection (1) only applies to the distribution losses associated with water authorisations held by Yambocully Water Board members on establishment of the Yambocully Water Board.

173 to 184 section numbers not used²¹

²¹ Refer to footnote 1, section 1.

Chapter 7—Unsupplemented water allocations

185. Application of chapter 7

This chapter applies to all water allocations that authorise the take of unsupplemented water and deals with—

- (a) water sharing rules;
- (b) dealings with water allocations; and
- (c) seasonal water assignments.

Part 1—Water sharing rules

186. Consistency with interstate agreements

Where there is inconsistency between the provisions in this chapter and the provisions of any *water sharing agreement* between the State and New South Wales, then to the extent of the inconsistency, the *water sharing agreement* prevails.

Division 1—Border Rivers Water Management Area

187. Application of division 1

This division applies to water allocations that authorise the take of unsupplemented water located within the Border Rivers Water Management Area.

188. Announced period

- (1) Water may only be taken under a water allocation during an *announced period*, as determined by the chief executive.
- (2) An *announced period* must be consistent with water sharing rules agreed between the State and New South Wales about water in the plan area.
- (3) The chief executive must make water available for take in an *announced period* to water allocation holders in proportion to the maximum rate of take for a water allocation.
- (4) Subsection (3) does not apply to *direct irrigation of small irrigation enterprises*.

189. Declaration of access to unsupplemented water

The chief executive may only notify water allocation holders of an *announced period* when the Dumaresq–Barwon Border Rivers Commission has declared access to unsupplemented flows in the Border Rivers.

Division 2—Other water management areas with announced periods**190. Application of division 2**

This division applies to water allocations that authorise the take of unsupplemented water located within—

- (a) Callandoon Creek Water Management Area;
- (b) Lower Weir River Water Management Area;
- (c) Macintyre Brook Water Management Area; and
- (d) Upper Weir River Water Management Area.

191. Announced period

- (1) Water must not be taken under a water allocation that authorises the taking of unsupplemented water with flow conditions except during an *announced period*.
- (2) The chief executive must announce—
 - (a) the start and end of an *announced period* for an event;
 - (b) the water allocations that the announcement relates to; and
 - (c) the conditions under which water may be taken.
- (3) In deciding the start and finish, and conditions under which a water allocation holder may take water, the chief executive must have regard to—
 - (a) the provisions of any resource operations management guidelines developed under section 192; and
 - (b) the conditions stated on the water entitlement.

192. Resource operations management guidelines

The chief executive must prepare resource operations management guidelines for implementation of an *announced period* for each water management area.

Division 3—Data collection and transfer**193. Application of division 3**

This division applies to water allocations that authorise the take of unsupplemented water.

194. Water allocation holder data collection and transfer

- (1) For water taken under a water allocation that authorises the taking of unsupplemented water, it is a condition of a water allocation that a water allocation holder must collect and record meter readings at the—
 - (a) start of taking water; and

- (b) end of taking water.
- (2) The water allocation holder must transfer the data collected under subsection (1) to the chief executive within five days following an event.
- (3) The chief executive will advise the resource operations licence holder of the meter readings provided under subsection (2) and the approved volume of unsupplemented water taken within ten business days of the conclusion of all *announced periods*.

195. Water allocation holder notification of change to storage

- (1) The water allocation holder must notify the chief executive, in writing, in the approved form and within 20 business days of any change to the storage, or new storage, that is used to store water taken under a water allocation.
- (2) Subsection (1) does not apply to activities associated with management or maintenance of a storage.

Part 2—Dealings with water allocations

196. Scope of part 2

This part provides for dealings with water allocations that authorise the take of unsupplemented water.

Division 1—Subdivision or amalgamation of water allocations

197. Permitted subdivisions or amalgamations

- (1) The subdivision of a water allocation into two or more water allocations is permitted where—
 - (a) the nominal volume, volumetric limit and maximum rate of take of each of the new water allocations is in the same proportion as the nominal volume, volumetric limit and maximum rate of take of the water allocation being subdivided;
 - (b) the sum of the nominal volumes, volumetric limits and maximum rates of take of the new water allocations equal the nominal volume, volumetric limit and maximum rate of take of the water allocation being subdivided; and
 - (c) the *location*, water allocation group, flow condition and purpose of the the new water allocations remain the same as that of the water allocation being subdivided.
- (2) The amalgamation of two or more water allocations into a new water allocation is permitted where—
 - (a) the *location*, water allocation group, flow condition and purpose of the water allocations being amalgamated are the same;

- (b) the nominal volume, volumetric limit and maximum rate of take of the new water allocation is equal to the sum of the nominal volumes, volumetric limits and maximum rates of take of the water allocations being amalgamated; and
- (c) the *location*, water allocation group, flow condition and purpose of the the new water allocation remain the same as that of the water allocations being amalgamated.

198. Prohibited subdivisions or amalgamations

- (1) The subdivision of a water allocation into two or more water allocations is prohibited where—
 - (a) the sum of the nominal volumes, volumetric limits and rates of take of the water allocations is not equal to the nominal volume, volumetric limit, and rate of take of the water allocation being subdivided;
 - (b) the change would result in the nominal volume not being expressed as a whole number, unless the existing water allocation being subdivided specifies a nominal volume that is not a whole number; and
 - (c) the *location*, water allocation group, flow conditions and purpose of the new water allocations do not remain the same as the water allocation being subdivided.
- (2) The amalgamation of two or more water allocations into a new water allocation is prohibited where—
 - (a) the *location*, water allocation group, flow condition and purpose of the water allocations being amalgamated are not the same;
 - (b) the nominal volume of the new water allocation is not equal to the sum of the nominal volumes of the water allocations being amalgamated; and
 - (c) the location, water allocation group, flow condition and purpose of the new water allocation are not the same as the water allocations being amalgamated.

Division 2—Water allocation change rules

Subdivision 1—Permitted changes

199. Purpose

A change to the purpose of a water allocation is permitted where the change in purpose is from—

- (a) ‘any’ to—
 - (i) ‘agriculture’; or
 - (ii) ‘urban’;
- (b) ‘agriculture’ to—
 - (i) ‘any’; or
 - (ii) ‘urban’.

Subdivision 2—Prohibited changes

200. Location

A change in *location* of a water allocation is prohibited where the change in *location* is from—

- (a) any water management area to a *location* within the Border Rivers Water Management Area; or
- (b) the Border Rivers Water Management Area to a *location* within any other water management area.

201. Purpose

A change to the purpose of a water allocation is prohibited where the change in purpose is from ‘urban’ to—

- (a) ‘any’; or
- (b) ‘agriculture’.

Subdivision 3—Other changes to water allocations

202. Application for a change to a water allocation not specified as permitted or prohibited

An application for a change to a water allocation that is not specified in this division as permitted or prohibited may be made in accordance with section 130 of the *Water Act 2000*.

Part 3—Seasonal water assignments

203. Scope of part 3

This part provides for the seasonal assignment of water allocations that authorise the take of unsupplemented water.

204. Seasonal water assignment rules

- (1) For water allocations located in the Stanthorpe Water Management Area the chief executive may approve a seasonal water assignment of a water allocation where—
 - (a) the water allocation has a *location* that includes a zone mentioned in attachment 3(B);
 - (b) the water allocation does not have a special condition that requires it to be stored in particular works;
 - (c) there is no change to the zone for the take of water under a seasonal water assignment;
 - (d) the *place* of the *assignee* is downstream of the *place* of the *assignor*;
 - (e) the flow condition under which water may be taken under seasonal assignment is the same as the conditions for the water allocation being seasonally assigned;
 - (f) the volume of the seasonal water assignment is no greater than—
 - (i) 50% of the total volume that may be taken under the authority of the water allocation; and
 - (ii) the unused volume that may be taken under the authority of the water allocation;
 - (g) the maximum rate of take (ML/day) is in proportion to the share of the unused volume being assigned.
- (2) For water allocations located in all other water management areas the chief executive may approve a seasonal water assignment of a water allocation where—
 - (a) there is no change to the *location* for the take of water under a seasonal water assignment;
 - (b) the water allocation does not have a special condition that requires it to be stored in particular works;
 - (c) the flow condition under which water may be taken under seasonal assignment is the same as the condition for the water allocation being seasonally assigned;
 - (d) the volume of the seasonal water assignment is no greater than the unused volume that may be taken under the authority of the water allocation; and

- (e) the maximum rate of take (ML/day) is in proportion to the share of the unused volume being assigned.
- (3) Subsections (1)(b) and (2)(b) do not apply for two years from the commencement of this plan.

205 to 215 section numbers not used²²

²² Refer to footnote 1, section 1.

Chapter 8—Overland flow water

Part 1—Water allocations used in conjunction with overland flow works

216. Application to remove a special condition

- (1) This section applies to an application to change a special condition on a water allocation that requires water taken under the allocation to be stored in particular works that also allow taking of overland flow water.
- (2) The chief executive must not approve the change unless the chief executive grants, in accordance with part 2, a water licence for taking overland flow water to the owner of the works that allow taking of overland flow water.

Part 2—Granting water licences for take of overland flow water

217. Scope of part 2

For granting a licence under section 212 of the *Water Act 2000*, this part deals with—

- (a) matters required under section 36 of the *Water Resource (Border Rivers) Plan 2003* for granting a water licence to replace the authority under section 34 of the *Water Resource (Border Rivers) Plan 2003*;
- (b) the process for granting a water licence to replace an authority under section 34 of the *Water Resource (Border Rivers) Plan 2003*;
- (c) requirements for certified reports for an overland flow storage;
- (d) matters the chief executive must consider; and
- (e) conditions the chief executive must include on the licence.

218. Replacement of an authority to take overland flow water with a water licence

An authority to take overland flow water may be replaced by a water licence.

219. Granting or amending a water licence under section 36 of the *Water Resource (Border Rivers) Plan 2003*

- (1) The chief executive may at any time—
 - (a) grant a licence for the take of overland flow water to replace the authority under section 34 of the *Water Resource (Border Rivers) Plan 2003*; or
 - (b) amend a licence for the take of overland flow water granted under section 35 of the *Water Resource (Border Rivers) Plan 2003*.

- (2) Before granting or amending a water licence under subsection (1), the chief executive must issue a notice to the owner of the land—
 - (a) identifying works that take overland flow water; and
 - (b) stating that a water licence will be granted or amended for the take of overland flow water.
- (3) A notice under subsection (2) may also request the owner of the land to provide a certified report about the take of overland flow water using the works.
- (4) In making a decision about granting or amending a licence under subsection (1), the chief executive must—
 - (a) consider any relevant information available to the chief executive about the works; and
 - (b) where a certified report is available for the works, calculate and consider the matters specified under sections 223 and 224.
- (5) The chief executive must include one or more of the conditions under section 222(1) for a water licence granted under section 212 of the *Water Act 2000*.

220. Granting a water licence to allow a change to a water allocation under section 216

- (1) This section applies if an application is received under section 216, for a change to a water allocation to remove a special condition.
- (2) To enable the chief executive to determine the conditions for granting the water licence, the owner of works that take overland flow must provide a certified report within 90 business days.
- (3) The chief executive may then grant a water licence under section 212 of the *Water Act 2000*.

221. Certified reports for overland flow works

- (1) For the purpose of this part, a certified report is a report prepared in accordance with the standards and requirements set out in a notice provided by the chief executive.
- (2) The purpose of the certified report is to provide the chief executive with an accurate representation of—
 - (a) the infrastructure to which the report relates;
 - (b) how the infrastructure operates; and
 - (c) the ability of the infrastructure to take overland flow water.
- (3) A certified report must be verified and signed by a Registered Professional Engineer of Queensland.

222. Conditions for take of overland flow water

- (1) A water licence for taking overland flow water may include one or more of the following conditions—
 - (a) a maximum rate for taking water in megalitres per day;
 - (b) a maximum storage volume in megalitres;
 - (c) a volumetric limit;
 - (d) an average annual diversion.
- (2) The assessment of these conditions must be in accordance with sections 223 to 226.
- (3) The chief executive may impose conditions in addition to those mentioned above, including—
 - (a) a limit on the amount of water that can be taken in a period; and
 - (b) a limit on the volume that can be stored at any time.
- (4) Subsections (1) and (3) do not limit the conditions which the chief executive may impose.

223. Assessment of maximum rate for take of overland flow water

The chief executive must determine the condition limiting the maximum rate for taking overland flow water having regard to—

- (a) where a certified report is available, the information provided in the report; and/or
- (b) any relevant information available to the chief executive.

224. Assessment of storage volume

The chief executive must determine the condition limiting the storage volume having regard to the information provided in a certified report.

225. Assessment of the volumetric limit for take of overland flow water

- (1) In assessing the volumetric limit for taking overland flow water, the chief executive must have regard to the following parameters—
 - (a) the catchment characteristics;
 - (b) the maximum rate determined under section 223;
 - (c) the storage volume determined under section 224;
 - (d) the pattern of usage demand from the storage based on water requirements having regard for the use being made of the water; and
 - (e) the extent to which the storage works would also be filled under the authority of other entitlements to take water.
- (2) Subsection (1) does not limit the matters the chief executive may consider.

226. Assessment of the average annual diversion of overland flow water

The chief executive must determine the average annual diversion having regard to—

- (a) the volumetric limit established under section 225; and
- (b) any other conditions established under this chapter.

227. Minimum share of overland flow water

The minimum share of overland flow water that each owner of land may take is 0 ML.

228 to 238 section numbers not used²³

²³ Refer to footnote 1, section 1.

Chapter 9—Obligations under interstate agreements

239. Scope of chapter 9

This chapter sets out the process for dealing with—

- (a) implementation of *water sharing agreements* between the State and New South Wales;
- (b) interstate trading of supplemented and unsupplemented water; and
- (c) the Murray–Darling Basin Agreement.

Part 1—Water sharing agreements between the State and New South Wales

240. Scope of part 1

This part implements agreed water sharing provisions between the State and New South Wales, and applies to all take of water except water taken—

- (a) in an emergency situation, for—
 - (i) a public purpose; or
 - (ii) fighting a fire destroying, or threatening to destroy, life or property, or
- (b) to satisfy the requirements of an environmental authority issued under the *Queensland Environmental Protection Act 1994*, or
- (c) that is essential to contain contaminated agricultural runoff water, or
- (d) for riparian stock and domestic purposes, or
- (e) for *essential supplies allowance* for Callandoon and Yambocully water boards; or
- (f) for camping purposes, or
- (g) for watering travelling stock.

Division 1—Limit to long term average annual take

241. Limit to long term average annual take from the Border rivers

- (1) This section applies to water entitlements located within the—
 - (a) Border Rivers Water Management Area;
 - (b) Macintyre Brook Water Management Area;
 - (c) Border Rivers Water Supply Scheme; and
 - (d) Macintyre Brook Water Supply Scheme.

- (2) The *long term average annual take* of water under water entitlements must not exceed the volume agreed between the State and New South Wales, which is based on the long term average annual volume of water authorised to be taken in Queensland under *September 2000 levels of development* with water sharing, access and environmental flow rules for the Border Rivers as agreed between the State and New South Wales.

242. Limit to long term average annual take in other parts of the plan area

- (1) This section applies to take of water within all other parts of the plan area.
- (2) The *long term average annual take* of water must not exceed the long term average annual volume of water authorised to be taken under *September 2000 levels of development*, as well as unallocated water specified for Stanthorpe Shire under schedule 4 of the *Water Resource (Border Rivers) Plan 2003*.

243. Determination of limit for total long term average annual take

The chief executive must determine the limit for total *long term average annual take* as the sum of the limit to *long term average annual take* for each water management area and water supply scheme.

244. Assessment of long term average annual take

- (1) The chief executive must, using a hydrologic model that the chief executive considers to be the most suitable tool for assessment at that time, determine the total *long term average annual take* as the sum of the *long term average annual take* for each water management area and water supply scheme.
- (2) In conducting the assessment under subsection (1), the chief executive must have regard to—
 - (a) all infrastructure to take and store water;
 - (b) the rules specified in this plan; and
 - (c) irrigator behaviour and risk profiles.
- (3) The assessment conducted under subsection (1) must be made prior to the commencement of the third and all subsequent *water years* from commencement of this plan.

Division 2—Annual announced limit

245. Application of division 2

This division applies to water allocations located within the—

- (a) Border Rivers Water Management Area;
- (b) Border Rivers Water Supply Scheme;
- (c) Callandoon Creek Water Management Area;
- (d) Lower Weir River Water Management Area;

- (e) Macintyre Brook Water Management Area;
- (f) Northern Weir River Water Management Area; and
- (g) Upper Weir River Water Management Area.

246. Annual announced limit

- (1) The annual announced limit on commencement of this plan and for the first two *water years* from commencement of this plan is—
 - (a) 100% for supplemented water allocations;
 - (b) 250% for unsupplemented water allocations in the Callandoon Creek Water Management Area;
 - (c) 100% for unsupplemented water allocations in the Northern Weir River Water Management Area; and
 - (d) 150% for all other unsupplemented water allocations.
- (2) The chief executive must determine, for the third *water year* and all subsequent *water years* from commencement of this plan, an annual announced limit that will be applied to all water allocations.
- (3) The annual announced limit must be calculated and set for the first day of the *water year*.
- (4) The volume of water taken in a *water year* under the authority of a water allocation must not exceed—
 - (a) for supplemented water allocations: the nominal volume multiplied by the annual announced limit;
 - (b) for unsupplemented water allocations: the volumetric limit multiplied by the annual announced limit.
- (5) The chief executive must publish the annual announced limit.

247. Revising the annual announced limit

- (1) The chief executive must reduce the annual announced limit where the chief executive determines, in accordance with section 244, that the total *long term average annual take* exceeds the limit assessed under section 243 by 5% or more.
- (2) Subsection (1) applies for the third *water year* and every subsequent *water year* from commencement of this plan.
- (3) Where the condition under subsection (1) is—
 - (a) met, then section 248 applies;
 - (b) not met, then the annual announced limit remains unchanged.

248. Reducing the annual announced limit

- (1) Reductions in the annual announced limit must be applied in those water management areas or water supply schemes or groups of water management areas and water supply schemes where the *long term average annual take* assessed under section 244, exceeds the limit for the *long term average annual take* determined under section 243.
- (2) The degree of reduction under subsection (1) shall be that assessed necessary to return *long term average annual take* to the *long term average annual take* limit.
- (3) When reducing annual announced limit under subsection (1), the chief executive must not reduce the annual announced limit below 100% for high priority supplemented water allocations.

249. Management of long term average annual take of unsupplemented water

- (1) The chief executive must not set the annual announced limit for an unsupplemented water allocation to less than 100%.
- (2) Where the annual announced limit is determined to be less than 100% for a water management area then division 3 applies to all water allocations within the water management area.
- (3) Despite subsection (2), where the chief executive has developed alternative arrangements for the management of *long term average annual take* of unsupplemented water, the alternative arrangements apply.

Division 3—Annual accounting for unsupplemented water allocations**250. Annual accounting for unsupplemented water allocations**

- (1) The chief executive must establish an individual water account for each unsupplemented water allocation.
- (2) Within the first five years of commencement of this plan any individual water accounts established under subsection (1) must be credited at the commencement of each *water year* with a volume determined using the following formula—

$$CV = MU - (20\% \times Y \times (MU - AV))$$

- (3) Where subsection (2) does not apply, at the commencement of each *water year*, each individual water account must be credited with a volume that will limit the *long term average annual take* to that determined under section 243.
- (4) A water allocation holder may take no more than the volume in their individual water account or their volumetric limit, whichever is the lesser.
- (5) The parameters used in the formula under subsection (2) are defined in table 21.

Table 21 Parameters used in determining the individual storage account balance

| Parameter | Description |
|-----------|---|
| CV | Credit volume; the volume of water that the chief executive must credit to an individual water account. |
| MU | Maximum annual historical use. For a water allocation where historical use is— (a) greater than the nominal volume, then MU is equal to the maximum annual historical authorised use; or (b) less than nominal volume, then MU is equal to the nominal volume. |
| Y | Number of years since commencement of this plan. |
| AV | Annual volume. A volume that will limit the <i>long term average annual take</i> as determined under section 243. |

Part 2—Interstate trading agreements

251. Commencement of interstate trading

Commencement of sections 252 and 253 are subject to the commencement of the Water Sharing Plan for the New South Wales Border Rivers Regulated River Water Source.

252. Interstate trading agreements dealing with supplemented water

- (1) For an *interstate trade* of supplemented water to occur, there must be an interstate trading agreement between the resource operations licence holder for the Border Rivers Water Supply Scheme or the Macintyre Brook Water Supply Scheme and the scheme operator (or equivalent) in New South Wales to facilitate the transfer or seasonal assignment of a water allocation between the Border Rivers Water Supply Scheme and the scheme (or equivalent) in New South Wales.
- (2) The interstate trading agreement dealing with supplemented water must address the administrative arrangements for metering and collection of *water use* information for water accounting purposes.
- (3) Subsection (2) does not limit matters that may be dealt with by the interstate trading agreement.

253. Interstate trading agreements dealing with unsupplemented water

- (1) For an *interstate trade* of unsupplemented water to occur, there must be an interstate trading agreement dealing with unsupplemented water between the Queensland regulator for unsupplemented water and the New South Wales equivalent to facilitate the transfer or seasonal assignment of an unsupplemented water allocation between Queensland and New South Wales.
- (2) The interstate trading agreement dealing with unsupplemented water must address the administrative arrangements for metering and collection of *water use* information for water accounting purposes.
- (3) Subsection (2) does not limit matters that may be dealt with by the interstate trading agreement.

Part 3—Murray–Darling Basin**254. Murray–Darling Basin Agreement**

- (1) The chief executive must, within 12 months of commencement of this plan, set a *long term diversion cap* for the plan area for submission to the Murray–Darling Basin Commission.
- (2) The cap must be consistent with Schedule F of the *Murray–Darling Basin Agreement 1992*.
- (3) The chief executive must determine, annually, the *measured volume* and the *annual diversion target* for the plan area and make this data available for the Murray–Darling Basin Cap audit process under the *Murray–Darling Basin Agreement 1992*.
- (4) The chief executive must use the IQQM computer program, or another assessment method approved by the chief executive of the Murray–Darling Basin Commission.
- (5) If following the audit process under the *Murray–Darling Basin Agreement 1992* it is determined that action should be taken to ensure that actual diversions of water allowed under this plan comply with the *annual diversion target*, then the chief executive may take actions that may include amending this plan.

255 to 260 section numbers not used²⁴

²⁴ Refer to footnote 1, section 1.

Chapter 10—Performance assessment

261. Scope of chapter 10

This chapter deals with the performance assessment of the *Water Resource (Border Rivers) Plan 2003*.

262. Water monitoring

- (1) The chief executive must—
 - (a) measure or collect; and
 - (b) keep publicly available, records of—
 - (i) water quantity;
 - (ii) water taken;
 - (iii) prices for water permanently traded;
 - (iv) the number of permanent trades and seasonal assignments; and
 - (v) nominal volume of water permanently traded and seasonally assigned.
- (2) The chief executive must collect and record publicly available information on—
 - (a) future consumptive demands for water; and
 - (b) *water use* efficiency.
- (3) The chief executive may use information collected to support water assessment and reporting.

263. Ecological performance monitoring and assessment

- (1) The ecological performance monitoring and assessment program will provide the basis for the chief executive to collect and record information on—
 - (a) *ecological assets* that are linked to the ecological outcomes of the *Water Resource (Border Rivers) Plan 2003*; and
 - (b) the critical water requirements of *ecological assets*, including the provision of these requirements under the *Water Resource (Border Rivers) Plan 2003*.
- (2) The chief executive may work with stakeholders in developing and implementing this program as part of implementation of this plan.

264. Assessment

- (1) The chief executive must make ongoing assessments of whether the trends in data measured, collected, and recorded under sections 262 and 263 indicate that outcomes specified in the *Water Resource (Border Rivers) Plan 2003* will be achieved.
- (2) The chief executive's assessments will be used in assisting the Minister to prepare a report under section 48 of the *Water Resource (Border Rivers) Plan 2003*.

265. Links to other monitoring programs

Information collected as part of other monitoring and assessment programs in the catchments may be used to help with the assessment of the ecological outcomes detailed in the *Water Resource (Border Rivers) Plan 2003*.

266. Interstate obligations

The chief executive must record and make public the details of the *long term average annual take* determined under sections 243 and 244.

267. Murray–Darling Basin Cap audit

The chief executive must record the take of water and provide this data on an annual basis to the Murray–Darling Basin Commission, consistent with Schedule F of the *Murray–Darling Basin Agreement 1992*, in order to facilitate assessment of take in the plan area for the Murray–Darling Basin Cap audit.

268 to 270 section numbers not used²⁵

²⁵ Refer to footnote 1, section 1.

Chapter 11—Resource operations licence holder monitoring and reporting

271. Scope of chapter 11

This chapter sets out the monitoring and reporting requirements that apply to the—

- (a) resource operations licence holders for the Border Rivers Water Supply Scheme and the Macintyre Brook Water Supply Scheme; and
- (b) all water allocations associated with the Border Rivers Water Supply Scheme and Macintyre Brook Water Supply Scheme.

272. Monitoring data

The resource operations licence holder must provide any monitoring data required under this chapter to the chief executive upon request and within the time requested.

Part 1—Macintyre Brook Water Supply Scheme

273. Scope of part 1

This part deals with the monitoring requirements that apply to the resource operations licence holder for the Macintyre Brook Water Supply Scheme.

Division 1—Water quantity

274. Stream flow and storage water level

- (1) The resource operations licence holder must record water level and flow data in accordance with table 22.
- (2) Notwithstanding subsection (1), where continuous time series data is not available, daily water level data may be recorded.
- (3) Storage inflows may be determined based upon the *storage inflow derivation technique* supplied by the resource operations licence holder. The *storage inflow derivation technique* must be supplied to the chief executive within 40 business days of commencement of this plan for approval.
- (4) Tailwater flows may be estimated using the release curve developed for the *discharge* works. The *discharge* works release curve must be supplied to the chief executive within 40 business days of commencement of this plan for approval.

Table 22 Locations where continuous time series water level data and daily flow data are required

| Location | Water level data | Daily flow data |
|--------------------------|------------------|-----------------|
| Coolmunda Dam inflow | | ✓ |
| Coolmunda Dam headwater | ✓ | |
| Coolmunda Dam tailwater | | ✓ |
| Whetstone Weir headwater | ✓ | |
| Ben Dor Weir headwater | ✓ | |

275. Storage inflow

- (1) The resource operations licence holder must record for Coolmunda Dam the daily inflow data.
- (2) The inflow data must be real time information upon which operational decisions were based.

276. Releases from storage

- (1) This section applies to the Coolmunda Dam storage.
- (2) The resource operations licence holder must record for the storage outlet—
 - (a) the daily volume released;
 - (b) the release rate, and for each change in release rate—
 - (i) the date and time of the change; and
 - (ii) the new release rate;
 - (c) the reason for each release and the *component volumes* for each release.

277. Continuous share water accounts and reconciliations

The resource operations licence holder must record the details of the continuous sharing parameters specified under sections 98 and 99.

278. Announced allocations for the bulk share

The resource operations licence holder must record details of *announced allocation* determinations for the group of water allocations managed as the bulk share, including—

- (a) the *announced allocation* for medium and high priority water allocations;
- (b) the date *announced allocations* are determined; and
- (c) the value of each parameter applied for calculating the *announced allocation*.

279. Water taken by water users

The resource operations licence holder must record the volume of water taken by each water user as follows—

- (a) the total volume of water taken each *quarter* for each zone;
- (b) the total volume of water entitled to be taken at any time for each zone; and
- (c) the basis for determining the total volume of water entitled to be taken at any time.

280. Seasonal water assignments

The resource operations licence holder must record details of seasonal water assignments including—

- (a) the name, volume and *location* of water that has been seasonally assigned by an *assignor*; and
- (b) the name, volume and location of water that has been seasonally assigned to an *assignee*.

281. Critical water supply arrangements

The resource operations licence holder must measure and record details of any restrictions to the supply of high priority water allocations under section 106, including—

- (a) the date(s) of restrictions;
- (b) the nature of restrictions; and
- (c) the basis of the determination of restrictions including—
 - (i) the minimum allocation for high priority urban users; and
 - (ii) the critical levels for high priority reserves.

282. Waterholes

- (1) For any waterhole from which supplemented water is taken; the resource operations licence holder must establish a unique identifier.
- (2) For each day that supplemented water is taken from a waterhole and where the water level is below *cease to flow level*, the resource operations licence must measure and record the level of water below *cease to flow level*.

Division 2—Impact of storage operation on aquatic ecosystems**283. Water quality**

The resource operations licence holder must monitor water quality in relation to relevant infrastructure.

284. Bank condition

- (1) The resource operations licence holder must inspect banks for evidence of collapse and/or erosion within the *ponded area* and downstream of storages following instances of rapid water level changes or large flows through storages, or other occasions when collapse or erosion of banks may be likely.
- (2) Any instances of bank slumping or erosion observed must be investigated to determine if the instability was associated with the nature or operation of the infrastructure.

285. Fish stranding

The resource operations licence holder must record and assess reported instances of *fish stranding* in watercourses and *ponded areas* associated with the operation of the infrastructure listed in table 22, to determine if any instance of *fish stranding* is associated with the operation of that infrastructure.

Division 3—Reporting**286. Reporting requirements**

The resource operations licence holder must provide the following reports in accordance with this division—

- (a) *quarterly* report;
- (b) annual report;
- (c) operational report; and
- (d) emergency report.

Subdivision 1—Quarterly reporting**287. Quarterly report**

The resource operations licence holder must submit a *quarterly* report to the chief executive where *quarters* commence from 1 July—

- (a) water level data—records referred to under section 274;
- (b) storage inflow data—all records referred to under section 275;
- (c) releases from storage—all records referred to under section 276;
- (d) waterholes—all records referred to under section 282;
- (e) water quality—all records referred to under section 283; and
- (f) summary of bank condition monitoring and incidences of slumping carried out in accordance with section 284.

Subdivision 2—Annual reporting**288. Annual report**

- (1) The resource operations licence holder must submit an annual report to the chief executive each *water year*.
- (2) The annual report must include—
 - (a) water quantity monitoring results required under section 289;
 - (b) details of the impact of storage operation on water quality as required under section 290; and
 - (c) a discussion on any issues that arose as a result of the implementation and application of the rules and requirements in this plan.

289. Water quantity monitoring – annual report

The resource operations licence holder must include in their annual report under section 288—

- (a) *announced allocation* determinations, including—
 - (i) an evaluation of the *announced allocation* procedures and outcomes; and
 - (ii) the date and value for the initial *announced allocation* and for each change made to an *announced allocation*;
- (b) water accounts reconciliation determinations, including—
 - (i) an evaluation of the water accounts reconciliation procedures and outcomes; and
 - (ii) the date and value for the ‘water volume difference’ for each reconciliation process;
- (c) instances where *critical water supply arrangements* have been implemented, including—
 - (i) an evaluation of the effectiveness of the arrangements and outcomes; and
 - (ii) the commencement date(s) and time period(s) for each stage of the arrangements and outcomes;
- (d) the total annual volume of water taken by each supplemented water user, specified by zone, including—
 - (i) the total volume of water taken under water entitlements;
 - (ii) the total volume of water entitled to be taken under water entitlements; and
 - (iii) the basis for determining the volume entitled to be taken;
- (e) the total number and volume of seasonal water assignments into each zone and out of each zone;

- (f) all details of changes to storages and delivery infrastructure, or the operation of storages and delivery infrastructure that may impact on compliance with rules in this plan;
- (g) details of any new monitoring devices used such as equipment to measure *stream flow*.

290. Impact of water storage operation on water quality – annual report

The resource operations licence holder must include in their annual report under section 288—

- (a) a summary of bank condition and *fish stranding* monitoring and assessment, including—
 - (i) results of investigations of bank slumping or erosion identified in *ponded areas* and/or downstream of storages;
 - (ii) results of any investigations of *fish stranding* downstream of storages;
 - (iii) changes to operation of storages to reduce instances of bank slumping, erosion or *fish stranding*;
- (b) provide a summary of operational release decisions made including an evaluation of the effectiveness of those decisions in preventing or mitigating any adverse impacts on the aquatic ecosystems;
- (c) a discussion and assessment of the following water quality issues—
 - (i) thermal and chemical stratification in each storage;
 - (ii) the impact of the storage and its management on the quality of water released;
 - (iii) cumulative effect of successive storages on water quality; and
 - (iv) cyanobacteria population changes in response to stratification in each storage;
- (d) any proposals to change the monitoring program as a result of evaluation of the data.

Subdivision 3—Operational reporting

291. Operational report

- (1) The resource operations licence holder must notify the chief executive within one business day—
 - (a) upon becoming aware of the following operational incidents—
 - (i) non-compliance by the resource operations licence holder with the rules given in this plan likely to affect the outcomes of this plan; or
 - (ii) instances of *fish stranding* and bank slumping within *ponded areas* or downstream of storages associated with the operation of the Macintyre Brook Water Supply Scheme;

- (b) upon making a decision relating to—
 - (i) an initial *announced allocation* and/or its revision; or
 - (ii) determining a water volume difference;
 - (iii) any restrictions on the supply of high priority water allocations;
 - (c) upon activating *critical water supply arrangements*; or
 - (d) with details of any arrangements for addressing circumstances where the resource operations licence holder is unable to supply water allocations.
- (2) The resource operations licence holder must provide the chief executive, within 5 business days of notification—
- (a) a report on the occurrence of any of the operational incidents discussed under subsection (1)(a) which must include details of—
 - (i) the incident;
 - (ii) conditions under which the incident occurred; and
 - (iii) any responses or activities carried out as a result of the incident;
 - (b) relevant supporting information used in making a decision relating to—
 - (i) an initial *announced allocation* and/or its revision;
 - (ii) determining a water volume difference;
 - (iii) any restrictions to the supply of high priority water allocations.

Subdivision 4—Emergency reporting

292. Emergency report

For any emergency, where the resource operations licence holder cannot comply with provisions of this plan, the resource operations licence holder must—

- (a) notify the chief executive upon discovery of the emergency; and
- (b) provide a report to the chief executive including—
 - (i) details of the emergency;
 - (ii) conditions under which the emergency occurred;
 - (iii) any responses or activities carried out as a result of the emergency; and
 - (iv) any rules and requirements specified in this plan that the resource operations licence holder is either permanently or temporarily unable to comply with as a result of the emergency.

Part 2—Border Rivers Water Supply Scheme

293. Scope of part 2

This part sets out the monitoring, data transfer and reporting requirements that apply to the resource operations licence holder for the Border Rivers Water Supply Scheme.

Division 1—Water quantity

294. Stream flow and storage water level

The resource operations licence holder must record water level and flow data in accordance with table 23.

Table 23 Locations where continuous time series height and volume data and daily flow data are required

| Location | Water level data | Daily flow data |
|---------------------------|------------------|-----------------|
| Glenlyon Dam headwater | | ✓ |
| Glenlyon Dam tailwater | | ✓ |
| Boggabilla Weir headwater | ✓ | |
| Boggabilla Weir tailwater | | ✓ |

295. Releases from storages

- (1) This section applies to the following storages—
 - (a) Glenlyon Dam; and
 - (b) Boggabilla Weir.
- (2) The resource operations licence holder must record for each storage outlet—
 - (a) the daily volume released;
 - (b) the release rate, and for each change in release rate—
 - (i) the date and time of the change; and
 - (ii) the new release rate;
 - (c) record for each storage outlet the reason for each release and the *component volumes* for each release.

296. Distributions to bulk storage accounts

The resource operations licence holder must record details of the distribution of water to—

- (a) each bulk storage account; and
- (b) the date distribution to bulk storage accounts occurred.

297. Water taken by water users

The resource operations licence holder must record the volume of water taken by each water user as follows—

- (a) the total volume of water taken each *quarter* for each zone;
- (b) the total volume of water entitled to be taken at any time for each zone; and
- (c) the basis for determining the total volume of water entitled to be taken at any time.

298. Seasonal water assignments

The resource operations licence holder must record details of seasonal water assignment arrangements including—

- (a) the name, volume and location of water that has been seasonally assigned by an *assignor*; and
- (b) the name, volume and location of water that has been seasonally assigned to an *assignee*.

299. Critical water supply arrangements

The resource operations licence holder must measure and record details of any restrictions to the supply of high priority water allocations under section 152 including—

- (a) the date(s) of restrictions;
- (b) the nature of restrictions; and
- (c) the basis of the determination of restrictions including—
 - (i) the minimum allocation for high priority urban users; and
 - (ii) the critical levels for high priority reserves.

Division 2—Impact of storage operation on aquatic ecosystems**300. Water quality**

The resource operations licence holder must monitor water quality in relation to relevant infrastructure.

301. Bank condition

- (1) The resource operations licence holder must inspect banks for evidence of collapse and/or erosion within the *ponded area* and downstream of storages following instances of rapid water level changes or large flows through storages, or other occasions when collapse or erosion of banks may be likely.

- (2) Any instances of bank slumping or erosion observed must be investigated to determine if the instability was associated with the nature or operation of the infrastructure.

302. Fish stranding

The resource operations licence holder must record and assess reported instances of *fish stranding* in watercourses and *ponded areas* associated with the operation of the infrastructure of the resource operations licence holder, as listed in table 23, to determine if any instance is associated with the operation of that infrastructure.

Division 3—Reporting

303. Reporting requirements

The resource operations licence holder must provide the following reports in accordance with this division—

- (a) quarterly report;
- (b) annual report;
- (c) operational report;
- (d) emergency report; and
- (e) other reporting.

Subdivision 1—Quarterly reporting

304. Quarterly report

The resource operations licence holder must provide the following data to the chief executive after the end of each *quarter* where *quarters* commence from 1 July—

- (a) water level data—all records referred to under section 294;
- (b) water quality—all records referred to under section 300; and
- (c) summary of bank condition monitoring and incidences of slumping carried out in accordance with section 301.

Subdivision 2—Annual reporting

305. Annual report

- (1) The resource operations licence holder must submit an annual report to the chief executive each *water year*.
- (2) The annual report must include—
 - (a) water quantity monitoring results required under section 306;
 - (b) details of the impact of storage operation on water quality as required under section 307; and

- (c) a discussion on any issues that arose as a result of the implementation and application of the rules and requirements in this plan.

306. Water quantity monitoring—annual report

The resource operations licence holder must include in their annual report under section 305—

- (a) instances where *critical water supply arrangements* have been implemented, including—
 - (i) an evaluation of the effectiveness of the arrangements and outcomes; and
 - (ii) the commencement date(s) and time period(s) for each stage of the arrangements and outcomes;
- (b) the total annual volume of water taken by each supplemented water user, specified by zone, including—
 - (i) the total volume of water taken under water entitlements;
 - (ii) the total volume of water entitled to be taken under water entitlements; and
 - (iii) the basis for determining the volume entitled to be taken;
- (c) the total number and volume of seasonal water assignments into and out of each zone;
- (d) all details of changes to storages and delivery infrastructure, or the operation of storages and delivery infrastructure that may impact on compliance with rules in this plan;
- (e) details of any new monitoring devices used such as equipment to measure *stream flow*.

307. Impact of water storage operation on water quality—annual report

The resource operations licence holder must include in their annual report under section 305—

- (a) a summary of bank condition and *fish stranding* monitoring and assessment, including—
 - (i) results of investigations of bank slumping or erosion identified in *ponded areas* and/or downstream of storages;
 - (ii) results of any investigations of *fish stranding* downstream of storages;
 - (iii) changes to operation of storages to reduce instances of bank slumping, erosion or *fish stranding*;
- (b) provide a summary of operational release decisions made including an evaluation of the effectiveness of those decisions in preventing or mitigating any adverse impacts on the aquatic ecosystems;
- (c) a discussion and assessment of the following water quality issues—

- (i) thermal and chemical stratification in each storage;
 - (ii) the impact of the storage and its management on the quality of water released;
 - (iii) cumulative effect of successive storages on water quality; and
 - (iv) cyanobacteria population changes in response to stratification in each storage;
- (d) any proposal to change to the monitoring program as a result of evaluation of the data.

Subdivision 3—Operational reporting

308. Operational report

- (1) The resource operations licence holder must notify the chief executive within one business day—
- (a) upon becoming aware of the following operational incidents—
 - (i) non-compliance by the resource operations licence holder with the rules given in this plan likely to affect the outcomes of this plan; or
 - (ii) instances of *fish stranding* and kills, blue-green algae growth or bank slumping within *ponded areas* or downstream of storages associated with the operation of the Border Rivers Water Supply Scheme;
 - (b) upon activating *critical water supply arrangements*; or
 - (c) with details of any arrangements for addressing circumstances where the resource operations licence holder is unable to supply water allocations.
- (2) The resource operations licence holder must provide the chief executive, within five business days of notification—
- (a) a report on the occurrence of any of the operational incidents discussed under subsection (1)(a) which includes details of—
 - (i) the incident;
 - (ii) conditions under which the incident occurred; and
 - (iii) any responses or activities carried out as a result of the incident;
 - (b) relevant supporting information used in making a decision relating to any restrictions on the supply of high priority water allocations.
- (3) The resource operations licence holder must notify the distribution operations licence holders supplied by the resource operations licence holder within one business day of activating the *critical water supply arrangements*.

Subdivision 4—Emergency reporting**309. Emergency report**

For any emergency where the resource operations licence holder cannot comply with provisions of this plan, the resource operations licence holder must—

- (a) notify the chief executive upon discovery of the emergency; and
- (b) provide a report to the chief executive including—
 - (i) details of the emergency;
 - (ii) conditions under which the emergency occurred;
 - (iii) any responses or activities carried out as a result of the emergency; and
 - (iv) any rules and requirements specified in this plan that the resource operations licence holder is either permanently or temporarily unable to comply with as a result of the emergency.

Subdivision 5—Other reporting**310. Reporting to the Dumaresq–Barwon Border Rivers Commission**

The resource operations licence holder must provide data on *water use* and other information as required by the Dumaresq–Barwon Border Rivers Commission to undertake regular *resource assessments*.

311 to 316 section numbers not used²⁶

²⁶ Refer to footnote 1, section 1.

Chapter 12—Distribution operations licence holder monitoring and reporting

317. Scope of chapter 12

This chapter sets out the monitoring and reporting requirements that apply to the—

- (a) distribution operations licence holder for the Callandoon Water Board; and
- (b) distribution operations licence holder for the Yambocully Water Board.

Part 1—Monitoring

Division 1—Water quantity

318. Water diversions

- (1) The distribution operations licence holder for the Callandoon Water Board distribution infrastructure must record the total volumes of water taken from the Macintyre River through the Callandoon Water Board diversion structure on Callandoon Creek.
- (2) The distribution operations licence holder for the Yambocully Water Board distribution infrastructure must record the total volumes of water taken by the Yambocully Water Board pump station on the Macintyre River.

319. Water taken by water users

The distribution operations licence holder must record the volume of water taken by each water user as follows—

- (a) the total volume of water taken each *quarter*;
- (b) the total volume of water entitled to be taken at any time; and
- (c) the basis for determining the total volume of water entitled to be taken at any time.

320. Seasonal water assignments

The distribution operations licence holder must record details of a seasonal water assignment, including—

- (a) the name, volume and location of water that has been seasonally assigned by an *assignor*; and
- (b) the name, volume and location of water that has been seasonally assigned to an *assignee*.

Division 2—Impact of storage operations on aquatic ecosystems

321. Bank condition

- (1) The distribution operations licence holder must inspect banks for evidence of collapse and/or erosion downstream of diversion works defined in attachment 5(C) following instances of rapid water level changes or large flows through the works, or other occasions when collapse or erosion of banks may be likely.
- (2) Any instances of bank slumping or erosion observed must be investigated to determine if the instability was associated with the nature or operation of the infrastructure.

Division 3—Data transfer

322. Data transfer

The distribution operations licence holder must, when requested by the resource operations licence holder for the Border Rivers Water Supply Scheme, transfer all data measured, collected and recorded to the resource operations licence holder—

- (a) that is reasonably required for the resource operations licence holder to comply with the rules and requirements of this plan; and
- (b) within 15 business days of a request being made, or another timeframe agreed to by the distribution operations licence holder and resource operations licence holder.

323. Data transfer to the chief executive

The distribution operations licence holder must transfer any monitoring data required under this chapter to the chief executive upon request and within the time specified.

Part 2—Reporting

324. Reporting requirements

The distribution operations licence holder must provide the following reports in accordance with this part—

- (a) operational report; and
- (b) emergency report.

Division 1—Operational reporting

325. Operational report

- (1) The distribution operations licence holder must notify the chief executive within one business day—
 - (a) upon becoming aware of the following operational incidents—
 - (i) non-compliance by the distribution operations licence holder with the rules given in this plan likely to affect the outcomes of this plan; or
 - (ii) instances of bank slumping downstream of diversion works associated with the operation of the water board;
 - (b) with details of any arrangements for addressing circumstances where the distribution operations licence holder is unable to supply water allocations.
- (2) The distribution operations licence holder must provide the chief executive, within five business days of notification—
 - (a) a report on the occurrence of any of the operational incidents discussed under subsection (1)(a) which includes details of—
 - (i) the incident;
 - (ii) conditions under which the incident occurred; and
 - (iii) any responses or activities carried out as a result of the incident;
 - (b) information on the approval of any seasonal assignment by the distribution operations licence holder, including—
 - (i) the name and *location* of *assignees* and *assignors*; and
 - (ii) the *location* where water is being seasonally assigned to and from.

Division 2—Emergency reporting

326. Emergency report

For any emergency, where the distribution operations licence holder cannot comply with provisions of this plan, the distribution operations licence holder must—

- (a) notify the chief executive upon discovery of the emergency; and
- (b) provide a report to the chief executive including—
 - (i) details of the emergency;
 - (ii) conditions under which the emergency occurred;

- (iii) any responses or activities carried out as a result of the emergency; and
- (iv) any rules and requirements specified in this plan that the distribution operations licence holder is either permanently or temporarily unable to comply with as a result of the emergency.

327 to 332 section numbers not used²⁷

²⁷ Refer to footnote 1, section 1.

Chapter 13—Amendments to this plan

333. Scope of chapter 13

This chapter deals with the types of amendments that can be made to this plan under the *Water Act 2000* that—

- (a) do not require public notification (part 1); and
- (b) do require public notification (part 2).

Part 1—Amendments not requiring public notification

334. Scope of part 1

This part deals with amendments that may be made to this plan under section 106(b) of the *Water Act 2000*.

335. Commencement of amendments under part 1

An amendment to this plan under this part commences immediately following the amendment.

336. Amendment to implement an amended Water Resource (Border Rivers) Plan 2003

An amendment may be made to this plan to implement an amendment made under section 57 of the *Water Act 2000* to the *Water Resource (Border Rivers) Plan 2003*.

337. Amendment to grant an entitlement for unallocated water

An amendment to chapter 2 may be made to this plan that provides for—

- (a) a new process for the release of unallocated water;
- (b) granting a water entitlement for unallocated water.

338. Amendment to monitoring requirements

- (1) An amendment that provides for improved or more efficient monitoring for assessing the *Water Resource (Border Rivers) Plan 2003* outcomes may be made to this plan.
- (2) Such amendments may include, but are not limited to, the following—
 - (a) changing indicators for water quality monitoring;
 - (b) an increase or addition to monitoring requirements, if further information is required;
 - (c) a reduction or removal of State, resource operations licence holder, distribution operations licence holder or licence holder monitoring

requirements, if no further information or benefit is gained from the continuation of the monitoring requirements.

339. Amendment to infrastructure details

An amendment may be made to the infrastructure details in attachment 5 of this plan, provided the amendment does not adversely impact on the achievement of the *Water Resource (Border Rivers) Plan 2003* outcomes and is—

- (a) an amendment to correct an error in the details shown in attachment 5 (e.g. revision of storage volume, spillway and/or outlet *discharge* relationships);
- (b) an amendment to facilitate the installation of, a fish transfer system on any of the infrastructure detailed;
- (c) an amendment to facilitate the installation of, or modification to, *multi-level inlet* works on any of the infrastructure detailed;
- (d) an amendment to facilitate an increase in the capacity of the spillway to meet design guidelines and standards.

340. Amendments to chapter 4 or 6

An amendment may be made to chapter 4 and chapter 6 where it is necessary to—

- (a) implement *critical water supply arrangements* under section 106 or 152; or
- (b) amend *critical water supply arrangements* under section 108 or 154.

341. Amendment to allow for changes to the method of determining conditions on an overland flow water licence

An amendment may be made to chapter 8 to allow for an improved method of determining the requirements of a water licence for taking overland flow.

342. Amendment to ensure consistency with interstate agreements

An amendment may be made to this plan necessary to implement an amendment to—

- (a) the New South Wales–Queensland Border Rivers Intergovernmental Agreement;
- (b) implement a recommendation from the Internal Audit Group for the Murray–Darling Basin Ministerial Council in order to comply with the Murray–Darling Basin Cap on *long term average annual take* from the plan area;
- (c) ensure the limit to the *long term average annual take* in the plan area is not exceeded; or
- (d) an interstate arrangement for management of water between the States.

343. Amendment to include carry-over of annual resource cap in the Macintyre Brook Water Supply Scheme

An amendment may be made to chapter 4 where the resource operations licence holder for the Macintyre Brook Water Supply Scheme has demonstrated to the satisfaction of the chief executive that offering *carry-over of annual resource cap* is consistent with the objectives specified in the *Water Resource (Border Rivers) Plan 2003*.

344. Amendment to convert an interim water allocation to a water allocation

An amendment that provides for the conversion of the interim water allocation specified in attachment 9 to a water allocation after the interim water allocation has been dealt with through a process defined under section 197(3) of the *Water Act 2000*.

345. Amendment to create additional resource operation plan zones

The chief executive may amend this plan to include additional resource operation plan zones for seasonal assignment in the Stanthorpe Water Management Area.

Part 2—Amendments requiring public notification

346. Commencement of amendments under part 2

An amendment to this plan under this part commences—

- (a) on the date specified, where a date is specified in the Queensland Government *Gazette*; or
- (b) on the date the *Gazette* is first published, where no date is specified in the Queensland Government *Gazette*.

347. Amendment to include additional requirements for allocating and managing water

- (1) The chief executive may amend this plan under section 105(5) of the *Water Act 2000* to include additional requirements for water management.
- (2) Examples of amendments that may occur under section 105(5) of the *Water Act 2000* include, but are not limited to—
 - (a) changes to chapter 9 regarding the arrangements for the management of the *long term average annual take* of unsupplemented water;
 - (b) changes to supplemented water sharing rules for the Macintyre Brook Water Supply Scheme where—
 - (i) the amendment does not relate to an amendment under section 343; and
 - (ii) the resource operations licence holder for the scheme has demonstrated to the satisfaction of the chief executive that the

- proposed water sharing rules meet the *Water Resource (Border Rivers) Plan 2003* objectives and outcomes;
- (c) changes to supplemented water sharing rules for the Border Rivers Water Supply Scheme where the resource operations licence holder for that scheme has demonstrated to the satisfaction of the chief executive that the proposed water sharing rules meet the *Water Resource (Border Rivers) Plan 2003* objectives and outcomes;
 - (d) where sufficient data becomes available, amendments to convert to water allocations, water authorisations that—
 - (i) state an area that may be irrigated;
 - (ii) include a weir drawdown condition;
 - (iii) include flow conditions and have not been converted under this plan;
 - (e) changes to waterhole management rules where it is demonstrated that there are adverse impacts on—
 - (i) cultural values associated with the waterholes; or
 - (ii) ecological values of the affected waterholes;
 - (f) an amendment that is necessary to provide for the operation and management of new infrastructure in the Stanthorpe Water Management Area, where—
 - (i) that infrastructure is primarily for storage of unallocated water reserved under this plan;
 - (ii) that infrastructure is approved under relevant legislation;
 - (iii) the chief executive is satisfied that the amended resource operations plan is consistent with the *Water Resource (Border Rivers) Plan 2003*; and
 - (iv) the amendment may be to—
 - (A) provide for a process for granting reserved water allocations;
 - (B) provide for a process for granting a resource operations licence;
 - (C) add infrastructure details to attachment 5 and provide operating rules for that infrastructure;
 - (D) add water sharing rules, water change rules and monitoring and reporting provisions for the water associated with the infrastructure; and
 - (E) add or change water management area boundaries, zone boundaries and water supply scheme boundaries to accommodate approved infrastructure.