



Condamine and Balonne

resource operations plan

December 2008

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Foreword

This Condamine and Balonne Resource Operations Plan, implements provisions of the *Water Resource (Condamine and Balonne) Plan 2004*.

Released as a draft in July 2007, the resource operations plan has been finalised following a period allowed for public review and comment. The provisions will implement the water resource plan in the upper and middle parts of the plan area by specifying rules and operational requirements for managing surface water resources in:

- the Upper Condamine, Chinchilla Weir and Maranoa River water supply schemes
- the Upper Condamine, Condamine Balonne and Tributaries water management areas.

After considering the submissions that were received on the draft plan, it was concluded that provisions for these areas, and the many benefits they will bring to the water-using community, should be implemented without delay. However, this necessitated deferring arrangements for the Lower Balonne area, including the St George Water Supply Scheme. Water resources in that part of the plan area will continue to be managed under the interim water sharing arrangements currently in force, which also cater for flow provisions for downstream, and cross-border values.

In taking this approach, the finalised plan will be able implement core requirements of the water resource plan to underpin sustainable management of surface water, including overland flow water, throughout the upper and middle parts of the plan area.

The provisions incorporate a number of powerful drivers that will foster new standards of innovation and efficiency to help the community maximise the benefits it derives from these vital resources. Foremost of these is the conversion of more than 1000 entitlements to tradable water allocations.

In addition, the plan sets out rules that will guide supplemented water management in the three water supply schemes, flow access rules and volumetric limits for unsupplemented water, and how water allocations can be traded and changed in other ways.

The plan also implements strategies to support a range of ecological outcomes and the water and ecosystem monitoring requirements that will be used to assess the effectiveness of the implemented water resource plan.

I would like to thank the many groups and individuals who participated in the development of this plan.

Scott Spencer
Director-General
Department of Natural Resources and Water

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Chapter 1 Preliminary

1 Short title

- (1) This resource operations plan may be cited as the *Condamine and Balonne Resource Operations Plan 2008*.
- (2) Reference in this document to ‘this plan’ means the *Condamine and Balonne Resource Operations Plan 2008*.

2 Commencement of the resource operations plan

This plan commences on 15 December 2008.

3 Purpose of plan

This plan implements the *Water Resource (Condamine and Balonne) Plan 2004*.

4 Interpretation of words used in this plan

The dictionary in Attachment 1 defines particular words used in this plan.

5 Plan area

This plan applies to the area shown as the plan area on the map in Attachment 2.

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.

7 Water supply schemes

- (1) Each of the water supply schemes shown in the map in Attachment 3 is a water supply scheme for this plan—
 - (a) for the Upper Condamine Water Supply Scheme;
 - (b) for the Chinchilla Weir Water Supply Scheme; and
 - (c) for the Maranoa River Water Supply Scheme.
- (2) The Upper Condamine Water Supply Scheme includes—
 - (a) the watercourses used for the purposes of distribution and storage of supplemented water in the scheme described in Attachment 3(A), Table 1; and

- (b) the infrastructure associated with the resource operations licence for the scheme described in Attachment 3(A), Tables 2–10.
- (3) The Chinchilla Weir Water Supply Scheme includes—
 - (a) the watercourses used for the purposes of distribution and storage of supplemented water in the scheme described in Attachment 3(B), Table 1; and
 - (b) the infrastructure associated with the resource operations licence for the scheme described in Attachment 3(B), Table 2.
- (4) The Maranoa River Water Supply Scheme includes—
 - (a) the watercourses used for the purposes of distribution and storage of supplemented water in the scheme described in Attachment 3(C), Table 1; and
 - (b) the infrastructure associated with the resource operations licence for the scheme described in Attachment 3(C), Table 2.

8 Water management areas – *Water Regulation 2002*, section 56(4A)

- (1) Each of the water management areas shown on the following maps is a water management area for this plan—
 - (a) for the Upper Condamine Water Management Area—Attachment 4(A), Map 1;
 - (b) for the Condamine and Balonne Water Management Area—Attachment 4(B), Map 1; and
 - (c) for the Condamine and Balonne Tributaries Water Management Area—Attachment 4(D), Map 1.
- (2) A water management area includes—
 - (a) each part of a watercourse, lake or spring that lies within the water management area; and
 - (b) those parts of land where there is access to floodwater from a watercourse or lake within the water management area.

9 Resource operations plan zones

- (1) Each of the zones shown on the following maps is a resource operations plan zone (zone) for supplemented water for this plan—
 - (a) zones for the Upper Condamine Water Supply Scheme—Attachment 5(A), Map 1;
 - (b) zones for the Chinchilla Weir Water Supply Scheme—Attachment 5(B), Map 1; and
 - (c) zones for the Maranoa River Water Supply Scheme—Attachment 5(C), Map 1;
- (2) Each of the zones shown on the following maps is a resource operations plan zone (zone) for unsupplemented water for this plan—
 - (a) zones for the Upper Condamine Water Management Area—Attachment 4(A), Sheets UC 1 to UC 4;
 - (b) zones for the Condamine and Balonne Water Management Area—Attachment 4(B), Sheets CB 1 to CB 2; and
 - (c) zones for the Condamine and Balonne Tributaries Water Management Area—Attachment 4(D), Map 1.

- (3) Each zone—
 - (a) for supplemented water is described in—
 - (i) Upper Condamine Water Supply Scheme Zones—Attachment 5(A), Table 1;
 - (ii) Chinchilla Weir Water Supply Scheme Zones—Attachment 5(B), Table 1; and
 - (iii) Maranoa River Water Supply Scheme Zones—Attachment 5(C), Table 1.
 - (b) for unsupplemented water is described in—
 - (i) Upper Condamine Management Area Zones—Attachment 4(A), Table 1;
 - (ii) Condamine and Balonne Water Management Area Zones—Attachment 4(B), Table 1; and
 - (iii) Condamine and Balonne Tributaries Water Management Area Zones—Attachment 4(D), Table 1.
- (4) A zone for unsupplemented water includes—
 - (a) each part of a watercourse, lake or spring that lies within the water management area; and
 - (b) those parts of land where there is access to floodwater from a watercourse or lake within the water management area.
- (5) A zone for supplemented water includes—
 - (a) each part of a watercourse, lake or spring that lies within the zone; and
 - (b) those parts of tributaries that lie within the zone where there is access to flow or pondage from a watercourse or lake.

10 Information about areas, schemes and zones

- (1) The exact location of the boundaries of the plan area, water supply schemes, water management areas and zones are held in digital electronic form by the department.
- (2) The information held in digital electronic form can be reduced or enlarged to show the details of the boundaries.

11 Purpose of a water allocation

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

12 Departmental Water Monitoring Data Collection Standard

- (1) Where this plan requires monitoring by a resource operations licence holder, including measurement, collection, analysis and storage of the data, the resource operations licence holder must ensure the monitoring is consistent with the Water Monitoring Data Collection Standard¹.

¹ The Water Monitoring Data Collection Standard can be accessed at: <www.nrw.qld.gov.au> or inspected at any of the department's offices.

- (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 holder at least 20 business days before any substantive changes are made to the Water Monitoring Data Collection Standard.

13 Departmental Water Monitoring Data Reporting Standard

- (1) Where this plan requires transfer of data or reporting by a resource operations licence holder, the resource operations licence holder must ensure the transfer or reporting is consistent with the Water Monitoring Data Reporting Standard².
- (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 holder at least 20 business days before any substantive changes are made to the Water Monitoring Data Reporting Standard.

14 Metering

- (1) A measuring device, which complies with the standards approved by the chief executive, must be used to measure the volume of water taken under a water entitlement or seasonal water assignment in the plan area.
- (2) Subsection 1 applies—
 - (a) from the day the water entitlement is declared to be a metered entitlement under the *Water Regulation 2002*, Part 7; and
 - (b) in the circumstances mentioned in the *Water Regulation 2002*.
- (3) Subsection 1 does not apply to water entitlements for stock purposes or for domestic purposes.
- (4) The resource operations licence holder for the Upper Condamine Water Supply Scheme must meter, in accordance with the standards approved by the chief executive, the taking of water under those water allocations managed under the resource operations licence.
- (5) The resource operations licence holder for the Chinchilla Weir Water Supply Scheme must meter, in accordance with the standards approved by the chief executive, the taking of water under those water allocations managed under the resource operations licence.
- (6) The resource operations licence holder for the Maranoa River Water Supply Scheme must meter, in accordance with the standards approved by the chief executive, the taking of water under those water allocations managed under the resource operations licence.

15 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 and requirements would be unsafe to a person or entity.

² The Water Monitoring Data Reporting Standard can be accessed at: <www.nrw.qld.gov.au> or inspected at any of the department's offices.

- (2) Under circumstances where subsection 1 applies, the resource operations licence holder—
 - (a) must comply with the reporting requirements for operational or emergency incidents in accordance with Chapter 14; and
 - (b) may submit an interim program for implementing the rules and requirements in accordance with section 16.

16 Interim program

- (1) The chief executive must implement the requirements of this plan as soon as is practicable.
- (2) Subsections 3 to 11 apply where the resource operations licence holder is unable to meet the requirements of this plan.
- (3) The resource operations licence holder must—
 - (a) within 2 months of commencement of this plan, submit a statement of current programs to the chief executive for approval; and
 - (b) within 6 months of commencement of this plan, submit a program for meeting the requirements of this plan to the chief executive for approval, including a timetable and interim methods to be used.
- (4) The resource operations licence holder may, where an emergency or operational incident results in an inability to comply with rules or requirements of this plan, 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 a program submitted under this section relates to the Water Monitoring Data Collection Standard, the program must include the accuracy of methods currently used.
- (6) The chief executive, in considering a program submitted under this section, may request additional information.
- (7) The chief executive, in considering a program submitted under this section, 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 a program submitted under this section, the chief executive must notify the resource operations licence holder of the decision.
- (9) Following approval of the program by the chief executive, the resource operations licence holder must—
 - (a) implement and operate in accordance with the approved program; and
 - (b) publish details of the approved program on their internet site.
- (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 approved program is in place.

- (11) Where this section applies, the resource operations licence holder may continue to operate under the current program until the program submitted under this section is approved.

17 Sustainable management of water

This plan, in implementing the *Water Resource (Condamine and Balonne) Plan 2004*, 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, including economic development in accordance with ecologically sustainable development principles, by—
- (i) regulating overland flow 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) requiring entitlements to be metered;
 - (v) detailing the operating, environmental management and water sharing rules for supplemented and unsupplemented entitlement holders; and
 - (vi) providing change rules and seasonal water assignment rules for water allocations in the plan area.
- (b) protecting the biological diversity and health of natural ecosystems and contributing to the protection and, if practicable, reversing the degradation of water, watercourses, lakes, springs, natural ecosystems and other resources by—
- (i) detailing the operating, environmental management and water sharing rules for the resource operations licence holders;
 - (ii) detailing change rules and seasonal water assignment rules for water allocations in the plan area;
 - (iii) detailing arrangements for the collection and assessment of data by the chief executive relating to *Water Resource (Condamine and Balonne) Plan 2004* general ecological outcomes;
 - (iv) detailing water and natural ecosystem monitoring responsibilities for resource operations licence holders for the plan area; and
 - (v) detailing processes for dealing with applications for water licences relating to unsupplemented water in watercourses, lakes and springs.
- (c) contributing to improving the confidence of water users regarding the availability and security of water entitlements by—
- (i) granting authorisations for the management of, taking of and interfering with water;
 - (ii) establishing water allocations that are separate from land and registered on the Water Allocations Register;
 - (iii) regulating overland flow water;
 - (iv) detailing the operating, environmental management and water sharing rules for the resource operations licence holders;
 - (v) detailing change rules and seasonal water assignment rules for water allocations in the plan area;

- (vi) detailing water and natural ecosystem monitoring responsibilities of the resource operations licence holders;
 - (vii) detailing processes for dealing with applications for water licences relating to unsupplemented water in watercourses, lakes and springs;
 - (viii) detailing arrangements for the collection and assessment of data by the chief executive relating to *Water Resource (Condamine and Balonne) Plan 2004* outcomes; and
 - (ix) detailing stated amendments under section 106(b) of the *Water Act 2000* that can be made to this plan.
- (d) contributing to increasing community understanding and participation in the sustainable management of water by 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.
- (e) identifying priorities and mechanisms for dealing with future water requirements by—
- (i) converting existing water entitlements into tradable water allocations that are separate from land;
 - (ii) providing trading rules for water allocations in the plan area; and
 - (iii) granting water entitlements to entities defined in the *Water Resource (Condamine and Balonne) Plan 2004*.
- (f) regulating the taking of overland flow water by—
- (i) detailing a process for the licensing of the take of overland flow water; and
 - (ii) metering and measuring the take of overland flow water.

18 Addressing *Water Resource (Condamine and Balonne) Plan 2004* outcomes

- (1) This plan addresses the *Water Resource (Condamine and Balonne) Plan 2004* outcomes by—
- (a) specifying processes, rules and limits that are consistent with the environmental flow objectives and water allocation security objectives in the *Water Resource (Condamine and Balonne) Plan 2004*; and
 - (b) providing monitoring and reporting arrangements to assist in the ongoing assessment of whether water allocation and management arrangements in the plan area will contribute to the achievement of the *Water Resource (Condamine and Balonne) Plan 2004* outcomes.
- (2) Attachment 6 lists the outcomes of the *Water Resource (Condamine and Balonne) Plan 2004* and how the rules and requirements of this plan are linked to those outcomes.

19 to 24 section numbers not used.

Chapter 2 Dealing with water licences

Part 1 Dealing with licence applications

25 Application of Part 1

- (1) This part applies to each—
 - (a) application for a water licence made under section 206 of the *Water Act 2000*; and
 - (b) application to amend a water licence made under section 216 of the *Water Act 2000*.
- (2) This part applies even if the application was made before the commencement of this plan.
- (3) This part does not apply to an application made under sections 221, 224, 225 or 229 of the *Water Act 2000*.

26 Applications to be refused

Unless this part explicitly provides for the chief executive to deal with an application, the chief executive must refuse the application.

27 Applications to interfere with the flow of water in a watercourse to impound water

- (1) This section applies to each application to interfere with the flow of water or to increase the interference with the flow of water in a watercourse, lake or spring to impound water.
- (2) The chief executive may approve the application if—
 - (a) the purpose of the proposed interference is to store water to enable the taking of water under a water allocation to supply town water; and
 - (b) the application is made by a local government.
- (3) In deciding the application, the chief executive may approve the application only if the applicant has a water allocation that has been changed in accordance with sections 80, 107 or 148 or has been given a valid certificate under section 134 of the *Water Act 2000* for the change.
- (4) If the chief executive decides to approve the application, the water licence to be granted must contain conditions to the following effect—
 - (a) a passing flow having regard to the flow threshold condition specified on a water allocation prior to the allocation's amendment under either section 80, 107 or 148; and
 - (b) a limit on the interference or increase in interference to an impoundment volume no greater than that necessary for the purpose, having regard to—
 - (i) the conditions of the water allocation under which water will be taken to supply town water from the water stored as a result of the proposed interference or increase in interference; and
 - (ii) the local availability of water.

28 Applications to amend a water licence

- (1) This section applies to each application to amend a water licence made under section 216 of the *Water Act 2000*.
- (2) The chief executive must refuse the application if amending the licence would have one or more of the following effects within the plan area—
 - (a) increase the amount of water that may be taken under the amended licence;
 - (b) increase the amount of water that may be taken under other water entitlements that store water in the associated storage works;
 - (c) change the location from which water may be taken unless to contiguous land;
 - (d) adversely affect water entitlement holders, resource operations licence holders or natural ecosystems within the plan area;
 - (e) the *Water Resource (Condamine and Balonne) Plan 2004* objectives would not be met.

Part 2 Amending water licences to implement the *Water Resource (Condamine and Balonne) Plan 2004*

29 Application of Part 2

This part applies to amending water licences under section 217 of the *Water Act 2000*.

30 Amending water licences for the purpose of stock and domestic use

- (1) Subsection 2 applies to a water licence that states a purpose of or similar to one or more of the following—
 - (a) stock;
 - (b) stock water;
 - (c) stock watering;
 - (d) stock and domestic;
 - (e) unsupplemented water allocations and overland flow for stock water;
 - (f) unsupplemented water allocations and overland flow for stock purpose/s.
- (2) The chief executive may amend the water licence to—
 - (a) include a condition that states—
 - (i) a maximum rate for taking water under the licence, calculated in accordance with subsection 3; and
 - (ii) a volumetric limit, calculated by using Tables 1 and 2 in the worksheet in Schedule 1 of the ‘Code for Self Assessable Development for Taking Overland Flow Water for Stock and Domestic Purposes’ and based on the standard stocking rates for the property.
 - (b) change the purpose of the water licence to ‘any’.
- (3) The chief executive must determine the maximum rate mentioned in subsection 2(a)(i) in accordance with the following—

- (a) for an authorisation that states, in the schedule of terms on the authorisation, a rate for taking water—the stated rate; and
- (b) for an authorisation that states a pump size, other than for an axial flow pump—the information about pump sizes and maximum rates in Schedule 3, columns 1 and 2 of the *Water Resource (Condamine and Balonne) Plan 2004*; and
- (c) for an authorisation that states a pump size, for an axial flow pump—the information about pump sizes and maximum rates in Schedule 3, columns 1 and 3 of the *Water Resource (Condamine and Balonne) Plan 2004*; and
- (d) for an authorisation that states both a rate and a pump size, the lesser of the following—
 - (i) the rate decided under subsection (a);
 - (ii) the rate decided under subsection (b) or (c); and
- (e) for another authorisation—the terms or conditions under which water may be taken under the authorisation.

31 Amendment to a water licence with a nil passing flow condition

- (1) Subsection 2 applies to a water licence that states a flow condition of ‘nil’ in the following water management areas—
 - (a) Upper Condamine Water Management Area;
 - (b) Condamine and Balonne Water Management Area; and
 - (c) Condamine and Balonne Tributaries Water Management Area.
- (2) The chief executive may amend the water licence to one or both of the following—
 - (a) a water licence for the purpose of ‘re-lift’;
 - (b) a water licence that states a volumetric limit in megalitres (ML) per annum that does not increase the average annual volume of water that may be taken under the amended licence above the average annual volume authorised to be taken under the existing water licence.
- (3) For subsection 2(a), a ‘re-lift’ licence must—
 - (a) state that the purpose is ‘re-lift’;
 - (b) state the associated entitlement under which the water has been taken;
 - (c) state when water may be taken under the licence.
- (4) The amended licence must not include a condition that states a limit on the area that can be irrigated.

Part 3 Granting water licences and amending water licences for taking overland flow water

32 Parts of the plan area where an authority may be replaced by a water licence

- (1) An authority for taking overland flow water under section 46 of the *Water Resource (Condamine and Balonne) Plan 2004* may be replaced with a water licence for any location in the plan area in accordance with the process described in section 39.
- (2) The chief executive may issue a licence in accordance with the process in section 34 to replace an authority for taking overland flow water using existing works or

reconfiguration of existing works authorised under section 46 of the *Water Resource (Condamine and Balonne) Plan 2004*.

33 Certified reports for overland flow works

- (1) The chief executive may issue a notice requiring the owner of land on which existing works are located to provide the chief executive with a certified report prepared in accordance with the standards and requirements set out in the notice.
- (2) The certified report must include 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) The certified report must be verified and signed by a Registered Professional Engineer of Queensland.

34 Water licences for taking overland flow water

- (1) A water licence for taking overland flow water—
 - (a) must state at least one of the following—
 - (i) a maximum rate at which water may be taken under the water licence in megalitres per day;
 - (ii) a storage volume in megalitres;
 - (iii) a volumetric limit for the licence; or
 - (iv) an average annual diversion for the licence.
 - (b) may state—
 - (i) a limit on the amount of water that can be taken in a period; and
 - (ii) a limit on the volume that can be stored at any time.
- (2) The chief executive must determine the conditions in accordance with sections 35 to 38.
- (3) This section does not limit the conditions the chief executive may impose on a water licence for taking overland flow water.

35 Determining the maximum rate for taking overland flow water

If the chief executive decides to state a maximum rate on a water licence for taking overland flow water, the chief executive must consider the following matters when determining the rate—

- (a) for works that allow taking overland flow water using a pump—the information about pump sizes and maximum rates stated in Schedule 3 of the *Water Resource (Condamine and Balonne) Plan 2004*; or
- (b) for works other than a pump that allow taking overland flow water using works—the information provided in the certified report.

36 Determining the storage volume

If the chief executive decides to state a storage volume on a water licence for taking overland flow water, the chief executive must determine the volume based on information provided in the certified report.

37 Determining the volumetric limit for taking overland flow water

- (1) If the chief executive decides to state a volumetric limit on a water licence for taking overland flow water, the chief executive must consider the following matters in determining the limit—
 - (a) the catchment characteristics;
 - (b) the maximum rate determined under section 35;
 - (c) the storage volume determined under section 36;
 - (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 be filled through the taking of water under other water authorisations.
- (2) Subsection 1 does not limit the matters the chief executive may consider.

38 Determining the average annual diversion of overland flow water

If the chief executive decides to state an average annual diversion on a water licence for taking overland flow water, the chief executive must consider the following matters in determining the average annual diversion—

- (a) the volumetric limit determined under section 37; and
- (b) any other matters that limit taking overland flow water under the water authorisation such as—
 - (i) conditions; and
 - (ii) any existing water sharing arrangements that relate to the authorisation.

39 Granting or amending a water licence in accordance with section 48 of the *Water Resource (Condamine and Balonne) Plan 2004*

- (1) The chief executive may—
 - (a) under section 212 of the *Water Act 2000*, grant a water licence for taking overland flow water to replace an authority under section 46 of the *Water Resource (Condamine and Balonne) Plan 2004*; or
 - (b) under section 218 of the *Water Act 2000*, amend a water licence for taking overland flow water.
- (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) clearly identifying the existing works which relate to either—
 - (i) an authority under section 46 of the *Water Resource (Condamine and Balonne) Plan 2004*; or
 - (ii) a water licence for taking overland flow water.

- (b) stating that a water licence will be granted or amended for taking overland flow water by the existing works.
- (3) A notice under subsection 2 may also request the owner of the land to provide a certified report about the existing works in accordance with section 33.
- (4) In making a decision about granting or amending a licence under subsection 1, the chief executive must consider—
 - (a) the extent to which the existing works that allow taking—
 - (i) overland flow water under—
 - (A) an authority under section 46 of the *Water Resource (Condamine and Balonne) Plan 2004*; and
 - (B) a water licence.
 - (ii) water, other than overland flow water, under another authorisation.
 - (b) any certified report about the existing works made in accordance with section 33 made available to the chief executive.
- (5) In granting or amending a water licence for taking overland flow water, the chief executive must ensure the licence granted or amended is in accordance with section 34.

40 Granting or amending a water licence for overland flow to allow a change to a water allocation

- (1) This section applies if an application to change a water allocation is made under section 79, 106 or 147 to remove a condition on a water allocation that states that water taken is stored conjunctively with overland flow water taken under either—
 - (a) an authority under section 46 of the *Water Resource (Condamine and Balonne) Plan 2004*; or
 - (b) a water licence.
- (2) The chief executive may—
 - (a) under section 212 of the *Water Act 2000*, grant a water licence for taking overland flow water to replace an authority under section 46 of the *Water Resource (Condamine and Balonne) Plan 2004*; or
 - (b) under section 216 of the *Water Act 2000*, amend a licence granted in accordance with section 34(1)(a) if the chief executive is satisfied that there may be an increase in the average annual volume of water that can be taken after the change to a water allocation is made under section 79, 106 or 147.
- (3) In granting or amending a water licence for taking overland flow water, the chief executive must ensure the licence granted or amended is in accordance with section 34.

41 to 44 section numbers not used.

Chapter 3 Granting, amending and converting authorisations

Part 1 Granting authorisations

Division 1 Granting resource operations licences

45 Granting resource operations licences

- (1) The chief executive must grant—
 - (a) a resource operations licence to SunWater for the Upper Condamine Water Supply Scheme;
 - (b) a resource operations licence to SunWater for the Chinchilla Weir Water Supply Scheme; and
 - (c) a resource operations licence to SunWater for the Maranoa River Water Supply Scheme.
- (2) Water allocations managed under the resource operations licence for—
 - (a) the Upper Condamine Water Supply Scheme are described in Attachment 8(A);
 - (b) the Chinchilla Weir Water Supply Scheme are described in Attachment 8(B); and
 - (c) the Maranoa River Water Supply Scheme are described in Attachment 8(C).

Division 2 Granting water entitlements

46 Granting water licences to Dalby Regional Council

- (1) This section applies to the taking of and interfering with water by Dalby Regional Council using works that were in existence before 20 September 2000.
- (2) The chief executive must grant under section 212 of the *Water Act 2000*—
 - (a) a water licence to interfere with water in accordance with Attachment 9, Table 1;
 - (b) a water licence to take water in accordance with Attachment 9, Table 2;
 - (c) a water licence to take water in accordance with Attachment 9, Table 3; and
 - (d) a water licence to take water in accordance with Attachment 9, Table 4.

47 Granting water licences to take water using existing works

The chief executive must grant, under section 212 of the *Water Act 2000*, water licences to take water in accordance with Attachment 9, Table 5.

48 Granting water allocations to replace local government authorities

- (1) This section applies to the authorities continued under section 1037 of the *Water Act 2000*.

- (2) The chief executive must grant the following entities a water allocation to replace³ the authority—
 - (a) Dalby Regional Council in accordance with—
 - (i) the water entitlement details in Attachment 10(A);
 - (ii) the water entitlement details in Attachment 10(B); and
 - (iii) the water entitlement details in Attachment 10(D).
 - (b) Southern Downs Regional Council in accordance with the water entitlement details in Attachment 10(D).

49 Granting water allocations to replace an authority under section 1089 *Water Act 2000*

- (1) This section applies to the authorities continued under section 1089 of the *Water Act 2000*.
- (2) The chief executive must grant the following entities a water allocation replace⁴ the authority in accordance with the details in Attachment 10(A)—
 - (a) Condamine Plains Water Board;
 - (b) FR Brazil;
 - (c) Janerin Pty Ltd;
 - (d) S Hillebrand-Roellgen; and
 - (e) JJB Rollgen.

Division 3 Replacing existing authorisations with water licences

50 Granting a water licence for relocation water

- (1) This section applies to an existing authorisation for the take of relocation water.
- (2) The chief executive must grant a water licence, under section 212 of the *Water Act 2000*, to replace the part of the existing authorisation for the take of relocation water described in Attachment 11, Table 1.

Part 2 Granting and amending water allocations and converting authorisations

51 Granting of supplemented water allocations

The chief executive must grant supplemented water allocations for the existing water authorisations converted under Division 1—

- (a) for the Upper Condamine Water Supply Scheme—in accordance with Attachment 8(A);
- (b) for the Chinchilla Weir Water Supply Scheme—in accordance with Attachment 8(B); and

³The replaced entitlements automatically expire under section 1037(1) (b) of the *Water Act 2000*.

⁴The replaced entitlements automatically expire under section 1089(2) (b) of the *Water Act 2000*.

- (c) for the Maranoa River Water Supply Scheme—in accordance with Attachment 8(C).

52 Granting of unsupplemented water allocations

The chief executive must grant unsupplemented water allocations for the existing water authorisations converted under Division 2—

- (a) for the Upper Condamine Water Management Area—in accordance with Attachment 10(A);
- (b) for the Condamine and Balonne Water Management Area—in accordance with Attachment 10(B); and
- (c) for the Condamine and Balonne Tributaries Water Management Area—in accordance with Attachment 10(D).

Division 1 Rules for converting of existing entitlements to supplemented water allocations

53 Application of Division 1

This division applies to all existing water authorisations to take supplemented water in—

- (a) the Upper Condamine Water Supply Scheme;
- (b) the Chinchilla Weir Water Supply Scheme; and
- (c) the Maranoa River Water Supply Scheme.

54 Converting water entitlements

- (1) The chief executive must convert to water allocations, except where subsection 2 applies, existing water entitlements to take supplemented water in—
 - (a) the Upper Condamine Water Supply Scheme;
 - (b) the Chinchilla Weir Water Supply Scheme; and
 - (c) the Maranoa River Water Supply Scheme.
- (2) The interim water allocation specified in Attachment 13 continues in force until an amendment is made to this plan under section 358.

55 Rules for converting existing entitlements to supplemented water allocations

The water entitlements must be converted to supplemented water allocations as follows—

- (a) the person granted the water allocation must be the person who holds the existing water authorisation from which the water allocation is converted;
- (b) the location for the water allocation must be the zone identified in the following tables that includes the place on a watercourse, lake or spring at which the water could be taken under, or for, the existing water authorisation—
 - (i) for the Upper Condamine Water Supply Scheme—Attachment 5(A), Table 1;
 - (ii) for the Chinchilla Weir Water Supply Scheme—Attachment 5(B), Table 1; and
 - (iii) for the Maranoa River Water Supply Scheme—Attachment 5(C), Table 1.

- (c) the nominal volume for the water allocation must be in accordance with section 25 of the *Water Resource (Condamine and Balonne) Plan 2004*;
- (d) the priority group for the water allocation must be—
 - (i) for the Upper Condamine Water Supply Scheme—
 - (A) high class A priority;
 - (B) high class B priority;
 - (C) risk class A priority;
 - (D) risk class B priority; or
 - (E) medium priority.
 - (ii) for the Chinchilla Weir Water Supply Scheme—
 - (A) high priority; or
 - (B) medium priority.
 - (iii) for the Maranoa River Water Supply Scheme—medium priority.
- (e) the purpose for the water allocation must be—
 - (i) for the Upper Condamine Water Supply Scheme—
 - (A) ‘urban’;
 - (B) ‘any’; or
 - (C) ‘distribution loss’
 - (ii) for the Chinchilla Weir Water Supply Scheme—
 - (A) ‘urban’; or
 - (B) ‘any’.
 - (iii) for the Maranoa River Water Supply Scheme—‘any’.

Division 2 Converting to and granting of unsupplemented water allocations

56 Application of Division 2

This division applies to all existing water authorisations to take unsupplemented water in—

- (a) the Upper Condamine Water Management Area;
- (b) the Condamine and Balonne Water Management Area; and
- (c) the Condamine and Balonne Tributaries Water Management Area.

57 Converting existing water authorisations

The chief executive must convert to water allocations, existing water authorisations to take unsupplemented water in—

- (a) the Upper Condamine Water Management Area;
- (b) the Condamine and Balonne Water Management Area; and
- (c) the Condamine and Balonne Tributaries Water Management Area.

58 Rules for converting existing water authorisations to unsupplemented water allocations for which works have been installed

- (1) This section applies to existing water authorisations for which works have been installed for those authorisations.
- (2) The water authorisations must be converted to unsupplemented water allocations as follows—
 - (a) the person granted the water allocation must be the person who holds the existing water authorisation from which the water allocation is converted;
 - (b) the location for the water allocation—
 - (i) must be the zone identified in the following tables that includes the place on a watercourse, lake or spring at which the water could be taken under, or for, the existing water authorisation—
 - (A) for the Upper Condamine Water Management Area— Attachment 4(A), Table 1;
 - (B) for the Condamine and Balonne Water Management Area— Attachment 4(B), Table 1; and
 - (C) for the Condamine and Balonne Tributaries Water Management Area— Attachment 4(D), Table 1.
 - (ii) may include a place that states an AMTD.
 - (c) the purpose for the water allocation must be either ‘urban’ or ‘any’;
 - (d) the nominal volume for the water allocation must be in accordance with section 30 of the *Water Resource (Condamine and Balonne) Plan 2004*;
 - (e) the maximum rate for the water allocation must be in accordance with section 26 of the *Water Resource (Condamine and Balonne) Plan 2004*;
 - (f) the volumetric limit for the water allocation must be in accordance with section 28 of the *Water Resource (Condamine and Balonne) Plan 2004*;
 - (g) the conditions for the water allocation must be in accordance with section 27 of the *Water Resource (Condamine and Balonne) Plan 2004*.

59 Rules for converting existing water authorisations to unsupplemented water allocations for which works have not been installed

- (1) This section applies to existing water authorisations for which works have not been installed for those authorisations.
- (2) The water authorisations must be converted to unsupplemented water allocations in accordance with section 24(2) of the *Water Resource (Condamine and Balonne) Plan 2004*.

60 to 64 section numbers not used.

Chapter 4 Upper Condamine Water Management Area

65 Application of Chapter 4

This chapter applies to water allocations to take unsupplemented water located in the Upper Condamine Water Management Area.

66 Upper Condamine zone group

For this chapter, zones UCU-03, UCU-04, UCU-05, UCU-06, UCU-07, UCU-08 and UCU-09 form the Upper Condamine zone group.

Part 1 Water sharing rules

Division 1 Taking water under an allocation

67 Scope of Division 1

This division sets out the water sharing rules for water allocations to take unsupplemented water located in the Upper Condamine Water Management Area.

68 Taking water under a water allocation

- (1) Subsection 2 applies to water allocations to take unsupplemented water located in parts of the Upper Condamine Water Management Area other than the Upper Condamine zone group.
- (2) Where management guidelines have been prepared under section 371, water may be taken only under a water allocation in accordance with the guidelines.

69 Taking water under an allocation limited by associated storage or that stores water conjunctively with overland flow

- (1) This section applies to water allocations that state a condition that—
 - (a) the take of water under the allocation is limited by associated storage works; or
 - (b) water taken under the allocation is stored conjunctively with overland flow water taken under another authority.
- (2) Water taken under the allocation must not—
 - (a) exceed the annual volumetric limit stated on the allocation for any water year; and
 - (b) be stored in any other works other than in the storages described by works reference number and the works footprint illustrated on an administrative plan in the condition.

70 Taking water under an allocation with a multiyear accounting water sharing rule

- (1) This section applies to water allocations that state a condition that the take of water under the allocation is managed under a multiyear accounting water sharing rule.
- (2) The chief executive must establish a volumetric account for each water allocation.

- (3) The maximum volume of water that may be held in the account for an allocation is equal to the volumetric limit of that allocation multiplied by two.
- (4) The minimum volume of water that may be held in an account is zero megalitres.
- (5) Water taken under the allocation must be deducted from the account.
- (6) At the start of each water year the volumetric account for a water allocation must be credited with the lesser of—
 - (a) the volumetric limit multiplied by two; or
 - (b) the volumetric limit plus the volume of water remaining in the account at the end of the previous water year.

Division 2 Additional water sharing rules for the Upper Condamine Water Management Area zone UCU-11

71 Application of Division 2

This division applies to water allocations to take unsupplemented water located in the Upper Condamine Water Management Area zone UCU-11.

72 Announced period for general water harvesting

- (1) This section applies to a water allocation that states a flow condition of ‘by announcement’.
- (2) Water must not be taken under a water allocation except during an announced period.
- (3) The chief executive may decide the announced period applies to all or part of zone UCU-11.
- (4) The chief executive must notify holders of water allocations of—
 - (a) the start and end of an announced period;
 - (b) the water allocations that the announcement relates to; and
 - (c) the conditions under which water may be taken.
- (5) In deciding the start, end and conditions under which a holder of a water allocation may take water, the chief executive must have regard to—
 - (a) information about flows including flows in the Condamine River North Branch at the following locations—
 - (i) Melrose Weir on the Condamine River North Branch AMTD 50.0 km;
 - (ii) Yarramalong diversion pipeline outlet AMTD 97.0 km;
 - (iii) Pampas gauging station on the Condamine River North Branch (GS 422347B) AMTD 88.0 km; and
 - (iv) Lone Pine gauging station on the Condamine River North Branch (GS 422345A) AMTD 47.6 km.
 - (b) the provisions of any management guidelines prepared under section 371 that apply to the water allocations to which this division applies.

Division 3 Additional water sharing rules for the Upper Condamine zone group

73 Application of Division 3

This division applies to water allocations to take unsupplemented water that—

- (a) state a flow condition; and
- (b) are located in the Upper Condamine zone group.

74 Announced period for water allocations with flow conditions

- (1) This section applies to a water allocation that states a flow condition of ‘by announcement’.
- (2) Water must not be taken under a water allocation except during an announced period.
- (3) The chief executive must notify holders of water allocations of—
 - (a) the start and end of an announced period;
 - (b) the water allocations that the announcement relates to; and
 - (c) the conditions under which water may be taken.
- (4) In deciding the start, end and conditions under which a holder of a water allocation may take water, the chief executive must ensure any decision made under this section is consistent with maintaining a passing flow of 86 megalitres per day at the end of each zone.
- (5) In deciding the start, end and conditions under which a holder of a water allocation may take water, the chief executive must have regard to—
 - (a) information about flows including flows in the Condamine River at the following locations—
 - (i) Tummaville gauging station on the Condamine River (GS 422323A) AMTD 974.1 km;
 - (ii) Yarramalong gauging station on the Condamine River (GS 422353A) AMTD 967.0 km;
 - (iii) Lemon Tree gauging station on the Condamine River (GS 422349A) AMTD 943.4 km; and
 - (iv) Cecil Plains gauging station on the Condamine River (GS 422316A) AMTD 891.1 km.
 - (b) the taking of water under water allocations to which this section applies including—
 - (i) the cumulative rate of take for water allocations that state the same flow condition; and
 - (ii) the volumetric limit status.
 - (c) the provisions of any management guidelines prepared under section 371 that apply to the water allocations to which this division applies.

Part 2 Dealings with water allocations

Division 1 Subdivision or amalgamation of water allocations

75 Permitted subdivisions and amalgamations

- (1) Subdivision of a water allocation is permitted where—
 - (a) the sum of the nominal volumes of the new water allocations is equal to the nominal volume of the water allocation that is being subdivided;
 - (b) the location, flow conditions and water allocation group of the new water allocations are the same as that of the water allocation that is being subdivided; and
 - (c) the water allocation being subdivided does not state a condition limiting take by associated storage.
- (2) Amalgamation of water allocations 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 that are being amalgamated;
 - (b) the location, flow conditions and water allocation group of the water allocations that are being amalgamated are the same; and
 - (c) the water allocations being amalgamated do not state a condition limiting take by associated storage.

76 Prohibited subdivisions and amalgamations

- (1) Subdivision of a water allocation is prohibited where—
 - (a) the sum of the nominal volumes of the new water allocations is not equal to the nominal volume of the water allocation that is being subdivided;
 - (b) the location, flow conditions and water allocation group of the new water allocations are not the same as that of the water allocation that is being subdivided; and
 - (c) the water allocation being subdivided states a condition limiting take by associated storage.
- (2) Amalgamation of water allocations is prohibited where—
 - (a) the nominal volume of the new water allocation is not equal to the sum of the nominal volumes of the water allocations that are being amalgamated;
 - (b) the location, flow conditions and water allocation group of the water allocations that are being amalgamated are not the same; and
 - (c) a water allocation being amalgamated states a condition limiting take by associated storage.

Division 2 Assessed changes

77 Change of location for a water allocation

- (1) A change to a location of a water allocation that states an AMTD and a zone is an assessed change.
- (2) The chief executive must refuse the application if the proposed change—

- (a) results in a change to the zone stated on the water allocation;
- (b) does not meet the *Water Resource (Condamine and Balonne) Plan 2004* objectives; and
- (c) results in an increase in the average volume of water available to be taken under the water allocation.

78 Change to an allocation to remove a condition limited by associated storage

- (1) A change to remove a condition from a water allocation that states that the take of water is limited by associated storage capacity is an assessed change.
- (2) The chief executive must refuse the application unless—
 - (a) a condition is placed on the amended allocation stating that water taken under the authority of this allocation is managed under a multiyear accounting water sharing rule; and
 - (b) the volumetric limit stated on the allocation is amended to ensure that the average annual volume of water that may be taken does not exceed the nominal volume stated on the allocation.
- (3) The chief executive may require the water allocation holder to provide a report with the application that demonstrates that the proposed management under a multiyear accounting water sharing rule will not increase the average annual volume of water that may be taken under the water allocation above the nominal volume stated on the water allocation.

79 Change to an allocation that stores water conjunctively with overland flow water

- (1) This section applies to a water allocation that states a condition that water taken is stored conjunctively with overland flow water taken under either—
 - (a) an authority under section 46 of the *Water Resource (Condamine and Balonne) Plan 2004*; or
 - (b) a water licence.
- (2) A change to remove the condition from a water allocation is an assessed change.
- (3) The application must be accompanied by a certified report made in accordance with section 33.
- (4) The chief executive may require the applicant to provide additional information relevant to the application.
- (5) The application must not be approved unless the chief executive has made a decision about granting or amending a water licence for taking overland flow water under section 40.

80 Change to an allocation for town water supply to allow the granting of a licence to interfere

- (1) A change to a water allocation for town water supply is an assessed change if associated with a water licence application under section 27.
- (2) The chief executive may approve the application only if—
 - (a) an application has been lodged under section 27 that is relevant to this application; and

- (b) the water allocation is amended to—
 - (i) reduce the volumetric limit stated on the allocation to a volume that would not allow an increase in the average volume of water available to be taken from the plan area due to the proposed interference or increased interference applied for under section 27;
 - (ii) remove any flow threshold condition for taking water stated on the allocation;
 - (iii) require that water taken under the allocation is taken from the impoundment created by the proposed interference or increased interference applied for under section 27; and
 - (iv) place a condition on the allocation to state that the water under the allocation may be taken only in conjunction with the licence granted under section 27.
- (3) The chief executive may amend the maximum rate of take stated on the water allocation.

Division 3 Prohibited changes

81 Change of location

A change to the location of a water allocation to a zone is prohibited unless a zone and an AMTD are specified on the allocation.

82 Multiyear accounting with condition limiting take by associated storage

A change to a water allocation is prohibited if the change would result in the water allocation being managed under both—

- (a) a multiyear accounting water sharing rule; and
- (b) a condition limiting take by associated storage.

83 Adding or amending a condition limiting take by associated storage

A change to a water allocation is prohibited if the change is to—

- (a) add a condition limiting take by associated storage;
- (b) amend a condition limiting take by associated storage where the change would result in a change to—
 - (i) the volumetric limit stated on the allocation; or
 - (ii) the associated storages stated on the allocation unless the chief executive is satisfied the change would not result in—
 - (A) more storage capacity than the existing associated storages; and
 - (B) the associated storages remain located on the administrative plan associated with the allocation.
- (c) amend the administrative plan that describes the works footprint for the allocation other than necessary to comply with a change that is not prohibited under subsection (b)(ii).

84 Change of location for allocations with a nil passing flow condition

- (1) Subsection 2 applies to a water allocation that states a flow condition of 'nil'.
- (2) A change to the location of a water allocation is prohibited unless—
 - (a) after the change is made, the allocation—
 - (i) states a location that includes a zone and an AMTD;
 - (ii) states a condition that 'taking water under this water allocation is prohibited whenever the water level in the waterhole is less than 0.5 metres below the level at which it naturally overflows';
 - (b) for a change that would allow water to be taken from a different waterhole, the holder of the allocation has the written consent of—
 - (i) the owners of land adjacent to that waterhole; and
 - (ii) the holders of any water allocations that state a flow condition of 'nil' that can take water from that waterhole.
 - (c) for a change that would allow water to be taken from within the full supply level of an authorised weir, the holder of the allocation has the written consent of the owner of the weir.

85 Change to remove a condition preventing water being stored

A change to a water allocation to remove a condition that states water taken under the authority of this allocation cannot be stored is prohibited unless—

- (a) the change includes stating a flow condition on the allocation; and
- (b) the change would not result in an increase in the average volume of water available to be taken under the allocation.

Division 4 Other changes

86 Changes not provided for in divisions 2 and 3

An application for a change to a water allocation that is not explicitly provided for under divisions 2 and 3 may be made in accordance with section 130 of the *Water Act 2000*.

Part 3 Seasonal water assignments

87 Seasonal water assignment rules for allocations with flow conditions

The chief executive may approve a seasonal water assignment of a water allocation only if the allocation states a condition requiring it to be managed under a multiyear accounting water sharing rule and—

- (a) the location under which water may be taken under the seasonal water assignment is the same as the location for the water allocation that is being seasonally assigned;
- (b) the flow condition under which water may be taken under seasonal water assignment is the same as the flow condition for the water allocation that is being seasonally assigned;

- (c) the volume of water being seasonally assigned is equal to or less than the volume of water available in the volumetric account; and
- (d) the maximum rate of take for the seasonal water assignment is in proportion to the share of the volume being assigned from the volumetric account.

88 Seasonal water assignment rules for allocations with nil passing flow conditions

The chief executive must refuse a seasonal water assignment of a water allocation that states a flow condition of 'nil'.

89 to 94 section numbers not used.

Chapter 5 Condamine and Balonne Water Management Area

95 Application of Chapter 5

This chapter applies to water allocations to take unsupplemented water located in the Condamine and Balonne Water Management Area.

96 Charleys Creek zone group

For this chapter, zones CBU-12, CBU-13, CBU-14, CBU-15, CBU-16, CBU-17 and CBU-18 form the Charleys Creek zone group.

Part 1 Water sharing rules

97 Taking water under a water allocation

Where management guidelines have been prepared under section 371, water may be taken only under a water allocation in accordance with the guidelines.

98 Taking water under an allocation limited by associated storage or that stores water conjunctively with overland flow

- (1) This section applies to water allocations that state a condition that—
 - (a) the take of water under the allocation is limited by associated storage works; or
 - (b) water taken under the allocation is stored conjunctively with overland flow water taken under another authority.
- (2) Water taken under the allocation must not—
 - (a) exceed the annual volumetric limit stated on the allocation for any water year; and
 - (b) be stored in any other works other than in the storages described by works reference number and the works footprint illustrated on an administrative plan in the condition.

99 Taking water under an allocation with a multiyear accounting water sharing rule

- (1) This section applies to water allocations that state a condition that the take of water under the allocation is managed under a multiyear accounting water sharing rule.
- (2) The chief executive must establish a volumetric account for each water allocation.
- (3) The maximum volume of water that may be held in the account for an allocation is equal to the volumetric limit of that allocation multiplied by two.
- (4) The minimum volume of water that may be held in an account is zero megalitres.
- (5) Water taken under the allocation must be deducted from the account.

- (6) At the start of each water year the volumetric account for a water allocation must be credited with the lesser of—
 - (a) the volumetric limit multiplied by two; or
 - (b) the volumetric limit plus the volume of water remaining in the account at the end of the previous water year.

Part 2 Dealings with water allocations

Division 1 Subdivision or amalgamation of water allocations

100 Permitted subdivisions and amalgamations

- (1) Subdivision of a water allocation is permitted where—
 - (a) the sum of the nominal volumes of the new water allocations is equal to the nominal volume of the water allocation that is being subdivided;
 - (b) the location, flow conditions and water allocation group of the new water allocations are the same as that of the water allocation that is being subdivided; and
 - (c) the water allocation being subdivided does not state a condition limiting take by associated storage.
- (2) Amalgamation of water allocations 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 that are being amalgamated;
 - (b) the location, flow conditions and water allocation group of the water allocations that are being amalgamated are the same; and
 - (c) the water allocations being amalgamated do not state a condition limiting take by associated storage.

101 Prohibited subdivisions and amalgamations

- (1) Subdivision of a water allocation is prohibited where—
 - (a) the sum of the nominal volumes of the new water allocations is not equal to the nominal volume of the water allocation that is being subdivided;
 - (b) the location, flow conditions and water allocation group of the new water allocations are not the same as that of the water allocation that is being subdivided; and
 - (c) the water allocation being subdivided states a condition limiting take by associated storage.
- (2) Amalgamation of water allocations is prohibited where—
 - (a) the nominal volume of the new water allocation is not equal to the sum of the nominal volumes of the water allocations that are being amalgamated;
 - (b) the location, flow conditions and water allocation group of the water allocations that are being amalgamated are not the same; and
 - (c) a water allocation being amalgamated states a condition limiting take by associated storage.

Division 2 Permitted changes

102 Application of Division 2

This division applies to water allocations to take unsupplemented water located in Charleys Creek zone group.

103 Change of location for allocations with a nil passing flow condition

- (1) Subsection 2 applies to a water allocation that states a flow condition of 'nil'.
- (2) A change to the location of a water allocation is permitted—
 - (a) if the change to the location does not alter the zone in which water may be taken under the allocation;
 - (b) if after the change is made, the allocation—
 - (i) states a location that includes a zone and an AMTD;
 - (ii) states a condition that 'taking water under this water allocation is prohibited whenever the water level in the waterhole is less than 0.5 metres below the level at which it naturally overflows';
 - (c) for a change that would allow water to be taken from a different waterhole, the holder of the allocation has the written consent of—
 - (i) the owners of land adjacent to that waterhole; and
 - (ii) the holders of any water allocations that state a flow condition of 'nil' that can take water from that waterhole.
 - (d) for a change that would allow water to be taken from within the full supply level of an authorised weir, the holder of the allocation has the written consent of the owner of the weir.

104 Change to remove a condition preventing water being stored

A change to a water allocation to remove a condition that states water taken under the authority of this allocation cannot be stored is permitted if—

- (a) the change includes stating a flow condition on the allocation of 86 megalitres per day passing the point of take; and
- (b) the change would not result in an increase in the average volume of water available to be taken under the allocation.

Division 3 Assessed changes

105 Change to an allocation to remove a condition limited by associated storage

- (1) A change to remove a condition from a water allocation that states that the take of water is limited by associated storage capacity is an assessed change.
- (2) The chief executive must refuse the application unless—
 - (a) a condition is placed on the amended allocation stating that water taken under the authority of this allocation is managed under a multiyear accounting water sharing rule; and

- (b) the volumetric limit stated on the allocation is amended to ensure that the average annual volume of water that may be taken does not exceed the nominal volume stated on the allocation.
- (3) The chief executive may require the water allocation holder to provide a report with the application that demonstrates that the proposed management under a multiyear accounting water sharing rule will not increase the average annual volume of water that may be taken under the water allocation above the nominal volume stated on the water allocation.

106 Change to an allocation that stores water conjunctively with overland flow water

- (1) This section applies to a water allocation that states a condition that water taken is stored conjunctively with overland flow water taken under either—
 - (a) an authority under section 46 of the *Water Resource (Condamine and Balonne) Plan 2004*; or
 - (b) a water licence.
- (2) A change to remove the condition from a water allocation is an assessed change.
- (3) The application must be accompanied by a certified report made in accordance with section 33.
- (4) The chief executive may require the applicant to provide additional information relevant to the application.
- (5) The application must not be approved unless the chief executive has made a decision about granting or amending a water licence for taking overland flow water under section 40.

107 Change to an allocation for town water supply to allow the granting of a licence to interfere

- (1) A change to a water allocation for town water supply is an assessed change if associated with a water licence application under section 27.
- (2) The chief executive may approve the application only if—
 - (a) an application has been lodged under section 27 that is relevant to this application; and
 - (b) the water allocation is amended to—
 - (i) reduce the volumetric limit stated on the allocation to a volume that would not allow an increase in the average volume of water available to be taken from the plan area due to the proposed interference or increased interference applied for under section 27;
 - (ii) remove any flow threshold condition for taking water stated on the allocation;
 - (iii) require that water taken under the allocation be taken only from the area impounded by the proposed interference or increased interference applied for under section 27; and
 - (iv) place a condition on the allocation to state that water is only to be taken under that allocation in conjunction with the licence granted under section 27.

- (3) The chief executive may amend the maximum rate of take stated on the water allocation.

Division 4 Prohibited changes

108 Multiyear accounting with condition limiting take by associated storage

A change to a water allocation is prohibited if the change would result in the water allocation being managed under both—

- (a) a multiyear accounting water sharing rule; and
- (b) a condition limiting take by associated storage.

109 Adding or amending a condition limiting take by associated storage

A change to a water allocation is prohibited if the change is to—

- (a) add a condition limiting take by associated storage;
- (b) amend a condition limiting take by associated storage where the change would result in a change to—
 - (i) the volumetric limit stated on the allocation; or
 - (ii) the associated storages stated on the allocation unless the chief executive is satisfied the change would not result in—
 - (A) more storage capacity than the existing associated storages; and
 - (B) the associated storages remain located on the administrative plan associated with the allocation.
- (c) amend the administrative plan that describes the works footprint for the allocation other than necessary to comply with a change that is not prohibited under subsection (b)(ii).

110 Change of location for allocations with a nil passing flow condition

- (1) Subsection 2 applies to a water allocation that states a flow condition of ‘nil’.
- (2) A change to the location of a water allocation is prohibited unless—
 - (a) after the change is made, the allocation—
 - (i) states a location that includes a zone and an AMTD;
 - (ii) states a condition that ‘taking water under this water allocation is prohibited whenever the water level in the waterhole is less than 0.5 metres below the level at which it naturally overflows’;
 - (b) for a change that would allow water to be taken from a different waterhole, the holder of the allocation has the written consent of—
 - (i) the owners of land adjacent to that waterhole; and
 - (ii) the holders of any water allocations that state a flow condition of ‘nil’ that can take water from that waterhole.
 - (c) for a change that would allow water to be taken from within the full supply level of an authorised weir, the holder of the allocation has the written consent of the owner of the weir.

111 Change to remove a condition preventing water being stored for allocations other than in the Charleys Creek zone group

- (1) This section applies to water allocations other than water allocations located in the Charleys Creek zone group.
- (2) A change to a water allocation to remove a condition that states water taken under the authority of this allocation cannot be stored is prohibited unless—
 - (a) the change includes stating a flow condition on the allocation of 86 megalitres per day passing the point of take; and
 - (b) the change would not result in an increase in the average volume of water available to be taken under the allocation.

Division 5 Other changes

112 Changes not provided for in divisions 2, 3 and 4

An application for a change to a water allocation that is not explicitly provided for under divisions 2, 3 and 4 may be made in accordance with section 130 of the *Water Act 2000*.

Part 3 Seasonal water assignments

113 Seasonal water assignment rules for allocations with flow conditions

The chief executive may approve a seasonal water assignment of a water allocation only if the allocation states a condition requiring it to be managed under a multiyear accounting water sharing rule and—

- (a) the location under which water may be taken under the seasonal water assignment is the same as the location for the water allocation that is being seasonally assigned;
- (b) the flow condition under which water may be taken under seasonal water assignment is the same as the flow condition for the water allocation that is being seasonally assigned;
- (c) the volume of water being seasonally assigned is equal to or less than the volume of water available in the volumetric account; and
- (d) the maximum rate of take for the seasonal water assignment is in proportion to the share of the volume being assigned from the volumetric account.

114 Seasonal water assignment rules for allocations with nil passing flow conditions

The chief executive must refuse a seasonal water assignment of a water allocation that states a flow condition of 'nil'.

115 to 139 section numbers not used.

Chapter 6 Chapter not used