

Gold Coast Resource Operations Plan

Explanatory Notes

December 2009

Amended November 2010

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Department of Environment and Resource Management

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Chapter 1 Preliminary

These notes are a plain English guide to the Gold Coast Resource Operations Plan 2009, amended November 2010, (the plan) and the rules and provisions set out in each of its chapters for implementing the Water Resource (Gold Coast) Plan 2006.

These notes should be read in conjunction with the plan.

1 Short title

This section states the short title to the plan and the term by which it will be referred to.

2 Commencement of the resource operations plan

This section states the plan commenced on 7 December 2009.

This section also defines when the amendment to this plan will commence. The amendment will commence on the first business day after notification in the Queensland Government Gazette.

3 Purpose of plan

This section states the plan implements the Water Resource (Gold Coast) Plan 2006. The relationship and functions of the two types of plan are set out in the *Water Act 2000*. The plan specifies how water resources will be managed from day to day for consistency with the overarching framework provided by the water resource plan.

4 Interpretation of words used in this plan

This section lets the reader know that a glossary of important terms has been provided to help understand the plan's provisions.

5 Plan area

This section directs the reader to a map of the plan area reproduced in Attachment 2*. The map shows the plan area boundary, watercourses and the resource operation plan's priority area including the water supply scheme that are dealt with by the plan.

*Attachment 2 has been amended to include the correct boundary of the augmented infrastructure detailed in Attachment 6.

6 Water to which this plan applies

This section provides information about the water resources dealt with by the plan. This comprises water in watercourses such as streams, rivers, lakes and springs.

7 Water management areas—Water Regulation 2002, section 56(4A)

This section provides information about the water management area created under the plan. This is shown in Attachment 3*.

*Attachment 3 has been amended to include the correct boundary of the augmented infrastructure detailed in Attachment 6.

8 Resource operations plan zones

This section provides information about the resource operations plan's zones created under the plan. These are shown in Attachments 3 and 4*.

*Attachments 3 and 4 have been amended to include the correct boundary of the augmented infrastructure detailed in Attachment 6.

9 Information about areas

This section makes it clear that the precise boundaries of the plan area are determined by digital information held by the department.

10 Purpose of a water allocation

This section states water taken under an allocation can only be used for the stated purpose, although this does not apply to water taken under an allocation that is seasonally assigned (temporarily traded).

11 Resource operations licence holder

This section states a resource operations licence is held by the owner of the Nerang Water Supply Scheme.

12 Departmental water monitoring data collection standards

Under this section, resource operations licence holders must ensure any monitoring they conduct is consistent with the Water Monitoring Data Collection Standards that apply to this type of activity throughout the state.

13 Departmental water monitoring data reporting standards

This section specifies that in meeting their reporting obligations, the resource operations licence holder must ensure that data and reporting also conform to the Water Monitoring Data Reporting Standards that apply to this type of activity throughout the state.

14A Interim program

This section is applicable where the resource operations licence holder is unable to reach specific rules and requirements on the first day of the plan's commencement or on the first day of commencement of an amended section, or as the result of an operational or emergency incident. In instances where this occurs, a process must be followed whereby interim arrangements, approved by the chief executive, may be implemented until such time as the requirements of this plan can be met.

In situations where failure to comply is the result of an operational or emergency incident, the resource operations licence holder may follow the process for implementing approved interim arrangements. Where an approved program is inconsistent with the rules and requirements of this plan, while the program is in place, it overrides those rules and requirements of the plan which it is inconsistent with.

15 Operating and environmental management rules and monitoring requirements

This section states the resource operations licence holder does not have to comply with operating and environmental management rules or monitoring requirements if it is unsafe to do so, although they must comply with relevant reporting requirements for operational incidents and emergencies.

16 Sustainable management of water

This section details how the plan provides for the sustainable management of water resources consistent with the Water Resource (Gold Coast) Plan 2006.

17 Addressing water resource plan outcomes

This section specifies the manner in which the plan seeks to achieve the general and ecological outcomes set out in the Water Resource (Gold Coast) Plan 2006. Attachment 5* details how the rules and requirements of the plan are linked to the outcomes of the Water Resource (Gold Coast) Plan 2006.

*Attachment 5 has been amended to include details regarding how the plan has provided for future water requirements through granting of strategic reserve.

18 to 22 Section numbers are not used

These numbers have been included to accommodate amendments without the need for the plan to be renumbered.

Chapter 2 Unallocated water

This chapter deals with unallocated water identified as being potentially available for future use under the Water Resource (Gold Coast) Plan 2006. The unallocated water reserves are classified as either strategic or general. Water from the reserves can be made available to support future consumptive needs without compromising goals of the water resource plan, including environmental flow objectives and water allocation security objectives. As a rule, unallocated water is not made available unless it can be demonstrated that future needs cannot be met by full efficient use of existing supplies—for example, by trading the unused parts of existing entitlements.

In addition to water that may be granted from the unallocated water reserves, permits may be issued for taking water where the activity is of a temporary nature and has a reasonably foreseeable conclusion date. Examples of such activities are the construction and maintenance of roads and bridges. A person may apply for a water permit for taking water under Chapter 2, part 6, division 4 of the *Water Act 2000*.

23 Record of volume of unallocated water

Under this section, the chief executive may keep a register of the volume of unallocated water available, and the register must be updated when an entitlement has been created under the unallocated water provisions.

24 Availability of unallocated water

Under this section, unallocated water in the strategic and general reserves is reserved for future use. Any grant of water from these reserves would involve an amendment to this plan.

25 to 34 Section numbers are not used

These numbers have been included to accommodate amendments without the need for the plan to be renumbered.

Chapter 3 Granting, amending and converting authorisations

Part 2 Rules for amending water licences for taking unsupplemented water

36 Amending a water licence for taking unsupplemented water

This section sets out the process for amending licences for taking unsupplemented water, in accordance with the Water Resource (Gold Coast) Plan 2006 and the *Water Act 2000*.

Part 4 Granting a resource operations licence to meet future water requirements

44 Application of part 4

This part relates to section 108 of the *Water Act 2000*, which provides for a resource operations plan to set out a process for granting a resource operations licence to meet future water requirements—for example, to allow for the construction of new infrastructure.

45 Applying for a resource operations licence

This section deals with the process that must be followed when the owner of water supply infrastructure applies to the chief executive for a resource operations licence.

46 Additional information may be required

This section allows the chief executive to ask for additional information about the application within a specified time, otherwise the application will lapse.

47 Matters the chief executive must consider

This section specifies the factors, including the public interest that must be considered by the chief executive in deciding an application for a resource operations licence, but without limiting the matters that may be considered.

48 Deciding an application for a resource operations licence

Under this section, if the application is satisfactory, it must be approved wholly or in part by the chief executive, subject to any conditions that may apply.

Part 5 Amending a resource operations licence to meet future water requirements

49 Application of part 5

This part relates to section 111A of the *Water Act 2000*, which provides for a resource operations plan to set out a process for amending a resource operations licence.

Division 1 Amendment by the chief executive

50 Amending a resource operations licence by the chief executive

This section allows the chief executive to amend a resource operations licence granted under part 5 of this chapter and to make any amendments to other resource operations licence that may be necessary as a result. The respective licensees must be notified of any proposed amendments.

51 Matters the chief executive must consider

This section outlines the matters the chief executive must consider when amending a resource operations licence.

52 Deciding whether to amend a resource operations licence

This section states the chief executive may, after considering the matters mentioned in section 47, amend a resource operations licence to the extent considered appropriate.

Division 2 Amendment on application by holder

53 Amending a resource operations licence on application by the resource operations licence holder

Under this section, the holder of a resource operations licence, granted under part 5 of this chapter may apply to amend the licence. The provision is intended to allow for the staged construction or improvement of infrastructure until it becomes complete or operational, at which point the amendment provisions of section 148 will apply.

54 Additional information may be required

Under this section, the chief executive may require additional information from the applicant about the proposed amendment.

55 Matters chief executive must consider

This section specifies what the chief executive must consider in deciding an application made under section 53.

56 Deciding application to amend a resource operations licence

Under this section, if the application is satisfactory, it must be approved wholly or in part by the chief executive, subject to any conditions that may apply.

Part 6

Granting a supplemented water allocation from the strategic reserve

57 Process for granting a water allocation from the strategic reserve

This section states the chief executive must grant a water allocation from the strategic reserve in accordance with the details in Attachment 9*.

* Attachment 9 has been included to provide the details of the supplemented water allocation to be granted from the strategic reserve.

58 to 61 Section numbers are not used

These numbers have been included to accommodate amendments without the need for the plan to be renumbered.

Chapter 4 Dealing with water licence applications

62 Scope of Chapter 4

This chapter sets out the process for dealing with applications for water licences to take water from watercourses, lakes and springs in the plan area. The provisions are consistent with requirements of the *Water Act 2000* and the Water Resource (Gold Coast) Plan 2006.

63 Dealing with applications

This section specifies the chief executive must deal with applications in accordance with the *Water Act 2000* if the chief executive is satisfied the application would not have any of the effects mentioned in subsection 1.

For subsection 1, the average volume of water available to be taken in the plan area is defined as the total authorised volume for the plan area that would have been available during the simulation period, divided by the number of years in the period. The simulation period is the period from 1 January 1890 to 30 June 2000.

Applications must be refused if they would be inconsistent with parts 3 and 4 of the Water Resource (Gold Coast) Plan 2006 outcomes and objectives.

Subsection 3 states the conditions under which a licence application must be refused.

64 to 68 Section numbers are not used

These numbers have been included to accommodate amendments without the need for the plan to be renumbered.

Chapter 5 Nerang Water Supply Scheme

Chapter 5 sets out operating and environmental management rules, water sharing rules, water allocation change rules and seasonal assignment rules for the Nerang Water Supply Scheme. The rules are administered by the chief executive, but apply to the resource operations licence holder.

69 Application of Chapter 5

This section states Chapter 5 applies to the resource operation licence holder for the Nerang Water Supply Scheme and the holders of any associated water allocations.

Part 1 Operating and environmental management rules

70 Use of watercourses for distribution

Under this section, the resource operations licence holder must distribute water only through the watercourses specified.

71 Operating levels for infrastructure

This section refers the reader to the attachment and tables that contain information about operating levels for water infrastructure associated with the Nerang Water Supply Scheme. This section also sets out the rules that apply to the operating levels for infrastructure in the scheme and specifies the criteria under which water can be released.

72A Releases and supply from infrastructure

Under this section, water must be released from Hinze Dam* and Little Nerang Dam when the water in storages exceeds specified levels.

This section has been amended to:

- (1) release 12ML/day of water from Hinze Dam* when the flow rate at Numinbah gauging station 146015A on the Nerang River is greater than 100ML/day and when the water level in Hinze Dam is above EL 45.6 m AHD and
- (2) to state the maximum volume per day that may be supplied for water allocations.

* Refer to Attachment 6 for details of the augmented infrastructure

73 Quality of water released

This section specifies when making releases from Hinze Dam or Little Nerang Dam the resource operations licence holder must draw water from the inlet level that will provide water of the best possible quality.

74 Change in rate of release from infrastructure

Under this section, the resource operations licence holder must ensure releases are made or curtailed incrementally to minimise the risk of environmental harm, such as bank slumping or fish stranding, resulting from rapid changes in flow rates or water levels.

Part 2 Water sharing rules

Division 1 Announced allocations

75 Announced allocations

This section requires the resource operations licence holder for the Nerang Water Supply Scheme to specify announced allocations throughout the year for the water allocations it manages. Announced allocations represent the share of water available to be taken under each water allocation expressed as a percentage of the water allocation's nominal volume.

For example, where the nominal volume of a water allocation equals 200 ML, and the announced allocation equals 55 per cent, the water allocation volume is calculated as follows—

Nominal volume of a water allocation equals 200 ML

Announced allocation equals 55 %

Water allocation volume = $(200 \times 55) \div 100 = 110$ ML

Allocations must be announced on the first day of each water year (1 July) and cannot exceed 100 per cent of nominal allocation. If announced allocations are below 100 per cent at the start of the water year, they can be revised upwards under requirements for water availability to be recalculated in each subsequent month. Each new or revised announced allocation must be posted on the resource operations licence holder's website within five business days of being set.

Although announced allocations can be increased up to 100 per cent through the course of the year, they cannot be reduced.

76 Announced allocation for high priority water allocations

This section sets out the rules and formula that will be used to determine the announced allocation for high priority water allocations in the Nerang Water Supply Scheme. The rules are based on whether the level of water in Hinze Dam is above, at or below EL 73.00 m AHD*. When the level is higher than EL 73.00 m AHD high priority announced allocations must be 100 per cent. When it is at or below this level, critical water sharing arrangements will apply.

*This water level has been amended to include the new volumetric details of Hinze Dam.

Refer to Attachment 6 for details of the augmented infrastructure.

77 Taking water under a water allocation

This section sets out how the amount of water taken under a water allocation in a water year will be determined as a proportionate share of the nominal volume.

Division 2 Critical water sharing arrangements

78 Critical water sharing arrangements

This section specifies how water will be shared at critical times in the Nerang Water Supply Scheme when the level of water in Hinze Dam is at or below EL 73.00 m AHD*.

*This water level has been amended to include the new volumetric details of Hinze Dam.
Refer to Attachment 6 for details of the augmented infrastructure.

Part 3 Dealing with water allocations

79 Scope of part 3

This part sets out how water allocations in the Nerang Water Supply Scheme can be flexibly managed—for example, through subdivision, amalgamation or movement within a zone, including through trading.

Division 1 Subdivision or amalgamation of water allocations

80 Permitted subdivisions or amalgamations

This section specifies the criteria that allow water allocations to be subdivided or amalgamated. Essentially, these are allowed, subject to the subdividing or amalgamating allocations retaining key elements of the original entitlements.

81 Prohibited subdivisions or amalgamations

This section specifies the types of subdivision and amalgamation that are prohibited.

This section has been amended to more clearly specify the types of subdivision and amalgamation that are prohibited.

Division 2 Water allocation change rules

82 Prohibited changes

This section specifies the prohibited changes to water allocations.

The plan specifies that a change in location is prohibited. It should be noted the location specified on a water allocation is expressed as the zone from which water, under the water allocation, can be taken. Accordingly, a trade of water to another person or property within the same zone is not considered a change in location and is therefore not prohibited.

Division 3 Other changes

83 Application for changes not specified as permitted or prohibited

This section states that where a change is neither expressly allowed nor prohibited, an application to allow the change can be made under the provisions of the *Water Act 2000*.

Part 4 Seasonal water assignment rules

This part sets out the rules used to manage the seasonal assignment (temporary trade) of water taken under allocations. A water allocation holder may seasonally assign all or part of their allocation. The

portion of the water allocation must be specified volumetrically, rather than as a proportion of nominal entitlement.

For example, an allocation holder who holds a water allocation of 50 ML may seasonally assign the entire 50 ML allocation to another party (the assignee) or they may choose to seasonally assign portions of the allocation to other parties. This means that should the announced allocation be reset, any additional water will be available only to the water allocation holder and not to the assignee(s), unless a further seasonal assignment is made.

84 Seasonal water assignment rules

This section sets out the resource operations licence holder's role and responsibilities in dealing with seasonal water assignments.

85 to 90 Section numbers are not used

These numbers have been included to accommodate amendments without the need for the plan to be renumbered.

Chapter 6 Rules for unsupplemented water allocations

Part 1 Water sharing rules

91 Application of part 1

This section states that part 1 specifies the water sharing rules that apply to unsupplemented water allocations located in the Lower Nerang Water Management Area.

93 Taking water under a water allocation

Under this section, no more than an allocation's annual volumetric limit can be taken under a water allocation during a water year.

94 Access rules for water allocations

This section specifies the access conditions that will apply to unsupplemented allocations in the Lower Nerang Water Management Area. The conditions comprise the maximum rate at which water can be taken, the location at which it must be taken and any other specified conditions.

Part 2 Dealing with water allocations

95 Scope of part 2

This part sets out how unsupplemented water allocations in the Lower Nerang Water Management Area can be flexibly managed—for example, through subdivision, amalgamation or trading.

Division 1 Subdivision or amalgamation of water allocations

96 Permitted subdivisions or amalgamations

This section specifies the criteria by which water allocations will be allowed to be subdivided or amalgamated. Essentially, this will be allowed subject to the subdividing or amalgamating allocations retaining key elements of the original entitlements.

97 Prohibited subdivisions or amalgamations

This section specifies the types of subdivision and amalgamation that will be prohibited.

Division 2 Water allocation change rules

98 Prohibited changes

This section specifies the prohibited changes to water allocations.

The plan specifies that a change in location is prohibited. It should be noted the location specified on a water allocation is expressed as the zone from which water, under the water allocation, can be taken.

Accordingly, a trade of water to another person or property within the same zone is not considered a change in location and is therefore not prohibited.

Division 3 Other changes

99 Application for changes not specified as permitted or prohibited

This section states that where a change is neither expressly allowed nor prohibited, an application to allow the change can be made under provisions of the *Water Act 2000*.

Part 3 Seasonal assignment rules

This part sets out the rules that will be used to manage the seasonal assignment (temporary trade) of water taken under allocations. A water allocation holder may seasonally assign all or part of their allocation. The portion of the water allocation must be specified volumetrically, rather than as a proportion of nominal entitlement.

For example, an allocation holder who holds a water allocation of 50 ML may seasonally assign the entire 50 ML allocation to another party (the assignee) or they may choose to seasonally assign portions of the allocation to other parties.

100 Application of part 3

This part sets out the rules for the seasonal assignment of unsupplemented water allocations in the Lower Nerang Water Management Area.

101 Seasonal water assignment rules

This section sets out the chief executive's role and responsibilities in dealing with seasonal water assignments.

102 to 107 Section numbers are not used

These numbers have been included to accommodate amendments without the need for the plan to be renumbered.

Chapter 7 Performance assessment

The department will develop and implement a performance monitoring and assessment framework to regularly review the performance of the Water Resource (Gold Coast) Plan 2006 against the outcomes for sustainable management of water specified in part 3 of the water resource plan. The outcomes relate to security for water users and provision of water for aquatic ecosystems.

108 Water monitoring

This section sets out the chief executive’s responsibilities in gathering information under the monitoring and assessment framework, including the measurement of the amounts of water in the system and how much is used. The information must be recorded and made available.

109 Natural ecosystem monitoring

This section sets out the chief executive’s responsibilities for monitoring ecological assets in the plan area and their critical water requirements. The information must be recorded and made publicly available.

110 Assessment

Under this section, the chief executive must continually assess the monitoring data to identify trends that indicate the outcomes of the Water Resource (Gold Coast) Plan 2006 are being achieved.

111 to 115 Section numbers are not used

These numbers have been included to accommodate amendments without the need for the plan to be renumbered.

Chapter 8 Resource operations licence holder monitoring and reporting

116 Scope of Chapter 8

This chapter sets out the monitoring and reporting responsibilities that apply to the resource operations licence holder for the plan area's water supply scheme and its associated water allocations.

117 Monitoring data must be made available

Under this section, the resource operations licence holder must provide any required monitoring data to the chief executive within a specified time.

Part 1 Monitoring requirements

Division 1 Water quantity

118A Stream flow and infrastructure water level

This section sets out the information the resource operations licence holder must measure and record.

119 Releases from infrastructure

This section states the resource operations licence holder must measure and record details relating to all releases made from all specified infrastructure.

120 Announced allocations

This section sets out the information about water allocations the resource operations licence holder must record.

121 Water taken by water users

This section sets out the information the resource operations licence holder must record about water taken by water users for the zone.

122 Seasonal water assignment of water allocations

Under this section, the resource operations licence holder must record details about the seasonal assignment of water allocations.

123 Critical water sharing arrangements

This section specifies the details the resource operations licence holder must record about critical water sharing arrangements.

Division 2 Impact of infrastructure operation on natural ecosystems

124 Water quality

Under this section, the resource operations licence holder must monitor and record water quality data relating to their infrastructure and its operation.

125 Bank condition

This section specifies the operational incidents—such as sudden changes in water level or rapid inflows—that will require the licensee to inspect banks for any signs of slumping or erosion.

126 Fish stranding

This section requires instances of fish stranding to be recorded and assessed by the resource operations licensee to identify possible links to infrastructure operations.

Part 2 Reporting requirements

127 Reporting requirements

This section sets out reporting requirements for the resource operations licence holder.

Division 1 Quarterly reporting

128 Quarterly report

This section states which of the data measured, collected and recorded under part 1 of this chapter, must be submitted to the chief executive on a quarterly basis. The reports are to be provided to the department within three months of the conclusion of a quarter.

This section has been amended so that it refers to section 14A rather than section 14.

Division 2 Annual reporting

129 Annual report

This section specifies the resource operations licence holder must submit an annual report to the chief executive and lists the information the report must include. The report is to be submitted within three months of the end of each water year.

130 Water quantity monitoring—annual report

This section sets out the information the resource operations licence holder must include in the annual report relating to water quantity monitoring. Included is information about setting and recalculating announced allocations, instances where critical supply arrangements were applied, how effective they were and when they began and ended. The information must also include details about the volumes of water that were taken, seasonal assignment transaction information and details about infrastructure or operational changes that might affect compliance with plan rules.

131 Impact of infrastructure operation on water quality—annual report

This section specifies the information relating to infrastructure operations that must be included in the resource operations licence holder’s annual report. Included is information about environmental considerations that informed operational decisions. Information must be provided on any fish stranding or bank slumping or thermal and chemical stratification (layering) that may have occurred in storages and summaries of the outcomes associated with the decisions made to address them. The annual report must also report on how levels of cyanobacteria were affected by stratified water and whether this led to any changes in the monitoring program.

Division 3 Operational reporting

132 Operational report

This section sets out the types of incident and operational matters the resource operations licence holder must report to the chief executive. Included are non-compliance, fish stranding, bank slumping, the beginning and ending of critical water supply arrangements, seasonal assignment transactions and setting or recalculating announced allocations.

Division 4 Emergency reporting

133 Emergency report

Under this section, the resource operations licence holder must provide the chief executive with a report on any emergencies that prevented them from complying with any rule set out in the plan.

134 to 138 Section numbers are not used

These numbers have been included to accommodate amendments without the need for the plan to be renumbered.

Chapter 9 Amendments to the resource operations plan

139 Scope of Chapter 9

This chapter sets out the type of amendments that can be made to the plan in accordance with the *Water Act 2000*.

Part 1 Amendments not requiring public notification

140 Application of part 1

Under this part, specified amendments will be allowed under section 106(b) of the *Water Act 2000* without the need for public notification.

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

This section provides for any amendment arising from changes to the *Water Act 2000* to be made.

142 Amendment to implement an amendment to the Water Resource (Gold Coast) Plan 2006

This section allows for the plan to be amended to accommodate any changes to the Water Resource (Gold Coast) Plan 2006.

143 Amendment to monitoring requirements

This section allows for the plan's monitoring program to be amended.

144 Amendment to infrastructure details

This section allows for the details about infrastructure specified in the plan to be amended.

145 Amendment to critical water sharing arrangements

Under this section, the plan's critical water sharing arrangements can be amended.

145A Amendment to a stream gauging station specification

An amendment may be made to this plan to amend the specification of a stream gauging station.

146 Other amendments to this plan

This section states other amendments that may be made to the plan.

Part 2 Amendments requiring public notification

147 Application of part 2

This part allows for the plan to be amended under provisions of section 105(5) of the *Water Act 2000*.

148 Amendments under the *Water Act 2000*

This section states the types of amendments that the chief executive may make to the plan under section 105(5) of the *Water Act 2000*.