



Water Act 2000

Water Resource (Cooper Creek) Plan 2000

Reprinted as in force on 31 March 2006

Reprint No. 1B

This reprint is prepared by
the Office of the Queensland Parliamentary Counsel
Warning—This reprint is not an authorised copy

Information about this reprint

This plan is reprinted as at 31 March 2006. The reprint—

- shows the law as amended by all amendments that commenced on or before that day (Reprints Act 1992 s 5(c))
- incorporates all necessary consequential amendments, whether of punctuation, numbering or another kind (Reprints Act 1992 s 5(d)).

The reprint includes a reference to the law by which each amendment was made—see list of legislation and list of annotations in endnotes. Also see list of legislation for any uncommenced amendments.

This page is specific to this reprint. See previous reprints for information about earlier changes made under the Reprints Act 1992. A table of reprints is included in the endnotes.

Also see endnotes for information about—

- **when provisions commenced**
- **editorial changes made in earlier reprints.**

Dates shown on reprints

Reprints dated at last amendment All reprints produced on or after 1 July 2002, hard copy and electronic, are dated as at the last date of amendment. Previously reprints were dated as at the date of publication. If a hard copy reprint is dated earlier than an electronic version published before 1 July 2002, it means the legislation was not further amended and the reprint date is the commencement of the last amendment.

If the date of a hard copy reprint is the same as the date shown for an electronic version previously published, it merely means that the electronic version was published before the hard copy version. Also, any revised edition of the previously published electronic version will have the same date as that version.

Replacement reprint date If the date of a hard copy reprint is the same as the date shown on another hard copy reprint it means that one is the replacement of the other.



Queensland

Water Resource (Cooper Creek) Plan 2000

Contents

		Page
Part 1	Preliminary	
1	Short title	3
2	Object of plan and its achievement	3
3	Definitions.	3
Part 2	Plan area and water to which plan applies	
4	Plan area	4
5	Water to which plan applies	4
Part 3	Principles and policies for exercising State water rights	
Division 1	Preliminary	
6	Application of pt 3.	4
7	Principles prevail over policies	4
Division 2	Principles	
8	General principles	5
9	Environmental principles	5
Division 3	Policies	
10	Beneficial flooding	5
11	Increasing water use efficiency	6
12	Water flow patterns.	6
Part 4	Licences and permits	
Division 1	Restrictions	
13	Restriction on purpose for which licence or permit may be issued	6
14	Restriction on issuing licence or permit for irrigation	7
15	Restriction on issuing licence for in-stream water storage development	7
16	Restriction on issuing licence or permit to take or use subartesian water	8
17	Restriction on amending licence or permit	8

Division 2	Criteria for deciding applications for, and imposing conditions on, licences and permits	
18	Criteria for deciding licence and permit applications and imposing conditions on licences and permits	8
Part 5	Reviewing and amending plan	
19	Reviewing plan	10
20	Amending plan under section 25K(3) of Act.	10
Part 6	Miscellaneous	
21	Inspecting maps	11
Schedule 2	Plan area	12
Schedule 3	Allowable total volumetric increase in in-stream water storage capacity for sub-catchments	13
 Endnotes		
1	Index to endnotes	14
2	Date to which amendments incorporated.	14
3	Key	14
4	Table of reprints	15
5	List of legislation.	15
6	List of annotations	15

Water Resource (Cooper Creek) Plan 2000

[as amended by all amendments that commenced on or before 31 March 2006]

Part 1 Preliminary

1 Short title

This water resource plan may be cited as the *Water Resource (Cooper Creek) Plan 2000*.

2 Object of plan and its achievement

- (1) The object of this plan is to provide a framework for making decisions about licences (other than licences for referable dams not located on a watercourse) and permits to take, use or store water in the plan area.
- (2) The object is to be achieved by—
 - (a) establishing principles and policies for exercising State water rights; and
 - (b) establishing criteria to be considered by the chief executive in—
 - (i) deciding applications for the issue or amendment of licences and permits; and
 - (ii) imposing conditions on licences and permits.

3 Definitions

In this plan—

plan area means the area declared under section 4 to be the plan area.

State water rights means the right vested in the State under section 3 of the Act to the use and flow and control of water.

stock route means a road or route ordinarily used for travelling stock or declared under an Act to be a stock route.

Part 2 Plan area and water to which plan applies

4 Plan area

The plan area for this plan is the Cooper Creek catchment shown on the map in schedule 2.

5 Water to which plan applies

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

- (a) water in a watercourse;
- (b) subartesian water not connected to artesian water and hydraulically connected to a watercourse.

Part 3 Principles and policies for exercising State water rights

Division 1 Preliminary

6 Application of pt 3

The principles and policies stated in this part apply to the exercise of State water rights in the plan area.

7 Principles prevail over policies

If there is an inconsistency between a principle stated in division 2 and a policy stated in division 3, the principle prevails to the extent of the inconsistency.

Division 2 Principles

8 General principles

- (1) Water resources must be managed—
 - (a) in a sustainable and integrated way recognising water use impacts affecting the plan area as a whole; and
 - (b) having regard to relevant national and international obligations, including obligations relevant to South Australia.
- (2) Residents in the plan area are entitled to a water supply sufficient for a reasonable standard of living and local environment.

9 Environmental principles

- (1) Variable and seasonal water flow patterns must be maintained.
- (2) Water resources for ecologically significant areas, including, for example, landscapes and wetlands, having a significant aesthetic, cultural, tourism or wilderness value must be protected.
- (3) If the plan area is threatened with serious or irreversible environmental damage, measures to prevent the damage must not be postponed merely because of lack of full scientific certainty about the ecology of the area, or the impact on the ecology of failing to apply the measures.

Division 3 Policies

10 Beneficial flooding

Beneficial flooding in the plan area will be recognised as contributing significantly to pastoral activities and flood plain ecosystems.

11 Increasing water use efficiency

Increasing water use efficiency will be recognised as contributing significantly to achieving environmental and production outcomes and future water needs.

12 Water flow patterns

The volume of water allowed to be taken under licences and permits issued for the plan area after this plan commences will be minimal and not affect variable and seasonal water flow patterns.

Part 4 Licences and permits**Division 1 Restrictions****13 Restriction on purpose for which licence or permit may be issued**

The chief executive may issue a licence or permit to take, use or store water for a following purpose only—

- (a) domestic use;
- (b) town water supply;
- (c) watering—
 - (i) stock—
 - (A) of not more than the number normally depastured on the land to which the licence or permit application relates, having regard to seasonal fluctuations in the land's stock carrying capacity; and
 - (B) not held in close concentration for a purpose other than grazing; or
 - (ii) stock travelling on a stock route;

- (d) use in emergency circumstances, including, for example, for fire fighting;
- (e) irrigating—
 - (i) crops for feeding stock, if the crop area is no greater than 10ha; or
 - (ii) horticultural crops on an area of not more than 2ha;
- (f) construction work;
- (g) drilling or exploration authorised under an Act and any activities associated with the drilling or exploration;
- (h) road building.

14 Restriction on issuing licence or permit for irrigation

The chief executive may issue a licence or permit for irrigating only if—

- (a) an existing development is dependent on the irrigation; and
- (b) the works to be used for the irrigation were, immediately before 1 May 1998—
 - (i) in existence; and
 - (ii) capable of being used for the existing development.

15 Restriction on issuing licence for in-stream water storage development

- (1) The chief executive may issue a licence for an in-stream water storage development for a sub-catchment mentioned in schedule 3, column 1 only if—
 - (a) the total increase in licensed in-stream water storage capacity for the sub-catchment after 30 April 1998 is less than the volume stated in column 2 of the schedule opposite the sub-catchment; and
 - (b) for an in-stream water storage for purposes other than town water supply—the maximum capacity of the storage is 200ML; and

- (c) the annual volume of water permitted to be taken from the storage by licensed works does not exceed the storage's licensed capacity.
- (2) However, subsection (1)(a) and (b) do not apply if the licence is for an in-stream water storage development in existence immediately before 1 May 1998.

16 Restriction on issuing licence or permit to take or use subartesian water

- (1) The chief executive may issue a licence or permit to take or use subartesian water only if the chief executive is satisfied the rate at which the water is to be taken will not exceed the subartesian water recharge rate.
- (2) In this section—
recharge rate, for subartesian water, means the rate at which water flows to an aquifer from watercourses hydraulically connected to the aquifer.

17 Restriction on amending licence or permit

The chief executive must not amend a licence or permit in a way that authorises the licensee or permittee to apply the benefit of the licence or permit to land other than the land stated in the licence or permit before the amendment was made.

Division 2 Criteria for deciding applications for, and imposing conditions on, licences and permits

18 Criteria for deciding licence and permit applications and imposing conditions on licences and permits

- (1) The chief executive must consider the following criteria in deciding an application for the issue or amendment of a licence or permit to take, use or store water in the plan area, or in imposing conditions on the licence or permit—

- (a) the purpose for which the water is intended to be taken, used or stored;
 - (b) the impact of the proposed taking, use or storage on the ecological values of in-stream environments;
 - (c) the efficiency of the proposed taking, use or storage;
 - (d) the availability of an alternative water supply for the intended purpose;
 - (e) any restriction of the proposed taking, use or storage on the movement of fish and other aquatic species;
 - (f) any adverse impact of the proposed taking, use or storage on the relationship between subartesian and surface water;
 - (g) whether the volume of water taken under the licence or permit should be restricted or metered.
- (2) The chief executive must also consider the following criteria in deciding an application for the issue or amendment of a licence or permit for irrigating, or imposing conditions on a licence or permit for irrigating—
- (a) the nature and extent of any existing development that is dependent on the water and for which the water is to be used;
 - (b) the condition of any works intended to be used for taking, using or storing the water;
 - (c) the history of use of the works.
- (3) This section does not limit the matters, not inconsistent with the principles and policies in part 3, that the chief executive may consider in deciding an application for the issue or amendment of a licence or permit to take, use or store water in the plan area, or in imposing conditions on the licence or permit.

Part 5 Reviewing and amending plan

19 Reviewing plan

The chief executive must review this plan to decide whether its provisions remain appropriate if its implementation, including the extent of works authorised under licences and permits issued under the plan, impacts adversely on the following—

- (a) the hydraulics or hydrology of the plan area;
- (b) ecological responses to stream flows in the plan area;
- (c) other matters affecting the sustainability of water resources in the plan area.

20 Amending plan under section 25K(3) of Act

An amendment of the following type may be made under section 25K(3) of the Act—

- (a) an amendment of part 4, division 1 to add or change a restriction on issuing a licence or permit;
- (b) an amendment of part 4, division 2 to add or change a criterion for deciding licences or permits, or imposing conditions on the licences or permits.

Part 6 Miscellaneous

21 Inspecting maps

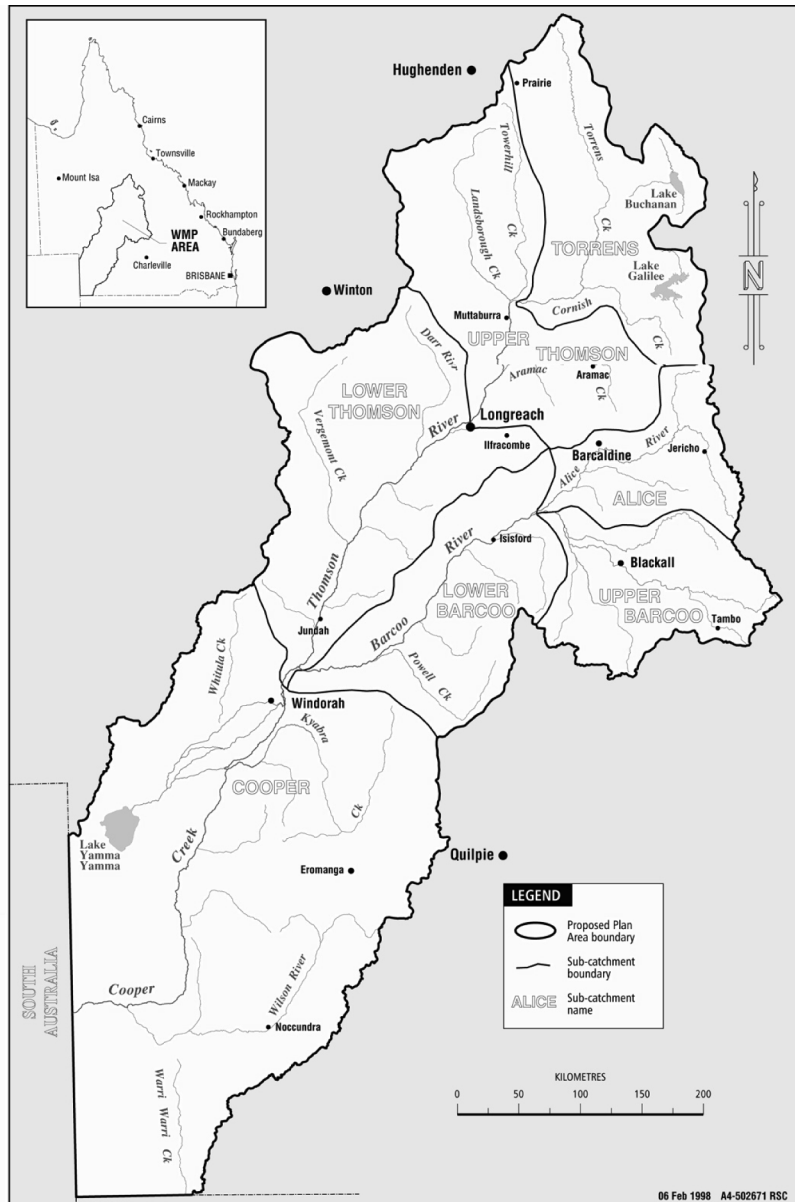
A map mentioned in this plan may be inspected at the head office or a relevant regional office of the department.¹

¹ The head office of the department is located at 41 George Street, Brisbane. Relevant regional offices of the department are located at—

- c/- Court House, Shamrock Street, Blackall
- 43 Alfred Street, Charleville
- 38–40 Daintree Street, Cloncurry
- 99 Hospital Road, Emerald
- Arid Zone Research Institute, Landsborough Highway, Longreach.

Schedule 2 Plan area

section 4



Schedule 3 Allowable total volumetric increase in in-stream water storage capacity for sub-catchments

section 15

Sub-catchment	Volume (ML)
Alice	190
Cooper	380
Torrens	660
Upper Barcoo	320
Lower Barcoo	640
Upper Thomson	4210*
Lower Thomson	840

* The figure for the Upper Thomson sub-catchment includes provision for an additional 3000ML for Longreach town water supply storage.

Endnotes

1 Index to endnotes

	Page
2 Date to which amendments incorporated	14
3 Key	14
4 Table of reprints	15
5 List of legislation	15
6 List of annotations	15

2 Date to which amendments incorporated

This is the reprint date mentioned in the Reprints Act 1992, section 5(c). Accordingly, this reprint includes all amendments that commenced operation on or before 31 March 2006. Future amendments of the Water Resource (Cooper Creek) Plan 2000 may be made in accordance with this reprint under the Reprints Act 1992, section 49.

3 Key

Key to abbreviations in list of legislation and annotations

Key	Explanation	Key	Explanation
AIA	= Acts Interpretation Act 1954	(prev)	= previously
amd	= amended	proc	= proclamation
amdt	= amendment	prov	= provision
ch	= chapter	pt	= part
def	= definition	pubd	= published
div	= division	R[X]	= Reprint No.[X]
exp	= expires/expired	RA	= Reprints Act 1992
gaz	= gazette	reloc	= relocated
hdg	= heading	renum	= renumbered
ins	= inserted	rep	= repealed
lap	= lapsed	(retro)	= retrospectively
notfd	= notified	rv	= revised edition
o in c	= order in council	s	= section
om	= omitted	sch	= schedule
orig	= original	sdiv	= subdivision
p	= page	SIA	= Statutory Instruments Act 1992
para	= paragraph	SIR	= Statutory Instruments Regulation 2002
prec	= preceding	SL	= subordinate legislation
pres	= present	sub	= substituted
prev	= previous	unnum	= unnumbered

4 Table of reprints

Reprints are issued for both future and past effective dates. For the most up-to-date table of reprints, see the reprint with the latest effective date.

If a reprint number includes a letter of the alphabet, the reprint was released in unauthorised, electronic form only.

Reprint No.	Amendments to	Effective	Reprint date
1	none	11 February 2000	25 February 2000
1A	2001 SL No. 135	10 August 2001	14 August 2001

Reprint No.	Amendments included	Effective	Notes
1B	2006 SL No. 49	31 March 2006	

5 List of legislation

Water Resource (Cooper Creek) Plan 2000 SL No. 27 (prev Water Management (Cooper Creek) Plan 2000)

made by the Minister for Natural Resources on 7 February 2000

notfd gaz 11 February 2000 pp 536–7

commenced on date of notification

exp 1 September 2010 (see SIA s 54)

Note—The expiry date may have changed since this reprint was published. See the latest reprint of the SIR for any change.

amending legislation—

Water Management (Cooper Creek) Amendment Plan (No. 1) 2001 SL No. 135

notfd gaz 10 August 2001 pp 1390–1

commenced on date of notification

Water Resource (Great Artesian Basin) Plan 2006 SL No. 49 s 1, pt 7 div 4

notfd gaz 31 March 2006 pp 1282–5

commenced on date of notification

Note— An explanatory note was prepared

6 List of annotations

Short title

s 1 sub 2001 SL No. 135 s 3

Definitions

s 3 def “recharge area” om 2006 SL No. 49 s 50

Water to which plan applies

s 5 sub 2006 SL No. 49 s 51

Restriction on purpose for which licence or permit may be issued

s 13 amd 2001 SL No. 135 s 4; 2006 SL No. 49 s 52

Restriction on issuing licence or permit to take or use underground water

s 16 amd 2006 SL No. 49 s 53

Criteria for deciding licence and permit applications and imposing conditions on licences and permits

s 18 amd 2006 SL No. 49 s 54

SCHEDULE 1—GREAT ARTESIAN BASIN RECHARGE AREAS

om 2006 No. 49 s 55