



Queensland

Water and Another Regulation Amendment Regulation (No. 1) 2011

Subordinate Legislation 2011 No. 74

made under the

Sustainable Planning Act 2009
Water Act 2000

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Part 1 Preliminary

1 Short title

This regulation may be cited as the *Water and Another Regulation Amendment Regulation (No. 1) 2011*.

Part 2 Amendment of Sustainable Planning Regulation 2009

2 Regulation amended

This part amends the *Sustainable Planning Regulation 2009*.

3 Amendment of sch 24 (Clearing of native vegetation—not assessable development under schedule 3, part 1, table 4, item 1)

Schedule 24, part 1, section 1(2)—

omit, insert—

‘(2) Clearing an area of vegetation that is less than 0.5ha within a watercourse or lake for an activity (other than an activity relating to a material change of use of premises or the reconfiguring of a lot) if—

(a) the clearing is—

(i) subject to an approval process and is approved under the Act or another Act; or

(ii) carried out under 1 of the following documents approved by the chief executive of the department that administers the *Water Act 2000*—

(A) the document called ‘Guideline—Activities in a watercourse, lake or spring carried out by an entity’;

[s 4]

- (B) the document called ‘Guideline—Activities in a watercourse, lake or spring carried out by a landowner’;
 - (C) the document called ‘Guideline—Activities in a watercourse or lake undertaken by a holder of an interim resource operations licence, resource operations licence or distribution operations licence’; and
- (b) the area is—
- (i) a least concern regional ecosystem—
 - (A) shown on the regional ecosystem map or remnant map as remnant vegetation; or
 - (B) shown on a PMAV as a category B area; or
 - (ii) shown on a PMAV as a category X area; or
 - (iii) shown on the regional ecosystem map or remnant map as other than remnant vegetation.’.

Part 3 Amendment of Water Regulation 2002

4 Regulation amended

This part amends the *Water Regulation 2002*.

5 Amendment of s 5I (Application of sdiv 3)

Section 5I(2), ‘division’—

omit, insert—

‘subdivision’.

6 Amendment of s 20 (Qualifications or experience for class 1 licence—Act, s 299)

(1) Section 20(2)(c)(i)(A), ‘Tapes’—

omit, insert—

‘Training’.

(2) Section 20(2)(c)—

insert—

‘(iv) if the employment was undertaken in a foreign country—employment in the operation of a drilling machine in water bore drilling activities for at least 12 months during which at least 10 bores that intersect underground water were drilled.’.

7 Amendment of s 21 (Qualifications or experience for class 2 licence—Act, s 299)

Section 21(2)(c)—

insert—

‘(v) if the employment was undertaken in a foreign country—employment in the operation of a drilling machine in water bore drilling activities for at least 24 months during which at least 10 bores that intersect multiple aquifer systems were drilled.’.

8 Amendment of s 22 (Qualifications or experience for class 3 licence—Act, s 299)

Section 22(2)(d)—

insert—

‘(iv) if the employment was undertaken in a foreign country—employment in the operation of a drilling machine in water bore drilling activities for at least 36 months during which at least 10 bores that intersect artesian water were drilled.’.

[s 9]

9 Amendment of s 23 (Conditions of water bore driller's licence—Act, s 302)

(1) Section 23(1)(d), 'item 1(b)(ii)'—

omit, insert—

'item 1(b)(iii)'.

(2) Section 23(4)—

omit.

10 Insertion of new s 48B

Part 5—

insert—

'48B Dissolution of Taberna Bore Water Board and appointment of chief executive to perform functions—Act, s 691(1)(d)

'Under section 691(1)(d) of the Act—

- (a) the Taberna Bore Water Board is dissolved; and
- (b) the chief executive is appointed to perform the board's functions.'

11 Amendment of s 49 (Destroying vegetation in a watercourse, lake or spring—Act, s 814)

Section 49(f)—

insert—

- '(iii) the document called 'Guideline—Activities in a watercourse, lake or spring carried out by a landowner';
- (iv) the document called 'Guideline—Activities in a watercourse or lake undertaken by a holder of an interim resource operations licence, resource operations licence or distribution operations licence'.'

12 Amendment of s 50 (Excavating in a watercourse, lake or spring—Act, s 814)

Section 50(e)—

insert—

- ‘(iii) the document called ‘Guideline—Activities in a watercourse, lake or spring carried out by a landowner’;
- (iv) the document called ‘Guideline—Activities in a watercourse or lake undertaken by a holder of an interim resource operations licence, resource operations licence or distribution operations licence’.’.

13 Amendment of s 51 (Placing fill in a watercourse, lake or spring—Act, s 814)

Section 51(e)—

insert—

- ‘(iii) the document called ‘Guideline—Activities in a watercourse, lake or spring carried out by a landowner’;
- (iv) the document called ‘Guideline—Activities in a watercourse or lake undertaken by a holder of an interim resource operations licence, resource operations licence or distribution operations licence’.’.

14 Insertion of new ss 52AAA and 52AAB

Part 6, before section 52AA—

insert—

‘52AAA Prescribed purpose for which constructing authority may take water—Act, s 20(8)(a)

‘For section 20(8)(a) of the Act, the taking of water by a constructing authority for the purpose of constructing or

[s 15]

maintaining infrastructure that the constructing authority may lawfully construct or maintain is prescribed.

'52AAB Prescribed conditions on taking water by constructing authority—Act, s 20(9)(a)

'For section 20(9)(a) of the Act, the taking of water by a constructing authority is subject to the condition that the taking of water by the constructing authority is done in accordance with the document called 'Protocol—Authorised taking of water without a water entitlement' approved by the chief executive.

Editor's note—

A copy of the document may be inspected at any office of the department in Brisbane or on the department's website at <www.derm.qld.gov.au>.

15 Amendment of sch 2 (Entities—Act, sections 190, 193, 206 and 213)

- (1) Schedule 2, item 12—
omit.
- (2) Schedule 2, items 13 to 22—
renumber as items 12 to 21.

16 Replacement of sch 3 (Transferring interim water allocation)

Schedule 3—
omit, insert—

‘Schedule 3 Transferring interim water allocation

section 8

Column 1	Column 2	Column 3
Water supply scheme	Purposes	Conditions
Lower Mary River	<ul style="list-style-type: none"> • domestic purposes • stock purposes • primary production 	the allocation is to take water, and the transfer results in water being taken, only in the following parts of the area, described in schedule 2.1 of the interim resource operations licence for the area— <ol style="list-style-type: none"> (a) Mary River—Mary Barrage section; (b) Tinana Creek—Teddington Weir storage; (c) Tinana Creek—Tinana Barrage storage’.

17 Amendment of sch 4 (Seasonal water assignments)

Schedule 4—

insert—

‘Dalrymple Creek Alluvium groundwater management area	water licence to take groundwater	Dalrymple Creek Alluvium groundwater management area seasonal water assignment rules’.
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[s 18]

18 Amendment of sch 6 (Water authorities)

Schedule 6, entry for Taberna Bore Water Board, column 1—

insert—

‘Note—

The Taberna Bore Water Board has been dissolved and the chief executive has been appointed to perform the functions of the board. See section 48B.’.

19 Amendment of sch 10 (Water sharing rules)

Schedule 10—

insert—

‘Dalrymple Creek Alluvium groundwater management area	Dalrymple Creek Alluvium groundwater management area water sharing rules’.
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20 Amendment of sch 14 (Water charges)

Schedule 14, entry for Border Rivers groundwater management area, column 2, ‘30 September’—

omit, insert—

‘30 June’.

21 Amendment of sch 16 (Fees)

(1) Schedule 16, item 39—

omit, insert—

‘39 Application for water bore driller’s licence (Act, s 299(2)(e))—

- (a) if paragraphs (b) to (d) do not apply 446.90
- (b) if s 20(2)(c)(iii) or (iv) applies 801.00
- (c) if s 21(2)(c)(iv) or (v) applies 1 171.00
- (d) if s 22(2)(d)(iii) or (iv) applies 1 417.00’.

- (2) Schedule 16, item 42, ‘—for 5 years’
omit.
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ENDNOTES

- 1 Made by the Governor in Council on 2 June 2011.
- 2 Notified in the gazette on 3 June 2011.
- 3 Laid before the Legislative Assembly on . . .
- 4 The administering agency is the Department of Environment and Resource Management.

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