



Queensland

Water and Another Regulation Amendment Regulation (No. 1) 2014

Subordinate Legislation 2014 No. 63

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) 2014*.

2 Commencement

Section 13(2) and (3) commences on 1 June 2014.

Part 2 Amendment of Sustainable Planning Regulation 2009

3 Regulation amended

This part amends the *Sustainable Planning Regulation 2009*.

4 Amendment of sch 3 (Assessable development, self-assessable development and type of assessment)

(1) Schedule 3, part 1, table 4—

insert—

For construction of new levees or modification of existing levees		
11	Operational work that is— (a) construction of a new category 2 levee; or (b) modification of an existing levee if, after the modification, the levee will fulfil the requirements for a category 2 levee	Code assessment

[s 5]

12	Operational work that is— (a) construction of a new category 3 levee; or (b) modification of an existing levee if, after the modification, the levee will fulfil the requirements for a category 3 levee	Impact assessment
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(2) Schedule 3, part 2, table 4—

insert—

For construction of new levees or modification of existing levees	
9	Operational work that is— (a) construction of a new category 1 levee; or (b) modification of an existing levee if, after the modification, the levee will fulfil the requirements for a category 1 levee

5 Amendment of sch 5 (Applicable codes, laws, policies and prescribed matters for particular development)

(1) Schedule 5, part 1, table 4—

insert—

Construction of new levees or modification of existing levees		
12	Construction of a new category 2 levee	the IDAS code in the <i>Water Regulation 2002</i> , schedule 15B
13	Modification of an existing levee if, after the modification, the levee will fulfil the requirements for a category 2 levee	the IDAS code in the <i>Water Regulation 2002</i> , schedule 15B
14	Construction of a new category 3 levee	(a) the IDAS code in the <i>Water Regulation 2002</i> , schedule 15B; and (b) if the chief executive is a referral agency—the relevant provisions of the State development assessment provisions

15 Modification of an existing levee if, after the modification, the levee will fulfil the requirements for a category 3 levee	(a) the IDAS code in the <i>Water Regulation 2002</i> , schedule 15B; and (b) if the chief executive is a referral agency—the relevant provisions of the State development assessment provisions
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(2) Schedule 5, part 2, table 4—

insert—

Construction of new levees or modification of existing levees	
9 Construction of a new category 1 levee	the code mentioned in the <i>Water Regulation 2002</i> , section 62(e)
10 Modification of an existing levee if, after the modification, the levee will fulfil the requirements for a category 1 levee	the code mentioned in the <i>Water Regulation 2002</i> , section 62(e)

6 Amendment of sch 6 (Assessment manager for development applications)

Schedule 6, table 3—

insert—

Construction of new levees or modification of existing levees	
14 If tables 1 and 2 do not apply and the application is for operational work that is— (a) construction of a new category 2 levee or a new category 3 levee; or (b) modification of an existing levee if, after the modification, the levee will fulfil the requirements for a category 2 levee or a category 3 levee	The local government for the local government area where the new levee is proposed to be constructed or the existing levee is located

7 Amendment of sch 7 (Referral agencies and their jurisdictions)

Schedule 7, table 2—

Part 3 **Amendment of Water Regulation 2002**

9 **Regulation amended**

This part amends the *Water Regulation 2002*.

10 **Amendment of s 52AAB (Prescribed conditions on taking water by constructing authority—Act, s 20C(3)(c)(i))**

Section 52AAB, ‘Protocol—Authorised taking of water without a water entitlement’—

omit, insert—

Exemption requirements for the taking of water without a water entitlement under the *Water Regulation 2002*

11 **Amendment of s 62 (Code for self-assessable development—Act, s 1014)**

(1) Section 62(a) and (b)—

omit.

(2) Section 62—

insert—

(e) for item 9—the ‘Self-assessable code for the construction of new levees or the modification of existing levees’.

12 **Insertion of new ss 62B–62D**

After section 62A—

[s 12]

insert—

62B Prescribed volume of material for fill—Act, sch 4, definition levee

The prescribed volume of material for fill for schedule 4 of the Act, definition *levee*, paragraph (3)(b)(ii) is 50 cubic metres.

62C Construction of new levees and modification of existing levees

- (1) For assessing proposed development that is the construction of a new levee or the modification of an existing levee, the levee can be categorised as 1 of the following types of levees—
 - (a) category 1 levee;
 - (b) category 2 levee;
 - (c) category 3 levee.
- (2) A **category 1 levee** is a levee that has no off-property impact.
- (3) A **category 2 levee** is a levee—
 - (a) that has an off-property impact; and
 - (b) for which the affected population is less than 3.
- (4) A **category 3 levee** is a levee—
 - (a) that has an off-property impact; and
 - (b) for which the affected population is at least 3.
- (5) In this section—

affected population, for a levee, means the total number of persons occupying all buildings on which the levee has a significant impact.

levee property—

- (a) means the lot or parcel of land on which a levee is situated; and
- (b) includes another lot or parcel of land that is contiguous with the lot or parcel mentioned in paragraph (a) and owned by the same entity.

off-property impact, for a levee, means an impact the levee has on people, property or the environment outside the levee property.

significant impact, of a levee on a building, means each of the following—

- (a) an increase, caused by the levee, of more than 5cm in the flow height of water over the floorboards of the building;
- (b) an increase, caused by the levee, of more than 0.2 m/s in the flow velocity of water over the floorboards of the building.

62D Code for IDAS for development applications for construction or modification of particular levees—Act, s 967(3)(b)

The code for IDAS for development applications for each of the following is in schedule 15B—

- (a) the construction of a new category 2 levee or new category 3 levee;
- (b) the modification of an existing levee if, after the modification, the levee will fulfil the requirements for a category 2 levee or category 3 levee.

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

- (1) Schedule 2—

[s 14]

insert—

- 26 Troy Peter Sobczak and Kate Louise Sobczak, in their capacity as trustees for the Evergreen Trust under instrument 713266609
 - 27 CP Water Pty Ltd ACN 164 388 612
 - 28 Coreen Water Pty Ltd ACN 165 776 036
 - 29 Grevillea Water Pty Ltd ACN 165 645 081
 - 30 Kooingal Water Pty Ltd ACN 165 779 322
 - 31 The parties to the ‘Middle Park Closed Water Agreement’, registered dealing number 715140398
 - 32 Mulgildie Water Pty Ltd ACN 165 779 331
 - 33 Myall Plains Water Co-operative Ltd QC 0316
 - 34 Oaky Creek Water Pty Ltd ACN 165 779 340
 - 35 The parties to the ‘Juandah Bore Water Group Closed Water Authority Agreement’, registered dealing number 715578077
 - 36 Washpool Water Pty Ltd ACN 167 582 514
- (2) Schedule 2, item 13—

omit.

- (3) Schedule 2, item 26, after ‘713266609’—

insert—

, as joint holders of licences with licence numbers 61070B and 17990B or a licence that replaces either licence

14 Amendment of sch 6 (Water authorities)

Schedule 6, entries for Juandah Water Board, Washpool Water Board and Woodmillar Water Board—

omit.

15 Amendment of sch 6B (Particular water authorities dissolved for conversion to alternative institutional structures)

Schedule 6B—

insert—

Juandah Water Board	AP4026	the institutional structure consisting of all the parties to the closed water activity agreement titled 'Juandah Bore Water Group Closed Water Activity Agreement', registered dealing number 715578077
Washpool Water Board	AP4042	Washpool Water Pty Ltd ACN 167 582 514
Woodmillar Water Board	AP4043	Woodmillar Water Pty Ltd ACN 165 779 359

16 Amendment of sch 13 (Authority areas)

Schedule 13, entry for Back Creek Water Supply Area—

omit.

17 Replacement of sch 15A (Metered entitlements)

Schedule 15A—

omit, insert—

[s 17]

Schedule 15A Metered entitlements

sections 72 and 76(3)

Column 1	Column 2	Column 3
Part of the State	Authorisation	Revalidation date
Barambah Creek catchment area	water allocation 2189/AP6975	30 November 2016
Border Rivers groundwater management area	all water licences, other than licences for stock or domestic purposes only	30 November 2017
Bowen groundwater management area	all water licences to take subartesian water or surface water, other than licences for stock or domestic purposes only	30 November 2016
Boyne and Stuart Rivers water management area of the Burnett Basin Resource Operations Plan	all water entitlements	30 November 2017
Burdekin groundwater management area	all water licences to take subartesian water, other than licences for stock or domestic purposes only	30 November 2019
Callide Valley groundwater management area (non-benefitted)	all water licences, other than licences for stock or domestic purposes only	30 November 2017

Column 1	Column 2	Column 3
Part of the State	Authorisation	Revalidation date
Central Condamine Alluvium groundwater management area	all water licences to take subartesian water, other than licences for stock or domestic purposes only	30 November 2017
Central Lockyer Creek water management area (non-benefitted)	all water licences, other than licences for stock or domestic purposes only	30 November 2017
Coastal Burnett groundwater management area	all water entitlements, other than the following— (a) water licences for dewatering purposes only; (b) water entitlements under which groundwater is taken in the Coastal Burnett groundwater management area for stock or domestic purposes only	30 November 2019
Condamine-Balonne River downstream of Cecil Plains Weir (AMTD 891.1km) to the upstream limit of the impounded area of the E.J. Beardmore Dam (AMTD 280km)	all water entitlements to take surface water, other than the following— (a) water entitlements for stock or domestic purposes only; (b) water entitlements to take supplemented water	30 November 2019
Cooloolo Sandmass subartesian area under the <i>Water Resource (Mary Basin) Plan 2006</i>	all water licences, other than water licence 190197 and water licence 190200	30 November 2016

[s 17]

Column 1	Column 2	Column 3
Part of the State	Authorisation	Revalidation date
Cressbrook Creek water management area	all water licences, other than licences for stock or domestic purposes only	30 November 2019
Dawson River catchment area	water licence 400856	30 November 2016
Don River, Dee River and Alma Creek groundwater management area	all water licences to take groundwater, other than licences for stock or domestic purposes only	30 November 2018
Eastern Downs management area under the <i>Water Resource (Great Artesian Basin) Plan 2006</i>	water licence 100875	30 November 2018
Eastern Downs subartesian area, Jimbour Creek Alluvium	water licences 17646R, 101045, 32978R, 71237R and 64902R	30 November 2018
Gilbert River catchment area under the <i>Water Resource (Gulf) Plan 2007</i>	all water licences, other than licences for stock or domestic purposes only	30 November 2016
Gowrie-Oakey Creek water management area	all water licences to take surface water for irrigation purposes only	30 November 2019
Isaac River and Connors River catchment area on plan AP14807	all water licences to take subartesian water or surface water, other than licences for stock or domestic purposes only	30 November 2016

Column 1	Column 2	Column 3
Part of the State	Authorisation	Revalidation date
Lakeland groundwater management area	all water licences to take subartesian water, other than licences for stock or domestic purposes only	30 November 2021
Lower Balonne water management area under the <i>Water Resource (Condamine and Balonne) Plan 2004</i>	all water allocations to take unsupplemented surface water and water licences to take overland flow water granted in the Condamine and Balonne Resource Operations Plan	30 November 2019
Mulgildie management area under the <i>Water Resource (Great Artesian Basin) Plan 2006</i>	all water licences	30 November 2018
Mulgrave River and Russell River catchment area	all water entitlements, other than the following— (a) water entitlements for stock or domestic purposes only; (b) water entitlements for which the annual volumetric limit is not more than 2ML	30 November 2019
Oakey Creek groundwater management area	all water licences to take subartesian water, other than licences for stock or domestic purposes only	30 November 2019
Six Mile Creek subcatchment area under the <i>Water Resource (Mary Basin) Plan 2006</i>	all water licences, other than licences for stock or domestic purposes only	30 November 2018

[s 17]

Column 1	Column 2	Column 3
Part of the State	Authorisation	Revalidation date
Stanthorpe water management area under the <i>Water Resource (Border Rivers) Plan 2003</i>	all water allocations	30 November 2017
the area of the basalt aquifer in the Toowoomba City Basalts groundwater management area	all water licences, other than licences for stock or domestic purposes only	30 November 2016
the Dalrymple Creek Alluvium Area on AP18888	all water licences to take water from the Dalrymple Creek Alluvium, other than licences for stock or domestic purposes only	30 November 2017
the Gatton-Esk Road implementation area under the <i>Water Resource (Great Artesian Basin) Plan 2006</i>	all water licences, other than the following— (a) water entitlements for stock or domestic purposes only; (b) water licence 406711; (c) water licence 406717; (d) water licence 406722; (e) water licence 406725; (f) water licence 406732; (g) water licence 406735; (h) water licence 406738; (i) water licence 406751; (j) water licence 406755; (k) water licence 406761; (l) water licence 406807; (m) water licence 406867; (n) water licence 407196; (o) water licence 409175	30 November 2018

Column 1	Column 2	Column 3
Part of the State	Authorisation	Revalidation date
the Lower Nerang water management area under the Gold Coast Resource Operations Plan	all water entitlements	30 November 2017
the plan area of the Barron Resource Operations Plan	all water licences, other than licences for stock or domestic purposes only	30 November 2018
the plan area of the Boyne River Basin Resource Operations Plan	all water licences	30 November 2017
the plan area of the <i>Water Resource (Calliope River Basin) Plan 2006</i>	all water licences, other than licences for stock or domestic purposes only	30 November 2016
the plan area of the <i>Water Resource (Mitchell) Plan 2007</i>	all water licences, other than licences for stock or domestic purposes only	30 November 2018
the plan area of the <i>Water Resource (Moonie) Plan 2003</i>	all water entitlements to take surface water, other than water entitlements for stock or domestic purposes only	30 November 2017
the plan area of the <i>Water Resource (Pioneer Valley) Plan 2002</i>	all water licences in the Pioneer groundwater management area, other than licences for stock and domestic purposes only	30 November 2018

[s 17]

Column 1	Column 2	Column 3
Part of the State	Authorisation	Revalidation date
the plan area of the <i>Water Resource (Warrego, Paroo, Bulloo and Nebine) Plan 2003</i>	all water entitlements to take surface water, other than the following— (a) water entitlements for stock or domestic purposes only; (b) water entitlements to take supplemented water	30 November 2017
the plan area of the <i>Water Resource (Whitsunday) Plan 2010</i>	all water licences, other than licences for stock or domestic purposes only	30 November 2019
Tinana Creek subcatchment area under the <i>Water Resource (Mary Basin) Plan 2006</i>	all water licences, other than licences for stock or domestic purposes only	30 November 2018
Upper Hodgson Creek groundwater management area	all water licences to take water from the Main Range Volcanics Formation, other than licences for stock or domestic purposes only	30 November 2019
Weir River catchment area	all water allocations in the Upper Weir River Water Management Area and the Lower Weir River Water Management Area all water licences to take water from the Weir River, Brigalow Creek, Yambocully Creek, Commoron Creek and Middle Creek, other than licences for stock or domestic purposes only	30 November 2016

Column 1	Column 2	Column 3
Part of the State	Authorisation	Revalidation date
Wide Bay Creek subcatchment area under the <i>Water Resource (Mary Basin) Plan 2006</i>	all water licences, other than licences for stock or domestic purposes only	30 November 2017
Widgee Creek subcatchment area under the <i>Water Resource (Mary Basin) Plan 2006</i>	all water licences, other than licences for stock or domestic purposes only	30 November 2017
Zone A of the Fitzroy River, identified in the Fitzroy Basin Resource Operations Plan	water allocation 5357/AP6829	30 November 2016
Zone C of the Fitzroy River, identified in the Fitzroy Basin Resource Operations Plan	water allocation 216/AP6829	30 November 2016
Zones D and E of the Fitzroy River, identified in the Fitzroy Basin Resource Operations Plan	all water allocations	30 November 2016

Schedule 15B IDAS code for development applications for construction or modification of particular levees

section 62D

1 Application of code

- (1) The code applies for the assessment of a development application under the *Sustainable Planning Act 2009* for development that is—
 - (a) the construction of a new category 2 levee or new category 3 levee (each a *new levee*); or
 - (b) the modification of an existing levee if, after the modification, the levee (the *modified levee*) will fulfil the requirements for a category 2 levee or category 3 levee.
- (2) The code should be read together with the document called ‘Guidelines for the construction or modification of category 2 and 3 levees’ published by the department.

Editor’s note—

A copy of the document called ‘Guidelines for the construction or modification of category 2 and 3 levees’ is available on the department’s website.

2 Purpose of code

The purpose of the code is to ensure that a new levee or modified levee meets a set of criteria.

3 Definitions

In this schedule—

modified levee see section 1(b).

new levee see section 1(a).

off-property impact, for a levee, see section 62C(5) of the regulation.

4 Compliance with code

- (1) The code is complied with if each of the performance outcomes stated in column 1 of the table is complied with for a new levee or modified levee.
- (2) A performance outcome is complied with if the new levee or modified levee—
 - (a) complies with an acceptable outcome stated in column 2 of the table; or
 - (b) otherwise satisfies the performance outcome mentioned in column 1 of the table.

[s 18]

Column 1	Column 2
Performance outcome	Acceptable outcome
1 any off-property impact from the levee is minimised and acceptable having regard to the following— <ul style="list-style-type: none"> • the environment in which the levee is located; • the measures proposed to be taken to mitigate any off-property impact; • any compensation measures for an impact that are proposed by the applicant 	the levee does not result in— <ul style="list-style-type: none"> (a) an unacceptable change in hydraulic effects that occur off-property; and (b) an unacceptable impact on people, property or the environment
2 the levee is a safe and stable structure	the design, construction, operation and maintenance for the levee is appropriate for the materials used and the levee’s intended function
3 community safety is ensured in the event a category 3 levee fails or overtops	appropriate emergency action procedures are in place for category 3 levees

18 Amendment of sch 17 (Dictionary)

Schedule 17—

insert—

category 1 levee see section 62C(2).

category 2 levee see section 62C(3).

category 3 levee see section 62C(4).

existing levee see section 1247(2) of the Act.

modify, for an existing levee, means any or all of the following—

- (a) to raise or lower the height of the levee;
- (b) to extend or reduce the length of the levee;
- (c) to make another change to the levee that affects the flow of water.

ENDNOTES

- 1 Made by the Governor in Council on 15 May 2014.
- 2 Notified on the Queensland legislation website on 16 May 2014.
- 3 The administering agency is the Department of Natural Resources and Mines.

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