



Queensland

Water Resource Plans Amendment Plan (No. 2) 2014

Subordinate Legislation 2014 No. 331

made under the

Water Act 2000

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Part 1 Preliminary

1 Short title

This water resource plan may be cited as the *Water Resource Plans Amendment Plan (No. 2) 2014*.

Part 2 Amendment of Water Resource (Border Rivers) Plan 2003

2 Plan amended

This part amends the *Water Resource (Border Rivers) Plan 2003*.

3 Insertion of new s 5A

After section 5—

insert—

5A Groundwater management area

- (1) The part of the plan area shown as the Border Rivers groundwater management area on the map in schedule 1A is the ***groundwater management area***.
- (2) The groundwater management area consists of the following (each a ***groundwater unit***)—
 - (a) the Border Rivers fractured rock;
 - (b) the Border Rivers alluvium;
 - (c) the sediments above the Great Artesian Basin.

[s 4]

4 Amendment of s 8 (Water to which plan applies)

(1) Section 8, from ‘This plan’ to ‘the plan area—’—

omit, insert—

(1) This plan applies to surface water and groundwater.

(2) The following water is *surface water*—

(2) Section 8—

insert—

(3) **Groundwater** is subartesian water not connected to artesian water.

5 Amendment of s 9 (Outcomes, including ecological outcomes, for the plan area)

(1) Section 9(j)—

omit, insert—

(j) consistency with the *Basin Plan 2012* (Cwlth);

Note—

The *Basin Plan 2012* (Cwlth) is made under the *Water Act 2007* (Cwlth) and is available at <www.comlaw.gov.au/Details/F2012L02240>.

(2) Section 9—

insert—

(l) to protect the productive base of groundwater.

6 Insertion of new pt 5, div 1A

After section 16—

insert—

Division 1A Limitation on taking water without water entitlement

16A Limitations on taking water without water licence

- (1) This section prescribes the limitation on the water that may be taken under the Act, section 20(2)(a).
- (2) The total volume of water a person may take without a water entitlement is limited to 2 megalitres each year.

7 Amendment of s 18 (Decisions not to increase amount of water taken)

Section 18(2)—

omit, insert—

- (2) Subsection (1) does not apply to a decision about—
 - (a) taking unallocated water granted under section 41; or
 - (b) taking or interfering with groundwater, other than groundwater in those parts of a groundwater unit that are within the groundwater management area.

8 Insertion of new pt 5, div 5A

After section 37—

insert—

Division 5A Regulation of groundwater

37A Application of div 5A

This division applies to groundwater in those parts of a groundwater unit that are within the groundwater management area.

37B Elements of water licences

- (1) A water licence to take or interfere with groundwater must state a nominal entitlement for the licence.
- (2) In this section—
nominal entitlement see the *Water Regulation 2002*, section 65.

37C Conditions for taking groundwater

The chief executive must consider any existing water sharing rules when deciding the water sharing rules to be included in the resource operations plan for a water licence to take or interfere with groundwater.

37D Limitation on taking or interfering with groundwater

- (1) This section limits the groundwater that may be taken, or interfered with, under section 20(2)(c) of the Act.
- (2) A person may take or interfere with groundwater only—
 - (a) under a water licence; or
 - (b) under a water permit; or
 - (c) under a seasonal water assignment notice; or
 - (d) for stock or domestic purposes; or

- (e) for an activity prescribed under a regulation for section 20(2)(a) of the Act.
- (3) However, despite subsection (2)(d), a person mentioned in section 37E may take or interfere with groundwater for stock or domestic purposes only under section 37E.

37E Taking groundwater for stock or domestic purposes using existing groundwater works

- (1) This section applies if—
 - (a) a person is taking groundwater from the Border Rivers alluvium for stock or domestic purposes; and
 - (b) the groundwater is being taken from land that is in a service area under the *Water Supply (Safety and Reliability) Act 2008* for a retail water service.
- (2) The person may take the groundwater using only existing works.
- (3) In this section—

existing works means—

 - (a) works constructed before the commencement; or
 - (b) works constructed in accordance with an agreement with the chief executive that was entered into within 30 days after the commencement; or
 - (c) works replacing works mentioned in paragraph (a) or (b).

[s 9]

37F Direction to chief executive about non-acceptance of application to take groundwater

- (1) This section applies to an application made under section 206 of the Act for a water licence to take or interfere with groundwater.
- (2) The chief executive is directed, under section 46(2)(f) of the Act, to refuse to accept the application if granting the application would increase the amount of water that may be taken in the plan area.

Note—

See section 41 for the process for granting unallocated water.

37G Relationship with Sustainable Planning Act 2009

- (1) Works for taking or interfering with groundwater are assessable development for the *Sustainable Planning Regulation 2009*, schedule 3, part 1, table 4, item 3(c)(ii).
- (2) However, this section does not apply to a water bore that is constructed more than—
 - (a) 200m from a boundary of a parcel of land; or
 - (b) 400m from another water bore.

9 Replacement of pt 5, div 6 (Strategic reserve)

Part 5, division 6—

omit, insert—

Division 6 Unallocated water

38 Unallocated water held as a general reserve and strategic reserve

Unallocated water in the plan area is held as a general reserve or a strategic reserve.

39 Limitations on allocation from general reserve

The allocation of unallocated water from the general reserve is limited to—

- (a) water in the groundwater units mentioned in schedule 3A, column 1; and
- (b) the annual volume of water mentioned for each of the groundwater units in schedule 3A, column 2; and
- (c) water for a use mentioned for each of the groundwater units in schedule 3A, column 3.

40 Limitations on allocation from strategic reserve

- (1) The allocation of unallocated water from the strategic reserve is limited to—
 - (a) water in the parts of the plan area mentioned in schedule 4, column 1; and
 - (b) the average annual volume of water mentioned for each of the parts in schedule 4, column 2; and
 - (c) water for a use mentioned for each of the parts in schedule 4, column 3.
- (2) Subsection (1)(b) applies to water from a watercourse, lake or spring.

[s 10]

- (3) However, the chief executive may instead allow an equivalent volume of water to be taken as overland flow water.
- (4) For subsection (3), an equivalent volume is the volume, decided by the chief executive, that would have an equivalent impact on the end of system flow.

41 Process for granting unallocated water

The process for granting unallocated water in the plan area is the process stated in the *Water Regulation 2002*.

10 Insertion of new pt 8

After section 50—

insert—

Part 8 Transitional provision for Water Resource Plans Amendment Plan (No. 2) 2014

51 Existing applications for water licence to take or interfere with groundwater

- (1) This section applies to an application made under section 206 of the Act for a water licence to take or interfere with groundwater in the plan area that has not been decided before the commencement.
- (2) The chief executive is directed, under section 46(2)(f) of the Act, to refuse to grant the application.

11 Insertion of new sch 1A

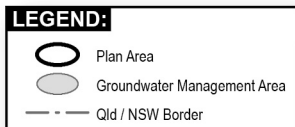
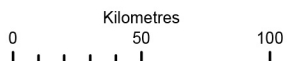
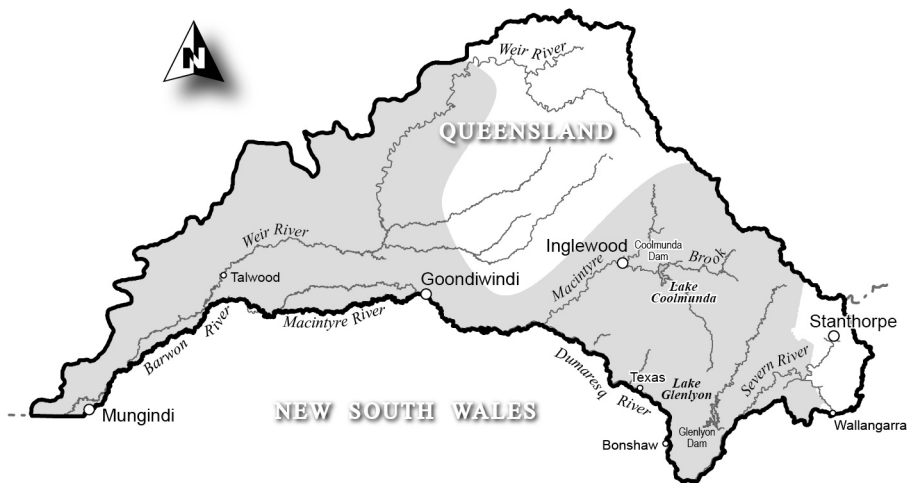
After schedule 1—

insert—

**Schedule 1A Border Rivers
groundwater
management area**

section 5A

[s 11]



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12 Insertion of new sch 3A

After schedule 3—

insert—

Schedule 3A Allocation of unallocated water—general reserve

section 39

Column 1	Column 2	Column 3
Groundwater unit	Annual volume	Use
Border Rivers fractured rock	418ML	Any
sediments above the Great Artesian Basin	3000ML	Any

13 Amendment of sch 4 (Allocation of unallocated water)

Schedule 4, heading, after ‘water’—

insert—

—**strategic reserve**

14 Amendment of sch 5 (Dictionary)

(1) Schedule 5, definition *groundwater*—

omit.

(2) Schedule 5—

insert—

groundwater see section 8.

groundwater management area see section 5A.

[s 15]

groundwater unit see section 5A.

surface water see section 8.

Part 3 Amendment of Water Resource (Condamine and Balonne) Plan 2004

15 Plan amended

This part amends the *Water Resource (Condamine and Balonne) Plan 2004*.

16 Insertion of new s 5A

After section 5—

insert—

5A Groundwater management area

- (1) The part of the plan area shown as the Condamine and Balonne groundwater management area on the map in schedule 1A is the *groundwater management area*.
- (2) The groundwater management area consists of the following (each a *groundwater unit*)—
 - (a) the St George alluvium (shallow);
 - (b) the St George alluvium (deep);
 - (c) the sediments above the Great Artesian Basin;
 - (d) the upper Condamine alluvium (Central Condamine alluvium);
 - (e) the upper Condamine alluvium (tributaries);

- (f) the upper Condamine basalts;
- (g) the Condamine fractured rock.

17 Amendment of s 8 (Water to which plan applies)

- (1) Section 8, from ‘This plan’ to ‘the plan area—’—

omit, insert—

- (1) This plan applies to surface water and groundwater.
 - (2) The following water is *surface water*—
- (2) Section 8—

insert—

- (3) ***Groundwater*** is subartesian water not connected to artesian water.

18 Amendment of s 9 (Outcomes, including ecological outcomes, for the plan area)

- (1) Section 9(p)—

omit, insert—

- (p) consistency with the *Basin Plan 2012* (Cwlth);

Note—

The *Basin Plan 2012* (Cwlth) is made under the *Water Act 2007* (Cwlth) and is available at <www.comlaw.gov.au/Details/F2012L02240>.

- (2) Section 9—

insert—

- (r) to protect the productive base of groundwater.

19 Insertion of new pt 5, div 1A

After section 15—

[s 20]

insert—

Division 1A Limitation on taking water without water entitlement

15A Limitations on taking water without water licence

- (1) This section prescribes the limitation on the water that may be taken under the Act, section 20(2)(a).
- (2) The total volume of water a person may take without a water entitlement is limited to 2 megalitres each year.

20 Amendment of s 17 (Decisions not to increase amount of water taken)

- (1) Section 17—

insert—

- (1A) Subsection (1) does not apply to a decision about—
 - (a) taking unallocated water granted under section 20C; or
 - (b) taking or interfering with groundwater, other than groundwater in a groundwater unit.

- (2) Section 17(1A) and (2)—

renumber as section (2) and (3).

21 Insertion of new pt 5, div 2A

After section 20—

insert—

Division 2A Unallocated water

20A Unallocated water held as a general reserve

Unallocated water in the plan area is held as a general reserve.

20B Limitations on allocation from general reserve

The allocation of unallocated water from the general reserve is limited to—

- (a) water in the groundwater units mentioned in schedule 2A, column 1; and
- (b) the annual volume of water mentioned for each of the groundwater units in schedule 2A, column 2; and
- (c) water for a use mentioned for each of the groundwater units in schedule 2A, column 3.

20C Process for granting unallocated water

The process for granting unallocated water in the plan area is the process stated in the *Water Regulation 2002*.

22 Insertion of new pt 5, div 5A

After section 50—

insert—

Division 5A Regulation of groundwater

50A Application of div 5A

This division applies to groundwater in a groundwater unit.

[s 22]

50B Elements of water licences

- (1) A water licence to take or interfere with groundwater must state a nominal entitlement for the licence.
- (2) In this section—
nominal entitlement see the *Water Regulation 2002*, section 65.

50C Conditions for taking groundwater

The chief executive must consider any existing water sharing rules when deciding the water sharing rules to be included in the resource operations plan for a water licence to take or interfere with groundwater.

50D Limitation on taking or interfering with groundwater

- (1) This section limits the groundwater that may be taken, or interfered with, under section 20(2)(c) of the Act.
- (2) A person may take or interfere with groundwater only—
 - (a) under a water licence; or
 - (b) under a water permit; or
 - (c) under a seasonal water assignment notice; or
 - (d) for stock or domestic purposes; or
 - (e) for an activity prescribed under a regulation for section 20(2)(a) of the Act.
- (3) However, despite subsection (2)(d), a person mentioned in section 50E may take or interfere with groundwater for stock or domestic purposes only under section 50E.

50E Taking groundwater for stock or domestic purposes using existing works

- (1) This section applies if—
 - (a) a person is taking groundwater from the following groundwater units for stock or domestic purposes—
 - (i) the St George alluvium (deep);
 - (ii) the upper Condamine alluvium (Central Condamine alluvium);
 - (iii) the upper Condamine alluvium (tributaries);
 - (iv) the upper Condamine basalts; and
 - (b) the groundwater is being taken from land that is in a service area under the *Water Supply (Safety and Reliability) Act 2008* for a retail water service.
- (2) The person may take the groundwater using only existing works.
- (3) In this section—

existing works means—

 - (a) works constructed before 13 July 2012; or
 - (b) works replacing works mentioned in paragraph (a).

50F Direction to chief executive about non-acceptance of application to take groundwater

- (1) This section applies to an application made under section 206 of the Act for a water licence to take or interfere with groundwater.
- (2) The chief executive is directed, under section 46(2)(f) of the Act, to refuse to accept the application if granting the application would

[s 22]

increase the amount of water that may be taken in the plan area.

Note—

See section 20C for the process for granting unallocated water.

50G Adjustment of water licences to state annual volumetric limit—Act, s 46(2)(j)

- (1) This section applies to a holder of a water licence if—
 - (a) the licence does not state a maximum volume of groundwater that may be taken under the licence; and
 - (b) the works proposed to be used by the holder to take the groundwater under the licence—
 - (i) have not been constructed; or
 - (ii) have been constructed but the works do not allow for the taking of the groundwater to which the licence relates.
- (2) The chief executive must adjust the holder's licence to state an entitlement of zero megalitres for the licence.

50H Relationship with Sustainable Planning Act 2009

- (1) Works for taking or interfering with groundwater are assessable development for the *Sustainable Planning Regulation 2009*, schedule 3, part 1, table 4, item 3(c)(ii).
- (2) However, this section does not apply to a water bore that is constructed more than—
 - (a) 200m from a boundary of a parcel of land; or

(b) 400m from another water bore.

23 Insertion of new pt 8

After section 62—

insert—

**Part 8 Transitional provision
for Water Resource
Plans Amendment Plan
(No. 2) 2014**

**63 Existing applications for water licence to take
or interfere with groundwater**

- (1) This section applies to an application made under section 206 of the Act for a water licence to take or interfere with groundwater in the plan area that has not been decided before the commencement.
- (2) The chief executive is directed, under section 46(2)(f) of the Act, to refuse to grant the application.

24 Insertion of new sch 1A

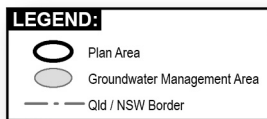
After schedule 1—

insert—

**Schedule 1A Condamine and
Balonne groundwater
management area**

section 5A

[s 25]



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25 Insertion of new sch 2A

After schedule 2—

insert—

Schedule 2A Allocation of unallocated water—general reserve

section 20B

Column 1	Column 2	Column 3
Groundwater unit	Annual volume	Use
St George alluvium (shallow)	3000ML	Any
sediments above the Great Artesian Basin	3000ML	Any
Condamine fractured rock	660ML	Any

26 Amendment of sch 5 (Dictionary)

Schedule 5—

insert—

groundwater see section 8.

groundwater management area see section 5A.

groundwater unit see section 5A.

surface water see section 8.

- (3) **Groundwater** is subartesian water not connected to artesian water.

30 Amendment of s 9 (Outcomes, including ecological outcomes, for the plan area)

- (1) Section 9(i)—

omit, insert—

- (i) consistency with the *Basin Plan 2012* (Cwlth);

Note—

The *Basin Plan 2012* (Cwlth) is made under the *Water Act 2007* (Cwlth) and is available at <www.comlaw.gov.au/Details/F2012L02240>.

- (2) Section 9—

insert—

- (k) to protect the productive base of groundwater.

31 Insertion of new pt 5, div 1A

After section 16—

insert—

Division 1A Limitation on taking water without water entitlement

16A Limitations on taking water without water licence

- (1) This section prescribes the limitation on the water that may be taken under the Act, section 20(2)(a).
- (2) The total volume of water a person may take without a water entitlement is limited to 2 megalitres each year.

[s 32]

32 Amendment of s 18 (Decisions not to increase amount of water taken)

Section 18(2)—

omit, insert—

- (2) Subsection (1) does not apply to a decision about—
 - (a) taking unallocated water granted under section 41; or
 - (b) taking or interfering with groundwater, other than groundwater in a groundwater unit.

33 Insertion of new pt 5, div 5A

After section 37—

insert—

Division 5A Regulation of groundwater

37A Application of div 5A

This division applies to groundwater in a groundwater unit.

37B Elements of water licences

- (1) A water licence to take or interfere with groundwater must state a nominal entitlement for the licence.
- (2) In this section—

nominal entitlement see the *Water Regulation 2002*, section 65.

37C Limitation on taking or interfering with groundwater

- (1) This section limits the groundwater that may be taken, or interfered with, under section 20(2)(c) of the Act.
- (2) A person may take or interfere with groundwater only—
 - (a) under a water licence; or
 - (b) under a water permit; or
 - (c) for stock or domestic purposes; or
 - (d) for an activity prescribed under a regulation for section 20(2)(a) of the Act.

37D Direction to chief executive about non-acceptance of application to take groundwater

- (1) This section applies to an application made under section 206 of the Act for a water licence to take or interfere with groundwater.
- (2) The chief executive is directed, under section 46(2)(f) of the Act, to refuse to accept the application if granting the application would increase the amount of water that may be taken in the plan area.

Note—

See section 40 for the process for granting unallocated water.

37E Relationship with Sustainable Planning Act 2009

- (1) Works for taking or interfering with groundwater are assessable development for the *Sustainable Planning Regulation 2009*, schedule 3, part 1, table 4, item 3(c)(ii).

[s 34]

- (2) However, this section does not apply to a water bore that is constructed more than—
 - (a) 200m from a boundary of a parcel of land; or
 - (b) 400m from another water bore.

34 Replacement of pt 5, div 6 (Strategic reserve)

Part 5, division 6—

omit, insert—

Division 6 Unallocated water

38 Unallocated water held as a general reserve and strategic reserve

Unallocated water in the plan area is held as a general reserve or a strategic reserve.

38A Limitations on allocation from general reserve

The allocation of unallocated water from the general reserve is limited to—

- (a) water in the groundwater units mentioned in schedule 3A, column 1; and
- (b) the annual volume of water mentioned for each of the groundwater units in schedule 3A, column 2; and
- (c) water for a use mentioned for each of the groundwater units in schedule 3A, column 3.

39 Limitations on allocation from strategic reserve

- (1) The allocation of unallocated water from the strategic reserve is limited to—

- (a) water in the parts of the plan area mentioned in schedule 4, column 1; and
 - (b) the average annual volume of water mentioned for each of the parts in schedule 4, column 2; and
 - (c) water for a use mentioned for each of the parts in schedule 4, column 3.
- (2) Subsection (1)(b) applies to water from a watercourse, lake or spring.
 - (3) However, the chief executive may instead allow an equivalent volume of water to be taken as overland flow water.
 - (4) For subsection (3), an equivalent volume is the volume, decided by the chief executive, that would have an equivalent impact on the end of system flow.

40 Process for granting unallocated water

The process for granting unallocated water in the plan area is the process stated in the *Water Regulation 2002*.

35 Insertion of new pt 8

After section 50—

insert—

[s 36]

Part 8 **Transitional provision
for Water Resource
Plans Amendment Plan
(No. 2) 2014**

**51 Existing applications for water licence to take
or interfere with groundwater**

- (1) This section applies to an application made under section 206 of the Act for a water licence to take or interfere with groundwater in the plan area that has not been decided before the commencement.
- (2) The chief executive is directed, under section 46(2)(f) of the Act, to refuse to grant the application.

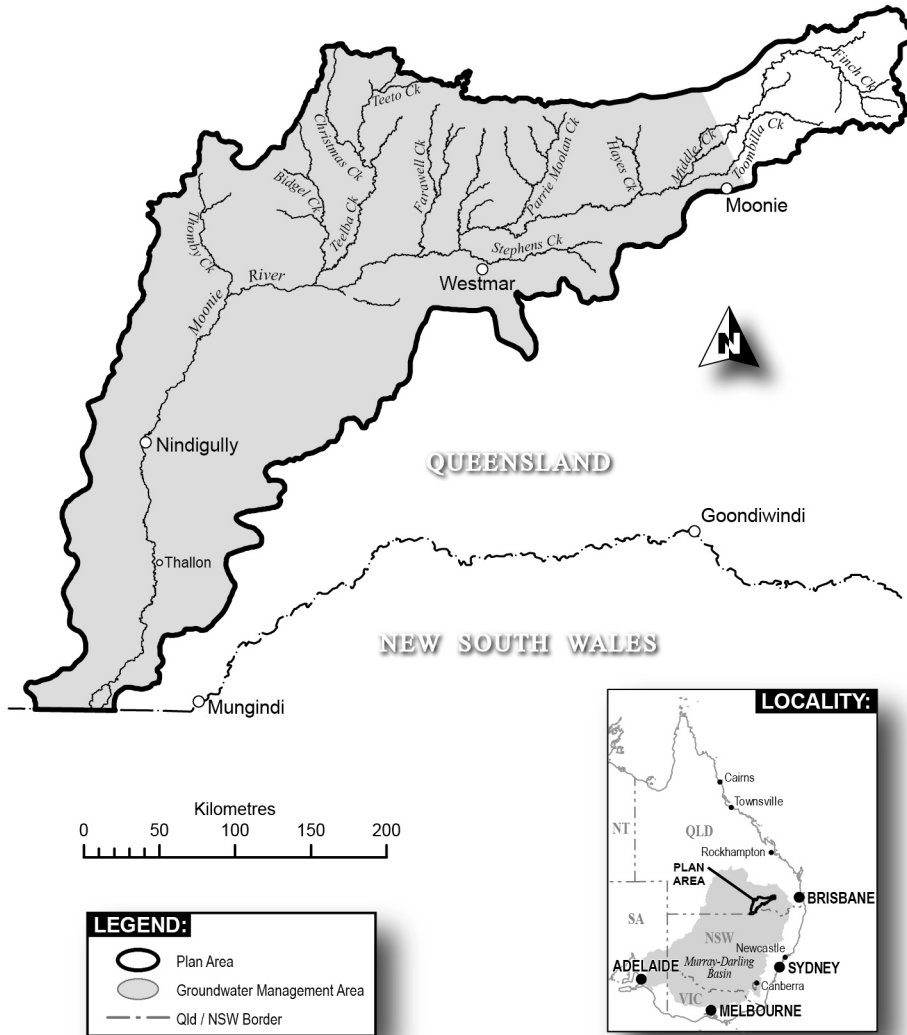
36 Insertion of new sch 1A

After schedule 1—

insert—

**Schedule 1A Moonie groundwater
management area**

section 5A



WM3079_3

[s 37]

37 Insertion of new sch 3A

After schedule 3—

insert—

Schedule 3A Allocation of unallocated water—general reserve

section 38A

Column 1	Column 2	Column 3
Groundwater unit	Annual volume	Use
St George alluvium (shallow)	680ML	Any
sediments above the Great Artesian Basin	3000ML	Any

38 Amendment of sch 4 (Allocation of unallocated water)

Schedule 4, heading, after ‘water’—

insert—

—strategic reserve

39 Amendment of sch 5 (Dictionary)

(1) Schedule 5, definition *groundwater*—

omit.

(2) Schedule 5—

insert—

groundwater see section 8.

groundwater management area see section 5A.

groundwater unit see section 5A.

surface water see section 8.

ENDNOTES

- 1 Made by the Governor in Council on 18 December 2014.
- 2 Notified on the Queensland legislation website on 19 December 2014.
- 3 The administering agency is the Department of Natural Resources and Mines.

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Authorised by the Parliamentary Counsel