



Queensland

# Water and Other Legislation Amendment Regulation (No. 1) 2014

## Subordinate Legislation 2014 No. 334

made under the

*State Penalties Enforcement Act 1999*

*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 Other Legislation Amendment Regulation (No. 1) 2014*.

### **2 Commencement**

- (1) This regulation, other than section 41(3) and (4), commences on 18 February 2015.
- (2) Section 41(3) and (4) commences on the commencement of the *Water Reform and Other Legislation Amendment Act 2014*, section 70.

## **Part 2 Amendment of Water Regulation 2002**

### **3 Regulation amended**

This part amends the *Water Regulation 2002*.

*Note—*

See also the amendments in schedule 1.

### **4 Replacement of s 3B (Prescribed activities for general authorisation to take water)**

Section 3B—

*omit, insert—*

#### **3B Prescribed activities—Act, s 101(1)(a)**

- (1) Each activity mentioned in schedule 1 is prescribed for section 101(1)(a) of the Act.
- (2) However, subsection (1) does not apply—

- (a) if carrying out the activity necessitates taking water; and
- (b) to the extent the water is taken from the area a water supply scheme applies to.

**5 Replacement of pt 2, div 1C (Processes for granting unallocated water)**

Part 2, division 1C—

*omit, insert—*

**Division 1C Processes for releasing unallocated water**

**5A Public auction, tender, fixed price sale or grant for a particular purpose—Act, s 39(1)(b)**

This division prescribes the processes for releasing unallocated water by—

- (a) public auction; or
- (b) tender; or
- (c) fixed price sale; or
- (d) grant for a particular purpose.

**5B When release may proceed—Act, s 39(2)**

The release may only proceed if the chief executive has first decided that it is appropriate having regard to any existing water development options that relate to the unallocated water.

**5C Public notice of availability of water**

- (1) The chief executive must publish a notice about the availability of the water by auction or tender.
- (2) The notice must be published before—

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- (a) the day the auction is held; or
  - (b) the start of the period in which tenders may be made.
- (3) The notice must state the following—
- (a) whether the water is being sold by public auction or tender;
  - (b) the type of water entitlement to be granted for the sale;
  - (c) details as follows for identifying the water—
    - (i) any water plan or water management protocol under which the water is available;
    - (ii) the purpose for which the water is available;
  - (d) other details, if any, sufficient to identify the water, including, for example—
    - (i) if the water is described in schedule 5—the water so described; and
    - (ii) the volume of water available to be sold; and
    - (iii) the location from which the water may be taken;
  - (e) for an auction—where and when the auction is to be held;
  - (f) for a tender—
    - (i) the day (the *closing day*) by which tenders must be made; and
    - (ii) the place where tenders must be lodged; and
    - (iii) the way tenders must be lodged electronically;
  - (g) where the terms of sale are available;



- (h) anything else relating to the proposed sale the chief executive considers appropriate.
- (4) The chief executive may publish a notice about the availability of the water by fixed price sale.

### **5D Terms of sale or grant**

The chief executive may decide the terms—

- (a) of a sale of water under this division; or

*Note—*

Under section 40 of the Act, the chief executive may set a price for the sale of the water.

- (b) for granting water for a particular purpose under this division.

### **5E Failure to complete purchase**

- (1) This section applies if—
  - (a) a person enters into an agreement under this division to purchase water; and
  - (b) the person does not complete the purchase in accordance with the terms of sale.
- (2) Any deposit paid by the person is forfeited to the State and the State may otherwise deal with the water under this division.

### **5F Selling water after auction or tender process**

If the water is not sold under an auction or tender process, the State may sell all or part of the water on the terms decided by the chief executive.

### **5G Sale of water may be withdrawn**

- (1) The chief executive may withdraw a sale under this division of all or part of the water—

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- (a) for a sale by auction—
    - (i) before the auction; or
    - (ii) if the water is not sold at the auction, after the auction; or
  - (b) for a sale by tender—before the closing day for the tender; or
  - (c) for a fixed price sale—before an agreement is entered into under this division for the sale.
- (2) If a sale is withdrawn under subsection (1)(a) or (b), the chief executive must publish a notice about the withdrawal.

**6 Omission of pt 2, div 2 (Interim allocation and management arrangements)**

Part 2, division 2—

*omit.*

**7 Replacement of s 14 (Entities—Act, ss 206 and 213)**

Section 14—

*omit, insert—*

**14 Prescribed entities—Act, s 104, definition *prescribed entity*, paragraph (l)**

For section 104 of the Act, definition *prescribed entity*, paragraph (l), the entities mentioned in schedule 2 are prescribed.

**8 Omission of s 15D (Additional information may be required)**

Section 15D—

*omit.*

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**9 Insertion of new pt 2, divs 4–4B**

After section 15H—

*insert—*

**Division 4 Effects of land dealings or acquisition of land on water licences**

**Subdivision 1 Effects of land dealings on water licences**

**16 Effect of licensee ceasing to be an owner of land**

- (1) If a water licence attaches to land and the licensee ceases to be an owner of the land, on the day the licensee ceases to be the owner—
  - (a) the licensee ceases to be the holder of the licence; and
  - (b) the registered owner of the land becomes the new licensee.
- (2) The chief executive must give the new licensee a new licence that has the same effect as the previous licence.

**16A Effect of disposal of part of land to which water licence to take water attaches**

- (1) This section applies if—
  - (a) a water licence of either of the following types attaches to land—
    - (i) a licence to take water;
    - (ii) a licence mentioned in section 107(1)(c) of the Act; and

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- (b) the registered owner of the land disposes of part of the land.
- (2) On the day the registered owner disposes of the part, the water licence is taken to be held jointly by all owners of the land to which the licence attaches.

**16B Effect of disposal of part of land to which water licence to interfere with water attaches**

- (1) This section applies if—
  - (a) a water licence to interfere with the flow of water on, under or adjoining land is attached to land; and
  - (b) the registered owner of the land disposes of part of the land.
- (2) Subsection (3) applies if the location at which water may be interfered with is on, under or adjoining either the part of the land disposed of or the part retained by the owner.
- (3) The licence attaches to the part and the chief executive must amend the licence under section 132 of the Act, to show the change.
- (4) Subsection (5) applies if the location at which water may be interfered with is on, under or adjoining both the part of the land disposed of and the part retained.
- (5) The chief executive must amend the licence under section 132 of the Act, so that the licence is held jointly by both the owner of the part retained and the owner of the part disposed of.

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## **Subdivision 2 Effects of acquisition or disposal of land on water licences**

### **16C Effect of acquisition or disposal of part of land**

- (1) This section applies to a water licence if part of the land to which the licence attaches—
  - (a) is taken under the *Acquisition of Land Act 1967*; or
  - (b) is disposed of by the registered owner of the land to a constructing authority for a purpose for which land may be taken under that Act.
- (2) If the acquisition or disposal includes a transfer of the licence, the chief executive must record the transfer in the department's records as if the transfer were a proposed dealing mentioned in section 131(1) of the Act.
- (3) If water that may be taken under the licence can still be taken from the original source on or adjoining the remaining part of the land, the chief executive must amend the licence under section 132 of the Act, so the licence attaches to the remaining part of the land.
- (4) If the remaining part of the land no longer adjoins the original source, on the day the acquisition or disposal happens the water licence is taken to be held jointly by all owners of the land to which the licence attaches.

## **Division 4A      Criteria for establishing elements of particular proposed water allocations**

### **Subdivision 1    Criteria**

#### **16D Application of criteria—Act, s 39(1)(c)**

- (1) The criteria for establishing the elements of proposed water allocations to be granted on conversion from a water entitlement or other authorisation (each an *existing authorisation*) are—
  - (a) to the extent a relevant water plan applies the criteria stated in subdivision 2 or 3—the criteria; and
  - (b) any criteria in a relevant water plan for converting an existing authorisation to a water allocation.
- (2) If there is an inconsistency between criteria mentioned in subsection (1)(a) and criteria mentioned in subsection (1)(b), the criteria mentioned in subsection (1)(b) prevail.

### **Subdivision 2    Establishing nominal volumes**

#### **16E Nominal volume based on nominal entitlement**

- (1) If a water plan states that the nominal volume for a water allocation is to be based on the nominal entitlement for the existing authorisation, the nominal volume for the allocation is the nominal entitlement stated on the existing authorisation.

- (2) In this section—
- nominal entitlement* means—
- (a) for a water licence—see section 65; or
  - (b) for an interim water allocation—the volume of water stated on the allocation that may be taken in a period of 12 months.

### **16F Nominal volume based on assessment of water taken under existing authorisation**

- (1) If a water plan states that the nominal volume for a water allocation is to be based on an assessment of the water taken under the existing authorisation, the chief executive must decide the nominal volume having regard to the following—
- (a) the local availability of water;
  - (b) the conditions under which water may be taken under the existing authorisation;
  - (c) if the existing authorisation states the maximum volume of water that may be taken under the existing authorisation during a stated period—the volume;
  - (d) the average annual volume of water for the period stated in the relevant water plan worked out or estimated by the chief executive to have been able to be taken under the existing authorisation;
  - (e) any other criteria, for making the decision, stated in the relevant water plan.
- (2) For subsection (1)(a), the local availability of water includes consideration of the volume of water worked out or estimated by the chief executive to have been able to be taken by authorisations, other than the existing

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authorisation, that would have affected access to water under the existing authorisation.

### **Subdivision 3 Establishing volumetric limits**

#### **16G Volumetric limit based on limit stated on existing authorisation**

- (1) If a water plan states that the volumetric limit for a water allocation is to be based on the limit stated on the existing authorisation, the volumetric limit for the allocation is the volume of water that may be taken in a period of 12 months stated on the allocation.
- (2) However, if the water plan states an alternative period, the volumetric limit for the water allocation is the volume of water allowed to be taken under the existing authorisation in the period stated in the water plan.

#### **16H Volumetric limit based on area stated on existing authorisation**

If a water plan states that the volumetric limit for a water allocation is to be based on the area able to be irrigated that is stated on the existing authorisation, the volumetric limit for the allocation is the area stated as being able to be irrigated on the existing authorisation multiplied by the factor stated in the water plan.

#### **16I Volumetric limit if no limit is stated on existing authorisation**

If a water plan states that the volumetric limit for a water allocation is to be based on an assessment of water taken under the existing authorisation



and the efficiency of the use of the water, the volumetric limit for the allocation is the volume decided by the chief executive having regard to the following—

- (a) the conditions under which water may be taken under the existing authorisation;
- (b) the water taking capacity of any works for taking water under the allocation;
- (c) the volume of water required for the allocation's intended purpose;
- (d) the annual volumes of water for the period stated in the relevant water plan estimated by the chief executive to have been taken under the existing authorisation with the works that were in place immediately before the commencement of this section;
- (e) the efficiency of the use of the water mentioned in paragraph (d);
- (f) any other criteria for making the decision stated in the relevant water plan.

#### **16J Maximum rate for water allocation based on rate stated on existing authorisation**

If a water plan states that the maximum rate for a water allocation is to be based on the maximum rate for the existing authorisation, the maximum rate for the allocation is the maximum rate for taking water under the existing authorisation.

#### **16K Maximum rate for water allocation based on related development permit**

- (1) Subsection (2) applies if a water plan states that the maximum rate for a water allocation is to be based on the pump size stated on a development permit related to the existing authorisation.

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- (2) The maximum rate for the allocation is—
  - (a) if the water plan states the maximum rate for taking water in litres per second and—
    - (i) the pump size is mentioned in schedule 11A, column 1—the rate stated in schedule 11A, column 2, for the pump size; or
    - (ii) the pump size is not mentioned in schedule 11A, column 1—the rate decided by the chief executive having regard to the rates stated for similar pump sizes in schedule 11A, column 2; or
  - (b) if the water plan states the maximum rate for taking water in megalitres per day and—
    - (i) the pump size is mentioned in schedule 11A, column 1—the rate stated in schedule 11A, column 3, for the pump size; or
    - (ii) the pump size is not mentioned in schedule 11A, column 1—the rate decided by the chief executive having regard to the rates stated for similar pump sizes in schedule 11A, column 3.
- (3) Subsection (4) applies if the chief executive is satisfied the maximum rate for the allocation is different from the maximum rate decided under subsection (2) for the allocation.
- (4) Despite subsection (2), the maximum rate for the allocation is the rate decided by the chief executive having regard to the following—
  - (a) the conditions under which water may be taken under the existing authorisation;
  - (b) the water taking capacity of the pump to which the development permit relates;

- (c) any other criteria, for making the decision, stated in the relevant water plan.

### **16L Maximum rate for water allocation based on other considerations**

- (1) This section applies if a water plan states that the maximum rate for a water allocation is to be decided by the chief executive, other than if—
  - (a) the existing authorisation states a maximum rate; or
  - (b) a related development permit states a pump size for taking water.
- (2) The maximum rate for the allocation is the rate decided by the chief executive having regard to—
  - (a) the purpose stated on the existing authorisation; and
  - (b) the chief executive's estimate or measurement of the rate at which water can be taken under the existing authorisation; and
  - (c) any other criteria, for making the decision, stated in the relevant water plan.

### **16M Daily volumetric limit for water allocation based on rate stated on existing authorisation**

If a water plan states that the daily volumetric limit for a water allocation is to be based on the existing authorisation, the daily volumetric limit for the allocation is the maximum rate for taking water in a day, stated on the existing authorisation.

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### **16N Daily volumetric limit for water allocation based on related development permit**

- (1) This section applies if a water plan states that the daily volumetric limit for a water allocation is to be based on the pump size stated on a development permit related to the existing authorisation.
- (2) The daily volumetric limit for the allocation is—
  - (a) if the pump size is mentioned in schedule 11A, column 1—the daily volumetric limit stated in schedule 11A, column 3, for the pump size; or
  - (b) if the pump size is not mentioned in schedule 11A, column 1—the daily volumetric limit for the allocation decided by the chief executive having regard to the daily volumetric limits for similar pump sizes stated in schedule 11A, column 3.
- (3) Subsection (4) applies if the chief executive is satisfied the daily volumetric limit for the allocation is different from the daily volumetric limit decided under subsection (2) for the allocation.
- (4) Despite subsection (2), the daily volumetric limit for the water allocation is the volume decided by the chief executive having regard to the following—
  - (a) the conditions under which water may be taken under the existing authorisation;
  - (b) the efficiency of the use of water taken under the existing authorisation;
  - (c) the water taking capacity of the pump to which the development permit relates under normal operating conditions;

- (d) any other criteria, for making the decision, stated in the relevant water plan.
- (5) However, if the allocation states a maximum rate for the allocation, the chief executive must ensure the daily volumetric limit for the allocation is no more than the volume that may be taken in a day at that rate.

### **160 Daily volumetric limit for water allocation based on other considerations**

- (1) This section applies if a water plan states that the daily volumetric limit is to be decided by the chief executive, other than if —
  - (a) the existing authorisation states a daily volumetric limit; or
  - (b) a related development permit states a pump size for taking water relating to the permit.
- (2) The daily volumetric limit for the water allocation is the daily volumetric limit decided by the chief executive having regard to—
  - (a) the purpose stated on the existing authorisation; and
  - (b) the chief executive's estimate or measurement of the rate at which water can be taken under the existing authorisation; and
  - (c) any other criteria, for making the decision, stated in the relevant water plan.
- (3) However, if the allocation states a maximum rate for taking water for the allocation, the chief executive must ensure the daily volumetric limit for the allocation is no more than the volume that may be taken in a day at that rate.

## **Subdivision 4 Establishing conditions of water allocation**

### **16P Conditions for taking water**

- (1) The chief executive may impose on a water allocation any condition the chief executive is satisfied is necessary to ensure the purpose and outcomes of the relevant water plan are achieved.
- (2) In deciding the flow conditions under which water may be taken under the allocation, the chief executive must have regard to—
  - (a) any conditions stated on the existing authorisation; and
  - (b) any other criteria, for making the decision, stated in the relevant water plan.

## **Division 4B Seasonal water assignments**

### **Subdivision 1 Seasonal water assignments for water allocations not managed under resource operations licence**

#### **16Q Application of sdiv 1**

This subdivision applies to a water allocation if—

- (a) the allocation is not managed under a resource operations licence; and

- (b) a water management protocol allows seasonal water assignments for the allocation.

### **16R Applying for a seasonal water assignment**

- (1) This section applies to the holder of the water allocation.
- (2) The holder may apply to the chief executive for a seasonal water assignment for the water allocation for the water year in which the application is made.
- (3) The application must be—
  - (a) in the approved form; and
  - (b) accompanied by the application fee stated in schedule 16.

### **16S Deciding application**

- (1) If the application is consistent with the seasonal water assignment rules stated in a water management protocol applying to the relevant water plan area, the chief executive must approve the application, with or without conditions.
- (2) As soon as practicable after deciding the application, the chief executive must—
  - (a) give the applicant an information notice for the decision; and
  - (b) give the proposed assignee a seasonal water assignment notice.
- (3) To the extent the application is approved, the holder of the water allocation is not authorised to take water that is the subject of the seasonal water assignment.

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- (4) Subsection (5) applies if—
  - (a) the assignee holds a water allocation for the water management area in which the assignee proposes to take the benefit of the assignment; and
  - (b) a water management protocol allows the seasonal water assignment.
- (5) The seasonal water assignment notice applying to the allocation increases the volume of water that may be taken under the allocation by the volume stated in the notice.
- (6) The assignment has effect from the day a notice is given to the applicant under subsection (2).

#### **16T Conditions of seasonal water assignment notice**

The seasonal water assignment notice is subject to the conditions—

- (a) to which the water allocation is subject; and
- (b) any conditions imposed by the chief executive under section 16S(1) for the assignment.

### **Subdivision 2 Seasonal water assignments for water allocations managed under resource operations licence**

#### **16U Arrangement for seasonal water assignment**

- (1) This section applies if a person is the holder of a water allocation managed under a resource operations licence.



- 
- (2) The holder of the allocation may enter into an arrangement for a seasonal water assignment in relation to the allocation if—
- (a) the holder of the resource operations licence consents to the arrangement; and
  - (b) the water to which the allocation relates is distributed to the holder of the allocation by a distribution operations licence holder and the distribution operations licence holder consents to the arrangement.

## 10 Amendment of s 18 (Classes of licence—Act, s 299)

- (1) Section 18, heading, ‘s 299’—  
*omit, insert—*  
**s 981**
- (2) Section 18(1), ‘section 299(2)(b)’—  
*omit, insert—*  
section 981(2)(b)
- (3) Section 18(2), ‘drilling activities in single subartesian aquifer systems’—  
*omit, insert—*  
subartesian drilling activities in a single aquifer system
- (4) Section 18(3), ‘drilling activities in all subartesian aquifer systems’—  
*omit, insert—*  
subartesian drilling activities in any aquifer system
- (5) Section 18(4), ‘drilling activities in all subartesian and artesian aquifer systems’—  
*omit, insert—*

[s 11]

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subartesian and artesian drilling activities in any  
aquifer system

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

(1) Section 22, heading, ‘s 299’—

*omit, insert—*

**s 981**

(2) Section 22(1), ‘section 299(2)(d)’—

*omit, insert—*

section 981(2)(d)

(3) Section 22(2)(c)(iii) and (iv)—

*omit, insert—*

(iii) employment in the operation of a  
drilling machine, other than in water  
bore drilling activities, for at least 36  
months during which at least 10 bores  
were drilled that intersect an aquifer  
with artesian pressure; or

(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  
artesian bores were drilled.

**12 Insertion of new pt 2, div 7**

Part 2—

*insert—*

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**Division 7      Water allocation dealing  
rules applying to the whole  
of the State**

**Subdivision 1   Purpose and application of  
division 7**

**24A Purpose and application of div 7—Act, s 158**

- (1) This division prescribes the water allocation dealing rules applying to the whole of the State.
- (2) However, this division does not apply to the extent the relevant water management protocol provides for an alternative process for—
  - (a) making an application for a water allocation dealing; or
  - (b) deciding a water allocation dealing.

**Subdivision 2   Process for applying for  
and deciding particular  
water allocation dealings**

**24B How application must be made**

An application for a water allocation dealing must be—

- (a) in the approved form; and
- (b) accompanied by the application fee stated in schedule 16.

**24C Public notice of application for water  
allocation dealing**

- (1) This section applies if—

[s 12]

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- (a) the chief executive is satisfied the application complies with section 24B; and
  - (b) the water allocation dealing rules require the applicant to publish a notice of the application.
- (2) The chief executive must give the applicant a notice requiring the applicant to publish stated information for the application within a stated period and in a stated way.
- (3) The information must include the following—
- (a) where copies of the application may be inspected and, on payment of a fee, purchased;
  - (b) that written submissions may be made by any entity about the application;
  - (c) a day (the *closing day*) by which submissions must be made, and the person to whom, and the place where, the submissions must be made.
- (4) The closing day must not be earlier than 30 business days after the day the information is published.
- (5) If the information has been published as required under subsection (2)—
- (a) the applicant must, within 10 business days after the publication of the information, give the chief executive evidence of the publication; and
  - (b) the chief executive may—
    - (i) send a copy of the information to any other entity the chief executive considers appropriate; and
    - (ii) decide the application after the closing day.

- (6) If the applicant fails to comply with subsection (5)(a), the application lapses.

#### **24D Additional information may be required**

- (1) The chief executive may require—
- (a) the applicant to give the chief executive additional information about the application; or
  - (b) any information included in the application, or any additional information required under paragraph (a), to be verified by statutory declaration; or
  - (c) any submitter to give additional information about the submission.
- (2) If the applicant fails, without reasonable excuse, to comply with a requirement made of the applicant under paragraph (1)(a) or (b) within the reasonable time stated in the requirement, the application lapses.

#### **24DA Applicant to pay reasonable cost of investigating application—Act, s 158(6)(d)**

- (1) This section applies if—
- (a) a person makes an application under section 24B; and
  - (b) the chief executive is satisfied there will be considerable expense in investigating the application.
- (2) The chief executive must—
- (a) estimate the likely cost of investigating the application; and
  - (b) give the person written notice of the estimated cost.

[s 12]

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- (3) The person must pay the amount of the estimated cost to the chief executive.
- (4) If the cost of investigating the application is less than the estimated cost, the chief executive must refund to the person the difference between the cost paid and the actual cost.

### **24DB Deciding application**

- (1) This section applies to an application for a water allocation dealing if neither subdivision 3 nor a water management protocol states that the dealing is permitted or prohibited.
- (2) The chief executive must decide the application—
  - (a) for a dealing that must be assessed under subdivision 4—in accordance with that subdivision; and
  - (b) for a dealing that must be assessed under a water management protocol—in accordance with the criteria for the assessment stated in the protocol.
- (3) In making a decision under subsection (2), the chief executive must consider—
  - (a) the application; and
  - (b) any additional information given by the applicant under section 24D; and
  - (c) any properly made submission about the application.

### **24DC Chief executive to give notice of decision**

- (1) This section applies to an application made under this division.

- (2) Within 10 business days of deciding the application, the chief executive must give written notice of the decision to—
  - (a) the applicant; and
  - (b) any entity that made a properly made submission about the application.
- (3) However, if the application was decided in accordance with subdivision 4, the notice must be an information notice.

### **Subdivision 3 Permitted water allocation dealings**

#### **24DD Permitted amalgamation of water allocations**

An amalgamation of 2 or more water allocations into a single water allocation is permitted if—

- (a) for each allocation being amalgamated, the ratio between the nominal volume of the allocation and each other attribute of the allocation is the same as the ratio between the nominal volume of each other allocation being amalgamated and each attribute of that other allocation; and

*Example—*

If water allocation A has a nominal volume of 1 and a volumetric limit of 2, it may be amalgamated with water allocation B which has a nominal volume of 2 and a volumetric limit of 4, but not with water allocation C which has a nominal volume of 2 and a volumetric limit of 3.

- (b) the allocations being amalgamated have the same conditions; and
- (c) the amalgamation results in an allocation—

[s 12]

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- (i) for which the ratio between the nominal volume of the allocation and each other attribute of the allocation is the same as the ratio between the nominal volume of each allocation being amalgamated and each attribute of that allocation; and
- (ii) that has the same conditions as the allocations being amalgamated.

*Note—*

See section 143 of the Act for the attributes and conditions of water allocations.

#### **24DE Permitted subdivision of a water allocation**

A subdivision of a water allocation is permitted if—

- (a) the total of the nominal volumes of the resulting water allocations is the same as the nominal volume of the water allocation being subdivided; and
- (b) each attribute of the water allocation being subdivided is subdivided in proportion to the nominal volume of each resulting water allocation; and
- (c) each resulting water allocation states the same conditions as the water allocation being subdivided.

### **Subdivision 4 Assessed water allocation dealings**

#### **24DF Main purpose of this subdivision**

The main purpose of this subdivision is to state types of water allocation dealings that must be



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assessed and the criteria against which they must be assessed.

#### **24DG Particular water allocation dealings to be assessed and notice of application published**

- (1) This section applies to an application for a water allocation dealing if—
  - (a) neither subdivision 3 nor a water management protocol states that the dealing is permitted or prohibited (an *other dealing*); and
  - (b) a water management protocol does not state that the dealing is of a type that must be assessed under the protocol.
- (2) For section 24C(1)(b), the applicant must publish a notice of the application.
- (3) The water allocation dealing must be assessed under section 24DH.

#### **24DH Criteria for assessing particular dealings**

- (1) Subsection (2) applies if the chief executive is satisfied the application is for a water allocation dealing that—
  - (a) is compatible with the objectives of the relevant water plan; and
  - (b) is in the public interest; and
  - (c) will not significantly adversely affect water entitlement holders, resource operations licence holders or natural ecosystems; and
  - (d) for a water allocation managed under a resource operations licence—does not—
    - (i) increase the water allocation's share of the water the resource operations

[s 13]

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- licence holder has available to supply the water allocations managed under the licence; or
- (ii) increase the water the resource operations licence holder has available to supply the water allocations managed under the licence; and
- (e) for a water allocation not managed under a resource operations licence—does not—
  - (i) change the nominal volume for the water allocation; or
  - (ii) increase the water allocation's share of the water available to be taken under the water allocations in all water allocation groups mentioned in the relevant water plan area.
- (2) The chief executive must approve the application, with or without conditions.
- (3) If the chief executive is not satisfied as mentioned in subsection (1), the chief executive must refuse the application.

**13 Omission of pt 4, divs 2–4**

Part 4, divisions 2 to 4—

*omit.*

**14 Insertion of new ss 48AAB and 48AAC**

After section 48AAA—

*insert—*

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**48AAB Amalgamation of North Burdekin Water Board and South Burdekin Water Board and authority areas—Act, s 690**

- (1) The North Burdekin Water Board and the South Burdekin Water Board are amalgamated to form a water authority called Lower Burdekin Water.
- (2) The authority's area is shown on plan AP22327.

*Note—*

The authority's area is comprised of 2 divisions called the Northern Division and the Southern Division.

- (3) The North Burdekin Water Board and the South Burdekin Water Board are dissolved.
- (4) Each of the authority areas for the North Burdekin Water Board and the South Burdekin Water Board is dissolved.

**48AAC Interim board administration of Lower Burdekin Water—Act, s 602(5)**

Until Lower Burdekin Water's board is appointed under section 600 of the Act, Lower Burdekin Water is to be administered by a board made up of each person who, immediately before the amalgamation of the North Burdekin Water Board and the South Burdekin Water Board, was a director of 1 or more of—

- (a) the North Burdekin Water Board; or
- (b) the South Burdekin Water Board.

**15 Amendment of s 52A (Authorised taking of water—Act, s 808)**

- (1) Section 52A(1), 'Border Rivers ROP'—

*omit, insert—*

Border Rivers water management protocol

[s 16]

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- (2) Section 52A(2), definition *Border Rivers ROP*—  
*omit, insert—*

***Border Rivers water management protocol***  
means the water management protocol to  
implement the *Water Plan (Border Rivers) 2003*.

**16 Replacement of s 54 (Downstream and upstream limits of watercourses—Act, s 1006(1))**

Section 54—

*omit, insert—*

**54 Particular unallocated water reserved—Act, s 39(1)(a)**

Unallocated water to which no water plan applies, that is described in schedule 5, is reserved.

**17 Replacement of s 61 (Drainage and embankment areas—Act, s 1014)**

Section 61—

*omit, insert—*

**61 Notice of works and water use**

For section 36(3)(b) of the Act, a chief executive's notice must state the following matters—

- (a) the land to which the notice applies;
- (b) the type of works required to be notified by the owner, including the purpose and size of the works;
- (c) which 1 or more of the following the notice relates to—
  - (i) existing works;
  - (ii) works under construction;

- 
- (iii) on their completion, works constructed in the future;
  - (d) an expiry date of the notice;
  - (e) the proposed consultation arrangements for the notice.

**61A Particular works that are self-assessable development or assessable development—Act, s 39(1)(f)**

- (1) Works for the taking of or interfering with overland flow water that are in an area mentioned in schedule 11B, part 1, column 1 are to be regulated as assessable development.
- (2) However—
  - (a) if part 1, column 2 of that schedule identifies part of the works as self-assessable development, the part of the works is to be regulated as self-assessable development; and
  - (b) if part 1, column 3 of that schedule identifies part of the works as not assessable development, the part of the works is not to be regulated as assessable development.
- (3) Works for the taking of underground water that are in an area mentioned in schedule 11B, part 2, column 1 are to be regulated as assessable development.
- (4) However—
  - (a) if part 2, column 2 of that schedule identifies part of the works as self-assessable development, the part of the works is to be regulated as self-assessable development; and
  - (b) if part 2, column 3 of that schedule identifies part of the works as not assessable

[s 18]

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development, the part of the works is not to be regulated as assessable development.

- (5) Works for interfering with underground water that are in an area mentioned in schedule 11B, part 3, column 1 are to be regulated as assessable development.
- (6) However—
  - (a) if part 3, column 2 of that schedule identifies part of the works as self-assessable development, the part of the works is to be regulated as self-assessable development; and
  - (b) if part 3, column 3 of that schedule identifies part of the works as not assessable development, the part of the works is not to be regulated as assessable development.

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

Section 62(d)(i)—

*omit, insert—*

- (i) the ‘Code for self-assessable development of bores identified in a water plan as self-assessable’; and

**19 Amendment of s 62A (Accounting period—Act, sch 4, definition *water year*)**

- (1) Section 62A, ‘a resource operations plan’—

*omit, insert—*

a water management protocol, resource operations licence

- (2) Section 62A(a), ‘water resource plan, resource operations plan’—

*omit, insert—*

water plan, water management protocol

- (3) Section 62A(a), ‘(the *relevant plan or rules*)’—

*omit, insert—*

(the *relevant plan, protocol or rules*)

- (4) Section 62A(a) to (d), ‘in the relevant plan or rules’—

*omit, insert—*

in the relevant plan, protocol or rules

- (5) Section 62A(a) to (d), ‘the plan’—

*omit, insert—*

the protocol

**20 Replacement of s 78 (Chief executive may require meter reading by holder of metered entitlement or owner of works)**

Section 78—

*omit, insert—*

**78 Chief executive may require meter reading by holder of metered entitlement or owner of works**

- (1) The chief executive may give either of the following persons a notice requiring the person to read a meter and provide the meter reading to the chief executive in the way stated in the notice by the day stated in the notice—
- (a) the holder of a metered entitlement who takes water under the entitlement through works that have the meter attached;
  - (b) if there is no holder of a metered entitlement who takes water through the works—the owner of the works.

[s 21]

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- (2) The day stated in the notice must be at least 30 days after the day the chief executive gave the person the notice.
- (3) The person must comply with the notice.  
Maximum penalty for subsection (3)—20 penalty units.

## 21 Insertion of new pt 8A

After section 87—

*insert—*

# **Part 8A                    Minister's reports on water plans**

## **88 Minister's reports on water plans**

- (1) The Minister must prepare a report about each water plan—
  - (a) within 5 years after the commencement of the plan; and
  - (b) for each subsequent report—no more than 5 years after the previous report.
- (2) The Minister's report about a water plan must state the following—
  - (a) whether the plan is advancing the responsible and productive management of Queensland's water resources;
  - (b) an assessment of the effectiveness of the implementation of the plan in achieving the plan's outcomes;
  - (c) information on water use and authorisations in the plan area, including—
    - (i) water entitlements; and



- (ii) water taken or interfered with under a statutory authorisation;

*Note—*

For paragraph (c)(ii), a statutory authorisation includes a statutory authorisation to—

- (a) take water to carry out an activity prescribed by regulation; or
  - (b) take water from a designated watercourse.
- (d) information on water entitlements and water use in the plan area;
  - (e) any identified risks to the plan's outcomes;
  - (f) what amendments, if any, have been made to the plan since its commencement;
  - (g) any noncompliance under a water entitlement or other authorisation in the plan area.

**22 Omission of pt 9, div 1 (Transitional provisions for water bore drillers)**

Part 9, division 1—

*omit.*

**23 Amendment of s 102 (Declared subartesian areas—Act, s 1046)**

- (1) Section 102, heading, 'subartesian areas'—

*omit, insert—*

**underground water areas**

- (2) Section 102(1), 'a subartesian area'—

*omit, insert—*

an underground water area

- (3) Section 102(1A), (1B), (2) and (3), 'subartesian area'—

[s 24]

---

*omit, insert—*

underground water area

- (4) Section 102(2) and (3), ‘subartesian water’—

*omit, insert—*

underground water

- (5) Section 102(4)—

*omit, insert—*

- (4) Works for taking underground water in an underground water area mentioned in schedule 11, part 1 are assessable development under the *Sustainable Planning Act 2009* if they are—

- (a) works for carrying out prescribed activity in the Cook underground water area or the Duck Farm underground water area; and  
(b) not an exempt bore.

**24 Omission of pt 9, divs 5 and 6**

Part 9, divisions 5 and 6—

*omit.*

**25 Omission of pt 9, div 8, sdiv 1 (Water charges accrued on 31 December 2005)**

Part 9, division 8, subdivision 1—

*omit.*

**26 Omission of s 129 (Minimum fee for particular management areas)**

Section 129—

*omit.*

**27 Amendment of s 130 (Water licence fee for existing water licences and applications)**

(1) Section 130(5)—

*renumber* as section 130(6).

(2) Section 130—

*insert*—

- (5) A reference in subsection (6), definition *relevant application* to a particular section of the Act is taken to be a reference to that section as in force immediately before the commencement of the *Water and Other Legislation Amendment Regulation (No. 1) 2014*.

**28 Replacement of sch 1 (Prescribed activities for general authorisation to take water)**

Schedule 1—

*omit, insert*—

**Schedule 1 Prescribed activities,  
Act, section 101(1)(a)**

section 3B

- 1 washing, for processing or packing, produce from a single farming enterprise
- 2 operation of a dairy
- 3 washing down equipment, plant or vehicles—
  - (a) in accordance with best practice to prevent the spread of weed seeds; or
  - (b) for safety purposes; or
  - (c) used for private purposes

[s 28]

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- 4 washing down a place used to house domestic animals kept as pets

*Examples of places used to house domestic animals kept as pets—*

- a doghouse in the backyard of a residential property
- enclosures at a shelter for animals operated by a charitable organisation, for example, the RSPCA

- 5 filling spray units used to apply herbicides or pesticides

- 6 using stock dips and spray races for controlling parasites on livestock

- 7 supplying water for temporary camps, or living quarters, for staff, for example, for operating toilets, showers, kitchens or laundries—

- (a) on or for a farm; or
- (b) that is incidental activity for an authority to prospect administered under the *Petroleum and Gas (Production and Safety) Act 2004*; or
- (c) as part of exercising entitlements under an exploration permit issued under the *Mineral Resources Act 1989*

- 8 supplying non-potable water to premises used solely for education or training purposes—

- (a) including for use in a building; but

*Examples of a building in which non-potable water may used—*

toilet block, classroom, dormitory, residence, workshop or laboratory

- (b) not including irrigating land with an area of more than 0.5ha

- 9 managing a public recreation area—

- (a) including operating public toilets and showers; but
- (b) not including irrigating land with an area of more than 0.5ha

- 10 constructing works, infrastructure or plant—

- (a) on or for a farm; or

*Example—*

using water to mix cement to be used to construct a shed on a farm

- (b) that is an incidental activity for an authority to prospect, petroleum lease, pipeline licence or petroleum facility licence granted under the *Petroleum and Gas (Production and Safety) Act 2004*; or
- (c) that are temporary and reasonably necessary for, or incidental to, carrying on mining under a mining lease granted under the *Mineral Resources Act 1989*

*Examples of temporary infrastructure or plant—*

- mobile or temporary camps
- temporary power lines

- 11 Construction, but not maintenance of, roads within—

- (a) a farm; or
- (b) the area of a mineral development licence, or mining lease, granted under the *Mineral Resources Act 1989*; or
- (c) the area of an authority to prospect, petroleum lease, pipeline licence or petroleum facility licence granted under the *Petroleum and Gas (Production and Safety) Act 2004*

- 12 constructing or maintaining infrastructure approved under an interim resource operations licence, resource operations licence or distribution operations licence

- 13 the following activities in relation to pumps, wells or bores—

- (a) constructing or drilling (including site establishment and rehabilitation and drill bit lubrication);
- (b) proving supply;
- (c) testing water quality;
- (d) flushing out

- 14 rehabilitating riparian land

[s 29]

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

(1) Schedule 2, heading—

*omit, insert—*

**Schedule 2 Prescribed entities**

section 14

(2) Schedule 2, item 1—

*omit.*

(3) Schedule 2, items 2 to 38—

*renumber* as schedule 2, items 1 to 36.

**30 Amendment of sch 4 (Seasonal water assignments)**

(1) Schedule 4, entry for Border Rivers groundwater management area, after ‘Border Rivers—

*insert—*

Alluvium

(2) Schedule 4, entry for Coastal Burnett groundwater management area—

*omit.*

**31 Insertion of new sch 5**

After schedule 4—

*insert—*

**Schedule 5      Particular  
unallocated water  
reserved**

section 54

<b>Unallocated water</b>	<b>Type of water reserved</b>	<b>Purpose for which water is reserved</b>	<b>Volume of water reserved</b>

*Editor's note—*

No unallocated water has been reserved under section 54.

**32      Amendment of sch 6 (Water authorities)**

Schedule 6, entries for North Burdekin Water Board and South Burdekin Water Board—

*omit.*

**33      Omission of sch 6A (Employing offices for water authorities)**

Schedule 6A—

*omit.*

**34      Omission of schs 8 and 9**

Schedules 8 and 9—

*omit.*

[s 35]

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**35 Amendment of sch 10 (Water sharing rules)**

Schedule 10, entry for Coastal Burnett groundwater management area—

*omit.*

**36 Amendment of sch 11 (Subartesian areas)**

(1) Schedule 11, heading and part 1, heading—

*omit, insert—*

**Schedule 11 Underground water areas**

section 102

**Part 1 Areas and purposes**

(2) Schedule 11, part 1, column 3—

*omit.*

(3) Schedule 11, part 1—



*insert—*

<p>Black River underground water area on plan AP22331</p>	<p>(a) stock or domestic purposes if the land concerned does not have access to a reticulated supply, and—</p> <ul style="list-style-type: none"> <li>• the land existed in its current surveyed form at the commencement of this entry; or</li> <li>• if the land is subdivided after the commencement of this entry, for each individual parcel of land resulting from the subdivision—the size of the individual parcel is at least 40ha</li> </ul> <p>(b) a prescribed activity</p>
---	---

- (4) Schedule 11, part 1, entries for Bluewater subartesian area on plan AP10053, Cattle Creek subartesian area on plan AP10060, Clarendon subartesian area on plan AP10066, Cressbrook Creek subartesian area on plan AP10064, Eastern Downs subartesian area on plan AP12072 sheets 29 to 34, Monto subartesian area on plan AP10061 and Mulgildie subartesian area on plan AP12081 sheets 1 to 16—

*omit.*

- (5) Schedule 11, ‘subartesian area’ other than in the entries mentioned in subsection (4) or (8)—

*omit, insert—*

underground water area

- (6) Schedule 11, part 1—

[s 36]

*insert—*

Cape York underground water area on plan WM3084	(a) stock purposes from aquifers not dealt with under the <i>Water Plan (Great Artesian Basin) 2006</i> (b) domestic purposes (c) a prescribed activity
---	---

- (7) Schedule 11, part 1, entry for Greater Western subartesian area on plan CAS2054—

*omit, insert—*

Greater Western underground water area on plan WM3083	(a) stock purposes from aquifers not dealt with under the <i>Water Plan (Great Artesian Basin) 2006</i> (b) domestic purposes (c) a prescribed activity
---	---

- (8) Schedule 11, part 2, entries for Cattle Creek subartesian area, Clarendon subartesian area, Cressbrook Creek subartesian area, Eastern Downs subartesian area, Great Artesian Basin subartesian area, Monto subartesian area and Mulgildie subartesian area—

*omit.*

- (9) Schedule 11, part 2—

*insert—*

Black River underground water area	—	—	300m
Cape York underground water area	200m	—	400m
Greater Western underground water area	200m	—	400m

**37 Insertion of new schs 11A and 11B**

After schedule 11—

*insert—*

**Schedule 11A Rates and pump sizes**

sections 16K and 16N

<b>Column 1</b>	<b>Column 2</b>	<b>Column 3</b>
<b>Pump size (mm)</b>	<b>Maximum rate (litres/second)</b>	<b>Maximum rate per day or daily volumetric limit (megalitres)</b>
32	6.9	0.6
40	11.6	1
50	25.5	2.2
65	45.1	3.9
80	64.8	5.6
100	84.5	7.3
125	90.3	7.8
150	140	12.1
200	180	15.6
250	250	21.6
300	300	25.9
350	400	34.6
375	430	37.2
400	500	43.2
500	550	47.5

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<b>Column 1</b>	<b>Column 2</b>	<b>Column 3</b>
<b>Pump size (mm)</b>	<b>Maximum rate (litres/second)</b>	<b>Maximum rate per day or daily volumetric limit (megalitres)</b>
600	1000	86.4
660	1390	120
700	1740	150
750	2080	180
780	2320	200

## **Schedule 11B Self-assessable development or assessable development**

section 61A

### **Part 1 Works for taking overland flow water**

<b>Column 1 Area</b>	<b>Column 2 Works that are self-assessable development</b>	<b>Column 3 Works that are not assessable development</b>
<i>Water Plan (Baffle Creek Basin) 2010 plan area</i>	Works of a capacity of not more than 20 megalitres Works for stock or domestic purposes Works for an environmental authority or a development permit for an environmentally relevant activity	Repair or maintenance of works constructed under section 55(2) of that plan
<i>Water Plan (Border Rivers) 2003 plan area</i>	Works for stock or domestic purposes	Repair or maintenance of works constructed under section 37(2) of that plan
<i>Water Plan (Burdekin Basin) 2007 plan area</i>	Works of a capacity of not more than 250 megalitres Works for stock or domestic purposes Works for an environmental authority or a development permit for an environmentally relevant activity	Repair or maintenance of works constructed under section 82(2) of that plan

[s 37]

Column 1	Column 2	Column 3
Area	Works that are self-assessable development	Works that are not assessable development
Coastal Burnett overland flow area under the <i>Water Plan (Burnett Basin) 2014</i>	Works of a capacity of not more than 20 megalitres Works for stock or domestic purposes Works for an environmental authority or a development permit for an environmentally relevant activity	Repair or maintenance of works constructed under section 94(2) of that plan
<i>Water Plan (Calliope River Basin) 2006</i> plan area	Works of a capacity of not more than 5 megalitres Works for stock or domestic purposes Works for an environmental authority or a development permit for an environmentally relevant activity	Repair or maintenance of works constructed under section 18(2) of that plan
<i>Water Plan (Condamine and Balonne) 2004</i> plan area	Works for stock or domestic purposes	Repair or maintenance of works constructed under section 50(2) of that plan
<i>Water Plan (Cooper Creek) 2011</i> plan area	Works of a capacity of not more than 10 megalitres Works for stock or domestic purposes Works for an environmental authority or a development permit for an environmentally relevant activity	Repair or maintenance of works constructed under section 40(2) of that plan
<i>Water Plan (Fitzroy Basin) 2011</i> plan area	Works downstream of the Fitzroy Barrage of a capacity of not more than 5 megalitres Works for stock or domestic purposes Works for an environmental authority or a development permit for an environmentally relevant activity Other works of a capacity of not more than 50 megalitres	Repair or maintenance of works constructed under section 114(2) of that plan

Column 1	Column 2	Column 3
Area	Works that are self-assessable development	Works that are not assessable development
<i>Water Plan (Georgina and Diamantina) 2004</i> plan area	Works for stock or domestic purposes	Repair or maintenance of works constructed under section 15(2) of that plan
<i>Water Plan (Gulf) 2007</i> plan area	Works of a capacity of not more than 250 megalitres Works for stock or domestic purposes Works for an environmental authority or a development permit for an environmentally relevant activity	Repair or maintenance of works constructed under section 81(2) of that plan
<i>Water Plan (Mitchell) 2007</i> plan area	Works of a capacity of not more than 250 megalitres Works for stock or domestic purposes Works for an environmental authority or a development permit for an environmentally relevant activity	Repair or maintenance of works constructed under section 57(2) of that plan
<i>Water Plan (Moonie) 2003</i> plan area	Works for stock or domestic purposes	Repair or maintenance of works constructed under section 37(2) of that plan
<i>Water Plan (Moreton) 2007</i> plan area	Works of a capacity of not more than 5 megalitres Works for stock or domestic purposes Works for an environmental authority or a development permit for an environmentally relevant activity	Repair or maintenance of works constructed under section 88(2) of that plan
<i>Water Plan (Warrego, Paroo, Bulloo and Nebine) 2003</i> plan area	Works for stock or domestic purposes	Repair or maintenance of works constructed under section 37(2) of that plan

[s 37]

<b>Column 1</b>	<b>Column 2</b>	<b>Column 3</b>
<b>Area</b>	<b>Works that are self-assessable development</b>	<b>Works that are not assessable development</b>
<i>Water Plan (Whitsunday) 2010</i> plan area	<p>Works of a capacity not more than 20 megalitres</p> <p>Works for stock or domestic purposes</p> <p>Works for an environmental authority or a development permit for an environmentally relevant activity</p>	Repair or maintenance of works constructed under section 70(2) of that plan

## Part 2                      Works for taking underground water

<b>Column 1</b>	<b>Column 2</b>	<b>Column 3</b>
<b>Area or groundwater unit</b>	<b>Works that are self-assessable development</b>	<b>Works that are not assessable development</b>
<p>Atherton Underground Water Area or the Cairns Northern Beaches Underground Water Area under the <i>Water Plan (Barron) 2002</i></p> <p>Groundwater in the parts of a groundwater unit that are within the groundwater management area under the <i>Water Plan (Border Rivers) 2003</i></p>		<p>An exempt bore not within—</p> <ul style="list-style-type: none"> <li>• 200m of the boundary of a parcel of land; or</li> <li>• 200m of a watercourse; or</li> <li>• 400m of another bore</li> </ul> <p>An exempt bore, or a water bore that is constructed more than—</p> <ul style="list-style-type: none"> <li>• 200m from a boundary of a parcel of land; or</li> <li>• 400m from another water bore</li> </ul>



<p><b>Column 1</b></p> <p><b>Area or groundwater unit</b></p>	<p><b>Column 2</b></p> <p><b>Works that are self-assessable development</b></p>	<p><b>Column 3</b></p> <p><b>Works that are not assessable development</b></p>
<p>Groundwater management areas under the <i>Water Plan (Burnett Basin) 2014</i></p>		<p>An exempt bore, works for prescribed activities mentioned in schedule 1, or works not within—</p> <ul style="list-style-type: none"> <li>• 100m of the boundary of a parcel of land; or</li> <li>• 200m of another bore; or</li> <li>• 200m of Barambah Creek between AMTD 101km and AMTD 143km; or</li> <li>• 200m of the Burnett River between AMTD 250km and AMTD 295km; or</li> <li>• 200m of the Elliot River</li> </ul>
<p>Groundwater in a groundwater unit under the <i>Water Plan (Condamine and Balonne) 2004</i></p>		<p>An exempt bore, or a water bore that is constructed more than—</p> <ul style="list-style-type: none"> <li>• 200m from a boundary of a parcel of land; or</li> <li>• 400m from another water bore</li> </ul>
<p>Groundwater in a groundwater unit under the <i>Water Plan (Moonie) 2003</i></p>		<p>An exempt bore, or a water bore that is constructed more than—</p> <ul style="list-style-type: none"> <li>• 200m from a boundary of a parcel of land; or</li> <li>• 400m from another water bore</li> </ul>
<p>Groundwater management areas under the <i>Water Plan (Fitzroy Basin) 2011</i></p>		<p>An exempt bore, or works not within—</p> <ul style="list-style-type: none"> <li>• 200m of the boundary of a parcel of land or a watercourse; or</li> <li>• 400m of another bore</li> </ul>

[s 37]

Column 1 Area or groundwater unit	Column 2 Works that are self-assessable development	Column 3 Works that are not assessable development
Groundwater management areas, other than Eastern Downs, Mulgildie and Clarence Moreton management areas, under the <i>Water Plan (Great Artesian Basin) 2006</i>	A replacement water bore	A subartesian bore monitoring physical, chemical or biological characteristics of underground water
Eastern Downs, Mulgildie and Clarence Moreton management areas under the <i>Water Plan (Great Artesian Basin) 2006</i> <i>Water Plan (Gulf) 2007</i> plan area	Works for stock or domestic purposes, or a replacement water bore	A subartesian bore monitoring physical, chemical or biological characteristics of underground water  An exempt bore, or works not within— <ul style="list-style-type: none"> <li>• 200m of the boundary of a parcel of land or a watercourse; or</li> <li>• 400m of another bore</li> </ul>
<i>Water Plan (Mary Basin) 2006</i> plan area <i>Water Plan (Mitchell) 2007</i> plan area		An exempt bore  An exempt bore, or works not within— <ul style="list-style-type: none"> <li>• 200m of the boundary of a parcel of land or a watercourse; or</li> <li>• 400m of another bore</li> </ul>
Cressbrook Creek Alluvial groundwater management area and Lockyer Valley groundwater management area under the <i>Water Plan (Moreton) 2007</i>	Works for stock or domestic purposes, monitoring or salinity control purposes, or works replacing works in the watercourse buffer zone.	An exempt bore, or works not within— <ul style="list-style-type: none"> <li>• 100m of the boundary of a parcel of land; or</li> <li>• 50m of a watercourse; or</li> <li>• 200m of another bore</li> </ul>

Column 1 Area or groundwater unit	Column 2 Works that are self-assessable development	Column 3 Works that are not assessable development
<i>Water Plan (Pioneer Valley) 2002</i> plan area		An exempt bore, or works not within— <ul style="list-style-type: none"> <li>• 200m of the boundary of a parcel of land, or a relevant watercourse, under that plan; or</li> <li>• 100m of a watercourse, other than a relevant watercourse; or</li> <li>• 400m of another bore</li> </ul>
Groundwater management areas under the <i>Water plan (Wet Tropics) 2013</i>	Works, other than for stock or domestic purposes, within 400m of a watercourse or bore  A replacement bore within 10m of a previous bore	An exempt bore, or works not within 400m of a watercourse or another water bore
<i>Water Plan (Whitsunday) 2010</i> plan area		An exempt bore, or works not within— <ul style="list-style-type: none"> <li>• 200m of the boundary of a parcel of land or a watercourse; or</li> <li>• 400m of another water bore</li> </ul>

## Part 3 Works that interfere with underground water

Column 1 Area	Column 2 Works that are self-assessable development	Column 3 Works that are not assessable development
<i>Water Plan (Pioneer Valley) 2002</i> plan area		An excavation that interferes with underground water, other than an excavation in sub-area 3, 15, 16 or 17

[s 38]

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**38 Replacement of sch 16 (Fees)**

Schedule 16—

*omit, insert—*

**Schedule 16 Fees**

section 63

	\$
1 Application for a water allocation dealing (s 158 of the Act and s 24B) . . . . .	113.60
2 Application by holder of a water allocation for a seasonal water assignment (s 16R(3)) . . . . .	151.50
3 Creating, on request, a title or separate title for a water allocation, other than under section 146 or 147 of the Act—for each title created (Act, ss 168(2)(d) and 170(1))	63.30
4 Lodging in the registry an instrument that changes ownership of a water allocation or an interest in a water allocation (Act, s 168(2)(d) and 170(1))—	
(a) if lodgement is of an instrument changing ownership of a lot or an interest in a lot—for each water allocation . . . . .	30.80
(b) otherwise—	
(i) for 1 water allocation . . . . .	162.90
(ii) for each additional water allocation . . . . .	30.80
5 Lodging in the registry a certificate of a dealing with a water allocation (Act, s 168(2)(d)) . . . . .	162.90
6 Lodging in the registry a cancellation, discharge or satisfaction of a writ (Act, s 168(2)(d)) . . . . .	162.90
7 Lodging in the registry an instrument received through the post, by courier or by document exchange service (Act, s 168(2)(d) and 170(1))—additional fee for each instrument . . . . .	30.80
8 Lodging a standard terms document in the registry (Act, s 168(2)(d) and 170(1)) . . . . .	nil

		\$
9	Lodging in the registry a request to remove from the title of a water allocation a lease that has expired or otherwise ended (Act, s 168(2)(d) and 170(1)) . . . . .	nil
10	Lodging in the registry a request to note the lapsing of a caveat (Act, s 168(2)(d) and 170(1)) . . . . .	nil
11	Lodging any other instrument in the registry (Act, s 168(2)(d) and 170(1)) . . . . .	162.90
12	Depositing in, or removing from, the registry a settlement notice (Act, s 168(2)(d) and 170(1)) . . . . .	30.80
13	Depositing in, or removing from, the registry an administrative advice (Act, s 168(2)(d) and 170(1)) . . . . .	14.80
14	Preparing and serving, by the registry, a notice of a caveat (Act, s 168(2)(d) and 170(1)). . . . .	31.45
15	Computer printout of (Act, s 168(2)(d))—	
	(a) a title for a water allocation generated—	
	(i) within an office of the registry. . . . .	17.00
	(ii) by external access . . . . .	13.95
	(b) the historical details of a title generated—	
	(i) within an office of the registry. . . . .	24.95
	(ii) by external access . . . . .	21.85
16	Image of (Act, s 168(2)(d))—	
	(a) a title for a water allocation generated—	
	(i) within an office of the registry. . . . .	17.00
	(ii) by external access . . . . .	13.95
	(b) another instrument lodged or deposited in the registry. . . . .	33.05
17	Search, in the registry, of a statement of a registered dealing or administrative advice against a title (Act, s 175) . . . . .	2.85
18	Investigative search, by the registrar, of the register (not including providing copies of documents) (Act, s 168(2)(d))—	
	(a) if no additional computer programming time is required—for each hour or part of an hour. . . . .	63.30

[s 38]

	\$
(b) if additional computer programming time is required—for each hour or part of an hour . . . . .	156.30
19 Certifying, by the registrar, of a copy of the title of a water allocation or a registered instrument (Act, ss 168(2)(d) and 175) . . . . .	31.45
20 Requisitioning a document lodged for registration (Act, ss 168(2)(d) and 175) . . . . .	39.20
21 Application for water licence (Act, s 110(b)) . . . . .	113.60
22 Application for a dealing with a water licence to renew the licence (Act, s 122) . . . . .	nil
23 Application for a dealing with a water licence to relocate the licence (Act, s 122) . . . . .	333.70
24 Application for a dealing with a water licence for a seasonal water assignment notice for a seasonal water assignment (Act, s 122) . . . . .	151.50
25 Application for 1 or more other dealings with a water licence (Act, s 122) . . . . .	113.60
26 Application for an allocation of quarry material (Act, s 227(2)(c))—for each 6-month period, or part of a 6-month period, the allocation notice has effect . . . . .	155.80
27 Application to renew allocation notice (Act, s 236(2)(b))—for each 6-month period, or part of a 6-month period, the renewed allocation notice has effect . . . . .	155.80
28 Application for water bore driller’s licence (Act, s 981(2)(e))—	
(a) if section 20(2)(c)(iii) or (iv) applies . . . . .	919.00
(b) if section 21(2)(c)(iv) or (v) applies . . . . .	1343.00
(c) if section 22(2)(c)(iii) or (iv) applies . . . . .	1627.00
(d) if paragraphs (a) to (c) do not apply . . . . .	513.00
29 Application to amend water bore driller’s licence (Act, s 983) . . . . .	151.50
30 Application to renew water bore driller’s licence (Act, s 983F(2)(c)) . . . . .	493.50
31 Application to reinstate an expired water bore driller’s licence (Act, s 983G(2)(b)) . . . . .	513.00
32 Application for operations licence (Act, s 206(2)(d)) . . . . .	113.60

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	\$
33 Computer printout of a document available for inspection under section 1009(3) of the Act generated (Act, s 1009)—	
(a) at an office of the department . . . . .	15.40
(b) by external access . . . . .	12.35
34 Certifying a copy of a document available for inspection under section 1009(3) of the Act (Act, s 1009) . . . . .	31.45
35 Water licence fee (Act, s 1014(2)(a))—for each year . . . . .	71.50
36 Investigative search, by the chief executive, of the department’s water entitlement registration database (not including providing copies of documents) (Act, s 1014(2)(a))—	
(a) if no additional computer programming time is required—for each hour or part of an hour . . . . .	63.30
(b) if additional computer programming time is required—for each hour or part of an hour . . . . .	156.30
37 Copy of a report on an entry in the department’s water entitlement registration database (Act, s 1014(2)(a)) . . . . .	7.55
38 Testing a water meter (Act, s 1014(2)(a))—for each hour	66.00
39 Reading a water meter (Act, s 1014(2)(a))—	
(a) for 1 water meter . . . . .	73.35
(b) for each additional water meter on the same or an adjacent property . . . . .	14.45

**39 Amendment of sch 17 (Dictionary)**

- (1) Schedule 17, definitions *closing day*, *public notice* and *sale notice*—  
*omit.*
- (2) Schedule 17—  
*insert*—

**camp** means a camp, with an area of no more than 1ha, that does not accommodate more than 60 persons at a time.





*omit.*

(2) Schedule 1, entry for *Water Act 2000*—

*insert—*

s 28(7) .....	20	20
s 29(5) .....	20	20
s 119(1) .....	5	5
s 240(3) .....	5	25
s 386(1) .....	3	10
s 393(6) .....	3	10
s 414(1) .....	3	10
s 983L(2) .....	5	5
s 983L(3) .....	5	5

(3) Schedule 1, entry for *Water Act 2000*, entry for section 397(1)—

*omit.*

(4) Schedule 1, entry for *Water Act 2000*—

*insert—*

s 370B(3) .....	10	50
s 396(1) .....	3	10
s 397(2) .....	10	50
s 397(3) .....	10	50
s 399(1A) .....	3	10
s 401(2) .....	3	10
s 401(2A) .....	3	10

(5) Schedule 1—

*insert—*

[s 42]

## Water Regulation 2002

	Column 1 Infringement notice offence	Column 2 Infringement notice fine (penalty units)	
		Individual	Corporation
s 78(3)	.....	2	2

**Authorised person for service of infringement notices**—an authorised officer appointed under the *Water Act 2000*, section 739

## Part 4 Amendment of Sustainable Planning Regulation 2009

### 42 Regulation amended

This part amends the *Sustainable Planning Regulation 2009*.

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

Schedule 7, table 2, item 9, ‘, other than paragraph (d)’—  
*omit.*

### 44 Amendment of sch 7A (Particular assessment manager and concurrence agency application fees)

Schedule 7A, part 2, table, entry for Interfering with water in drainage and embankment areas—  
*omit.*



## **Schedule 1      Regulation amended**

section 46

### **Water Regulation 2002**

- 1      Part 2, division 1B, heading, ‘water resource plans’—**  
*omit, insert—*  
**water plans**
  
- 2      Section 3E, heading, ‘s 127’—**  
*omit, insert—*  
**s 152**
  
- 3      Section 3E(1), ‘resource operations plan’**  
*omit, insert—*  
**resource operations licence**
  
- 4      Section 3E(1), ‘the plan’**  
*omit, insert—*  
**the resource operations licence**
  
- 5      Sections 4 and 5, headings, ‘s 148’—**  
*omit, insert—*  
**s 168**

- 
- 6 Section 15, heading ‘s 230’—**  
*omit, insert—*  
s 127
- 7 Part 2, division 3A, heading, ‘s 223’—**  
*omit, insert—*  
s 126
- 8 Sections 15AA(2)(b) and 15B, definition *transfer*, paragraph (b), ‘section 223(5)’—**  
*omit, insert—*  
section 126(3)
- 9 Sections 15A(2)(b), 15E(1)(b)(ii), 56(4A) and (7), 57(3), ‘resource operations plan’—**  
*omit, insert—*  
water management protocol
- 10 Sections 15E(1)(b)(i) and 56(4A) and (7), ‘water resource plan’—**  
*omit, insert—*  
water plan
- 11 Sections 15E(1)(b)(i), ‘the plan’—**  
*omit, insert—*  
the protocol
- 12 Section 15F(2), note—**  
*omit.*

- 13 Section 17, heading, ‘s 292’—**  
*omit, insert—*  
s 240
- 14 Sections 19, 20, 21, ‘s 299’—**  
*omit, insert—*  
s 981
- 15 Section 19(1), ‘section 299(2)(c)’—**  
*omit, insert—*  
section 981(2)(c)
- 16 Sections 20(1) and 21(1), ‘section 299(2)(d)’—**  
*omit, insert—*  
section 981(2)(d)
- 17 Section 23, heading, ‘s 302’—**  
*omit, insert—*  
s 983A
- 18 Section 23, ‘section 302(1)(a)’—**  
*omit, insert—*  
section 983A(1)(a)
- 19 Section 24, heading, ‘s 313’—**  
*omit, insert—*  
s 983L

- 20 Section 24, ‘section 313(1)’—**  
*omit, insert—*  
section 983L(1)
- 21 Section 52AAA, heading, ‘s 20C(3)(b)’—**  
*omit, insert—*  
s 99(2)(b)
- 22 Section 52AAA, ‘section 20C(3)(b)’—**  
*omit, insert—*  
section 99(2)(b)
- 23 Section 52AAB, heading, ‘s 20C(3)(c)(i)’—**  
*omit, insert—*  
s 99(2)(c)(i)
- 24 Section 52AAB, ‘section 20C(3)(c)(i)’—**  
*omit, insert—*  
section 99(2)(c)(i)
- 25 Sections 52AA and 52AB—**  
*omit.*
- 26 Section 56(4), ‘A subartesian area’—**  
*omit, insert—*  
An underground water area

**27 Section 70, definition *relevant management area*, first dot point, after ‘Border Rivers’—**

*insert—*

Alluvium

**28 Section 82, definition *minimum operating level*, ‘in the resource operations plan’—**

*omit, insert—*

on the resource operations licence

**29 Section 102A, heading, ‘subartesian areas’—**

*omit, insert—*

**underground water areas**

**30 Section 102A(1), ‘a subartesian area’—**

*omit, insert—*

an underground water area

**31 Schedule 10, entry for Border Rivers groundwater management area, after ‘Border Rivers’—**

*insert—*

Alluvium

**32 Schedule 14, entry for Fitzroy water management area, ‘Fitzroy Basin Resource Operations Plan’—**

*omit, insert—*

Fitzroy Basin water management protocol



**33 Schedule 14, entry for Upper Condamine water management area, “Condamine and Balonne Resource Operations Plan 2008”—**

*omit, insert—*

Condamine and Balonne water management protocol

**34 Schedule 15A, entry for Border Rivers groundwater management area, after ‘Border Rivers’—**

*insert—*

Alluvium

**35 Schedule 15A, ‘subartesian area’—**

*omit, insert—*

underground water area

**36 Schedule 15A, ‘subartesian water’—**

*omit, insert—*

underground water

**37 Schedule 17, definitions *critical distance* and *exempt bore*, paragraph (d), ‘a subartesian area’—**

*omit, insert—*

an underground water area

**38 Schedule 17, definition *water licence*, ‘resource operations plan’—**

*omit, insert—*

water management protocol or operations manual

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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