



Queensland

Water Amendment Plan (Burdekin Basin) 2019

Subordinate Legislation 2019 No. 120

made under the

Water Act 2000

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1 Short title

This plan may be cited as the *Water Amendment Plan (Burdekin Basin) 2019*.

2 Plan amended

This plan amends the *Water Plan (Burdekin Basin) 2007*.

3 Insertion of new s 3A

After section 3—

insert—

3A Meaning of *existing overland flow works*

- (1) Works to take overland flow water are *existing overland flow works* if the works—
 - (a) were in existence on 17 January 2002; or
 - (b) were started, but not completed, by 17 January 2002 and either—
 - (i) if section 26 moratorium notice that applied for the works was varied under repealed section 27 of the Act—have been, or are being, completed in accordance with the varied moratorium notice; or
 - (ii) if subparagraph (i) does not apply—were completed by 30 June 2002; or
 - (c) are works, started before 3 August 2007, to which the section 42 moratorium notice did not apply.
- (2) Also, works that are a reconfiguration of works mentioned in subsection (1) (*reconfigured works*) are *existing overland flow works* if the reconfiguration does not increase the average annual volume of water taken using the works before their reconfiguration.

(3) In this section—

average annual volume, of overland flow water taken using reconfigured works, is the average volume of the water taken in a year using the works during the period—

- (a) starting on the later of the following days (the *start date*)—
 - (i) the day the water was first taken using the works before the works were reconfigured;
 - (ii) 3 August 1997; and
- (b) ending on the anniversary of the start date that immediately preceded the day overland flow water was first taken after the works were reconfigured.

repealed, for a section of the Act, means the section as in force from time to time before 6 December 2016.

section 26 moratorium notice means a moratorium notice published under repealed section 26 of the Act.

section 42 moratorium notice means the moratorium notice—

- (a) published on 17 January 2002 under section 42 of the Act as that section was in force on that day; and
- (b) as amended on 25 July 2002.

4 Replacement of pt 2, hdg (Plan area and water to which plan applies)

Part 2, heading—

omit, insert—

Part 2 Plan area, water to which plan applies and other matters

5 Replacement of ss 5–7

Sections 5 to 7—

omit, insert—

5 Subcatchment areas

- (1) Each part of the plan area shown as a subcatchment area on the map in schedule 2 is a ***subcatchment area*** for this plan.
- (2) Each subcatchment area is identified on the map by a letter.

Example—

Subcatchment area B is identified on the map by the letter ‘B’.

6 Water management areas—Act, sch 4

- (1) For schedule 4 of the Act, definition *water management area*, paragraph (b), each part of the plan area shown as a water management area on a map in schedule 2A is a water management area.
- (2) Each water management area is identified on the map by its name.

7 Water allocation zones

- (1) Each part of the plan area shown as a water allocation zone on a map in schedule 2B is a ***water allocation zone*** for this plan.
- (2) Each water allocation zone is identified on the map by its name.

7A Water licence zones

- (1) Each part of the plan area shown as a water licence zone on the map in schedule 2C is a ***water licence zone*** for this plan.
- (2) Each water licence zone is identified on the map by its name.

7B Trading zones—Act, s 43

For section 43(1)(e)(i) of the Act, each water allocation zone is a ***trading zone*** for water allocations to which this plan applies.

7C Declarations about watercourses—Act, s 1006

- (1) Water is declared to be water in a watercourse in the Giru Benefited Groundwater Area if the water is—
 - (a) in an aquifer under the watercourse, or under land adjacent to the watercourse; and
 - (b) hydraulically connected to the watercourse.
- (2) Water is declared to be water in a watercourse in subcatchment area E, F or G if the water is—
 - (a) in an aquifer under the watercourse; and
 - (b) hydraulically connected to the watercourse.

6 Amendment of s 8 (Information about areas)

Section 8(1)—

omit, insert—

- (1) The exact locations of the boundaries of the following are held in digital electronic form by the department—
 - (a) the plan area;
 - (b) subcatchment areas;

- (c) water management areas;
- (d) water allocation zones;
- (e) water licence zones;
- (f) the Giru Benefited Groundwater Area.

7 Amendment of s 16 (Environmental flow objectives)

Section 16, 'for this plan'—

omit.

8 Replacement of s 17 (Performance indicators for water allocation security objectives)

Section 17—

omit, insert—

17 Performance indicators for water allocation security objectives

- (1) This section states the performance indicators for this plan for the water allocation security objectives.
- (2) The performance indicators for taking water in subcatchment areas A, B, C and D are—
 - (a) for taking supplemented water, the following—
 - (i) the annual supplemented water sharing index;
 - (ii) the monthly supplemented water sharing index; and
 - (b) for taking unsupplemented water, the following—
 - (i) the 30% unsupplemented water sharing index;
 - (ii) the 50% unsupplemented water sharing index;

[s 9]

- (iii) the 70% unsupplemented water sharing index;
 - (iv) the annual volume probability.
- (3) The performance indicator for taking water in subcatchment areas F and G is the annual volume probability.

9 Amendment of s 18 (Water allocation security objectives)

Section 18, 'for this plan'—

omit.

10 Insertion of new s 18A

Before section 19—

insert—

18A Definition for part

In this part—

authority means an authority to continue to use existing overland flow works under section 80(3).

11 Amendment of s 24 (Matters to be considered for water sharing rules for unsupplemented water)

- (1) Section 24(1)(d)—

omit.

- (2) Section 24(1)(e) to (g)—

renumber as section 24(1)(d) to (f).

12 Insertion of new pt 5, div 1A and div 1B, hdgs

After section 25—

insert—

**Division 1A Water licences replacing
authorities**

**Division 1B Applications for water
licences to take or
interfere with surface
water**

**13 Amendment of s 26 (Accepting and deciding particular
applications to interfere with water)**

- (1) Section 26, heading, ‘to interfere with water’—

omit, insert—

for water licences

- (2) Section 26(1), from ‘to interfere with’ to ‘spring’—

omit, insert—

for a water licence to interfere with, or increase
the interference with, surface water

- (3) Section 26(2)(a), after ‘stock’—

insert—

purposes

**14 Amendment of s 26A (Particular applications for water
licences must not be accepted)**

- (1) Section 26A, heading, after ‘licences’—

insert—

that

- (2) Section 26A(2)(a), ‘water and use’—

omit, insert—

surface water and use the

[s 15]

- (3) Section 26A(2)(b), before ‘water’—

insert—

surface

15 Insertion of new pt 5, div 1C, hdg

After section 26A—

insert—

**Division 1C Dealings with water
licences**

**16 Amendment of s 26B (Accepting and deciding
applications for dealings with water licences)**

- (1) Section 26B, heading, after ‘licences’—

insert—

to take or interfere with surface water

- (2) Section 26B(1), after ‘licence’—

insert—

to take or interfere with surface water

- (3) Section 26B(2)—

omit, insert—

- (2) The chief executive may accept and decide the application if granting the application would not do any of the following—
- (a) increase the volumetric limit for surface water taken under the licence;
 - (b) increase the interference with surface water under the licence;
 - (c) for an application relating to an unzoned water licence—

- (i) change a location from which surface water may be taken under the licence; or
 - (ii) change a condition of the licence, other than by removing a water storage condition.
- (3) In this section—

unzoned water licence means a water licence under which surface water may be taken from land that is not in or adjacent to a water licence zone.

17 **Amendment of s 27 (Deciding applications to increase per-second rate or maximum rate for water licences)**

- (1) Section 27, heading, ‘per-second rate or’—
omit.
- (2) Section 27(1), from ‘per-second’—
omit, insert—
- maximum rate for a water licence to take surface water.
- (3) Section 27(2)—
omit, insert—
- (2) The chief executive may grant the application if—
 - (a) the existing works for taking surface water under the licence have the capacity to take water at the maximum rate applied for; and
 - (b) if the existing works include a pump—the maximum rate applied for does not exceed—
 - (i) for a pump of a size mentioned in schedule 8, column 1—the corresponding rate stated in schedule 8, column 2 for the pump size; or

[s 18]

- (ii) for a pump of another size—the rate decided by the chief executive having regard to the corresponding rates stated for similar pump sizes in schedule 8, column 2.

18 Insertion of new s 27A

After section 27—

insert—

27A Deciding applications to change location for taking water under, or condition of, a water licence

- (1) This section applies to an application to change the location from which water may be taken under a water licence—
 - (a) from a location in a water licence zone; and
 - (b) to another location in the same, or another, water licence zone.
- (2) Also, this section applies to an application to change the conditions of a water licence, including an application to which section 27B applies.
- (3) For section 43(2)(i) of the Act, the chief executive may grant the application if the chief executive is satisfied the dealing is permitted under the water management protocol.
- (4) This section does not limit section 27B.

19 Insertion of new s 27C

After section 27B, as relocated and renumbered by this plan—

insert—

27C Applications for dealings with water licences inconsistent with this plan—Act, s 129

- (1) This section applies for an application for a

dealing with a water licence, other than an application to which section 27A applies.

- (2) Granting the application would be inconsistent with this plan if granting the application would—
- (a) increase the amount of water that may be taken under the licence; or
 - (b) increase the rate at which water may be taken under the licence; or
 - (c) change a location of taking or interfering with water under the licence; or
 - (d) increase or change the interference with water under the licence.

Note—

See section 129 of the Act for the actions the chief executive must take if the granting of an application for a dealing with a water licence is inconsistent with a water plan.

20 Insertion of new pt 5, div 1D, hdg

After section 27C, as inserted by this plan—

insert—

Division 1D Applications for water licences to take water for stock purposes or domestic purposes

21 Amendment of s 28 (Deciding applications to take water for stock or domestic purposes)

- (1) Section 28, heading, from ‘to take’ to ‘stock’—

insert—

**for water licences to take water for stock
purposes**

[s 22]

- (2) Section 28(1), from ‘to take’ to ‘spring’—
insert—
for a water licence to take surface water
- (3) Section 28(1)(b), ‘management area’—
omit, insert—
allocation

22 Insertion of new pt 5, div 1E

Part 5—

insert—

Division 1E Grant of water licences provided for in water entitlement notice

28A Grant of water licence for taking surface water—Act, s 116

- (1) This section applies if a water entitlement notice for this plan provides for the grant of a water licence to take or interfere with surface water.
- (2) For section 116(1) of the Act, the chief executive must grant the water licence.

Note—

See section 116(2) of the Act for when the chief executive may grant the water licence without the need for an application to be made under section 107 of the Act.

23 Replacement of s 30 (Volumes of unallocated water held)

Section 30—

omit, insert—

30 Volumes of unallocated water held

For section 43(1)(c) of the Act—

- (a) the volume of unallocated water held as a general reserve is 200,000ML; and
- (b) the volume of unallocated water held as a strategic reserve is 335,000ML; and
- (c) the volume of unallocated water held as a SunWater reserve is 8,744ML.

Note—

For the volume of unallocated water held as a general reserve, strategic reserve and SunWater reserve for particular subcatchment areas, see the water management protocol.

24 Insertion of new pt 5, div 3

Part 5—

insert—

Division 3 Authorisations to take water

34 Limitation on authorisation to take water for prescribed activity—Act, s 101

For section 101(1) of the Act, a person may take not more than 5ML of water in subcatchment area E, F or G for a prescribed activity under the *Water Regulation 2016*.

35 Limitation on authorisation to take water for stock purposes or domestic purposes—Act, s 103

(1) For section 103(a) of the Act—

- (a) water in a watercourse in the Burdekin Haughton Water Supply Scheme or the Bowen Broken Water Supply Scheme may

[s 25]

only be taken using existing stock or domestic works; and

(b) other water in the plan area may be taken in any way.

(2) In this section—

existing stock or domestic works means works used, before the commencement, to take water from a watercourse for stock purposes or domestic purposes.

25 Replacement of pt 5, div 6, hdg (Converting authorisations to water allocations)

Part 5, division 6, heading—

omit, insert—

**Division 6 Converting water licences
to water allocations to take
unsupplemented water**

26 Replacement of ss 54–56

Sections 54 to 56—

omit, insert—

54 Purpose of division

This division states, for section 43(2)(g) of the Act, arrangements and process for converting, under a water entitlement notice for this plan, particular water licences to water allocations to take unsupplemented water.

55 Existing water licences may be converted to water allocations

(1) A water entitlement notice may, under section 70(1)(a) of the Act, implement this plan by providing for the conversion of a water licence to

take unsupplemented water from the Upper Burdekin water management area or the Cape Campaspe water management area to a water allocation (a *new water allocation*) to take unsupplemented water.

- (2) In a provision about a new water allocation, a reference to a water licence is a reference to the water licence that is converted to the new water allocation.

56 Matters to be stated on new water allocation

A new water allocation must state the following—

- (a) the location from which water may be taken under the allocation;
- (b) the water allocation zone in which the location is situated;
- (c) the maximum rate for the allocation;
- (d) the volumetric limit for the allocation;
- (e) the purpose for which water may be taken under the allocation;
- (f) any conditions of the water allocation.

57 Location from which water may be taken under new water allocation

The location from which water may be taken under a new water allocation must—

- (a) include the place at which water may be taken under the water licence; and
- (b) be in a water allocation zone.

58 Purpose for which water may be taken under new water allocation

The purpose for which water may be taken under

a new water allocation must be ‘any’.

27 Amendment of s 63 (Elements of a water allocation)

Section 63, before ‘water’—

insert—

new

28 Amendment of s 64 (Nominal volumes for water allocations)

(1) Section 64, heading, before ‘water’—

insert—

new

(2) Section 64, before ‘water allocation’—

insert—

new

(3) Section 64, ‘authorisation’—

omit, insert—

water licence

29 Omission of s 65 (Per-second rate)

Section 65—

omit.

30 Amendment of s 66 (Maximum rate)

(1) Section 66(1) and (3), before ‘water allocation’—

insert—

new

(2) Section 66(1)(a) and (2), ‘authorisation’—

omit, insert—

water licence

(3) Section 66(1)(b) and (c)—

omit, insert—

- (b) if the water licence states a per-second rate—the maximum rate worked out by multiplying the per-second rate by 86,400; or

Note—

There are 86,400 seconds in a day.

- (c) if the water licence does not state a volume or a per-second rate, but the works for taking water under the water licence include a pump—

- (i) for a pump of a size mentioned in schedule 8, column 1—the maximum rate stated in schedule 8, column 2 for the pump size; or

- (ii) for a pump of another size—the maximum rate decided by the chief executive having regard to the maximum rates stated for similar pump sizes in schedule 8, column 2; or

- (d) otherwise—the maximum rate decided by the chief executive, having regard to an estimate or measurement of the maximum rate at which water can be taken under the water licence.

31 Amendment of s 67 (Volumetric limits)

(1) Section 67, before ‘water allocation’—

insert—

new

(2) Section 67(a), ‘an authorisation’—

omit, insert—

[s 32]

a water licence

- (3) Section 67(b), ‘authorisation’—

omit, insert—

water licence

32 Amendment of s 68 (Conditions)

- (1) Section 68(1), before ‘water allocation’—

insert—

new

- (2) Section 68(2), ‘authorisation’—

omit, insert—

water licence

33 Replacement of s 69 (Water allocation groups for water allocations)

Section 69—

omit, insert—

69 Water allocation groups

The water allocation group for a new water allocation is stated in schedule 8A, column 2 opposite the subcatchment area from which water may be taken under the allocation.

34 Amendment of s 70 (Application of div 7)

- (1) Section 70, heading, ‘div 7’—

omit, insert—

division

- (2) Section 70, ‘from a watercourse, lake or spring’—

omit, insert—

that is surface water

35 Amendment of s 71 (Water licences to take unsupplemented water)

(1) Section 71(b)—

omit.

(2) Section 71(c) and (d)—

renumber as section 71(b) and (c).

36 Amendment of s 72 (Purpose to be stated on water licence to take unsupplemented water)

Section 72(a), ‘stock or domestic’—

omit, insert—

stock purposes or domestic purposes

37 Omission of s 73 (Per-second rates for water licences to take unsupplemented water)

Section 73—

omit.

38 Amendment of s 74 (Maximum rates for water licences to take unsupplemented water)

(1) Section 74(1)(b)(i)—

omit, insert—

(i) for a pump of a size mentioned in schedule 8, column 1—the maximum rate stated in schedule 8, column 2 for the pump size; or

(2) Section 74(1)(b)(ii), ‘column 3’—

omit, insert—

column 2

(3) Section 74(3)—

omit, insert—

[s 39]

- (3) Also, if the water licence states a per-second rate, the chief executive must ensure the maximum rate for the licence is not more than the total volume that could be taken in a day at the per-second rate.

39 Amendment of pt 5, div 8, hdg (Regulation of overland flow water)

Part 5, division 8, heading, 'Regulation of overland'—
omit, insert—

Overland

40 Omission of pt 5, div 8, sdiv 1, hdg (Preliminary)

Part 5, division 8, subdivision 1, heading—
omit.

41 Amendment of s 79 (Limitation on taking overland flow water—Act, s 101)

- (1) Section 79(1)—
insert—

Note—

See section 101(3) of the Act for the circumstances in which a person may take overland flow water that is contaminated agricultural run-off.

- (2) Section 79(2)(a), after 'stock'—
insert—
purposes

- (3) Section 79(2)(e) and (3)—
omit.

- (4) Section 79(2)(f)—
renumber as section 79(2)(e).

42 Amendment of s 80 (Taking water using particular existing overland flow works authorised)

(1) Section 80(1), ‘(e)’—

omit, insert—

(d)

(2) Section 80(2), ‘commencement of this plan’—

omit, insert—

amendment day

(3) Section 80(4)—

omit, insert—

(4) In this section—

amendment day means the day the *Water Amendment Plan (Burdekin Basin) 2019* commences.

43 Omission of pt 5, div 8, sdiv 2, hdg (Water licences)

Part 5, division 8, subdivision 2, heading—

omit.

44 Relocation and renumbering of s 80A (Deciding application to amend water licence by removing water storage condition)

Section 80A—

relocate to part 5, division 1C, as inserted by this plan and *renumber* as section 27B.

45 Amendment, relocation and renumbering of s 81A (Purpose of subdivision)

(1) Section 81A, ‘subdivision’—

omit, insert—

division

[s 46]

(2) Section 81A—

relocate to part 5, division 1A, as inserted by this plan and
renumber as section 25A.

46 Relocation and renumbering of s 81B (Notice of proposed grant or amendment)

Section 81B—

relocate to part 5, division 1A, as inserted by this plan and
renumber as section 25B.

47 Amendment, relocation and renumbering of s 81C (Decision about grant or amendment)

(1) Section 81C(a), ‘section 81B’—

omit, insert—

section 25B

(2) Section 81C—

relocate to part 5, division 1A, as inserted by this plan and
renumber as section 25C.

48 Amendment, relocation and renumbering of s 81D (Content, conditions and effect of water licence)

(1) Section 81D(2), ‘subdivision’—

omit, insert—

division

(2) Section 81D—

relocate to part 5, division 1A, as inserted by this plan and
renumber as section 25D.

49 Amendment of pt 7, hdg (Amending this plan)

Part 7, heading, ‘Amending’—

omit, insert—

Implementing and amending

50 Insertion of new s 86

Part 7—

insert—

86 Water management protocol—Act, s 43

- (1) For section 43(2)(1) of the Act, a water management protocol must be prepared for the plan area.
- (2) The water management protocol must address the following matters for the plan area—
 - (a) the volumes of unallocated water reserved for stated purposes or stated locations;
 - (b) the process for releasing unallocated water held as SunWater reserve;
 - (c) the water allocation dealing rules that apply to the plan area;
 - (d) for sections 126(1)(b) and 130(1)(c) of the Act, the dealings to amend a water licence to change the location from which water may be taken under the licence that are permitted;
 - (e) the criteria and process for deciding an application for a dealing with a water licence mentioned in section 27A.

51 Replacement of schs 1–2A

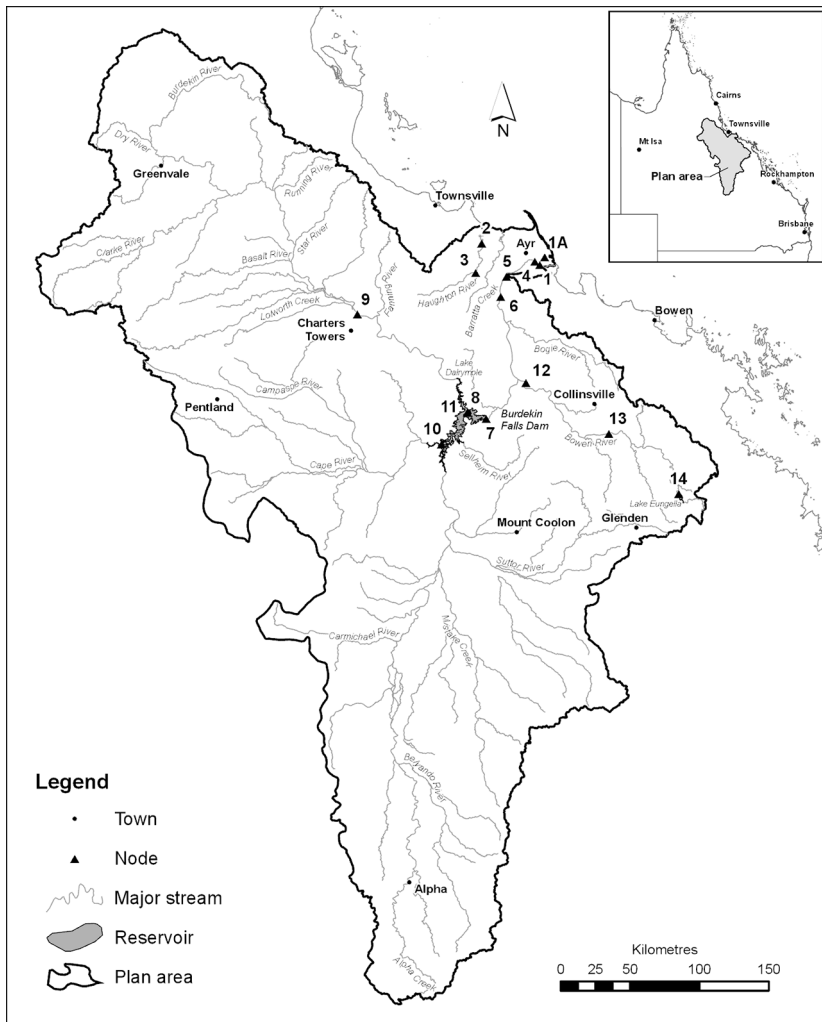
Schedules 1 to 2A—

omit, insert—

[s 51]

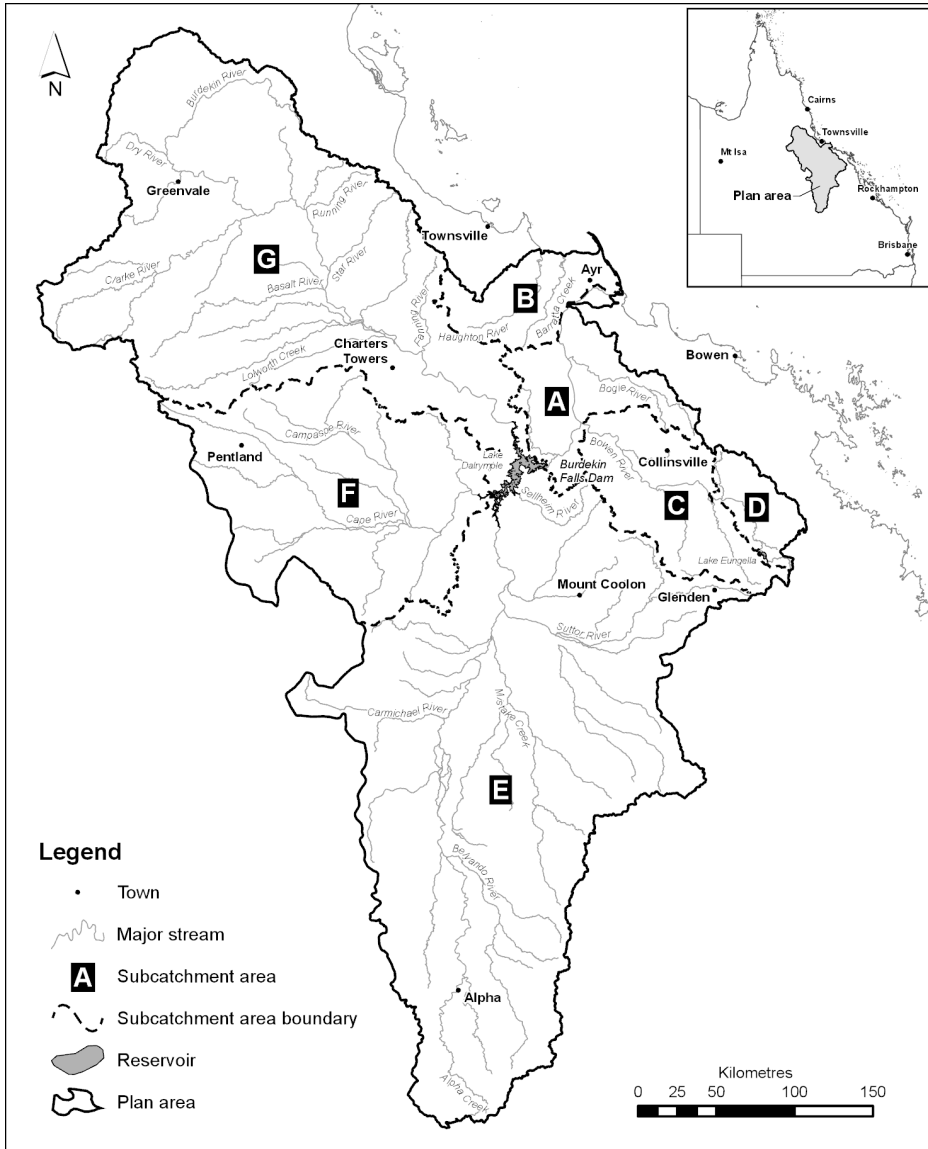
Schedule 1 Plan area and location of nodes

sections 4 and 9



Schedule 2 Subcatchment areas

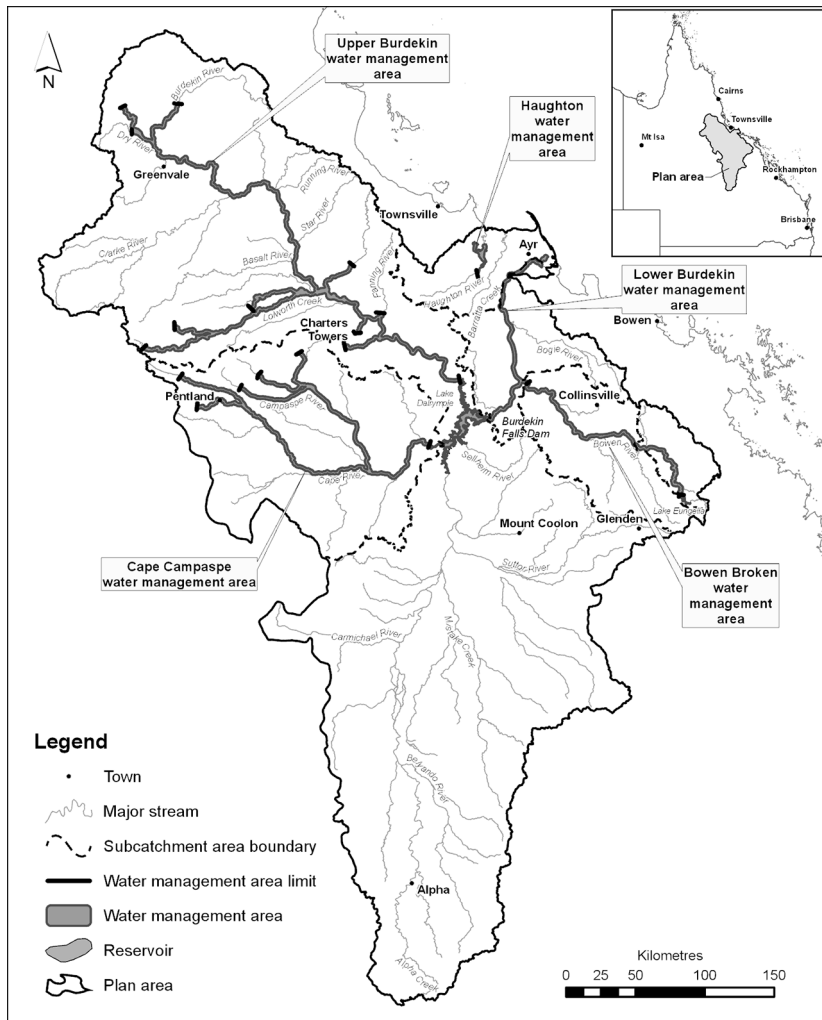
section 5



[s 51]

Schedule 2A Water management areas

section 6



52 Insertion of new schs 2B and 2C

After schedule 2A, as inserted by this plan—

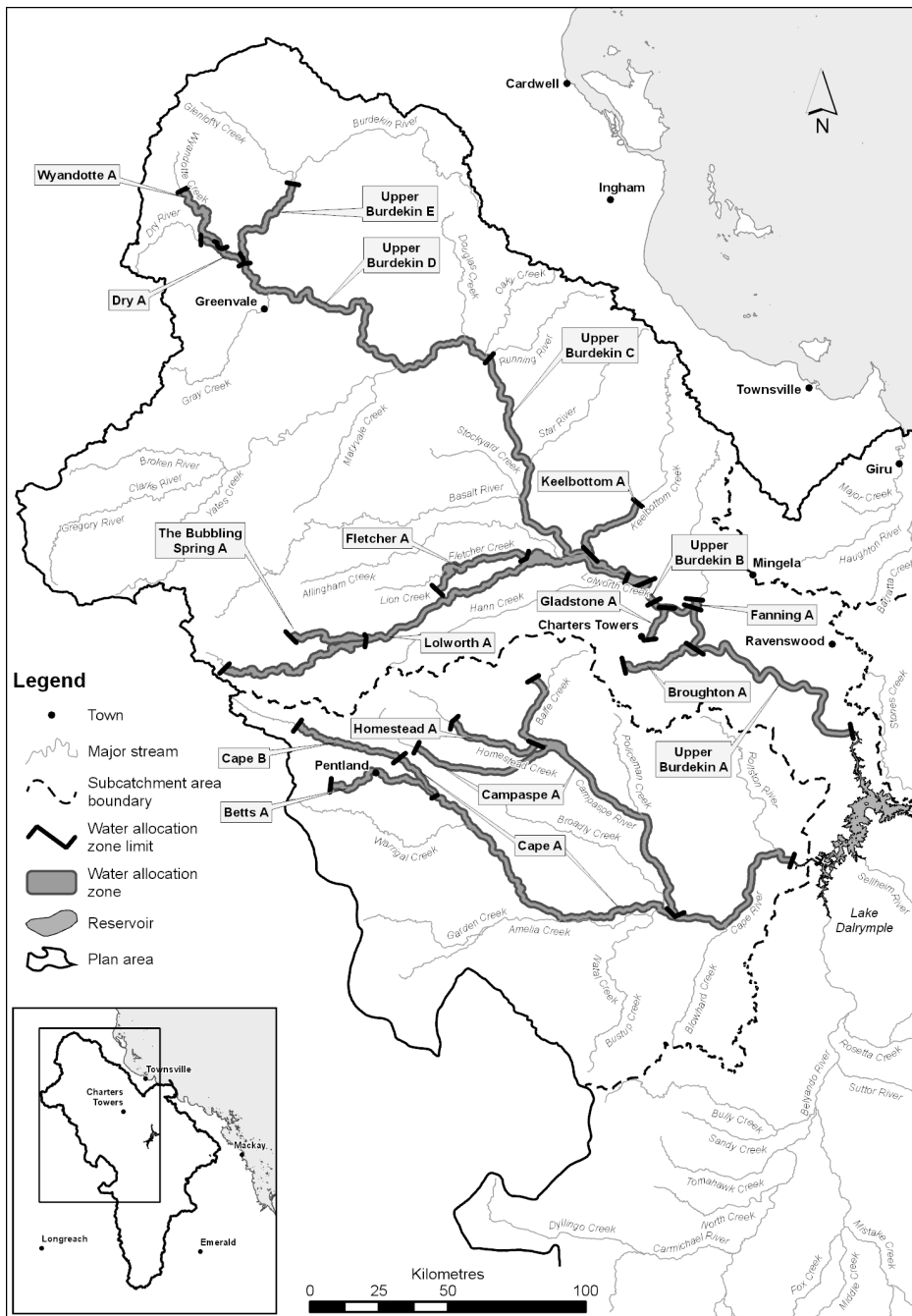
insert—

Schedule 2B Water allocation zones

section 7

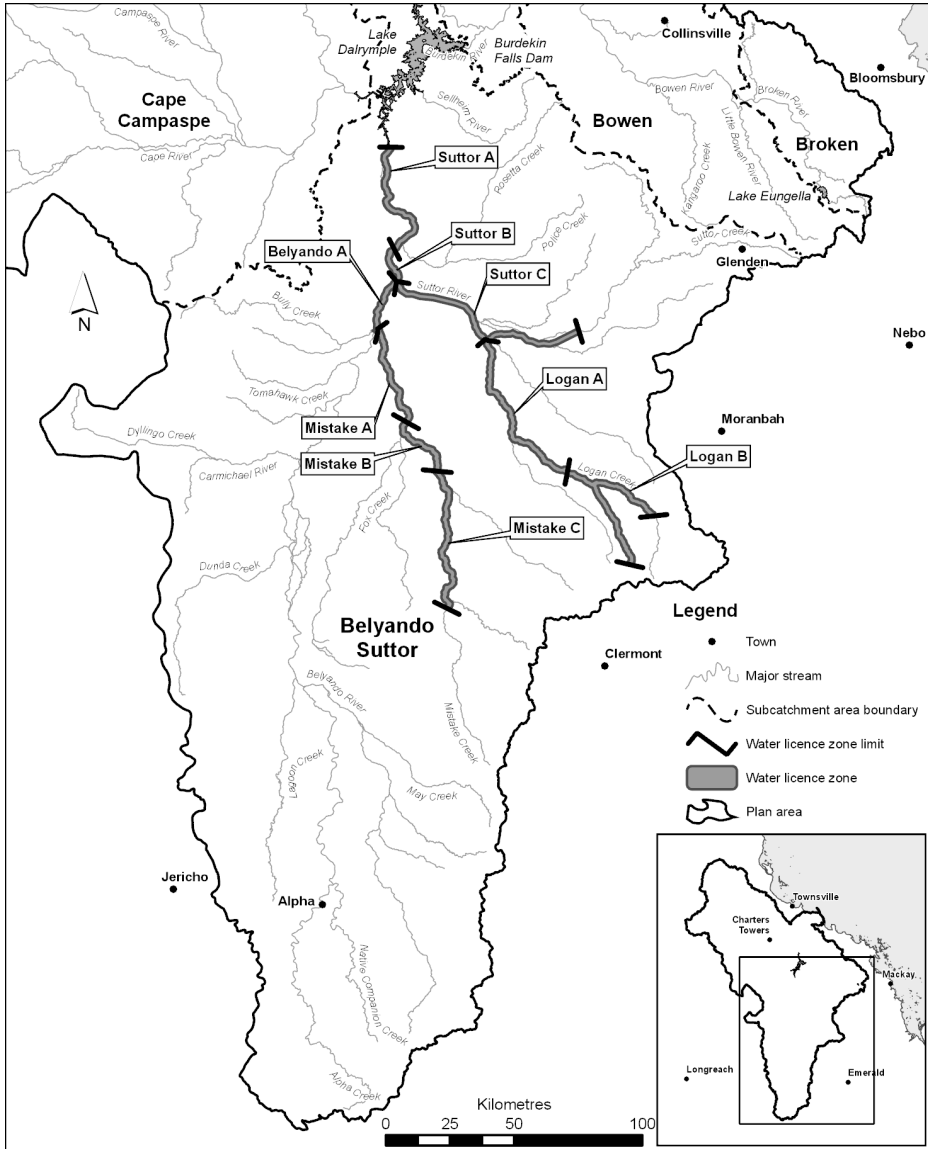


[s 52]



Schedule 2C Water licence zones

section 7A



[s 53]

53 Amendment of sch 3 (Giru Benefited Groundwater Area)

Schedule 3, authorising provision—

omit, insert—

schedule 10, definition *Giru Benefited Groundwater Area*

54 Amendment of sch 6 (Water allocation security objectives)

Schedule 6, part 2, table 2—

omit, insert—

Table 2

Column 1	Column 2
Water allocation group	Annual volume probability (%)
A1	85
B1	85
C1	75
F1	52
F2	39
G1	37
G2	45
G3	40
G4	71

55 Replacement of sch 8 (Rates and pump sizes)

Schedule 8—

omit, insert—

Schedule 8 Rates and pump sizes

sections 27(2), 66(1)(b) and 74(1)

Column 1	Column 2
Pump size (mm)	Maximum rate (megalitres/day)
32	0.6
40	1
50	1.5
65	3.5
80	3.9
100	6.9
125	7.8
150	12.1
200	15.6
250	21.6
300	25.9
350	30.2
375 to 400	37.2
500	47.5
600 to 610	86.4
650 to 660	120
700 to 720	150
750 to 770	180
780 to 810	200

[s 56]

56 Insertion of new sch 8A

After schedule 8—

insert—

Schedule 8A Water allocation groups

section 69

Column 1	Column 2
Subcatchment area from which water may be taken	Water allocation group
Subcatchment area A	B1
Subcatchment area B	A1 B1
Subcatchment area C	C1
Subcatchment area D	C1
Subcatchment area F	F1 F2
Subcatchment area G	G1 G2 G3 G4

57 Amendment of sch 10 (Dictionary)

- (1) Schedule 10, definitions *authority*, *average volume of water allowed to be taken under authorisations*, *existing overland flow works*, *water management area* and *water management area zone*—

omit.

(2) Schedule 10—

*insert—****authority***, for part 5, see section 18A.***existing overland flow works*** see section 3A.***prescribed authorisation***, for part 5, division 6, see section 54(1).***surface water*** means water in a watercourse, waterhole, lake or spring.***trading zone***, for a water allocation to which this plan applies, see section 7B.***water allocation zone*** see section 7(1).***water licence zone*** see section 7A.(3) Schedule 10, definition *authorisation*, after ‘stock’—*insert—*

purposes

(4) Schedule 10, definition *subcatchment area*, ‘section 5’—*omit, insert—*

section 5(1)

ENDNOTES

- 1 Made by the Governor in Council on 27 June 2019.
- 2 Notified on the Queensland legislation website on 28 June 2019.
- 3 The administering agency is the Department of Natural Resources, Mines and Energy.

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