



Queensland

Water Plan (Moreton) (Supply Scheme Arrangements) Amendment Plan 2019

Subordinate Legislation 2019 No. 251

made under the

Water Act 2000

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[s 1]

1 Short title

This amendment plan may be cited as the *Water Plan (Moreton) (Supply Scheme Arrangements) Amendment Plan 2019*.

2 Plan amended

This amendment plan amends the *Water Plan (Moreton) 2007*.

3 Amendment of s 5 (Groundwater management areas, implementation areas and groundwater units)

(1) Section 5(2)(b)—

omit, insert—

(b) Upper Lockyer Creek and Flagstone Creek
(implementation area 2A);

(ba) Tenthill Creek and Ma Ma Creek
(implementation area 2B);

(2) Section 5(2)(ba) to (d)—

renumber as section 5(2)(c) to (e).

(3) Section 5(3), ‘areas 2’—

omit, insert—

areas 2A, 2B

4 Replacement of s 6A (Zones)

Section 6A—

omit, insert—

6A Trading zones

(1) Each zone shown on the map in schedule 5A, part 1 is a trading zone for surface water to which this plan applies, other than surface water in the Central Lockyer Valley water supply scheme.

(2) Each zone shown on the map in schedule 5A, part

2 is a trading zone for surface water in the Central Lockyer Valley water supply scheme.

- (3) Each zone shown on the map in schedule 5A, part 3 is a trading zone for groundwater in the Central Lockyer Valley water supply scheme.
- (4) A trading zone for surface water includes—
 - (a) each part of a watercourse, lake or spring that is in the zone; and
 - (b) those sections of tributaries from which there is access to flow or pondage from a watercourse or lake in the zone.
- (5) A trading zone for groundwater includes the part of a groundwater management area that is in the zone.

5 Amendment of s 7 (Information about areas)

- (1) Section 7(1), after ‘4’—

insert—

and 5A

- (2) Section 7(2), editor’s note, ‘Landcentre, corner of Main and Vulture Streets, Woolloongabba and’—

omit, insert—

the

6 Amendment of s 11 (General outcomes)

Section 11—

insert—

- (4) Each of the following is a general outcome for surface water and groundwater in the Central Lockyer Valley water supply scheme—
 - (a) to support long-term agricultural productivity and investment and the

[s 7]

financial security of people who use the water for agriculture;

- (b) to recognise the different contributions that natural recharge and recharge through infrastructure make to the availability of groundwater, to inform future allocations and support agricultural businesses;
 - (c) to increase information held about the water, through the collection and analysis of relevant information about the water, to support future decision making and improvements in this plan;
 - (d) to provide opportunities for initiatives that allow additional water to become available through the coordinated storage, management and delivery of the water, for future agricultural purposes.
- (5) In this section—
- relevant information*, about water, means—
- (a) trends in the levels of the groundwater; and
 - (b) the volume of groundwater used; and
 - (c) the recharge characteristics of the groundwater; and
 - (d) the quality of the groundwater.

7 Insertion of new pt 3A

After part 3—

insert—

Part 3A

Measures for achieving water plan outcomes

12A Measures that contribute to achieving particular water plan outcomes

- (1) Measures that contribute to achieving the water plan outcomes stated in section 11(2) and (4) are—
 - (a) the development, before this plan expires, by the chief executive in consultation with Seqwater and water users, of a new model for the management and allocation of groundwater in groundwater unit 1 in implementation area 1; and
 - (b) the collection and analysis of relevant information about groundwater in the part of groundwater unit 1 in implementation area 1—
 - (i) for groundwater that is not in the Central Lockyer Valley water supply scheme—by the chief executive to help the chief executive make decisions about the sustainable management of groundwater use and the protection of groundwater aquifers in the area mentioned in that subsection; and
 - (ii) for groundwater in the Central Lockyer Valley water supply scheme—by a resource operations licence holder to help the licence holder make decisions about the sustainable management of groundwater use and the protection of groundwater aquifers in the area mentioned in that subsection.
- (2) The information collected, and analysis of the information, mentioned in subsection (1)(b)(i) is research and monitoring for the *Water Regulation 2016*, section 22(4)(d).
- (3) In this section—

relevant information, about groundwater,

[s 8]

means—

- (a) trends in the levels of the groundwater; and
- (b) the volume of groundwater used; and
- (c) the recharge characteristics of the groundwater; and
- (d) the quality of the groundwater.

8 Omission of pt 4, div 1 (Preliminary)

Part 4, division 1—

omit.

9 Insertion of new s 13

Part 4, division 2—

insert—

13 Application of division

This division applies to surface water.

10 Insertion of new s 15A

Part 4, division 3—

insert—

15A Application of division

This division applies to surface water and groundwater.

11 Amendment of s 16 (Performance indicators for water allocation security objectives)

Section 16(a) and (b)—

omit, insert—

- (a) for a water allocation to take supplemented water—the monthly supplemented water sharing index; and
- (b) for a water allocation to take unsupplemented water in a class A, B, C, D or E water allocation group—70% unsupplemented water sharing index; and
- (c) for a water allocation to take supplemented groundwater in a zone—the maximum allowable volume for the zone for the water allocation’s priority group.

12 Amendment of pt 5, div 2, hdg (Decisions made under this plan)

Part 5, division 2, heading, after ‘Decisions’—

insert—

about surface water

13 Amendment of s 19 (Application of div 2)

Section 19, after ‘management of’—

insert—

surface

14 Amendment of s 20 (Decisions consistent with objectives)

(1) Section 20, heading, after ‘Decisions’—

insert—

about surface water must be

(2) Section 20, after ‘management of’—

insert—

surface

(3) Section 20(a) and (b), after ‘objectives’—

[s 15]

insert—

for surface water

15 Amendment of s 21 (Assessing impact of decisions)

- (1) Section 21, heading, after ‘decisions’—

insert—

about surface water

- (2) Section 21(1), after ‘objectives’—

insert—

for surface water

16 Amendment of s 22 (Decisions not to increase amount of water taken)

- (1) Section 22, heading, after ‘Decisions’—

insert—

about surface water

- (2) Section 22(1)—

omit, insert—

- (1) The chief executive must not make a decision about the management or allocation of surface water that would increase the average volume of surface water available to be taken in the plan area.

17 Replacement of pt 5, div 3, hdg and s 24

Part 5, division 3, heading and section 24—

omit, insert—

Division 3

Unallocated water

24 Unallocated water held as general reserve or strategic reserve

- (1) Unallocated water in the plan area is held as a general reserve or strategic reserve and dealt with under this division.
- (2) For section 43(1)(c) of the Act, the volume of unallocated water held as reserves under subsection (1) is 100ML.

**24A Processes for releasing unallocated water—
Act, s 43**

- (1) For section 43(2)(f) of the Act, the processes for releasing unallocated water reserved under this division are the processes stated in the *Water Regulation 2016*, part 2, division 2, subdivision 2.
- (2) In preparing and implementing a process for releasing unallocated water under subsection (1), the chief executive must consider the matters stated in the water management protocol.

18 Amendment of s 25 (Granting or reserving unallocated water)

- (1) Section 25, heading, ‘or reserving’—
omit.
- (2) Section 25, ‘or reserved’—
omit.
- (3) Section 25—
insert—
 - (ba) for a community facility; or
 - (bb) for a small scale commercial enterprise; or
- (4) Section 25(ba) to (c)—
renumber as section 25(c) to (e).
- (5) Section 25—

[s 19]

insert—

(2) In this section—

community facility includes—

- (a) a public recreational facility; or
- (b) a sporting facility; or
- (c) another facility used by a not for profit organisation.

19 Omission of pt 5, div 4 (Process for granting and amending interim resource operations licence)

Part 5, division 4—

omit.

20 Replacement of s 42 (Authorising existing taking of water from Morton Vale Pipeline)

Section 42—

omit, insert—

38 Authorising existing taking of water from Morton Vale Pipeline zone

- (1) The chief executive must grant 2 water allocations to the bulk water supply authority to take surface water from the Morton Vale Pipeline zone.
- (2) The first water allocation—
 - (a) must state a nominal volume of 3,507ML; and
 - (b) belongs to the medium priority B group.
- (3) The second water allocation—
 - (a) must state a nominal volume of 185ML; and
 - (b) belongs to the high priority group.

39 Matters for chief executive to consider

- (1) This section applies to the chief executive in deciding the water allocation dealing rules to be included in the water management protocol for the water allocation granted under section 38(1).
- (2) The chief executive must consider existing water use agreements and supply contracts between the bulk water supply authority and water users.
- (3) Subsection (2) does not limit the matters the chief executive may consider.

21 Replacement of s 43 (Application of div 7)

Section 43—

omit, insert—

40 Purpose of division

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

41 Authorisations may be converted to water allocations

A water entitlement notice may, under section 70(1)(a) of the Act, implement this plan by providing for an authorisation to take surface water from the Central Lockyer Valley water supply scheme to be converted to a water allocation to take surface water from the Central Lockyer Valley water supply scheme.

22 Amendment of s 47 (Priority groups)

- (1) Section 47(2)—

omit, insert—

- (2) In the Central Lockyer Valley water supply

[s 23]

scheme, a water allocation to take surface water belongs to—

- (a) for a water allocation to take surface water from the Morton Vale Pipeline zone—the medium priority B group or the high priority group; or
- (b) for a water allocation to take surface water from a zone other than the Morton Vale Pipeline zone—the medium priority C group.

(2) Section 47(5), from ‘to—’

omit, insert—

to the medium priority group.

23 Amendment of s 55 (Elements of a water licence)

Section 55(b)—

omit, insert—

- (b) the maximum rate at which water may be taken under the water licence during a particular period of time or in particular circumstances; and
- (c) a purpose of ‘any’.

24 Insertion of new pt 6, div 1A

Part 6—

insert—

Division 1A Decisions about groundwater made under this plan

62A Application of division

This division applies to decisions about the allocation or management of groundwater to which this plan applies.

62B Decision about groundwater to be consistent with objectives

A decision about the allocation or management of groundwater to which this plan applies, other than a decision about a water permit, must be consistent with the water allocation security objectives stated in section 17.

25 Amendment of pt 6, div 3, sdiv 3, hdg (Implementation areas 2, 3 and 4)

Part 6, division 3, subdivision 3, heading, ‘areas 2’—

omit, insert—

areas 2A, 2B

26 Amendment of s 70 (Implementation areas 2 and 3)

(1) Section 70, heading, ‘areas 2’—

omit, insert—

areas 2A, 2B

(2) Section 70, ‘area 2’—

omit, insert—

area 2A, 2B

27 Amendment of s 72 (Continued taking of groundwater authorised)

Section 72(1), ‘area 2’—

omit, insert—

area 2A, 2B

[s 28]

28 Amendment of s 73 (Granting water licences)

Section 73(1), ‘area 2’—

omit, insert—

area 2A, 2B

29 Replacement of part 6, division 6, hdg (Miscellaneous)

Part 6, division 6, heading—

omit, insert—

**Division 6 Converting water licences
to water allocations to take
supplemented
groundwater**

Subdivision 1 Preliminary

84 Purpose of division

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

84A Definitions

In this division—

additional irrigable area see section 84M.

irrigable area see section 84K.

preliminary irrigable area see section 84L.

relevant period means the period that starts on 1 July 2007 and ends on 30 June 2018.

Subdivision 2 Water allocations

84B Water licences may be converted to water allocations

- (1) This section applies to a water licence to take supplemented groundwater from the Central Lockyer Valley water supply scheme for a purpose other than stock purposes or domestic purposes.
- (2) A water entitlement notice may, under section 70(1)(a) of the Act, implement this plan by providing for 1 or more of the water licences to be converted to 1 or more water allocations to take supplemented groundwater from the Central Lockyer Valley water supply scheme.

84C Location for taking water

The location from which water may be taken under a water allocation converted from 1 or more water licences must be a location—

- (a) from which water could have been taken under—
 - (i) for a water allocation converted from 1 water licence—the water licence; or
 - (ii) for a water allocation converted from more than 1 water licence—only 1 of the water licences; and
- (b) that is in a trading zone for groundwater.

84D Nominal volumes for water allocations for water licences held by particular regional councils

- (1) The nominal volume for the water allocation converted from water licence 401310 held by the Lockyer Valley Regional Council is 60ML.
- (2) The nominal volume for the water allocation converted from water licences 66442G and 98268G held by the Lockyer Valley Regional

Council is 10ML.

84E Nominal volumes—1 licence converted to 2 water allocations

- (1) This section applies if 1 water licence is converted to 2 water allocations (the *first water allocation* and the *second water allocation* respectively).
- (2) The nominal volume for the first water allocation is the volume, in megalitres, calculated by multiplying the irrigable area for the water licence by 2.
- (3) The nominal volume for the second water allocation is the volume, in megalitres, calculated by multiplying the irrigable area for the water licence by 4.

84F Nominal volumes—2 or more licences converted to 2 water allocations

- (1) This section applies if 2 or more water licences are converted to 2 water allocations (the *first water allocation* and the *second water allocation* respectively).
- (2) The nominal volume for the first water allocation is the volume, in megalitres, calculated by multiplying the combined irrigable area for the water licences by 2.
- (3) The nominal volume for the second water allocation is the volume, in megalitres, calculated by multiplying the combined irrigable area for the water licences by 4.
- (4) In this section—
combined irrigable area, for water licences, means the sum of the irrigable areas for the water licences.

84G Nominal volume—rounding down

If the nominal volume for a water allocation worked out under section 84E or 84F is not a whole number, the nominal volume for the water allocation must be rounded down to the nearest whole number.

84H Priority group

- (1) A water allocation with a nominal volume decided under section 84E(2) or 84F(2) belongs to the medium priority A group.
- (2) A water allocation with a nominal volume decided under section 84E(3) or 84F(3) belongs to the low priority group.

84I Purpose to be stated for taking water

The purpose to be stated for taking water under a water allocation converted from a water licence must be—

- (a) for a water allocation mentioned in section 84D—‘urban’; or
- (b) otherwise—‘any’.

84J Management of water allocations

Water allocations converted from water licences under this division are managed under the resource operations licence for the Central Lockyer Valley water supply scheme.

Subdivision 3 Working out irrigable area

84K Working out irrigable area

The *irrigable area* for a water licence is the area,

[s 29]

in hectares, that is the total of—

- (a) the preliminary irrigable area for the water licence worked out under section 84L; and
- (b) if an additional irrigable area for the water licence is worked out under section 84M—the area worked out.

Note—

The irrigable area for a water licence is held in digital electronic form by the department and can be made available on request to the chief executive.

84L Working out preliminary irrigable area

- (1) This section applies in relation to the land attached to a water licence on the commencement.
- (2) The *preliminary irrigable area* for the water licence is the area, in hectares, that is the sum of each of the following parts of the land—
 - (a) if the licence allows the whole of a parcel of land to be irrigated using water taken under the licence—the part of the land that the chief executive decides, having considered geological mapping and spatial imagery of the land, is—
 - (i) land with alluvium; or
 - (ii) land without alluvium that has been irrigated, during the relevant period, using water taken under the licence from the land;
 - (b) if the licence allows only a part of a parcel of land to be irrigated using water taken under the licence—the part of the land.
- (3) However, the *preliminary irrigable area* for the water licence does not include the area of any part of the land attached to the water licence that has been included in the preliminary irrigable area of another water licence.

84M Working out additional irrigable area

- (1) This section applies if—
 - (a) the holder of a water licence to which section 84B applies makes a submission under the Act, section 72 about the draft water entitlement notice mentioned in section 84B; and
 - (b) the submission states that—
 - (i) land (the *relevant land*), owned by the licence holder but not attached to the water licence, was irrigated during the relevant period using groundwater taken from land attached to the water licence; and
 - (ii) the groundwater was taken from the Central Lockyer Valley water supply scheme using works located on land attached to the water licence; and
 - (iii) the groundwater was conveyed to the relevant land using a pipeline or channel; and
 - (c) the area of the relevant land has not been included in the additional irrigable area for another water licence.
- (2) The *additional irrigable area* for the water licence is the total area, in hectares, of the relevant land, or the part of the relevant land, that the chief executives decides was irrigated during the relevant period in the way described in subsection (1)(b).

30 Replacement of ss 85–87

Sections 85 to 87—

omit, insert—

85 Applications for water licences to take overland flow water must not be accepted

For section 43(2)(j) of the Act, the chief executive must not accept an application for a water licence to take overland flow water made under section 107 of the Act.

86 Limitation on taking overland flow water—Act, s 101

- (1) For section 101(1) of the Act, a person must not take overland flow water to which this plan applies under section 101(1)(b) of the Act, unless the water is taken—
 - (a) for stock or domestic purposes; or
 - (b) under a water licence; or
 - (c) for another purpose using works that have a capacity of not more than 5ML; or
 - (d) for a purpose the chief executive reasonably considers is for water sensitive urban design; or
 - (e) to satisfy the requirements of—
 - (i) an environmental authority under the *Environmental Protection Act 1994*; or
 - (ii) a development permit for carrying out an environmentally relevant activity, other than a mining activity or petroleum activity, under the *Environmental Protection Act 1994*; or
 - (f) under an authority under section 87.
- (2) For subsection (1)(e), the volume of overland flow water taken must not be more than the amount necessary to satisfy the requirements of the environmental authority or development permit.
- (3) In this section—

water sensitive urban design means urban planning or design that includes integrated water cycle management.

87 Taking water using particular existing overland flow works authorised

- (1) This section applies to the owner of land on which existing overland flow works are situated, other than works for only taking water that may be taken under section 86(1)(a) to (e).
- (2) The owner is authorised to continue to use the existing overland flow works to take overland flow water.

88 Notification of reconfiguration of existing overland flow works

- (1) This section applies to an owner of land authorised to use existing overland flow works to take overland flow water under section 87.
- (2) If the owner reconfigures the works, the owner must give the chief executive notice, in the approved form, about the reconfiguration.
- (3) If the owner gives the notice mentioned in subsection (2) to the chief executive, and any further information the chief executive reasonably requires, the owner may continue to use the works to take overland flow water.

Part 8 Accounting period

89 Accounting period for resource operations licences—Water Regulation 2016, s 142

For the *Water Regulation 2016*, section 142(a), the accounting period for a resource operations licence to take water from the Central Lockyer

[s 31]

Valley water supply scheme is 1 January to 31 December.

31 Amendment of s 96 (Minor or stated amendment of plan—Act, s 51)

(1) Section 96(n)—

omit.

(2) Section 96(o)—

renumber as section 96(n).

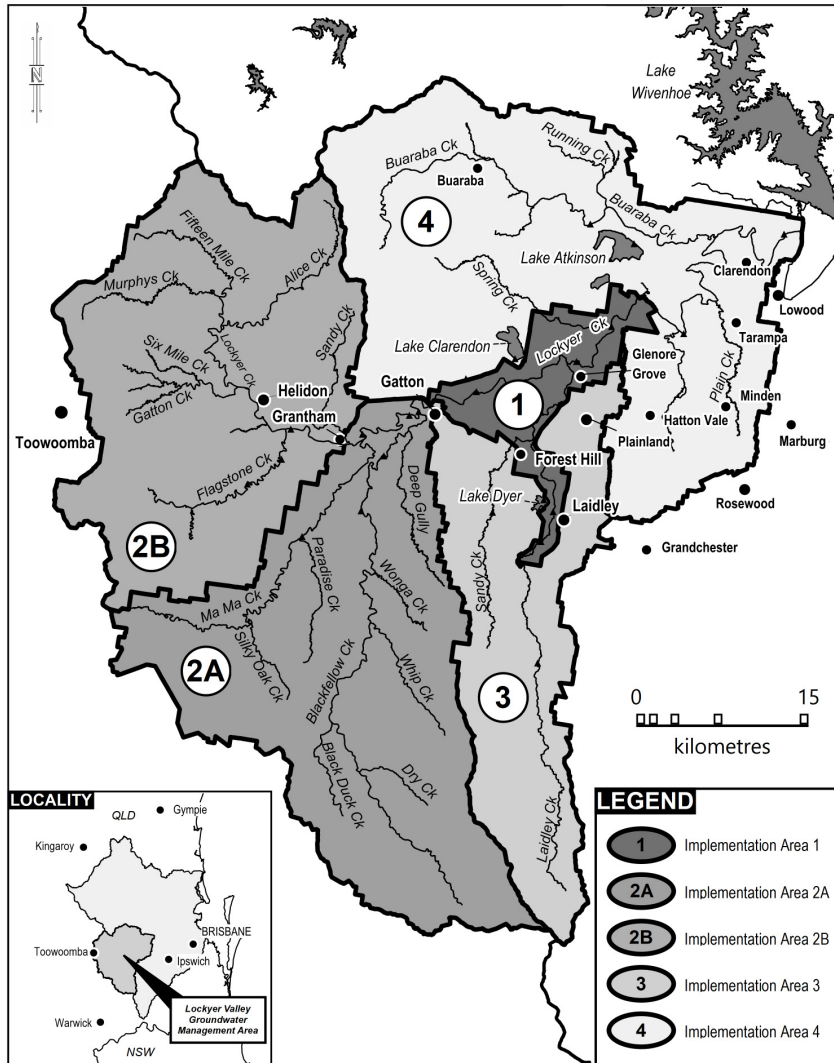
32 Replacement of sch 3

Schedule 3—

omit, insert—

**Schedule 3 Implementation areas
for Lockyer Valley
groundwater
management area**

section 5(2)



33 Amendment of sch 5A (Trading zones)

(1) Schedule 5A, before map—

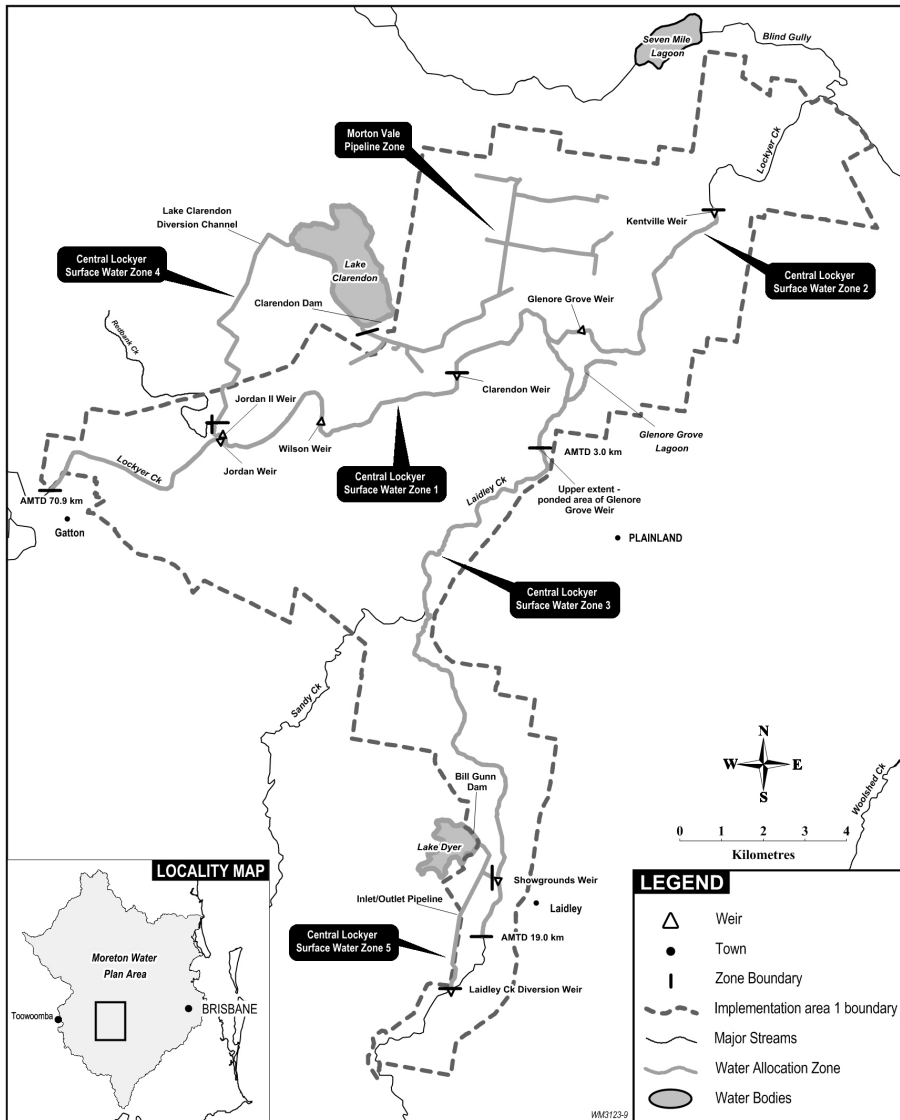
insert—

[s 33]

Part 1 **Surface water trading zones in plan area other than Central Lockyer Valley water supply scheme**

(2) Schedule 5A—
insert—

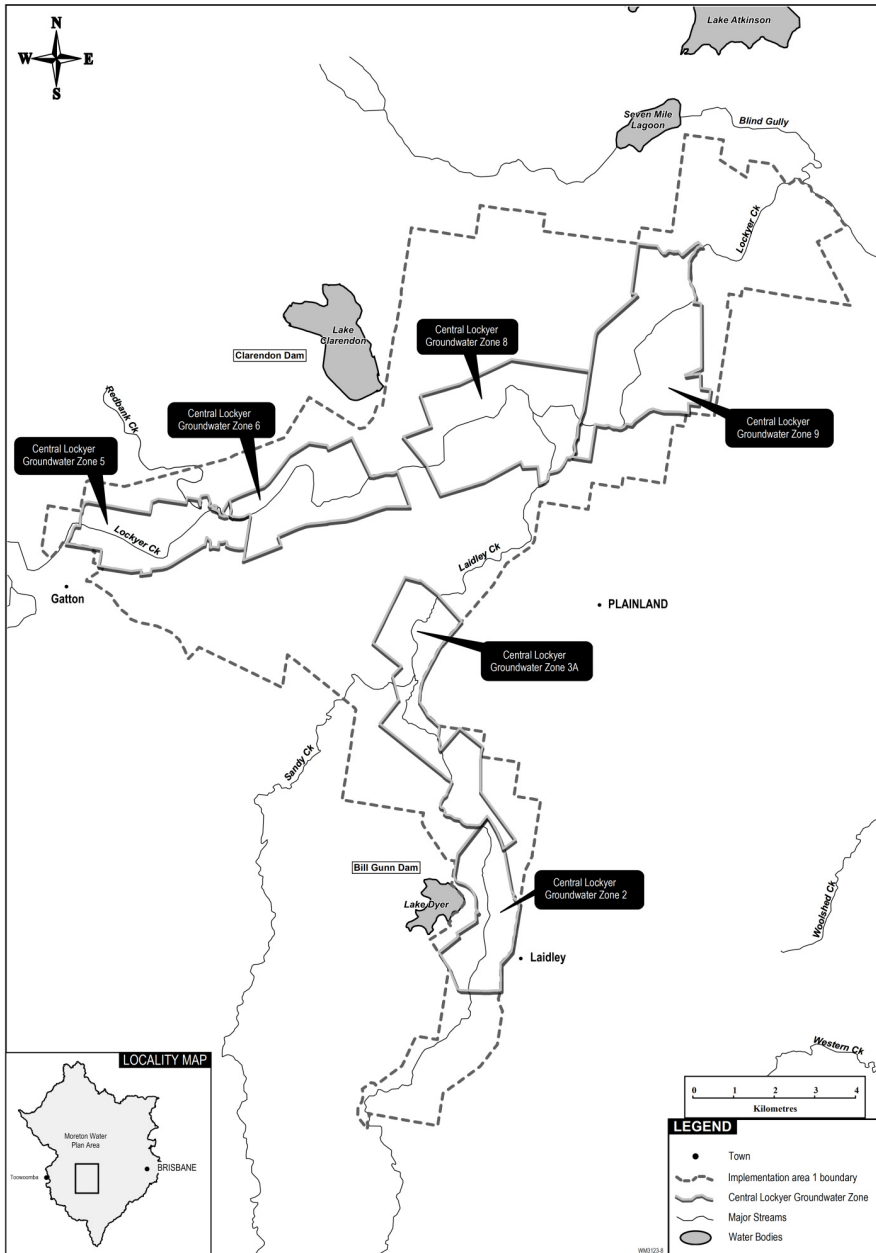
Part 2 **Surface water trading zones in the Central Lockyer Valley water supply scheme**



[s 33]

Part 3

Groundwater trading zones in the Central Lockyer Valley water supply scheme



[s 34]

34 Amendment of sch 8 (Water allocation security objectives)

(1) Schedule 8, part 1, items 5 and 6—

omit, insert—

- 5 For water allocations in a medium priority group in Laidley Creek in the Central Lockyer Valley water supply scheme, the monthly supplemented water sharing index be not less than 35%.
- 6 For water allocations in a medium priority group in Lockyer Creek in the Central Lockyer Valley water supply scheme, the monthly supplemented water sharing index be not less than 45%.
- 6A For water allocations in a medium priority group on Morton Vale Pipeline in the Central Lockyer Valley water supply scheme, the monthly supplemented water sharing index be not less than 76.7%.
- 6B For water allocations in a high priority group on Morton Vale Pipeline in the Central Lockyer Valley water supply scheme, the monthly supplemented water sharing index be not less than 87.5%.

(2) Schedule 8—

insert—

Part 3 Groundwater

Division 1 Medium priority group

- 1 For water allocations, in a medium priority group, to take groundwater from an area in a trading zone for groundwater mentioned in table 2, column 1, the maximum allowable

volume for the zone be the volume stated in column 2 of the table for the zone.

Table 2

Column 1	Column 2
Zone	Maximum allowable volume
Central Lockyer groundwater zone 2	799ML
Central Lockyer groundwater zone 3A	1,267ML
Central Lockyer groundwater zone 5	927ML
Central Lockyer groundwater zone 6	2,232ML
Central Lockyer groundwater zone 8	2,529ML
Central Lockyer groundwater zone 9	1,778ML

Division 2 Low priority group

- 1 For water allocations, in a low priority group, to take groundwater from an area in a trading zone for groundwater mentioned in table 3, column 1, the maximum allowable volume for the zone be the volume stated in column 2 of the table for the zone.

Table 3

Column 1	Column 2
Zone	Maximum allowable volume
Central Lockyer groundwater zone 2	1,484ML
Central Lockyer groundwater zone 3A	2,522ML
Central Lockyer groundwater zone 5	1,865ML
Central Lockyer groundwater zone 6	4,474ML

[s 35]

Column 1	Column 2
Zone	Maximum allowable volume
Central Lockyer groundwater zone 8	5,069ML
Central Lockyer groundwater zone 9	3,563ML

35 Amendment of sch 15 (Dictionary)

- (1) Schedule 15, definitions *class A water allocation group*, *class B water allocation group*, *class C water allocation group*, *class D water allocation group*, *class E water allocation group*, *existing overland flow works*, *implementation area 2*, *implementation area 3* and *implementation area 4*—

omit.

- (2) Schedule 15—

insert—

additional irrigable area, for part 6, division 6, see section 84M.

class, of water allocation group to which a water allocation to take unsupplemented water belongs, means the class of water allocation to which the allocation belongs under section 54.

existing overland flow works means—

- (a) works for taking overland flow water that—

- (i) were in existence on the commencement of the *Water Plan (Moreton) (Supply Scheme Arrangements) Amendment Plan 2019*; or

- (ii) were started, but not completed by the commencement of the *Water Plan (Moreton) (Supply Scheme Arrangements) Amendment Plan 2019*; or

- (b) works that—

-
- (i) are a reconfiguration of existing overland flow works mentioned in paragraph (a); and
 - (ii) do not increase the average annual volume of water taken above the average annual volume taken using the existing works.

high priority group means the water allocations in a water supply scheme that are stated to belong to the high priority group in the water allocations register.

implementation area 2A see section 5(2)(b).

implementation area 2B see section 5(2)(c).

implementation area 3 see section 5(2)(d).

implementation area 4 see section 5(2)(e).

irrigable area, for part 6, division 6, see section 84K.

low priority group means the water allocations in a water supply scheme that are stated to belong to the priority group in the water allocations register.

maximum allowable volume, for a zone, means the total volume of supplemented groundwater that may be taken under all water allocations to take supplemented groundwater in the zone.

medium priority A group means the water allocations in a water supply scheme that are stated to belong to the medium priority A group in the water allocations register.

medium priority B group means the water allocations in a water supply scheme that are stated to belong to the medium priority B group in the water allocations register.

medium priority C group means the water allocations in a water supply scheme that are stated to belong to the medium priority C group in

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the water allocations register.

preliminary irrigable area, for part 6, division 6, see section 84L.

relevant period, part 6, division 6, see section 84A.

- (3) Schedule 15, definition *supplemented groundwater*, ‘an interim resource operations licence,’—

omit, insert—

a

- (4) Schedule 15, definition *supplemented water*, ‘an interim resource operations licence,’—

omit, insert—

a

ENDNOTES

- 1 Made by the Governor in Council on 12 December 2019.
- 2 Notified on the Queensland legislation website on 13 December 2019.
- 3 The administering agency is the Department of Natural Resources, Mines and Energy.

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