



*Water Act 2000*

# **Water Plan (Georgina and Diamantina) 2004**

**Current as at 3 July 2017**





Queensland

# Water Plan (Georgina and Diamantina) 2004

## Contents

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|                   |   | Page |
|-------------------|---|------|
| <b>Part 1</b>     | <b>Preliminary</b>  |      |
| 1                 | Short title .....   | 3    |
| 2                 | Purposes of plan .....  | 3    |
| 3                 | Definitions .....   | 3    |
| <b>Part 2</b>     | <b>Plan area and water to which plan applies</b>  |      |
| 4                 | Plan area .....   | 3    |
| 5                 | Information about plan area .....   | 4    |
| 6                 | Water to which plan applies .....   | 4    |
| <b>Part 3</b>     | <b>Outcomes for sustainable management of water</b>                                     |      |
| 7                 | Outcomes, including ecological outcomes, for the plan area ...                          | 4    |
| <b>Part 4</b>     | <b>Strategies for achieving outcomes</b>  |      |
| <b>Division 1</b> | <b>Preliminary</b>  |      |
| 8                 | Strategies .....  | 6    |
| 9                 | Decisions about taking water .....  | 6    |
| <b>Division 2</b> | <b>Regulation of overland flow water</b>  |      |
| 10                | Limitation on taking overland flow water .....  | 7    |
| 11                | Decisions about taking overland flow water .....  | 8    |
| 12                | Taking water using existing works or reconfiguration of existing works authorised ..... | 8    |
| 13                | Granting water licences for authorities under s 12 .....                                | 9    |
| 14                | Granting or amending water licences under the resource operations plan 9                |      |
| <b>Division 3</b> | <b>Strategic reserve</b>  |      |
| 16                | Unallocated water held as strategic reserve .....                                       | 10   |
| 17                | Limitation on allocation of unallocated water .....                                     | 10   |
| 18                | Dealing with unallocated water .....  | 11   |

Contents

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|                   |  |    |
|-------------------|--|----|
| 19                | Matters chief executive must consider .....  | 11 |
| <b>Division 4</b> | <b>Miscellaneous provision</b>               |    |
| 20                | Matters chief executive must consider .....  | 13 |
| <b>Part 5</b>     | <b>Monitoring requirements</b>               |    |
| 22                | Monitoring requirements .....                | 13 |
| <b>Part 6</b>     | <b>Implementing and amending this plan</b>   |    |
| 24                | Implementation schedule .....                | 13 |
| 25                | Minor amendment of plan—Act, s 57 .....      | 14 |
| 26                | Amending or replacing plan .....             | 14 |
| <b>Schedule 1</b> | <b>Plan area</b> .....                       | 15 |
| <b>Schedule 2</b> | <b>Allocation of unallocated water</b> ..... | 16 |
| <b>Schedule 3</b> | <b>Dictionary</b> .....                      | 17 |

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# Water Plan (Georgina and Diamantina) 2004

## Part 1 Preliminary

### 1 Short title

This water plan may be cited as the *Water Plan (Georgina and Diamantina) 2004*.

### 2 Purposes of plan

The following are the purposes of this plan—

- (a) to define the availability of water in the plan area;
- (b) to provide a framework for sustainably managing water and the taking of water;
- (c) to identify priorities and mechanisms for dealing with future water requirements;
- (d) to provide a framework for reversing, where practicable, degradation that has occurred in natural ecosystems, including, for example, stressed rivers;
- (e) to regulate the taking of overland flow water.

### 3 Definitions

The dictionary in schedule 3 defines particular words used in this plan.

## Part 2 Plan area and water to which plan applies

### 4 Plan area

This plan applies to the area shown as the plan area on the map in schedule 1.

[s 5]

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## 5 Information about plan area

- (1) The exact location of the plan area boundary is held in digital electronic form by the department.
- (2) The information held in digital electronic form can be reduced or enlarged to show the details of the boundary.

*Editor's note—*

The boundary location in digital electronic form may be inspected at the department's head office, Brisbane.

## 6 Water to which plan applies

- (1) This plan applies to the following water in the plan area—
  - (a) surface water;
  - (b) overland flow water, other than water in springs connected to water to which the *Water Plan (Great Artesian Basin) 2006* applies;
  - (c) hydraulically-linked groundwater not connected to water to which the *Water Plan (Great Artesian Basin) 2006* applies.

- (2) In subsection (1)—

*surface water* means the following—

- (a) water in a watercourse or lake;
- (b) water in springs not connected to water to which the *Water Plan (Great Artesian Basin) 2006* applies.

# Part 3 Outcomes for sustainable management of water

## 7 Outcomes, including ecological outcomes, for the plan area

Water is to be allocated and managed in a way that seeks to achieve a balance in the following outcomes—

- (a) to make water available to sustain current levels of, and to support growth in, economic activity in the plan area while recognising the social and cultural values of communities in the basins;
- (b) to achieve ecological outcomes consistent with maintaining the ecological integrity and natural function of in-stream, wetland and floodplain ecosystems, both in the plan area and downstream of the plan area in South Australia, including, for example, maintaining—
  - (i) pool habitats, and native plants and animals associated with the habitats, in watercourses; and
  - (ii) the near pristine condition of the riverine habitats and associated native plants and animals in the basins; and
  - (iii) the natural abundance and species richness of native plants and animals associated with habitats within watercourses, riparian zones, floodplains and wetlands; and
  - (iv) active river-forming processes, including sediment transport; and
  - (v) connections between waterholes, particularly at times of low flow;
- (c) to maintain, both in the plan area and downstream of the plan area in South Australia, water quality at levels that maintain the ecological integrity and natural function of in-stream and floodplain ecosystems and the viability of economic, social, cultural and other activities that do not threaten the integrity and function;
- (d) to promote a continual improvement in water use efficiency, both in the plan area generally and on individual properties;
- (e) to promote improved understanding of the matters affecting the health of riverine and associated systems in the basins;

- (f) consistency with the *Lake Eyre Basin Agreement Act 2001*.

## **Part 4                      Strategies for achieving outcomes**

### **Division 1                Preliminary**

#### **8                      Strategies**

- (1) This part states the strategies for achieving the outcomes mentioned in part 3.
- (2) The strategies—
  - (a) form part of a broad framework for the management of natural resources; and
  - (b) complement other activities for advancing the sustainable management of water.

#### **9                      Decisions about taking water**

- (1) The chief executive must not make a decision, about the allocation or management of water in the plan area, that would increase the total volume of water that may be taken in the plan area.
- (2) Subsection (1) does not apply to a decision—
  - (a) about a water permit; or
  - (b) about reinstating or replacing an expired authorisation; or
  - (c) under the Planning Act; or
  - (d) to grant a water licence to a local government for town water supply purposes; or
  - (e) to grant a water licence to an owner of land, other than land adjoining a watercourse, lake or spring, to take



- water for stock or domestic purposes using works that were in existence before 21 November 2001; or
- (f) about unallocated water, made under section 18.

## Division 2 Regulation of overland flow water

### 10 Limitation on taking overland flow water

- (1) A person may not take overland flow water other than—
- (a) for stock or domestic purposes; or
  - (b) under an authority under section 12; or
  - (c) under an authorisation; or
  - (d) unallocated water granted to the person under the resource operations plan; or
  - (e) overland flow water—
    - (i) of not more than the amount necessary to satisfy the requirements of—
      - (A) an environmental authority under the *Environmental Protection Act 1994*; or
      - (B) a development permit for carrying out an environmentally relevant activity, other than a mining or petroleum activity, under the *Environmental Protection Act 1994*; or
    - (ii) that is contaminated agricultural runoff water.
- (2) In this section—

*contaminated agricultural runoff water* has the meaning given by the ‘Code for Assessable Development for Operational Works for Taking Overland Flow Water’.

*Editor’s note—*

A copy of the code is available on the department’s website.

## **11 Decisions about taking overland flow water**

- (1) In deciding an application under the Act about taking overland flow water, the chief executive must consider whether granting the application is likely to adversely affect—
  - (a) cultural values, including, for example, cultural values of local Aboriginal communities; or
  - (b) natural aquatic ecosystems, including, for example, natural wetlands; or
  - (c) users of overland flow water downstream of the area to which the application relates; or
  - (d) connections between waterholes, particularly at times of low flow; or
  - (e) the floodplain downstream of the area to which the application relates.

*Note—*

See the *Planning Regulation 2017*, schedule 7, section 5 and schedule 10, section 29 for how the Planning Act regulates operational work involving taking overland flow water.

- (2) However, subsection (1) does not apply to an application—
  - (a) for a water permit; or
  - (b) to reinstate or replace an expired licence.

## **12 Taking water using existing works or reconfiguration of existing works authorised**

- (1) Subsection (2) applies to the owner of land on which either of the following is situated—
  - (a) existing works;
  - (b) works that—
    - (i) are a reconfiguration of existing works; and
    - (ii) do not increase the average annual volume of water taken above the average annual volume taken using the existing works.

- (2) The owner may continue to take overland flow water, using the works—
  - (a) for 1 year after the commencement of this plan; and
  - (b) if the owner gives the chief executive notice of the works, in the approved form, and any further information required by the chief executive about the works—after the notice and information are given.

### **13 Granting water licences for authorities under s 12**

- (1) This section applies if—
  - (a) an owner of land is authorised under section 12 to continue taking overland flow water using works; and
  - (b) the chief executive is satisfied there has been, or may be, an increase in the average annual volume of overland flow water taken using the works above the average annual volume that could have been taken under the operating arrangements in place immediately before the commencement of this plan.
- (2) The chief executive must—
  - (a) under section 212 of the Act, grant a water licence to replace the authority under section 12; and
  - (b) impose a condition on the licence to ensure the average annual volume of overland flow water that may be taken using the works is not more than the average annual volume that could have been taken under the operating arrangements in place immediately before the commencement of this plan.

### **14 Granting or amending water licences under the resource operations plan**

- (1) For granting, under section 212 of the Act, a water licence to replace an authority under section 12, the resource operations plan—

[s 16]

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- (a) must state the parts of the plan area in which an authority may be replaced by a water licence; and
  - (b) must state the works to which each authority relates; and
  - (c) must consider the extent to which the works allow the taking of—
    - (i) overland flow water under an authority under section 12; and
    - (ii) water under another authorisation; and
  - (d) to achieve the outcomes of this plan, may reduce the volume of overland flow water that may be taken in a part of the plan area mentioned in paragraph (a) by deciding—
    - (i) the volume of overland flow water available for allocation in the part; and
    - (ii) the share available under each authority to take overland flow water in the part.
- (2) The resource operations plan may also decide the share of the water mentioned in subsection (1)(d)(i) available under a water licence granted under section 13 for a part of the plan area mentioned in subsection (1)(a).
- (3) Section 217 of the Act applies to the amendment of the licence for consistency with the resource operations plan.

## **Division 3                      Strategic reserve**

### **16                      Unallocated water held as strategic reserve**

Unallocated water is held as a strategic reserve and dealt with under this division.

### **17                      Limitation on allocation of unallocated water**

- (1) The allocation of unallocated water is limited to—
  - (a) water for a use mentioned in schedule 2, column 2; and

- 
- (b) the total annual volume mentioned for the use in schedule 2, column 1.
  - (2) Subsection (1)(b) applies to surface water.
  - (3) However, the chief executive may instead allow an equivalent volume of water to be taken as overland flow water or groundwater hydraulically-linked to surface water.
  - (4) For subsection (3), an equivalent volume is the volume, decided by the chief executive, that would have an equivalent impact on the stream flow downstream of the part of the plan area from which the water would be taken.

## **18 Dealing with unallocated water**

Unallocated water may be—

- (a) granted under a licence granted under section 212 of the Act for a project of State significance; or
- (b) granted or reserved under a process in the resource operations plan.

## **19 Matters chief executive must consider**

- (1) In dealing with unallocated water, the chief executive must consider—
  - (a) the need for, and efficiency of, present and proposed uses of water, including—
    - (i) the extent to which water is being taken under current authorisations in the plan area; and
    - (ii) emerging requirements in the plan area for additional water and the likely timeframe in which the additional water will be required; and
    - (iii) alternative water sources including, for example, recycled water and water savings from improvements in the efficiency of water use; and
  - (b) the availability of an alternative water supply for the purpose for which the water is required; and

- (c) the impact the proposed taking of, or interfering with, the water may have on the following—
    - (i) water quality;
    - (ii) the draw-down levels in waterholes;
    - (iii) the natural movement of sediment;
    - (iv) low flows;
    - (v) waterholes and wetlands;
    - (vi) connections between waterholes, particularly at times of low flow;
    - (vii) the floodplain downstream of the proposed taking or interfering;
    - (viii) inundation of habitats;
    - (ix) the movement of fish and other aquatic species;
    - (x) recreation and aesthetic values;
    - (xi) cultural values, including, for example, cultural values of local Aboriginal communities; and
  - (d) imposing flow conditions under which water may be taken or interfered with under any water entitlement granted, to protect low flows and other ecologically significant flows; and
  - (e) whether the proposed taking or interfering with, or the proposed use of, water is likely to have an adverse effect on underground water; and
  - (f) whether the proposed taking or interfering with, or the proposed use of, water is likely to lead to degradation, particularly salinity, of land or downstream watercourses both in the plan area and downstream of the plan area in South Australia; and
  - (g) the impact the proposed taking of, or interfering with, the water may have on water users.
- (2) Subsection (1) does not limit the matters the chief executive may consider.

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## **Division 4                      Miscellaneous provision**

### **20            Matters chief executive must consider**

- (1) In granting a water licence to a local government for town water supply purposes, other than under operations that were in existence before 21 November 2001, the chief executive must consider whether a planning study, satisfactory to the chief executive, has been completed that—
  - (a) demonstrates the need for the water; and
  - (b) addresses the matters mentioned in section 19(1).
- (2) Subsection (1) does not limit the matters the chief executive may consider.

## **Part 5                              Monitoring requirements**

### **22            Monitoring requirements**

- (1) To help the Minister assess the effectiveness of the management strategies for achieving the outcomes mentioned in part 3, the resource operations plan must state the monitoring requirements for water and natural ecosystems for this plan.
- (2) Subsection (1) does not limit the monitoring requirements the chief executive may impose for this plan.

## **Part 6                              Implementing and amending this plan**

### **24            Implementation schedule**

The proposed arrangement for implementing this plan is to prepare, within 3 years after the commencement of this plan, a

resource operations plan making unallocated water available for allocation.

## **25 Minor amendment of plan—Act, s 57**

An amendment or addition of a monitoring requirement under part 5 may be made to this plan under section 57(b) of the Act.

## **26 Amending or replacing plan**

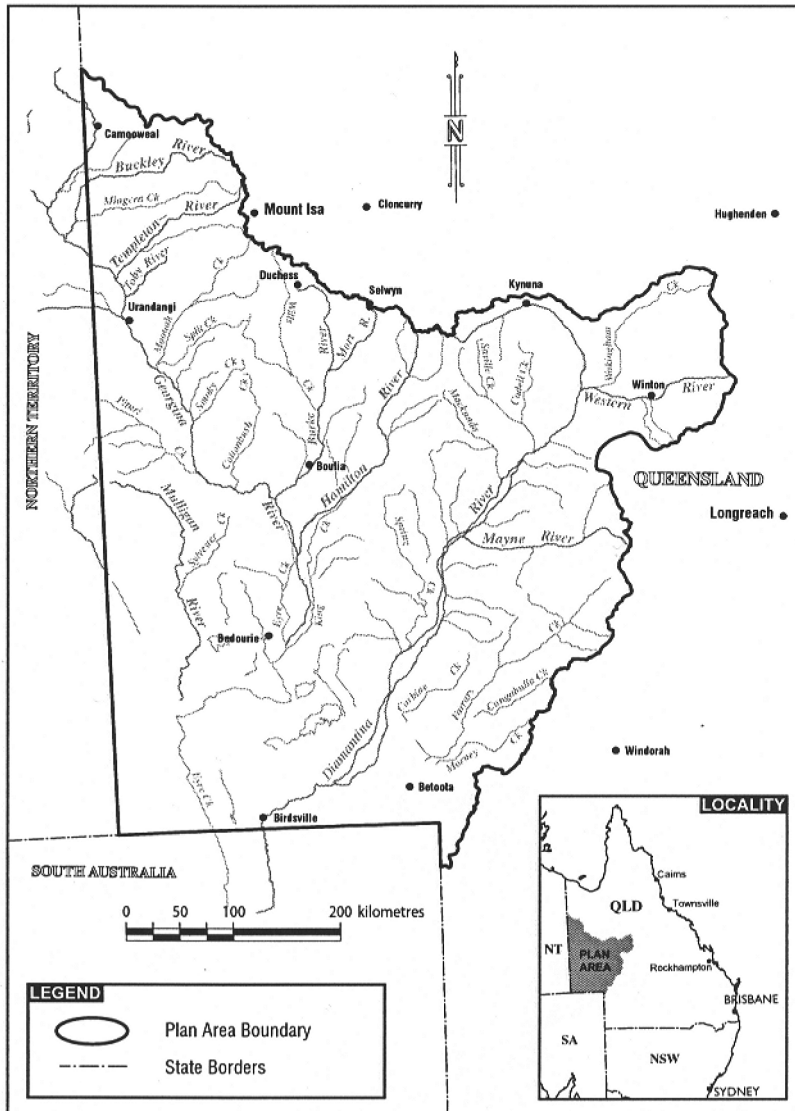
The Minister must consider amending this plan or preparing a new plan to replace this plan if the Minister is satisfied authorisations in the plan area are not sufficient to meet the water needs of a project of State significance having regard to—

- (a) the extent to which water is being taken under the authorisations; and
- (b) the efficiency of present, and expected future, water use; and
- (c) emerging requirements for additional water; and
- (d) alternative water sources including, for example, recycled water and water savings from improvements in the efficiency of water use; and
- (e) the likely timeframe in which additional water will be required.



# Schedule 1 Plan area

## section 4



## **Schedule 2      Allocation of unallocated water**

section 17

| <b>Column 1</b>      | <b>Column 2</b>                 |
|----------------------|---------------------------------|
| <b>Annual volume</b> | <b>Use</b>                      |
| 1,500ML              | A project of State significance |
| 12,000ML             | Any                             |

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## Schedule 3 Dictionary

## section 3

**authorisation** means a licence, permit or other authority to take water given under the Act or the repealed Act, other than a permit for stock or domestic purposes.

**existing works**—

- 1 *Existing works* means works that—
  - (a) allow taking overland flow water; and
  - (b) either—
    - (i) were in existence on 21 November 2001; or
    - (ii) were started, but not completed by 21 November 2001 but were completed by 31 May 2002.
- 2 The term does not include works that allow taking overland flow water only for stock or domestic purposes.

**groundwater** means underground water to which the *Water Plan (Great Artesian Basin) 2006* does not apply.

**hydraulically-linked**, in relation to groundwater, means there is a direct connection between the groundwater and surface water to the extent that—

- (a) if the aquifer is full and surface water is removed, groundwater begins, within approximately 1 day, to flow to the surface, replacing the surface water removed; and
- (b) if the aquifer is not full, surface water begins, within approximately 1 day, to seep into the aquifer causing the water level in the aquifer to rise.

**plan area** means the area shown as the plan area on the map in schedule 1.

***project of State significance*** means a project declared under the *State Development and Public Works Organisation Act 1971* to be a significant project.

***resource operations plan*** means the resource operations plan to implement this plan.

*Note—*

See the Act, section 1266.

***started***, for existing works, means—

- (a) construction of the works had physically started, or if construction had not physically started, a contract had been entered into to start construction; and
- (b) an independently verifiable construction program existed for progressive construction towards completion of the works; and
- (c) detailed design plans existed showing, among other things, the extent of the works; and
- (d) if a permit under the *Local Government Act 1993*, section 940 was required for the works—the permit had been issued; and
- (e) if a development permit was required for the works—the permit had been given.

***surface water*** see section 6.

***waterhole*** means a part of a watercourse that contains water after the watercourse ceases to flow, other than a part of a watercourse that is within the storage area of a dam or weir on the watercourse.

***works that allow taking overland flow water*** include—

- (a) storages, sumps, drains, embankments, channels, pipes and pumps for taking, or that can be used for taking, overland flow water; and
- (b) storages that are connected to the works mentioned in paragraph (a); and

- (c) works that make, or that can be used to make, the original connection between the storages mentioned in paragraph (b) and the works mentioned in paragraph (a).

## 1 Index to endnotes

- 2 Key
- 3 Table of reprints
- 4 List of legislation
- 5 List of annotations

## 2 Key

### Key to abbreviations in list of legislation and annotations

| Key  | Explanation                    | Key    | Explanation         |
|------|--------------------------------|--------|---------------------|
| AIA  | = Acts Interpretation Act 1954 | (prev) | = previously        |
| amd  | = amended                      | proc   | = proclamation      |
| amd  | = amendment                    | prov   | = provision         |
| t    |                                |        |                     |
| ch   | = chapter                      | pt     | = part              |
| def  | = definition                   | pubd   | = published         |
| div  | = division                     | R[X]   | = Reprint No. [X]   |
| exp  | = expires/expired              | RA     | = Reprints Act 1992 |
| gaz  | = gazette                      | reloc  | = relocated         |
| hdg  | = heading                      | renu   | = renumbered        |
|      |                                | m      |                     |
| ins  | = inserted                     | rep    | = repealed          |
| lap  | = lapsed                       | (retro | = retrospectively   |
|      |                                | )      |                     |
| notf | = notified                     | rv     | = revised version   |
| d    |                                |        |                     |
| num  | = numbered                     | s      | = section           |

| <b>Key</b>    | <b>Explanation</b>        | <b>Key</b>   | <b>Explanation</b>                             |
|---------------|---------------------------|--------------|--|
| <b>o in c</b> | = <b>order in council</b> | <b>sch</b>   | = <b>schedule</b>                              |
| <b>om</b>     | = <b>omitted</b>          | <b>sdiv</b>  | = <b>subdivision</b>                           |
| <b>orig</b>   | = <b>original</b>         | <b>SIA</b>   | = <b>Statutory Instruments Act 1992</b>        |
| <b>p</b>      | = <b>page</b>             | <b>SIR</b>   | = <b>Statutory Instruments Regulation 2012</b> |
| <b>para</b>   | = <b>paragraph</b>        | <b>SL</b>    | = <b>subordinate legislation</b>               |
| <b>prec</b>   | = <b>preceding</b>        | <b>sub</b>   | = <b>substituted</b>                           |
| <b>pres</b>   | = <b>present</b>          | <b>unnum</b> | = <b>unnumbered</b>                            |
| <b>prev</b>   | = <b>previous</b>         | <b>m</b>     |  |

### 3 Table of reprints

A new reprint of the legislation is prepared by the Office of the Queensland Parliamentary Counsel each time a change to the legislation takes effect.

The notes column for this reprint gives details of any discretionary editorial powers under the **Reprints Act 1992** used by the Office of the Queensland Parliamentary Counsel in preparing it. Section 5(c) and (d) of the Act are not mentioned as they contain mandatory requirements that all amendments be included and all necessary consequential amendments be incorporated, whether of punctuation, numbering or another kind. Further details of the use of any discretionary editorial power noted in the table can be obtained by contacting the Office of the Queensland Parliamentary Counsel by telephone on 3003 9601 or email [legislation.queries@oqpc.qld.gov.au](mailto:legislation.queries@oqpc.qld.gov.au).

From 29 January 2013, all Queensland reprints are dated and authorised by the Parliamentary Counsel. The previous numbering system and distinctions between printed and electronic reprints is not continued with the relevant details for historical reprints included in this table.

| <b>Reprint No.</b> | <b>Amendments included</b> | <b>Effective</b> | <b>Notes</b> |
|--------------------|----------------------------|------------------|--------------|
| 1                  | none                       | 6 August 2004    |              |
| 1A                 | 2006 SL No. 49             | 31 March 2006    |              |

| <b>Reprint No.</b> | <b>Amendments included</b> | <b>Effective</b> | <b>Notes</b> |
|--------------------|----------------------------|------------------|--------------|
| 1B                 | 2009 SL No. 280            | 18 December 2009 |              |
| 1C                 | 2011 Act No. 40            | 24 November 2011 |              |

| <b>Current as at</b> | <b>Amendments included</b>         | <b>Notes</b> |
|----------------------|------------------------------------|--------------|
| 27 September 2013    | 2013 Act No. 23                    |              |
| 27 June 2014         | 2014 SL No. 142                    | RA s 35      |
| 6 December 2016      | 2014 Act No. 64<br>2016 SL No. 216 |              |
| 3 July 2017          | 2017 SL No. 103                    | RA s 35      |

## 4 List of legislation

### Regulatory impact statements

For subordinate legislation that has a regulatory impact statement, specific reference to the statement is included in this list.

### Explanatory notes

All subordinate legislation made on or after 1 January 2011 has an explanatory note. For subordinate legislation made before 1 January 2011 that has an explanatory note, specific reference to the note is included in this list

#### **Water Resource (Georgina and Diamantina) Plan 2004 SL No. 152**

approved by the Governor in Council on 5 August 2004  
 notfd gaz 6 August 2004 pp 1080–1  
 commenced on date of notification  
 exp 5 August 2024 (see 2000 Act No. 34 s 52A(3) and 2014 SL No. 167 s 2)  
 Note—An explanatory note was prepared.  
 amending legislation—

#### **Water Resource (Great Artesian Basin) Plan 2006 SL No. 49 s 1, pt 7 div 6**

notfd gaz 31 March 2006 pp 1282–5  
 commenced on date of notification  
 Note—An explanatory note was prepared.

#### **Sustainable Planning Regulation 2009 SL No. 280 ss 1–2, pt 9 div 38**

notfd gaz 27 November 2009 pp 1001–6  
 ss 1–2 commenced on date of notification



remaining provisions commenced 18 December 2009 (see s 2)

**Water and Other Legislation Amendment Act 2011 No. 40 pt 1, s 107 sch**

date of assent 24 November 2011

commenced on date of assent

**Land, Water and Other Legislation Amendment Act 2013 No. 23 ss 1, 2(d), 352 sch 1 pt 2**

date of assent 14 May 2013

ss 1–2 commenced on date of assent

remaining provisions commenced 27 September 2013 (2013 SL No. 189)

**Water Resource Plans Amendment Plan (No. 1) 2014 SL No. 142 pts 1, 11**

notfd <[www.legislation.qld.gov.au](http://www.legislation.qld.gov.au)> 27 June 2014

commenced on date of notification

**Water Reform and Other Legislation Amendment Act 2014 No. 64 ss 1, 2(2), 255 sch 2**

date of assent 5 December 2014

ss 1–2 commenced on date of assent

s 255 commenced 19 December 2014 (2014 SL No. 333)

s 255 sch 2 commenced 6 December 2016 (automatic commencement under AIA s 15DA(2) (2015 SL No. 155 s 2))

**Water Regulation 2016 SL No. 216 ss 1–2, 146 sch 20**

notfd <[www.legislation.qld.gov.au](http://www.legislation.qld.gov.au)> 2 December 2016

ss 1–2 commenced on date of notification

s 146 sch 20 commenced 6 December 2016 on the commencement of the Water Reform and Other Legislation Amendment Act 2014, s 68 (see s 2)

**Planning (Consequential) and Other Legislation Amendment Regulation 2017 SL No. 103**

notfd <[www.legislation.qld.gov.au](http://www.legislation.qld.gov.au)> 30 June 2017

ss 1–2 commenced on date of notification

pt 38 commenced 3 July 2017 (see s 2)

## 5 List of annotations

### Short title

s 1 sub 2014 Act No. 64 s 255 sch 2

### Water to which plan applies

s 6 sub 2006 SL No. 49 s 59

amd 2016 SL No. 216 s 146 sch 20

## PART 4—STRATEGIES FOR ACHIEVING OUTCOMES

### Decisions about taking water

s 9 amd 2009 SL No. 280 s 172; 2017 SL No. 103 s 152

### Limitation on taking overland flow water—Act, s 20(2)

s **10** amd 2013 Act No. 23 s 352 sch 1 pt 2; 2017 SL No. 103 s 153

**Decisions about taking overland flow water**

s **11** amd 2009 SL No. 280 s 173; 2017 SL No. 103 s 154

**Relationship with Sustainable Planning Act 2009**

s **15** amd 2009 SL No. 280 s 174; 2011 Act No. 40 s 107 sch  
om 2016 SL No. 216 s 146 sch 20

**Limitation on allocation of unallocated water**

s **17** amd 2016 SL No. 216 s 146 sch 20

**Matters chief executive must consider**

s **19** amd 2016 SL No. 216 s 146 sch 20

**Division 4—Miscellaneous provision**

div **hdg** amd 2014 SL No. 142 s 82

**Measuring devices**

s **21** om 2014 SL No. 142 s 83

**PART 5—MONITORING REQUIREMENTS**

**pt hdg** sub 2014 SL No. 142 s 84  
amd 2016 SL No. 216 s 146 sch 20

**Monitoring requirements**

s **22** sub 2014 SL No. 142 s 84

**Minister's report on plan—Act, s 53**

s **23** sub 2014 SL No. 142 s 84  
om 2016 SL No. 216 s 146 sch 20

**SCHEDULE 3—DICTIONARY**

def *groundwater* sub 2016 SL No. 216 s 146 sch 20  
def *hydraulically-linked* amd 2016 SL No. 216 s 146 sch 20  
def *resource operations plan* amd 2016 SL No. 216 s 146 sch 20