



Water Act 2000

Water Regulation 2016

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Queensland

Water Regulation 2016

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Water Regulation 2016

Part 1 Preliminary

Division 1 Introduction

1 Short title

This regulation may be cited as the *Water Regulation 2016*.

2 Commencement

This regulation commences on the commencement of the *Water Reform and Other Legislation Amendment Act 2014*, section 68.

3 Definitions

The dictionary in schedule 19 defines particular words used in this regulation.

Division 2 Watercourse identification and outer bank location

Subdivision 1 Preliminary

4 Purpose of division

The purpose of this division is to support the application of the provisions of the Act relating to the identification of watercourses and establishing the location of outer banks of watercourses.

5 Meaning of terms used in division

- (1) If a term used in this division is defined in chapter 1, part 2 of the Act, or in schedule 4 of the Act to the extent it supports the operation of chapter 1, part 2 of the Act, the term has the same meaning in this division and in schedule 1.
- (2) However, a reference to a watercourse is not intended to be limited in the way provided for in section 5(4) of the Act.

Subdivision 2 Supporting provisions

6 Diagram depicting different valley reaches

Diagram A in schedule 1, part 1 depicts in overview the upper, middle and lower valley reaches of a valley drained by a typical watercourse.

7 Explanations and accompanying cross-section diagrams for typical upper valley reach

Schedule 1, part 2—

- (a) gives an explanation of the characteristics of a typical upper valley reach and associated watercourse; and
- (b) includes a diagram (diagram B) in cross-section form that depicts the natural features that are likely to be found in a typical upper valley reach; and
- (c) includes a diagram (diagram C) in cross-section form that depicts the natural features that are likely to be found in a typical watercourse in an upper valley reach and that can help in locating outer banks.

8 Explanations and accompanying cross-section diagrams for typical middle valley reach

Schedule 1, part 3—

- (a) gives an explanation of the characteristics of a typical middle valley reach and associated watercourse; and

- (b) includes a diagram (diagram D) in cross-section form that depicts the natural features that are likely to be found in a typical middle valley reach; and
- (c) includes a diagram (diagram E) in cross-section form that depicts the natural features that are likely to be found in a typical watercourse in a middle valley reach and that can help in locating outer banks.

9 Explanations and accompanying cross-section diagrams for typical lower valley reach

- (1) Schedule 1, part 4—
 - (a) gives an explanation of the characteristics of a typical lower valley reach and associated watercourse; and
 - (b) includes a diagram (diagram F) in cross-section form that depicts the natural features that are likely to be found in a typical lower valley reach; and
 - (c) includes a diagram (diagram G) in cross-section form that depicts the natural features that are likely to be found in a typical watercourse in a lower valley reach and that can help in locating outer banks.
- (2) Schedule 1, part 4 also includes—
 - (a) a diagram (diagram H) in cross-section form that depicts the natural features that are likely to be found in a typical lower valley reach where 2 or more watercourses in the form of anabranches are contained within the valley; and
 - (b) a diagram (diagram I) in cross-section form that depicts the natural features that are likely to be found in typical watercourses in a lower valley reach where the valley contains 2 or more watercourses in the form of anabranches, and that can help in locating outer banks in a multiple watercourse environment.

10 Additional information about applicability of cross-section diagrams

- (1) For any valley, a particular valley reach could contain a section of valley reach, or a section of watercourse within a section of valley reach, that is not typical, having regard to the valley reach and watercourse cross-sections depicted in schedule 1, parts 2, 3 and 4.

Example—

The cross-section of part of a middle valley reach of a particular watercourse might more closely resemble what is typical for an upper valley reach cross-section, and the cross-section of part of a lower valley reach of a particular watercourse might more closely resemble what is typical for a middle valley reach cross-section.

- (2) Accordingly, a cross-section diagram could be used to help in the location of an outer bank, regardless of the valley reach in which the section of watercourse under consideration is located.

11 Explanation about valley margins

- (1) Schedule 1 includes a number of references to valley margins.
- (2) A reference to a valley margin, in relation to a valley drained by a watercourse, is intended as a reference to the bedrock feature that forms a lateral extent of the valley floor.
- (3) A valley margin could consist of a hill, cliff, ridge or mountain, but this will generally vary according to where the valley margin is situated in the valley as a whole.

Example—

A valley margin in an upper valley reach could be a mountain, but in a lower valley reach, a valley margin is likely to be no higher than a ridge.

12 Explanation about terraces

- (1) Schedule 1 includes a number of references to terraces.
- (2) A reference to a terrace, in relation to a valley drained by a watercourse, is intended as a reference to an abandoned

floodplain that is situated above an active floodplain associated with the watercourse.

- (3) A terrace is formed when floodplains are abandoned during down-cutting into the valley floor by base level change in the form of tectonic activity, by shifts in sediment load or by changes in the flow regime of the watercourse.

Part 2 Water rights and planning

Division 1 Collecting information about water

13 Notice of works and water use—Act, s 36

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.

Division 2 Unallocated water

Subdivision 1 Reserving unallocated water

14 Particular unallocated water reserved—Act, s 39

For section 39(a) of the Act, unallocated water, that is described in schedule 2, is reserved for a part of the State or for particular water to which no water plan applies.

15 Public consultation

- (1) If the Minister proposes to reserve unallocated water, the Minister may decide whether public consultation on the proposal is required.
- (2) If the Minister decides public consultation is required, the Minister must publish a notice of the proposal stating—
 - (a) the location of the unallocated water; and
 - (b) the type of water to be reserved; and
 - (c) the purpose for which the water is to be reserved; and
 - (d) the volume of water to be reserved; and
 - (e) the proposed consultation arrangements; and
 - (f) where information about the proposed unallocated water reserve is available for public access.

Subdivision 2 Processes for releasing unallocated water

16 Public auction, tender, fixed price sale or grant for a particular purpose—Act, s 39

This division prescribes, for section 39(b) of the Act, 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.

17 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—
 - (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 2—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 or 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.

18 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.

19 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.

21 Sale of water may be withdrawn

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

Division 3 Minister’s reports on water plans

22 Minister’s reports on water plans—Act, s 49

- (1) This section prescribes, for section 49(2)(a) of the Act, the times at which the Minister must prepare reports about each water plan and the matters a report must state.
- (2) The Minister must prepare the following reports about each water plan—
 - (a) an initial report within 5 years after the commencement of the plan; and
 - (b) a subsequent report each no more than 5 years after the previous report unless subsection (3) applies.
- (3) However, if a notice under section 44(2) of the Act states, for a water plan, the matters mentioned in subsection (4), the notice is taken to be a subsequent report prepared by the Minister under subsection (2)(b) for the water plan.
- (4) The Minister’s report about a water plan must state the following—
 - (a) whether the plan is advancing the sustainable management of Queensland’s water resources;
 - (b) an assessment of the effectiveness of the implementation of the plan in achieving the plan’s outcomes;

water without a water entitlement' approved by the chief executive.

Division 2 Authorised taking of, or interference with, water without water entitlement

25 Prescribed activities—Act, s 101

- (1) Each activity mentioned in schedule 3 is prescribed for section 101(1)(a) of the Act.
- (2) However, subsection (1) does not apply to the extent the water for the activity is taken from an area to which a water supply scheme applies, unless the water is taken by a person who holds—
 - (a) a resource operations licence for the water supply scheme; or
 - (b) an interim resource operations licence for the water supply scheme; or
 - (c) a distribution operations licence for the water supply scheme.

Part 4 Matters relating to water licences

Division 1 Preliminary

26 Prescribed entities—Act, s 104, definition *prescribed entity*

For section 104 of the Act, definition *prescribed entity*, paragraph (1), the entities mentioned in schedule 4 are prescribed.

Division 2 Water sharing rules

27 **Water sharing rules—Act, schedule 4, definition *water sharing rules***

- (1) For schedule 4 of the Act, definition *water sharing rules*, paragraph (c), the water sharing rules for taking water from a water management area, or a part of the area, mentioned in schedule 5, column 1, are opposite the area in column 2.

Editor's note—

A copy of the water sharing rules for a water management area, or a part of the area, may be obtained from the department's regional office for the area.

- (2) The water sharing rules for taking water from a particular water management area, or a part of the area, may state the following—
- (a) if, under the rules, the chief executive is required to decide an announced entitlement—
- (i) how the announced entitlement is decided; and
 - (ii) whether the announced entitlement may be varied during the water year; and
 - (iii) whether the announced entitlement applies in relation to the taking of water for a particular purpose;
- (b) the extent to which, and the conditions on which, carry overs and forward draws may be authorised in the area, or the part of the area.
- (3) Subsection (2) does not limit the matters that may be stated in the water sharing rules.

28 **Nominal entitlement**

- (1) A ***nominal entitlement*** is the volume of water authorised to be taken during a water year under a water licence.

- (2) However, the volume of water that may be taken during a particular water year is the annual entitlement for the water year.

29 Announced entitlement

- (1) If the water sharing rules for taking water from a water management area, or a part of the area, require the chief executive to decide an *announced entitlement*, the chief executive must—
- (a) decide the announced entitlement before the start of the water year to which the announced entitlement relates; and
 - (b) publish the announced entitlement.
- (2) An announced entitlement is a percentage of a nominal entitlement.
- (3) In deciding an announced entitlement, the chief executive must consider—
- (a) the following to the extent appropriate for the water management area, or the part of the area, to which the entitlement relates—
 - (i) trends in underground water levels;
 - (ii) long-term average sustainable yield;
 - (iii) historical water use;
 - (iv) anticipated water use;
 - (v) water available to supplement water licences in the area;
 - (vi) weather conditions, including weather forecasts; and
 - (b) the water sharing rules for taking water from the area.
- (4) If the chief executive varies an announced entitlement during a water year, subsection (1)(b) applies to the varied announced entitlement.

30 Annual entitlement

- (1) If, for a water year, the chief executive has decided an announced entitlement for a water management area, or a part of the area, the *annual entitlement* for a water licence to which the announced entitlement relates is calculated by—
 - (a) multiplying the nominal entitlement for the water licence by the announced entitlement; and
 - (b) adjusting the volume for any carry over or forward draw that applies to the licence for the water year.
- (2) If, for a water year, the chief executive has not decided an announced entitlement for a water management area, or a part of the area, the annual entitlement for a water licence in the area or the part of the area is the nominal entitlement for the licence adjusted for any carry over or forward draw that applies to the licence for the water year.

Division 3 Relocation of water licences

32 Purpose of division

This division states, for section 126(3) of the Act, the process for dealing with an application for relocation of—

- (a) a water licence for the taking of water from a location in a water management area—
 - (i) declared by the chief executive under section 137(1); and
 - (ii) for which water sharing rules mentioned in schedule 5 for the taking of water from the area allow all or part of the licence to be relocated under section 126 of the Act; or
- (b) a water licence if a water management protocol allows all or part of the licence to be relocated under section 126 of the Act.

33 Definitions for division

In this division—

amalgamation, in relation to a water licence, means amalgamation of the licence with another water licence held or to be held by the transferee.

amendment, in relation to a water licence, means amendment of the licence to change the purpose for which water may be taken under the licence.

new licence means the water licence that the chief executive may issue under this division after an application for relocation is decided.

transfer, in relation to a water licence, means transfer of the licence to a prescribed person within the meaning of section 126(4) of the Act.

transfer notice see section 37(2).

34 Application to relocate water licences

- (1) This section applies to an application to relocate a water licence.
- (2) The application must be—
 - (a) made to the chief executive in the approved form; and
 - (b) if the application includes a transfer or amalgamation—made jointly by the following—
 - (i) the holder of the licence;
 - (ii) the proposed transferee.
- (3) The application must—
 - (a) state each of the following—
 - (i) details of the licence;
 - (ii) if the licence, or part of the licence, is to be amalgamated with the transferee's water licence—details of the transferee's licence;

- (iii) the purpose for which the water will be taken under the new licence;
 - (iv) details of the location of the proposed taking of water under the new licence;
 - (v) the volume of water proposed to be taken under the new licence; and
 - (b) be accompanied by—
 - (i) a statutory declaration by the holder of the licence that each person (an *interested entity*) who has a financial or other interest in the land of the holder for which the licence is held has been given notice of the proposed relocation; and
 - (ii) the written consent of each interested entity to the proposed relocation; and
 - (iii) the application fee.
- (4) The application to relocate may include 1 or more transfers, amendments or amalgamations.

35 Criteria for deciding application

- (1) In deciding whether to approve the application, the chief executive must consider—
 - (a) any additional information given about the application; and
 - (b) each of the following that apply to the water licence that is the subject of the application—
 - (i) a water plan;
 - (ii) a water management protocol, including, in particular, the rules stated in the protocol for relocating water licences;
 - (iii) water sharing rules mentioned in schedule 5, to the extent the rules are about relocating water licences.
- (2) Subsection (1) does not limit the matters the chief executive may consider.

36 Deciding application

- (1) After considering the matters mentioned in section 35, the chief executive may—
 - (a) refuse the application; or
 - (b) approve the application with or without conditions.
- (2) Subsection (3) applies if approving the application would be inconsistent with the matters the chief executive must consider under section 35(1)(b).
- (3) The chief executive must refuse the application and give notice of the decision, including the reasons for the decision, within 30 business days after deciding the application.
- (4) Subsection (5) applies if the chief executive makes a decision consistent with the matters the chief executive must consider under section 35(1)(b) and if no other decision could have been made.
- (5) The chief executive must give notice of the decision, including the reasons for the decision, within 30 business days after deciding the application.
- (6) Subsection (7) applies if—
 - (a) water sharing rules mentioned in schedule 5 apply to the relocation of the licence that is the subject of the application; or
 - (b) the chief executive makes a decision consistent with the water plan or water management protocol and a different decision consistent with the plan or protocol could have been made.
- (7) The chief executive must give the applicant an information notice about the decision within 30 business days after deciding the application.

37 Intention to proceed

- (1) This section applies if the applicant—
 - (a) is given an information notice for the decision; and

- (b) is eligible and intends to proceed with the relocation.
- (2) The applicant must give the chief executive notice in the approved form (a *transfer notice*) within 30 business days after—
 - (a) if the applicant appeals against the decision—the day the appeal is finally decided; or
 - (b) otherwise—the day the applicant receives the information notice.
- (3) For subsection (1)(b), the applicant is eligible to proceed with the relocation if—
 - (a) the chief executive has approved the application with or without conditions; or
 - (b) the applicant appeals against the decision and the decision is confirmed, amended or substituted so that the application is approved with or without conditions.

38 Completion of relocation

- (1) This section applies if the chief executive—
 - (a) gives the applicant notice of the decision, other than an information notice; or
 - (b) receives a transfer notice within the period mentioned in section 37(2).
- (2) The chief executive may require the proposed transferee to give a document evidencing ownership of land to which the new licence will attach.
- (3) The chief executive must cancel, amend or subdivide the water licence the subject of the application, or issue a new licence, necessary to give effect to the relocation within 30 business days after—
 - (a) if the chief executive has, under subsection (2), required the proposed transferee to give a document—the day the chief executive receives the document; or

- (b) if the chief executive receives a transfer notice—the day the chief executive receives the notice; or
- (c) otherwise—the day the chief executive gives notice of the decision under section 36(3) or (5).

Division 4 Seasonal water assignments and rules—Act, section 127

39 Seasonal water assignments and rules—Act, s 127

For section 127(2)(b) of the Act—

- (a) seasonal water assignments are allowed in a water management area, or a part of the area, mentioned in schedule 6, column 1, for a water licence mentioned for the area in column 2; and
- (b) the seasonal water assignment rules for a water management area, or a part of the area, stated, for the area, in column 3 are prescribed.

Editor's note—

A copy of seasonal water assignment rules mentioned in schedule 6 may be obtained from the department's regional office for the area to which the rules relate.

Division 5 Effects of land dealings or acquisition of land on water licences

Subdivision 1 Effects of land dealings on water licences

40 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.

41 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
 - (b) the registered owner (the *disposer*) of the land disposes of part of the land.
- (2) On the day the disposer disposes of the part, the water licence is taken to be held jointly by all owners of the land to which the licence attaches.

Note—

See section 121 of the Act about who may apply for a dealing with a water licence.

- (3) The chief executive must give all owners of the land to which the water licence attaches, other than the disposer, a copy of the licence.

42 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.

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

43 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—

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- (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.

Note—

See section 121 of the Act about who may apply for a dealing with a water licence.

Part 5 Water allocations

Division 1 Criteria for establishing elements of particular proposed water allocations

Subdivision 1 Criteria

44 Criteria and application of criteria—Act, s 39

- (1) For section 39(c) of the Act, 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

45 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 28; or
 - (b) for a continuing interim water allocation—the volume of water stated on the allocation that may be taken in a period of 12 months.

46 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;

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

Subdivision 3 Establishing volumetric limits

47 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.

48 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.

49 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.

50 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.

51 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.
- (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 7, column 1—the rate stated in schedule 7, column 2, for the pump size; or
 - (ii) the pump size is not mentioned in schedule 7, column 1—the rate decided by the chief executive having regard to the rates stated for similar pump sizes in schedule 7, 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 7, column 1—the rate stated in schedule 7, column 3, for the pump size; or
 - (ii) the pump size is not mentioned in schedule 7, column 1—the rate decided by the chief executive having regard to the rates stated for similar pump sizes in schedule 7, column 3.
- (3) Subsection (4) applies if the chief executive, in finalising a water entitlement notice under section 75 of the Act, 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.

52 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.

53 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.

54 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 7, column 1—the daily volumetric limit stated in schedule 7, column 3, for the pump size; or
 - (b) if the pump size is not mentioned in schedule 7, 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 7, column 3.
- (3) Subsection (4) applies if the chief executive, in finalising a water entitlement notice under section 75 of the Act, 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.

55 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

56 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 2 Seasonal water assignments

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

57 Application of subdivision

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.

58 Applying for a seasonal water assignment

- (1) The holder of a water allocation may apply to the chief executive for a seasonal water assignment for the water

allocation for the water year, or shorter period prescribed by a water management protocol, in which the application is made.

- (2) The holder of a seasonal water assignment notice for a water allocation may apply to the chief executive for a seasonal water assignment for the seasonal water assignment notice for the water year, or shorter period prescribed by a water management protocol, in which the application is made.
- (3) An application under subsection (1) or (2) must be—
 - (a) in the approved form; and
 - (b) accompanied by the application fee stated in schedule 12.

59 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 applicant is not authorised to take water that is the subject of the seasonal water assignment.
- (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, other than a protocol that contains a multi-year accounting rule for the allocation, allows the seasonal water assignment.

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- (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 for the period stated in the notice.
- (6) The assignment has effect from the day a notice is given to the applicant under subsection (2).

- (7) In this section—

multi-year accounting rule, for a water allocation, means a water sharing rule used to work out the volume of water that may be taken under the allocation, during a particular water year, having regard to the volume of water that was or may be taken under the allocation during other water years.

60 Conditions of seasonal water assignment notice

- (1) The seasonal water assignment notice is subject to—
 - (a) the conditions to which the water allocation is subject; and
 - (b) if the applicant for the seasonal water assignment is the holder of a seasonal water assignment notice (the ***existing notice***) for the water allocation—the conditions to which the existing notice is subject; and
 - (c) any conditions imposed by the chief executive under section 59(1) for the assignment.

- (2) If a seasonal water assignment rule, stated in a water management protocol, allows a change to a location condition of the allocation or existing notice, subsection (1)(a) or (b) does not apply in relation to the location condition.

- (3) In this section—

location condition means a condition imposed on a water allocation or seasonal water assignment notice that states the location from which water may be taken under the allocation or notice.

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

61 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.

Division 3 Water allocation dealing rules applying to the whole of the State

Subdivision 1 Purpose and application of division

62 Purpose and application of division—Act, s 158

- (1) This division prescribes, for section 158 of the Act, 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

63 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 12.

64 Public notice of application for water allocation dealing

- (1) This section applies if—
 - (a) the chief executive is satisfied the application complies with section 63; 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—
 - (a) to publish the information mentioned in subsection (3), for the period and in the way, stated in the notice given by the chief executive; or
 - (b) to publish a notice that states the application has been made and refers to the information mentioned in subsection (3) and published on the department's website, for the period and in the way, stated in the notice given by the chief executive.
- (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 or notice referring to 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.

65 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 subsection (1)(a) or (b) within the reasonable time stated in the requirement, the application lapses.

66 Applicant to pay reasonable cost of investigating application

- (1) This section applies if—
 - (a) a person makes an application under section 63; 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.
- (3) The person must pay the amount of the estimated cost to the chief executive within the reasonable time stated in the notice.
- (4) If the applicant fails to comply with subsection (3), the application lapses.
- (5) 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.

67 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 65; and
 - (c) any properly made submission about the application.

68 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

69 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.

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

70 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

71 Main purpose of this subdivision

The main purpose of this subdivision is to state types of water allocation dealings that must be assessed and the criteria against which they must be assessed.

72 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 64(1)(b), the applicant must publish a notice of the application.
- (3) The water allocation dealing must be assessed under section 73.

73 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 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.

Division 4 Registering water allocations and interests and dealings for water allocations

74 Prescribed registration details for water allocations—Act, s 152

- (1) For section 152(1)(g) of the Act, this section applies if the water sharing rules for a water allocation managed under a resource operations licence are stated to be continuous sharing rules in the resource operations licence.
- (2) The entry on the water allocations register for the allocation must state the nominal location for the allocation.
- (3) In this section—

nominal location, for a water allocation, means the location from which water may be taken on the day the continuous sharing rules first apply to the water allocation.

residential water use is water use at a residence or for other domestic purposes.

Example of water use for another domestic purpose—

watering a garden at a residence

SEQ water security program means the bulk water supply authority's water security program for the SEQ region, under section 350 of the Act.

Subdivision 2 Desired level of service objectives

78 Desired level of service objectives—Act, s 344

For section 344(1)(a) of the Act, the desired level of service objectives for water security for the SEQ region prescribed under the repealed regulation are continued under this subdivision.

79 Projected regional average urban demand for SEQ region

- (1) The bulk water supply system is to be able to supply enough water to meet the projected regional average urban demand.
- (2) The bulk water supply authority must—
 - (a) work out the projected regional average urban demand in collaboration with the SEQ service providers, and publicly publish the projection in the way stated in the SEQ water security program; and
 - (b) assess annually whether the projected regional average urban demand or latest projected regional average urban demand is still current, and publicly publish the outcome of the assessment in the way stated in the SEQ water security program.
- (3) In this section—

projected regional average urban demand means the demand, expressed in litres for each person for each day, for

residential and non-residential water use that is estimated for the SEQ region for each year over the next 30 years.

80 Bulk water drought supply

- (1) The bulk water supply system is to be able to supply enough water so that medium level water restrictions on residential water use—
 - (a) will not happen more than once every 10 years on average; and
 - (b) will not restrict the average water use for the SEQ region to less than 140L for each person for each day.

- (2) The bulk water supply system is to be able to supply enough water so that medium level water restrictions on non-residential water use that is incidental to the purpose of a business will not happen more than once every 10 years on average.

Example of water use that is incidental to the purpose of a business—

watering a garden in the grounds of a factory

- (3) Medium level water restrictions on residential and non-residential water use are expected to last no longer than one year on average.
- (4) In this section—

drought response level is the level in the bulk water supply system stated in the SEQ water security program that is the trigger for taking action in response to drought.

Example of action in response to drought—

reducing the supply of water from the bulk water supply system

medium level water restrictions means water restrictions imposed on residential and non-residential water use in response to drought, when the level in the bulk water supply system is between—

- (a) the drought response level; and
- (b) the safe minimum storage level.

safe minimum storage level is the level in the bulk water supply system stated in the SEQ water security program that is the trigger for taking more severe action in response to drought, to minimise the risk of reaching the minimum operating levels.

81 Minimum operating levels and essential minimum supply volume

- (1) Each of the following dams will not reach its minimum operating level more than once in every 10,000 years on average—
 - (a) Baroon Pocket Dam;
 - (b) Hinze Dam;
 - (c) Wivenhoe Dam.
- (2) The bulk water supply system—
 - (a) will be able to supply the essential minimum supply volume; and
 - (b) will not be reduced to being able to supply only the essential minimum supply volume more than once in every 10,000 years on average.
- (3) In this section—

essential minimum supply volume means the volume needed to supply an average of 100L for each person for each day for residential and non-residential water use.

Subdivision 3 Water security program

82 Content of water security program—Act, s 353

The following matters are prescribed for section 353(1)(f) of the Act—

- (a) the process the bulk water supply authority will use to work out the projected regional average urban demand

including, for example, the authority's key assumptions and methodology;

- (b) deciding the level in the bulk water supply system that is the trigger for taking action in response to drought;

Example of action in response to drought—

reducing the supply of water from the bulk water supply system

- (c) deciding the level in the bulk water supply system that is the trigger for taking more severe action in response to drought, to minimise the risk of reaching the minimum operating levels.

Division 2 Water supply arrangements for SEQ region

83 Declaration of bulk water customers—Act, s 360C, definition *bulk water customer*

- (1) For section 360C of the Act, definition *bulk water customer*, paragraph (b), the following entities declared to be bulk water customers under the repealed regulation continue to be bulk water customers for chapter 2A, part 3 of the Act—
 - (a) Toowoomba Regional Council;
 - (b) Stanwell Corporation Limited ABN 370 788 486 74.
- (2) Also, for section 360C of the Act, definition *bulk water customer*, paragraph (b), each of the following entities is declared to be a bulk water customer for chapter 2A, part 3 of the Act—
 - (a) CleanCo Queensland Limited ACN 628 008 159;
 - (b) Seqwater.

83A Declaration of SEQ bulk suppliers—Act, s 360C, definition *SEQ bulk supplier*

For section 360C of the Act, definition *SEQ bulk supplier*, paragraph (b), the Central SEQ Distributor-Retailer Authority,

established under the *South-East Queensland Water (Distribution and Retail Restructuring) Act 2009*, section 8, is declared to be an SEQ bulk supplier for chapter 2A, part 3 of the Act.

Part 7 Annual levy for underground water management—Act, section 479

Division 1 Preliminary

84 Purpose of part

This part provides for—

- (a) an annual levy under section 479 of the Act; and
- (b) the apportionment to resource tenure holders of the total annual levy payable by all resource tenure holders.

85 Definitions for part

In this part—

class A tenure see section 87A(1).

class B tenure see section 87A(2).

class C tenure see section 87A(3).

levyable mining tenure see section 87A(4).

office income statement, for a financial year, means the office's income statement for the financial year, contained in the document called 'Service Delivery Statement' prepared by the department in which chapter 3A of the Act is administered and published in the State budget for the financial year.

Editor's note—

A copy of the Service Delivery Statement is available at www.budget.qld.gov.au.

office's estimated costs means the office's estimated costs under section 479(4)(a) of the Act.

office's estimated mining costs see section 88A(b).

office's estimated petroleum costs see section 88A(a).

relevant date, for a financial year, means 1 July of the financial year.

relevant sub-block see section 87(1).

resource project see the *Environmental Protection Act 1994*, section 112.

sub-block see the Petroleum and Gas Act, section 29(2).

86 Office's estimated costs

The office's estimated costs for a financial year must be stated in the office income statement for the financial year.

87 Relevant sub-blocks for petroleum tenures and classes of relevant sub-blocks

- (1) A sub-block is a *relevant sub-block* if—
 - (a) either—
 - (i) the sub-block is within a cumulative management area; or
 - (ii) the sub-block is outside a cumulative management area and the office performs functions under the Act for the sub-block; and
 - (b) either—
 - (i) the sub-block is in the area of a petroleum lease; or
 - (ii) the sub-block is in an area that is—
 - (A) in the area of an authority to prospect, or an area to which an application for an authority to prospect applies; and

- (B) in which gas field development is being, or is proposed to be, carried out.
- (2) For this part, relevant sub-blocks are divided into the following classes—
- (a) relevant sub-blocks outside the cumulative management area;
 - (b) relevant sub-blocks within the cumulative management area that are used, or intended to be used, for conventional petroleum or gas production;
 - (c) relevant sub-blocks within the cumulative management area that are used, or intended to be used, for coal seam gas production.

- (3) In this section—

authority to prospect means an authority to prospect under the Petroleum and Gas Act or the *Petroleum Act 1923*.

coal seam gas production has the same meaning it has under the Petroleum and Gas Act.

conventional petroleum or gas production means petroleum production, or gas production, that is not coal seam gas production.

gas field development means the development of an area for coal seam gas production, or conventional petroleum or gas production, for which the EIS process has been completed under the *Environmental Protection Act 1994*.

Note—

See the *Environmental Protection Act 1994*, section 60 for when the EIS process is completed for a project.

petroleum lease means a petroleum lease under the Petroleum and Gas Act or the *Petroleum Act 1923*.

87A Classes of levyable mining tenures

- (1) A mining lease is a ***class A tenure*** if the lease is a CMA tenure under chapter 3 of the Act.

-
- (2) A mineral development licence is a **class B tenure** if—
- (a) the licence is a CMA tenure under chapter 3 of the Act; and
 - (b) the holder of the licence has applied for a mining lease under the Mineral Resources Act for carrying out activities; and
 - (c) any of the following apply—
 - (i) the proposed lease is a relevant tenure for an environmental authority or proposed environmental authority under which the activities are to be carried out as part of a resource project;
 - (ii) the activities are part of a project for which an EIS process applies under the *Environmental Protection Act 1994*, section 37;
 - (iii) the activities are part of a coordinated project for which an EIS is required under the *State Development and Public Works Organisation Act 1971*.
- (3) A mining lease is a **class C tenure** for a financial year if—
- (a) the lease is not a CMA tenure under chapter 3 of the Act; and
 - (b) the lease is a relevant tenure for an environmental authority under which activities are carried out as part of a resource project; and
 - (c) for the resource project, an average of at least 500ML of water each year for the levy period for the financial year has been taken or interfered with under the Mineral Resources Act, section 334ZP(1).
- (4) A **levyable mining tenure** is a class A tenure, class B tenure or class C tenure.
- (5) In this section—
- coordinated project** see the *State Development and Public Works Organisation Act 1971*, schedule 2.

[s 88]

levy period, for a financial year, means the period of 3 years ending immediately before the relevant day for the financial year.

mineral development licence means a mineral development licence under the Mineral Resources Act.

mining lease means a mining lease under the Mineral Resources Act.

relevant tenure see the *Environmental Protection Act 1994*, schedule 4.

Division 2 Working out annual levy

Subdivision 1 Total annual levy and office's estimated costs

88 Amount of total annual levy

- (1) The total annual levy must be based on a financial year.
- (2) The total annual levy payable under section 479 of the Act for a financial year is an amount not more than the office's estimated costs for the financial year.

88A Apportionment between office's estimated petroleum costs and office's estimated mining costs

The office must apportion the office's estimated costs for a financial year to—

- (a) the estimated cost of performing its functions for the financial year for petroleum tenure holders (the *office's estimated petroleum costs*); and
- (b) the estimated cost of performing its functions for the financial year for mining tenure holders (the *office's estimated mining costs*).

Subdivision 2 Apportionment of annual levy for petroleum tenure holders

89 Apportionment of office’s estimated petroleum costs to each relevant sub-block

- (1) This section provides for the apportionment of the office’s estimated petroleum costs for a financial year to each relevant sub-block.
- (2) The office must apportion the office’s estimated petroleum costs to each class of relevant sub-blocks according to the proportion of the office’s functions under the Act carried out in the financial year for the class of relevant sub-blocks.
- (3) The office must apportion the amount worked out under subsection (2) for a class of relevant sub-blocks to each relevant sub-block in that class equally, according to the number of relevant sub-blocks of that class existing on the relevant date for the financial year.

90 Apportionment of annual levy among petroleum tenure holders

- (1) This section provides for the apportionment of the total annual levy payable by petroleum tenure holders for a financial year to classes of petroleum tenure holders according to the number of relevant sub-blocks in the areas of the petroleum tenures held by the petroleum tenure holders on the relevant date for the financial year.
- (2) The total annual levy must be apportioned among petroleum tenure holders as follows—
 - (a) for a petroleum tenure holder who does not hold any relevant sub-blocks—nil;
 - (b) for each other petroleum tenure holder—according to the amount worked out by multiplying the number of relevant sub-blocks of each class in the areas of the petroleum tenures held by the holder on the relevant

date by the amount worked out for each relevant sub-block of that class under section 89(3).

Subdivision 3 Apportionment of annual levy for mining tenure holders

90A Apportionment of office's estimated mining costs

- (1) This section provides for the apportionment of the office's estimated mining costs for a financial year in relation to levyable mining tenures.
- (2) The office must apportion the office's estimated mining costs to each class of levyable mining tenure according to the proportion of the office's functions under the Act carried out in the financial year for the class of levyable mining tenure.
- (3) The office must further apportion the amount worked out under subsection (2) for a class of levyable mining tenure by—
 - (a) for a class A tenure—dividing the amount apportioned for class A tenures by the total number of hectares in all class A tenures existing on the relevant date for the financial year; and
 - (b) for a class B tenure—dividing the amount apportioned for class B tenures by the total number of hectares in all class B tenures existing on the relevant date for the financial year; and
 - (c) for a class C tenure—dividing the amount apportioned for class C tenures by the total number of resource projects that include a class C tenure, worked out on the relevant date for the financial year.

90B Apportionment of annual levy among mining tenure holders

- (1) This section provides for the apportionment of the total annual levy payable by mining tenure holders for a financial year to classes of mining tenure holders.
- (2) The total annual levy related to mining tenure holders must be apportioned among the mining tenure holders as follows—
 - (a) for a mining tenure holder who does not hold a levyable mining tenure on the relevant date for the financial year—nil;
 - (b) for each mining tenure holder who holds a class A tenure or class B tenure on the relevant date for the financial year—by multiplying the number of hectares, including any part of a hectare, in the tenure by the amount worked out for the tenure under section 90A(3)(a) or (b);
 - (c) for each mining tenure holder who holds a class C tenure on the relevant date for the financial year—by multiplying the number of resource projects that include the tenure by the amount worked out for each project under section 90A(3)(c).

Division 3 Collecting annual levy

91 Requirements for notice of annual levy

- (1) This section applies if the annual levy payable by a resource tenure holder for a financial year is more than nil.
- (2) The manager must give the resource tenure holder a notice about the annual levy payable by the holder for the financial year.
- (3) The manager may give a notice to a resource tenure holder on a quarterly basis or at an interval decided by the manager (the *levy period*).
- (4) The notice must state the following—

- (a) the number of—
 - (i) for a petroleum tenure holder—each class of relevant sub-blocks to which the notice applies; or
 - (ii) for a mining tenure holder—each class of mining tenure to which the notice applies;
- (b) the financial year to which the notice applies;
- (c) the levy period to which the notice applies;
- (d) the amount of the annual levy payable by the resource tenure holder for the levy period (*levy amount*);
- (e) that the levy amount becomes payable on the day the notice is given;
- (f) the day by which the levy amount must be paid (the *due date*);
- (g) the way in which the levy amount must be paid;
- (h) that if the levy amount is not paid by the due date, the State may, under section 479A of the Act, recover from the holder the amount as a debt.

92 Payment of annual levy

- (1) The levy amount for a levy period becomes payable by a resource tenure holder on the day the holder is given a notice under section 91 for the levy period.
- (2) The resource tenure holder must pay the levy amount—
 - (a) within 30 days after the manager gives the holder the notice; and
 - (b) in the way stated in the notice.
- (3) In this section—

levy amount see section 91(4)(d).

levy period see section 91(3).

Part 8 **Water authorities**

Division 1 **Continuation**

93 **Continuation of water authorities established under establishment regulation**

- (1) Each water authority mentioned in schedule 8, part 1, column 1, that was established under an establishment regulation continues as a water authority under this regulation.
- (2) If the authority was established for an authority area, the authority area is shown on the plan mentioned opposite the authority in column 2.

Note—

See the Act, section 548(4).

94 **Continuation of amalgamated water authorities**

- (1) Each amalgamated water authority mentioned in schedule 8, part 2, column 1, amalgamated under the repealed regulation, continues as an amalgamated water authority under this regulation.
- (2) The authority's authority area is shown on the plan mentioned opposite the authority in column 2.

Division 2 **Dissolution**

94A **Dissolution of particular water authorities for conversion to alternative institutional structures—Act, s 691**

- (1) This section applies to a water authority mentioned in schedule 8, part 3, column 1.
- (2) For section 691(1)(b) of the Act, the water authority is dissolved for converting the authority to the alternative

permitted if the destruction, excavation or placing of fill is carried out under—

- (a) a lease or authority to prospect under the *Petroleum Act 1923*; or
- (b) a licence, petroleum lease or authority to prospect under the *Petroleum and Gas Act*: or
- (c) a licence under the *Fossicking Act 1994*; or
- (d) an environmental authority for a resource activity; or
- (e) the document called ‘Riverine Protection Permit Exemption Requirements’ approved by the chief executive and published on the department’s website or the Queensland Government business and industry portal.

(2) In this section—

resource activity see the *Environmental Protection Act 1994*, section 107.

97 Requirements for decommissioning a water bore—Act, s 817

For section 817(2) of the Act, the decommissioning of a water bore must be carried out in accordance with the document called ‘Minimum construction requirements for water bores in Australia’, published on the department’s website or the Queensland Government business and industry portal.

Part 10 Relationship with Planning Act

Division 1 Works for taking or interfering with water

Note—

See sections 139(5) and 140 in relation to works for taking underground water in an underground water area.

98 Works that are or are not assessable development—Act, s 39

- (1) For section 39(f) of the Act, the following works are to be regulated as assessable development—
- (a) works for taking overland flow water that are in an area mentioned in schedule 9, part 1, column 1;
 - (b) works for taking underground water through a subartesian bore that are in an area mentioned in schedule 9, part 2, column 1;

Note—

For the regulation of works for taking or interfering with underground water through an artesian bore, other than through a water monitoring bore, see the *Planning Regulation 2017*.

- (c) works for interfering with underground water that are in an area mentioned in schedule 9, part 3, column 1.
- (2) However—
- (a) the works mentioned in schedule 9, part 1, column 2 or part 2, column 2 are to be regulated as assessable development only to the extent the operational work to which the works relate does not comply with the requirements for the work mentioned in section 99(2); and
 - (b) the following works are not to be regulated as assessable development—

-
- (i) works mentioned in subsection (1) relating to PDA-related development;
 - (ii) works mentioned in schedule 9, part 1, column 3, part 2, column 3 or part 3, column 2.
- (3) In this section—
- PDA-related development* see the *Planning Regulation 2017*, schedule 24.

99 Requirements for accepted development for operational work for taking water—Act, s 1014

- (1) This section applies to operational work involving works that are—
- (a) in an area mentioned in schedule 9, part 1, column 1 or part 2, column 1; and
 - (b) mentioned in schedule 9, part 1, column 2 or part 2, column 2, opposite the area; and
 - (c) not of a type mentioned in schedule 9, part 1, column 3 or part 2, column 3, opposite the area.
- (2) For section 1014(2)(g) of the Act, to be categorised as accepted development—
- (a) operational work involving taking overland water must comply with the requirements applying to the work mentioned in the following documents—
 - (i) the ‘Code for self-assessable development for stock and domestic purposes’;
 - (ii) the ‘Code for self-assessable development for taking overland flow water using limited capacity works’;
 - (iii) the ‘Code for self-assessable development for taking overland flow water to satisfy the requirements of an environmental authority or a development permit for carrying out an environmentally relevant activity’; and

- (b) operational work involving taking underground water must comply with the requirements applying to the work mentioned in the following documents—
 - (i) the ‘Code for self-assessable development of subartesian bores’;
 - (ii) the ‘Code for self-assessable development of replacement bores’.
- (3) A reference in this section to a code by name is a reference to the document of that name made by the chief executive and published on the department’s website or on the Queensland government business and industry portal.

Division 2 Levees

100 **Prescribed volume of material for fill—Act, sch 4, definition *levee***

The prescribed volume of material for fill for schedule 4 of the Act, definition *levee*, paragraph 3(b)(ii) is 50m³.

101 **Construction of new levees and modification of existing levees**

- (1) For assessing proposed development that is the construction of a new levee or the modification of an existing levee, the levee can be categorised as 1 of the following types of levees—
 - (a) category 1 levee;
 - (b) category 2 levee;
 - (c) category 3 levee.
- (2) A ***category 1 levee*** is a levee that has no off-property impact.
- (3) A ***category 2 levee*** is a levee—
 - (a) that has an off-property impact; and
 - (b) for which the affected population is less than 3.

-
- (4) A **category 3 levee** is a levee—
- (a) that has an off-property impact; and
 - (b) for which the affected population is at least 3.

- (5) In this section—

affected population, for a levee, means the total number of persons occupying all buildings on which the levee has a significant impact.

levee property—

- (a) means the lot or parcel of land on which a levee is situated; and
- (b) includes another lot or parcel of land that is contiguous with the lot or parcel mentioned in paragraph (a) and owned by the same entity.

off-property impact, for a levee, means an impact the levee has on people, property or the environment outside the levee property.

significant impact, of a levee on a building, means each of the following—

- (a) an increase, caused by the levee, of more than 5cm in the flow height of water over the floorboards of the building;
- (b) an increase, caused by the levee, of more than 0.2 m/s in the flow velocity of water over the floorboards of the building.

101A Requirements for accepted development for category 1 levees—Act, s 1014

- (1) This section applies to operational work that is—
- (a) the construction of a new category 1 levee; or
 - (b) the modification of an existing levee if, after the modification, the levee will be a category 1 levee.

(2) For section 1014(2)(g) of the Act, to be categorised as accepted development the operational work must comply with the requirements stated in the levee code.

(3) In this section—

levee code means the document called ‘Self-assessable code for the construction or modification of levees’ made by the chief executive and published on the department’s website or on the Queensland Government business and industry portal.

102 Assessment benchmarks for particular levees—Act, s 967

(1) This section applies to a development application for, or change application relating to, the following assessable development, if a local government is the assessment manager or responsible entity under the Planning Act for the application—

- (a) operational work for the construction of a new category 2 levee or category 3 levee;
- (b) operational work for the modification of an existing levee if, after the modification, the levee will fulfil the requirements for a category 2 levee or category 3 levee.

(2) For section 967(2) of the Act, the code in schedule 10 is an assessment benchmark under the Planning Act for assessing the development.

Part 11 Metering

Division 1 Preliminary

103 Purpose of part

The purpose of this part is to implement a system for the compulsory use of approved water meters for taking or interfering with water in the State.

104 How purpose is to be achieved

The purpose is to be achieved by—

- (a) providing for the installation of water meters; and
- (b) declaring certain authorisations to be metered entitlements; and
- (c) providing for the validation of water meters; and
- (d) applying divisions 4, 5 and 7 to the holders of metered entitlements and owners of works; and
- (e) providing for the ownership and transfer of water meters.

105 Definitions for part

In this part—

approved meter see section 106.

authorised meter validator means—

- (a) a person who is accredited by Irrigation Australia Limited ACN 002 567 633 as a certified meter validator; or
- (b) a person appointed by the chief executive as an authorised meter validator under section 109.

cessation date means the date stated in a cessation notice as the cessation date for a meter.

cessation notice see section 120(2).

faulty meter means a meter that—

- (a) is not capable of being read; or
- (b) is not capable of recording the volume of water taken through the works to which the meter is attached within the permissible limits of error under the non-urban metering standard; or
- (c) leaks water or air; or

- (d) is attached to works with a connection or fitting that leaks water or air; or
- (e) has a tamper-proof seal that is broken or damaged or does not have a tamper-proof seal attached to it.

non-urban metering standard means the document called the ‘Queensland interim water meter standard for non-urban metering’ and published on the department’s website or on the Queensland Government business and industry portal.

relevant management area means any of the following management areas—

- Burdekin River groundwater management area
- Coastal Burnett groundwater management area
- Cressbrook Creek water management area
- Lower Callide, Prospect Creek and Upper Callide groundwater sub-areas
- Pioneer groundwater management area
- Upper Hodgson Creek Basalts underground water sub-area under the *Water Plan (Condamine and Balonne) 2019*.

relevant person, for works, means—

- (a) the holder of a metered entitlement who takes water under the entitlement through the works; or
- (b) if there is no holder of a metered entitlement who takes water through the works—the owner of the works.

tamper-proof seal, in relation to a meter, means a seal designed to identify whether anything has been done to the meter that could affect its metrological performance.

transfer notice see section 119(2).

validation certificate, for a meter, means a certificate, in the approved form, given for the meter under section 112(2)(b) that states the following—

- (a) for a meter attached to works through which the holder of an authorisation or a metered entitlement takes water, the name of the holder;
- (b) for a meter attached to works on land for which there is no authorisation for taking or interfering with water through the works, the name of the owner of the works;
- (c) the name and signature of the authorised meter validator who carried out the validation inspection;
- (d) that the meter complies with the non-urban metering standard;
- (e) the date the validation inspection was carried out.

validation inspection, for a meter, means an inspection of the meter by an authorised meter validator to determine whether a validation certificate can be given for the meter.

works means works used, or that could be used, for taking or interfering with water.

Division 2 Metered entitlements

106 **Approved meter—Act, sch 4, def *approved meter***

- (1) A meter is prescribed, for schedule 4 of the Act, definition *approved meter*, as an ***approved meter*** if—
 - (a) the meter is the property of the State; or
 - (b) the meter becomes the property of the holder of a metered entitlement or the owner of works under section 119(5) and the holder or owner has not done anything to the meter that could affect its metrological performance; or
 - (c) a validation certificate for the meter has been given—
 - (i) to the holder of a metered entitlement or the owner of works by an authorised meter validator under section 112(2)(b); and

- (ii) to the chief executive by the holder or owner under section 112(3); or
 - (d) the meter—
 - (i) is attached to works through which water is, has been or may be taken or interfered with under a metered entitlement; and
 - (ii) is of a type approved by the chief executive—
 - (A) in accordance with a condition of the development permit for the works; or
 - (B) if the works are accepted development—in accordance with any requirements provided for in this regulation with which the works must comply to be categorised as accepted development; and
 - (iii) is installed—
 - (A) in accordance with the department's specifications for installing meters as a condition of the development permit for the works; or
 - (B) if the works to which the meter is attached are accepted development—in accordance with any requirements provided for in this regulation with which the works must comply to be categorised as accepted development.
- (2) Despite subsection (1), a meter is not an *approved meter* if the meter stops being an approved meter under any of the following provisions—
- (a) section 110(2);
 - (b) section 110A(2);
 - (c) section 111(2);
 - (d) section 112A(2);
 - (e) section 117(2)(a);

- (f) section 119(4);
- (g) section 120(5).

107 Metered entitlements—Act, sch 4, def *metered entitlement*

- (1) For schedule 4 of the Act, definition *metered entitlement*, an authorisation mentioned in schedule 11, column 2, or an authorisation that replaces an authorisation mentioned in column 2, in a part of the State mentioned opposite the authorisation in schedule 11, column 1, is prescribed as a metered entitlement.
- (2) For subsection (1), an authorisation (the ***original authorisation***) is replaced by another authorisation (the ***second authorisation***) in the following circumstances—
 - (a) the original authorisation expires and the second authorisation is granted in relation to the same land;
 - (b) the original authorisation is amalgamated with another authorisation and the second authorisation is granted in relation to the land to which the original authorisation and other authorisation related;
 - (c) the original authorisation expires and 2 or more second authorisations are granted in relation to the same land;
 - (d) part of the land to which the original authorisation related is disposed of and 1 or more second authorisations are granted in relation to the same land;
 - (e) the original authorisation expires under section 146(1)(a) of the Act and the second authorisation is granted under that section to the holder of the original authorisation.
- (3) Also, a seasonal water assignment notice for taking water in a part of the State mentioned in schedule 11, column 1, and given in relation to a metered entitlement mentioned in schedule 11, column 2 for the part, is prescribed as a metered entitlement.

108 Chief executive may give meter notice to holder of authorisation or owner of works

- (1) The chief executive may give a notice (a *meter notice*) to—
 - (a) the holder of an authorisation; or
 - (b) if there are works on land and there is no authorisation for taking or interfering with water through the works—the owner of the works.
- (2) A meter notice given under subsection (1)(a) must state the following—
 - (a) the authorisation to which the notice relates;
 - (b) that the authorisation is to be prescribed as a metered entitlement under section 107;
 - (c) the validation date;
 - (d) that from the later of the following dates, water may not be taken through works under the entitlement unless an approved meter is attached to the works—
 - (i) the validation date;
 - (ii) the date the authorisation is prescribed as a metered entitlement under section 107;
 - (e) the requirements for a meter to be an approved meter.

Note—

For what is an approved meter, see section 106.

- (3) A meter notice given under subsection (1)(b) must state the following—
 - (a) the works to which the notice relates;
 - (b) the validation date;
 - (c) that from the validation date, water may not be taken through the works under a metered entitlement unless an approved meter is attached to the works;
 - (d) the requirements for a meter to be an approved meter.

Note—

For what is an approved meter, see section 106.

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- (4) A meter notice must be given at least—
 - (a) if the notice is given after a meter is attached to works and installed in accordance with section 106(1)(d)(iii)—60 business days before the validation date; or
 - (b) otherwise—1 year before the validation date.
 - (5) The chief executive may, after giving a person a meter notice, extend the validation date by notice given to the person.
 - (6) In this section—

validation date, for a meter notice, means the date stated in the meter notice as the validation date.

Division 3 Validation of meters

109 Appointment and qualifications of authorised meter validator

- (1) The chief executive may appoint a person as an authorised meter validator.
- (2) The chief executive may appoint a person as an authorised meter validator only if, in the chief executive’s opinion, the person has the necessary expertise or experience to be an authorised meter validator.

109A Suspension or cancellation of appointment as authorised meter validator

- (1) The chief executive may suspend or cancel a person’s appointment as an authorised meter validator under section 109 if the chief executive is reasonably satisfied that—
 - (a) the person gave another person a validation certificate under section 112(2)(b) and the information stated in the certificate is false or misleading; or
 - (b) the person has been convicted of an offence against the Act, the repealed Acts or an interstate law.

- (2) Before the chief executive acts under subsection (1), the chief executive must give the person a show cause notice about the proposed suspension or cancellation.
- (3) In deciding whether to suspend or cancel the appointment, the chief executive must consider any properly made submission about the proposed suspension or cancellation.
- (4) Within 30 business days after suspending or cancelling the appointment, the chief executive must give the person a notice stating the decision and the reasons for the decision.
- (5) The suspension or cancellation takes effect from the day the person is given the notice.

110 Installed or maintained meter not approved meter unless validated

- (1) This section applies if—
 - (a) there are works—
 - (i) through which the holder of a metered entitlement takes water under the entitlement; or
 - (ii) on land and there is no authorisation for taking or interfering with water through the works; and
 - (b) the holder or owner of the works—
 - (i) attaches a meter to the works; or
 - (ii) does anything to an existing meter attached to the works that could affect the meter's metrological performance.
- (2) Despite section 106(1), the meter stops being an approved meter unless—
 - (a) a validation inspection is carried out on the meter under section 112; and
 - (b) the authorised meter validator who carries out the validation inspection gives the holder or owner a validation certificate for the meter under section 112(2)(b); and

- (c) the holder or owner gives a copy of the validation certificate to the chief executive under section 112(3).
- (3) Subsection (2)—
 - (a) applies to the meter even if a validation certificate has previously been given for the meter; and
 - (b) does not limit section 106(1)(d) or 111(2).

110AA Notice about faulty meters

- (1) This section applies if—
 - (a) a relevant person takes water through works to which an approved meter is attached; and
 - (b) the chief executive is reasonably satisfied the meter is a faulty meter.
- (2) The chief executive may give the relevant person a notice stating—
 - (a) that the chief executive is reasonably satisfied the meter is a faulty meter; and
 - (b) the location of the works and the meter; and
 - (c) the grounds for giving the notice; and
 - (d) a stated day, that is at least 60 business days after the notice is given, for complying with section 110A(4) and (5); and
 - (e) that on the stated day the meter will stop being an approved meter if the relevant person does not comply with section 110A(4) and (5).

110A Requirements for faulty meters

- (1) This section applies if—
 - (a) a relevant person takes water through works to which an approved meter is attached; and

- (b) the relevant person is aware the meter is a faulty meter or is given a notice under section 110AA for the meter.
- (2) Despite section 106(1), the meter stops being an approved meter if the relevant person does not comply with subsection (3), (4) or (5).
- (2A) Subsection (3) applies if the relevant person has not been given a notice under section 110AA for the meter.
- (3) Within 3 business days after becoming aware the meter is a faulty meter, the relevant person must give the chief executive a written notice stating the meter is a faulty meter.
- (4) The relevant person must, before the expiry date, give the chief executive information about water taken through the works in accordance with all instructions, and covering all matters, stated in the approved form.

Maximum penalty—20 penalty units.

- (5) The relevant person must, before the expiry date—
 - (a) ensure that a meter, other than a faulty meter, is attached to the works; and
 - (b) arrange a validation inspection for the meter and give the chief executive a copy of the validation certificate for the meter given to the relevant person after the inspection.

Maximum penalty—20 penalty units.

- (6) The chief executive may extend the expiry date by notice given to the relevant person if—
 - (a) the relevant person requested the expiry date be extended; and
 - (b) the chief executive is reasonably satisfied the relevant person is unable to comply with subsection (5).

- (7) In this section—

expiry date means—

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- (a) if a relevant person is given a notice under section 110AA—the day stated in the notice under section 110AA(2)(d); or
 - (b) otherwise—the day that is 60 business days after the chief executive is given notice under subsection (3).

111 Existing meter not approved meter unless revalidated by revalidation date

- (1) This section applies if works through which the holder of a metered entitlement takes water have an approved meter attached.
- (2) Despite section 106(1)(b) and (c), the meter stops being an approved meter on the revalidation date unless, during the revalidation period—
 - (a) a validation inspection is carried out on the meter under section 112; and
 - (b) the authorised meter validator who carries out the validation inspection gives the holder a validation certificate for the meter under section 112(2)(b); and
 - (c) the holder gives a copy of the validation certificate to the chief executive under section 112(3).
- (3) In this section—

revalidation date, for a metered entitlement whose part of the State is stated in schedule 11, column 1, means the revalidation date stated opposite the part of the State in column 3 of the schedule.

revalidation period, for a metered entitlement whose part of the State is stated in schedule 11, column 1, means the period—

- (a) starting 12 months before the revalidation date for the entitlement; and
- (b) ending on the revalidation date.

112 Holder of metered entitlement or owner of works may arrange validation inspection on a meter

- (1) Either of the following may arrange for a validation inspection to be carried out on a meter—
 - (a) the holder of an authorisation or a metered entitlement who takes water under the authorisation or entitlement through works to which the meter is attached; or
 - (b) the owner of the works.
- (2) The authorised meter validator who carries out the validation inspection must, within 20 business days after carrying out the inspection, give the following to the holder or owner—
 - (a) if the meter does not, in the validator’s opinion, comply with the non-urban metering standard, a notice stating—
 - (i) why the meter does not comply; and
 - (ii) if the meter would comply after being modified—what modifications are required; and
 - (iii) if the meter can not comply, even after being modified—that the meter can not comply;
 - (b) otherwise—a validation certificate for the meter.
- (3) The holder or owner must, within 20 business days after being given a validation certificate under subsection (2)(b), give a copy of it to the chief executive.
- (4) For this section, a validation inspection may not be carried out by an authorised meter validator who is also the holder or owner.

112A Chief executive may request another validation certificate

- (1) This section applies if—
 - (a) a person gives a holder or owner mentioned in section 112(1) for works, to which an approved meter is attached, a validation certificate (the *first certificate*) for the meter; and

- (b) the relevant person gives the chief executive a copy of the first certificate.
- (2) Despite section 106(1), the meter stops being an approved meter if the holder or owner does not comply with subsection (5).
- (3) The chief executive may give the holder or owner a notice if the chief executive is reasonably satisfied that—
 - (a) the information stated in the first certificate is false or misleading; or
 - (b) the person who gave the holder or owner the first certificate was not an authorised meter validator when the certificate was given; or
 - (c) the holder or owner carried out the validation inspection for the first certificate.
- (4) The notice must state the following—
 - (a) the grounds for giving the notice;
 - (b) the holder or owner must arrange for another validation inspection to be carried out on the meter and give the chief executive a copy of the new validation certificate for the meter before the expiry date;
 - (c) the meter will stop being an approved meter if the holder or owner does not comply with the notice.
- (5) The holder or owner must, before the expiry date, comply with the notice.
Maximum penalty—20 penalty units.
- (6) The chief executive may extend the expiry date by notice given to the holder or owner if—
 - (a) the holder or owner requested the expiry date be extended; and
 - (b) the chief executive is reasonably satisfied the holder or owner is unable to comply with subsection (5).
- (7) In this section—

expiry date means the day that is 60 business days after the chief executive gives a notice under subsection (3).

Division 4 Reading meters

113 Chief executive may require meter reading by relevant person

- (1) The chief executive may give a relevant person a notice requiring the person to—
 - (a) read a meter; and
 - (b) do both of the following in the way and by the day stated in the notice—
 - (i) give the meter reading to the chief executive;
 - (ii) notify the chief executive about whether or not the meter is a faulty meter.

Note—

Section 110A may apply to a relevant person if the person is aware the meter is a faulty meter.

- (2) The day stated in the notice must be at least 30 days after the day the chief executive gave the relevant person the notice.
- (3) The relevant person must comply with the notice.

Maximum penalty for subsection (3)—20 penalty units.

114 Meter reading by chief executive

The chief executive may arrange for a meter to be read—

- (a) on the application of the holder of a metered entitlement who takes water under the entitlement through works that have the meter attached to transfer, seasonally assign or otherwise deal with the entitlement; or
- (b) when the owner of works that have the meter attached gives the chief executive notice the owner has decided to stop using the works; or

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- (c) at any other time the chief executive considers necessary.

Division 5 Charges

115 Meter operating charge

- (1) A charge (a *meter operating charge*) is payable to the chief executive by—
- (a) the holder of a metered entitlement who takes water under the entitlement through works that have a meter attached; or
 - (b) if there is no holder of a metered entitlement taking water through the works—the owner of the works.
- (2) The meter operating charge is a charge for reading the meter.
- (3) The meter operating charge—
- (a) is payable for the meter—
 - (i) for the period decided by the chief executive; or
 - (ii) if the chief executive does not decide a period—annually; and
 - (b) must not be more than the cost to the department of reading the meter; and
 - (c) may be levied by giving notice to the holder or owner; and
 - (d) becomes payable on the day the notice is given; and
 - (e) must be paid within 20 business days after the notice is given.
- (4) If any part of the charge remains unpaid after 20 business days, the late fee prescribed under section 1013A(2) of the Act is the interest, accruing daily at the rate that is 2% above the Suncorp Metway Ltd business banking variable lending base rate, on the part of the charge.

- (5) The interest starts accruing on the day immediately after the charge became payable and ends on the day the charge is paid in full, both days inclusive.
- (6) A notice given under subsection (3)(c) must state—
 - (a) the amount of the charge; and
 - (b) the period for which it is levied; and
 - (c) the time and place for payment; and
 - (d) that a late fee is payable on any part of the charge remaining unpaid after 20 business days; and
 - (e) how the late fee is calculated under subsections (4) and (5).

116 Meter use charge

- (1) A charge (a *meter use charge*) is payable to the chief executive by—
 - (a) the holder of a metered entitlement who takes water under the entitlement through works that have a meter attached that—
 - (i) is the property of the State; or
 - (ii) was the property of the State before ownership was transferred to the holder; or
 - (b) if there is no holder of a metered entitlement taking water through the works—the owner of the works.
- (2) The meter use charge—
 - (a) is payable for the approved meter—
 - (i) for the period decided by the chief executive; or
 - (ii) if the chief executive does not decide a period—annually; and
 - (b) must not be more than the cost to the department of making the meter available for use by the holder or owner, including an adjustment in favour of a holder or owner—

- (i) who carried out site preparation; or
 - (ii) who assigned ownership of an existing meter to the State; or
 - (iii) whose existing meter, that is the property of the State, was not replaced; and
- (c) may be levied by giving notice to the holder or owner; and
- (d) becomes payable on the day the notice is given; and
- (e) must be paid within 20 business days after the notice is given.
- (3) If any part of the charge remains unpaid after 20 business days, the late fee prescribed under section 1013A(2) of the Act is the interest, accruing daily at the rate that is 2% above the Suncorp Metway Ltd business banking variable lending base rate, on the part of the charge.
- (4) The interest starts accruing on the day immediately after the charge became payable and ends on the day the charge is paid in full, both days inclusive.
- (5) A notice given under subsection (2)(c) must state—
- (a) the amount of the charge; and
 - (b) the period for which it is levied; and
 - (c) the time and place for payment; and
 - (d) that a late fee is payable on any part of the charge remaining unpaid after 20 business days; and
 - (e) how the late fee is calculated under subsections (3) and (4).

117 Metering exit charge

- (1) This section applies if—
- (a) either of the following gives the chief executive notice that they have decided to stop using an approved meter—

- (i) the holder of a metered entitlement who takes water through works to which the meter is attached;
 - (ii) if there is no holder of a metered entitlement taking water through the works—the owner of the works; and
- (b) the meter is not the property of the State.
- (2) On the chief executive's receipt of the notice—
 - (a) the meter stops being an approved meter; and
 - (b) the chief executive must give the holder or owner notice of the charge (the *metering exit charge*) payable.
- (3) The holder or owner must pay the metering exit charge to the chief executive within 30 days after receiving the notice from the chief executive.
- (4) The metering exit charge must not be more than a part of the meter use charge decided by the chief executive having regard to the expected life of the meter.

Division 6 Ownership

118 Ownership of meters

If a meter is attached to works—

- (a) by the holder of an authorisation or a metered entitlement—the meter is the property of the holder; or
- (b) by the State—the meter is the property of the State; or

Note—

For when the State may transfer a meter to the holder of a metered entitlement or the owner of works, see section 119.

- (c) by another person—the meter is the property of the other person.

119 Transfer of approved meters that are the property of the State

- (1) This section applies if an approved meter that is attached to works is the property of the State and—
 - (a) the holder of a metered entitlement takes water under the entitlement through the works; or
 - (b) there is no authorisation for taking or interfering with water through the works.
- (2) The chief executive may give the holder or owner a notice (a *transfer notice*) that states the following—
 - (a) that the chief executive is offering to transfer the ownership of the meter to the holder or owner;
 - (b) the proposed date for the transfer;
 - (c) that if the meter is transferred to the holder or owner, the meter will stop being an approved meter if the holder or owner does anything to the meter that could affect its metrological performance;

Note—

See also section 106(1)(b).

- (d) if the meter is attached to works in a relevant management area, or works that take water from the Border Rivers Alluvium (deep), and does not comply with the non-urban metering standard—
 - (i) that the meter does not comply with the non-urban metering standard; and
 - (ii) that the chief executive may give the holder or owner a cessation notice under section 120 after the meter has been transferred to the holder or owner; and
 - (iii) that if the chief executive gives the holder or owner a cessation notice after the meter has been transferred, the meter will stop being an approved meter on the cessation date; and

- (iv) that under the Act, section 808(3), the holder of a metered entitlement must not take water under the entitlement other than through works that have an approved meter attached;
 - (e) that the holder or owner may, within 30 days after receiving the transfer notice, refuse to accept the transfer by giving written notice to the chief executive;
 - (f) that if the holder or owner refuses to accept the transfer, the meter will stop being an approved meter on the day after the transfer date.
- (3) The holder or owner may, by written notice given to the chief executive within 30 days after receiving the transfer notice, refuse to accept the transfer.
- (4) If the holder or owner refuses to accept the transfer under subsection (3), the meter stops being an approved meter on the day after the transfer date.
- (5) If the holder or owner does not refuse to accept the transfer under subsection (3), the meter becomes the property of the holder or owner on the transfer date.
- (6) The chief executive may extend the transfer date by notice given to the holder or owner.
- (7) In this section—
- transfer date* means the later of—
- (a) the proposed date for the transfer stated in the transfer notice; or
 - (b) the day that is 30 days after the holder or owner received the transfer notice.

120 Approved meter that does not comply with non-urban metering standard may stop being approved meter

- (1) This section applies if—
- (a) an approved meter becomes the property of the holder of a metered entitlement or the owner of works in a relevant management area, or that take water from the

- Border Rivers Alluvium (deep), under section 119(5);
and
- (b) the transfer notice given to the holder or owner stated the matters mentioned in section 119(2)(d).
- (2) The chief executive may give the holder or owner a notice (a *cessation notice*) stating that—
- (a) the meter does not comply with the non-urban metering standard; and
 - (b) on the cessation date, the meter will stop being an approved meter; and
 - (c) under the Act, section 808(3), the holder of a metered entitlement must not take water under the entitlement other than through works that have an approved meter attached.
- (3) The chief executive must give the cessation notice to the holder or owner at least 20 business days before the cessation date.
- (4) The chief executive may extend the cessation date by notice given to the holder or owner.
- (5) The meter stops being an approved meter on the cessation date.

Division 7 Miscellaneous

121 Specifications issued by chief executive

The chief executive may issue specifications for carrying out site preparation or installing a meter under this part.

Part 12 Water bore drillers

122 Classes of licence—Act, s 981

- (1) For section 981(2)(b) of the Act, the following are the classes of water bore driller's licences—
 - (a) class 1 water bore driller's licence;
 - (b) class 2 water bore driller's licence;
 - (c) class 3 water bore driller's licence.
- (2) A class 1 licence authorises the licence holder to drill a subartesian bore in a formation that contains the aquifer closest to the surface of the land where the bore site is located.
- (3) A class 2 licence authorises the licence holder to drill a subartesian bore.
- (4) A class 3 licence authorises the licence holder to drill an artesian bore or subartesian bore.

123 Water bore driller's licence endorsements—Act, s 981

- (1) For section 981(2)(c) of the Act, the following are the water bore driller's licence endorsements—
 - (a) cable tool;
 - (b) auger;
 - (c) rotary air;
 - (d) rotary mud;
 - (e) non-drilling rig;
 - (f) sonic.
- (2) A cable tool endorsement authorises drilling activities using cable tool or cable percussion drilling methods.
- (3) An auger endorsement authorises drilling activities using bucket auger, hollow stem auger or solid stem auger methods.

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- (4) A rotary air endorsement authorises drilling activities using rotary drilling methods with air as the drilling fluid.
 - (5) A rotary mud endorsement authorises drilling activities using rotary drilling methods with water as the drilling fluid or as the base for the drilling fluid.
 - (6) A non-drilling rig endorsement authorises water bore activities using non-drilling rig methods including spear point construction, hand digging and the use of excavators or backhoes for the construction of wells, excavations and galleries.
 - (7) A sonic endorsement authorises drilling activities using sonic drilling methods.

124 Qualifications or experience for class 1 licence—Act, s 981

- (1) For section 981(2)(d) of the Act, the qualifications or experience for a class 1 water bore driller's licence are either—
 - (a) holding a licence, equivalent to a class 1 water bore driller's licence granted by the entity that administers the licensing of water bore drillers in another State if the qualifications or experience required for the granting of the licence are considered equivalent by the chief executive to those stated in subsection (2); or
 - (b) the qualifications or experience stated in subsection (2).
- (2) For subsection (1)(b), the qualifications or experience are—
 - (a) successful completion of—
 - (i) the class 1 licence module and the drilling method endorsement module of the examinations prepared by the National Uniform Drillers Licensing Committee (*NUDLC*) for any licence endorsement for which the applicant is applying; or
 - (ii) another course considered equivalent by the chief executive; and

- (b) demonstrated drilling and grouting knowledge; and
- (c) either—
 - (i) both—
 - (A) successful completion of the Drilling Industry Certification and Training Course (the *DICAT course*) or another course considered equivalent by the chief executive; and
 - (B) employment in the operation of a drilling machine for at least 6 months during which at least 6 bores were drilled under the direct supervision of a licensed water bore driller; or
 - (ii) employment in the operation of a drilling machine for at least 12 months during which at least 6 bores were drilled under the direct supervision of a licensed water bore driller; or
 - (iii) employment in the operation of a drilling machine, other than in water bore drilling activities, for at least 12 months during which at least 6 bores that intersect underground water were drilled; 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 12 months during which at least 6 bores that intersect underground water were drilled; and
- (d) successful completion of the class 1 water bore driller's licence examination prepared by NUDLC and administered by the department.

125 Qualifications or experience for class 2 licence—Act, s 981

- (1) For section 981(2)(d) of the Act, the qualifications or experience for a class 2 water bore driller's licence are either—

- (a) holding a licence, equivalent to a class 2 water bore driller's licence granted by the entity that administers the licensing of water bore drillers in another State if the qualifications or experience required for the granting of the licence are considered equivalent by the chief executive to those stated in subsection (2); or
 - (b) the qualifications or experience stated in subsection (2).
- (2) For subsection (1)(b), the qualifications or experience are—
- (a) successful completion of—
 - (i) the class 2 licence module and the drilling method endorsement module of the examinations prepared by NUDLC for any licence endorsement for which the applicant is applying; or
 - (ii) another course considered equivalent by the chief executive; and
 - (b) demonstrated drilling and grouting knowledge; and
 - (c) either—
 - (i) all of the following—
 - (A) holding a class 1 water bore drillers licence or the qualifications and experience stated in section 124;
 - (B) employment in the operation of a drilling machine for at least 12 months;
 - (C) drilling at least 6 bores for which a class 2 licence is required (a *class 2 bore*) under the direct supervision of the holder of a class 2 licence, or at least 6 bores for which a class 1 licence is required and at least 3 class 2 bores under the direct supervision of the holder of a class 2 licence; or
 - (ii) all of the following—
 - (A) successful completion of the DICAT course or another course considered equivalent by the chief executive;

- (B) employment in the operation of a drilling machine for at least 6 months;
- (C) drilling at least 6 class 2 bores under the direct supervision of the holder of a class 2 licence, or at least 6 bores for which a class 1 licence is required and at least 3 class 2 bores under the direct supervision of the holder of a class 2 licence; or
- (iii) employment in the operation of a drilling machine, other than in water bore drilling activities, for at least 12 months during which at least 9 bores that intersect multiple aquifer systems were drilled; 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 12 months during which at least 9 bores that intersect multiple aquifer systems were drilled; and
- (d) successful completion of the class 2 water bore driller’s licence examination prepared by NUDLC and administered by the department.

126 Qualifications or experience for class 3 licence—Act, s 981

- (1) For section 981(2)(d) of the Act, the qualifications or experience for a class 3 water bore driller’s licence are either—
 - (a) holding a licence, equivalent to a class 3 water bore driller’s licence granted by the entity that administers the licensing of water bore drillers in another State if the qualifications or experience required for the granting of the licence are considered equivalent by the chief executive to those stated in subsection (2); or
 - (b) the qualifications or experience stated in subsection (2).
- (2) For subsection (1)(b), the qualifications or experience are—
 - (a) successful completion of—

- (i) the class 3 licence module and the drilling method endorsement module of the examinations prepared by NUDLC for any licence endorsement for which the applicant is applying; or
- (ii) another course considered equivalent by the chief executive; and
- (b) demonstrated drilling and grouting knowledge; and
- (c) either—
 - (i) both—
 - (A) employment as a licensed class 2 driller for at least 12 months, and in the operation of a drilling machine for at least 24 months; and
 - (B) drilling at least 6 class 2 bores and, under the direct supervision of the holder of a class 3 licence, at least 3 bores for which a class 3 licence is required (a *class 3 bore*); or
 - (ii) all of the following—
 - (A) successful completion of the DICAT course or another course considered equivalent by the chief executive;
 - (B) employment as a licensed class 2 driller for at least 12 months, and in the operation of a drilling machine for at least 12 months;
 - (C) drilling at least 6 class 2 bores and, under the direct supervision of the holder of a class 3 licence, at least 3 class 3 bores; or
 - (iii) employment in the operation of a drilling machine, other than in water bore drilling activities, for at least 24 months during which at least 9 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

24 months during which at least 9 artesian bores were drilled; and

- (d) successful completion of the class 3 water bore driller's licence examination prepared by NUDLC and administered by the department.
- (3) In this section—
class 2 bore see section 125(2)(c)(i)(C).

127 Conditions of water bore driller's licence—Act, s 983A

For section 983A(1)(a) of the Act, the following are the conditions for a water bore driller's licence—

- (a) water bore drilling activities that tap an aquifer in the sediments of an artesian basin must be carried out in accordance with 'Minimum standards for the construction and reconditioning of water bores that intersect the sediments of artesian basins in Queensland', published on the department's website or the Queensland Government business and industry portal;
- (b) other water bore drilling activities must be carried out in accordance with 'Minimum construction requirements for water bores in Australia', published on the department's website or the Queensland Government business and industry portal;
- (c) if a development approval is required to carry out particular water bore drilling activities, the licence holder must see the approval and carry out the activities in accordance with the approval;
- (d) development that is operational work involving works for taking or interfering with underground water through a subartesian bore must comply with the requirements provided for in section 99(2) to the extent the requirements apply to the work;
- (e) the licence has effect for a period of 10 years.

128 Records of water bores drilled—Act, s 983L

For section 983L(1) of the Act, the following is the information required to be kept about each water bore drilling activity—

- (a) the name and address of the owner of the land on which the activity is being carried out;
- (b) the location of the activity;
- (c) the name and water bore driller's licence number of the driller performing the work;
- (d) the drilling method used;
- (e) the dates the water bore drilling activity started and finished;
- (f) details of the following—
 - (i) the strata drilled;
 - (ii) water produced by the strata, including the volume and quality of the water, the depth at which it is struck and the depth to which it rises naturally;
 - (iii) the borehole diameter;
 - (iv) the type and diameter of the bore casing;
 - (v) the diameter and location of the borehole cementing;
 - (vi) the number and size of the slots or perforations in the casing, or screens installed, for water entry;
- (g) an estimation of the rate at which water may be produced from the bore.

Part 13 **Declarations about watercourses**

129 **Water declared to be water in a watercourse—Act, s 1006**

For section 1006(1) of the Act, the following water declared to be water in a watercourse under the repealed regulation continues to be water in a watercourse—

- (a) water in an aquifer under the Kolan River, between AMTD 14.5km and AMTD 76.4km, to a depth of 10m below the bed of the river;
- (b) water in an alluvial aquifer under the Burnett River, between AMTD 25.9km and AMTD 333.9km, to a depth of 10m below the bed of the river;
- (c) water in an alluvial aquifer under the Boyne River, between AMTD 0km and AMTD 180km, to a depth of 10m below the bed of the river;
- (d) water in an alluvial aquifer under the Nogo River, between AMTD 0km and AMTD 23km, to a depth of 10m below the bed of the river;
- (e) water in an aquifer under Lockyer Creek, between AMTD 0km and AMTD 41.9km, to a depth of 10m below the bed of the creek;
- (f) water in an aquifer under Lockyer Creek, between AMTD 41.9km and AMTD 70.9km, to a depth of 6m below the bed of the creek;
- (g) water in an aquifer under Barambah Creek, between AMTD 85km and AMTD 189.5km, to a depth of 15m below the bed of the creek;
- (h) water in an alluvial aquifer under the Stuart River, between AMTD 0km and AMTD 80km, to a depth of 10m below the bed of the river.

Part 14 Fees, charges etc.

Division 1 Fees

Subdivision 1 General provisions

130 Fees

The fees, other than titles registry fees, payable under the Act are stated in schedule 12.

Subdivision 2 Water licence fees

131 Water licence fee

- (1) The water licence fee mentioned in schedule 12 is payable for a water licence, other than the following—
 - (a) a water licence only to take supplemented water;
 - (b) a water licence to take water for stock or domestic purposes, unless the licence is for taking underground water to which the *Water Plan (Great Artesian Basin and Other Regional Aquifers) 2017* applies for stock or domestic purposes;
 - (c) a water licence with a stated purpose of ‘CYPHA’.

Note—

See also the *Water Plan (Cape York) 2019*, section 59(1)(a)(i).

- (2) The water licence fee for a water licence—
 - (a) is payable for each year the licence is in force; and
 - (b) must be paid within the period stated in a notice given to the licensee under subsection (3).
- (3) The chief executive must give the licensee a notice stating—

[s 132]

- (a) the amount of the water licence fee and the period to which it relates; and
- (b) the period, of at least 20 business days after the notice is given, in which the fee must be paid.

Subdivision 3 Fees for continuing interim water allocations

132 Fees for continuing interim water allocations

- (1) This section applies to an interim water allocation (a *continuing interim water allocation*) in relation to which chapter 2, part 5 of the unamended Act continues to apply under section 1271 of the Act.
- (2) The fees payable for the purposes of the continued application of chapter 2, part 5 of the unamended Act are stated in schedule 13.

Division 2 Charges for water allocated, supplied or taken

133 Charges for water allocated, supplied or taken

- (1) The charges mentioned in schedule 14, column 3, are payable to the chief executive—
 - (a) for the allocation, supply or taking of water in a water management area mentioned opposite the charges in column 1; and
 - (b) for the water year ending on the date mentioned opposite the charges in column 2.
- (2) If a change to a water charge is prescribed, the changed water charge is payable for the water year following the date the current water year ends.
- (3) This section does not apply if—

- (a) water is taken under a metered entitlement; and
- (b) the water charge mentioned in column 3 of the schedule is for a water meter.

134 Notice for payment of charges

- (1) A charge under section 133—
 - (a) may be levied—
 - (i) for the period decided by the chief executive; or
 - (ii) if the chief executive does not decide a period—quarterly; and
 - (b) may be levied by giving notice to the holder of the authorisation under which water is taken; and
 - (c) becomes payable on the day the notice is given; and
 - (d) must be paid within 30 business days after the notice is given.
- (2) If any part of the charge remains unpaid after 30 business days, the late fee prescribed under section 1013A(2) of the Act is the interest, accruing daily at the rate that is 2% above the Suncorp Metway Ltd business banking variable lending base rate, on the part of the charge.
- (3) The interest starts accruing on the day immediately after the charge became payable and ends on the day the charge is paid in full, both days inclusive.
- (4) A notice given under subsection (1)(b) must state—
 - (a) the amount of the charge and the period for which it is levied; and
 - (b) the time and place for payment; and
 - (c) that a late fee is payable on any part of the charge remaining unpaid after 30 business days; and
 - (d) how the late fee is calculated under subsections (2) and (3).

Division 3 Royalty for State quarry material

135 Royalty for State quarry material—Act, s 240

- (1) For section 240(1) of the Act, the rate at which royalty is payable under the Act is stated in schedule 15.
- (2) However, no royalty is payable for State quarry material removed under an allocation notice if the chief executive of a department issues a certificate stating that the material was supplied to the department for the department's use.

Division 4 Drainage rates

136 Drainage rates—Act, s 993

For section 993(1) of the Act, the drainage rates payable for a water year by an owner of land in a drainage area mentioned in schedule 16, column 1, are stated opposite the area in column 2.

Part 15 Miscellaneous provisions

Division 1 Water management areas

137 Water management areas

- (1) The chief executive may declare an area of the State to be a water management area for water not managed under an interim resource operations licence or a resource operations licence.
- (2) The declaration may be for—
 - (a) fixing water charges payable to the chief executive; or
 - (b) allowing seasonal water assignments and making seasonal water assignment rules; or

-
- (c) prescribing water sharing rules; or
 - (d) implementing water metering under part 11.
- (3) The chief executive may name the area, for example, the ‘Barker–Barambah Creeks water management area’.
 - (4) An area that is declared to be an underground water area under section 139 is also a water management area.
 - (5) A water plan or a water management protocol may declare a part of the plan area to be a water management area.
 - (6) The chief executive must display a map or plan showing the boundaries of a water management area in the department’s regional office in or near the area.
 - (7) The chief executive must—
 - (a) give notice of the declaration to the persons authorised to take water from the area; or
 - (b) publish a notice about the declaration.
 - (8) Subsection (7) does not apply to a water management area declared under a water plan or a water management protocol.

138 Changing boundaries of water management areas

- (1) The chief executive may change the boundaries of a water management area by—
 - (a) including land in the area; or
 - (b) removing land from the area.
- (2) If the chief executive changes the boundaries of a water management area, the chief executive must—
 - (a) give notice of the change to the persons authorised to take water from land included in, or removed from, the area; or
 - (b) publish a notice about the change.
- (3) However, subsection (2) does not apply to a change made under a water plan or water management protocol.

Division 2 Underground water areas

139 Declared underground water areas—Act, s 1046

- (1) For section 1046(1) of the Act, each area mentioned in schedule 17, part 1, column 1 is declared to be an underground water area and is given the name mentioned for the area.
- (2) The exact location of the boundary for each underground water area is held in digital electronic form by the department, and may be inspected at any of the department's service centres.

Editor's note—

The location of a boundary may also be inspected through the interactive online tool called the Queensland Globe.

- (3) A water entitlement is required to take or interfere with underground water in the Fraser Island underground water area, other than for a purpose mentioned in schedule 17, part 1, column 2 for the area.
- (4) A water entitlement, water permit or seasonal water assignment notice is required to take or interfere with underground water in another underground water area, other than for a purpose mentioned in schedule 17, part 1, column 2 for the area.
- (5) Works for taking underground water through a subartesian bore in an underground water area mentioned in schedule 17, part 1 are assessable development if they are—
 - (a) for the Black River underground water area—not an exempt bore; and
 - (b) for another underground water area—
 - (i) not an exempt bore; or
 - (ii) not works for a prescribed activity.

Note—

For the regulation of works for the taking or interfering with underground water through an artesian bore, other than through a monitoring bore, see the *Planning Regulation 2017*.

- (6) To remove any doubt, it is declared that the taking or interfering with water for a prescribed activity in the Black River underground water area is limited to zero.

Note—

See section 101 of the Act.

- (7) However, subsection (4), and the limitation mentioned in subsection (6), do not apply to the taking or interfering with water if the taking or interference—
- (a) is necessary for a prescribed activity in the Black River underground water area; and
 - (b) is carried out using a bore lawfully constructed—
 - (i) in the Black River underground water area; and
 - (ii) before 6 December 2016.

140 Critical distances for non-stock or domestic water bores in particular underground water areas

- (1) This section applies to a non-stock or domestic water bore in an underground water area mentioned in schedule 17, part 2, column 1.
- (2) The *critical distance* of the bore from a boundary of a parcel of land is the distance stated opposite the area in schedule 17, part 2, column 2.
- (3) The *critical distance* of the bore from a watercourse is the distance stated opposite the area in schedule 17, part 2, column 3.
- (4) The *critical distance* of the bore from another water bore is the distance stated opposite the area in schedule 17, part 2, column 4.

Division 3 Former water areas

141 Continuing former water areas—Act, s 1083

- (1) This section applies only to former water areas—
 - (a) taken, under the Act, section 1083(2), to be authority areas established under the Act; and
 - (b) for which no water board was in existence immediately before the commencement of the Act, section 1083.
- (2) A former water area mentioned in schedule 18, column 1, is shown on the plan mentioned opposite the area in column 2.
- (3) The chief executive's appointment to perform the functions of a water authority for the areas continues.

Division 4 Other matters

141A Prescribed ADR institutes—Act, s 426

For section 426(11) of the Act, definition *prescribed ADR institute*, the Resolution Institute ABN 69 008 651 232 is prescribed.

141B Arbitration election notice—Act, s 433A

- (1) This section prescribes, for section 433A(3)(f) of the Act, other information for an arbitration election notice.
- (2) The other information is—
 - (a) that the party who receives the notice must accept or refuse the request for arbitration within the period mentioned in section 433A(4) of the Act; and
 - (b) either party may be represented by a lawyer at the arbitration.

141C Prescribed arbitration institutes—Act, s 433A

For section 433A(8) of the Act, definition *prescribed arbitration institute*, the following entities are prescribed—

- (a) the Queensland Law Society ABN 33 423 389 441;
- (b) the Resolution Institute ABN 69 008 651 232.

142 Accounting period—Act, sch 4, definition *water year*

The accounting period for a water management protocol, resource operations licence, operations manual, interim resource operations licence or water licence for schedule 4, definition *water year*, paragraph (a) of the Act is—

- (a) if the accounting period for the protocol, licence or manual is stated in the relevant water plan, water management protocol, resource operations licence, interim resource operations licence, operations manual, water sharing rules or seasonal water assignment rules (the *relevant plan, protocol, manual, licence or rules*)—as stated in the relevant plan, protocol, manual, licence or rules; or
- (b) if the accounting period for the protocol, licence or manual is not stated in the relevant plan, protocol, manual, licence or rules—as otherwise prescribed under this regulation; or
- (c) if the accounting period for the protocol, licence or manual is not stated in the relevant plan, protocol, manual, licence or rules and not otherwise prescribed under this regulation—as stated in the licence; or
- (d) if the accounting period for the protocol, licence or manual is not stated in the relevant plan, protocol, manual, licence or rules, not otherwise prescribed under this regulation or stated in the licence—from 1 July to 30 June in the following year.

Part 16 **Repeal and transitional provisions**

Division 1 **Repeal provision**

143 **Repeal**

The following regulations are repealed—

- Water Regulation 2002, SL No. 70
- Water and Other Legislation Amendment Regulation (No. 1) 2014, SL No. 334
- Water and Other Legislation Amendment Regulation (No. 2) 2015, SL No. 123.

Division 2 **Transitional provisions for SL No. 216 of 2016**

144 **Declared water management areas**

- (1) This section applies to an area that was declared to be a water management area under section 56(1) of the repealed regulation.
- (2) The area continues as a water management area.

145 **References to repealed regulation**

A reference in an Act or other document to the repealed regulation may, if the context permits, be taken to be a reference to this regulation.

Division 3 **Transitional provisions for Mineral Resources and Other Legislation Amendment Regulation 2019**

146 **References to transfers, amendments or amalgamations**

- (1) This section applies in relation to an application to relocate a water licence under section 126 of the Act made on or after the commencement.
- (2) A reference in a water plan, water management protocol or water sharing rules to the transfer, amendment or amalgamation of the licence may, if the context permits, be taken to be a reference to the relocation of the licence.

147 **Non-compliance with revalidation of meter before commencement**

- (1) This section applies in relation to a meter attached to works through which the holder of a metered entitlement takes water if, before the commencement—
 - (a) the meter stopped being an approved meter under section 111(2); and
 - (b) the holder had not complied with section 112.
- (2) Schedule 11, as in force immediately before the commencement, continues to apply to the metered entitlement until section 112(3) is complied with in relation to the meter.

Schedule 1 Valley reaches

sections 6 to 12

Part 1 Overview of valley reaches

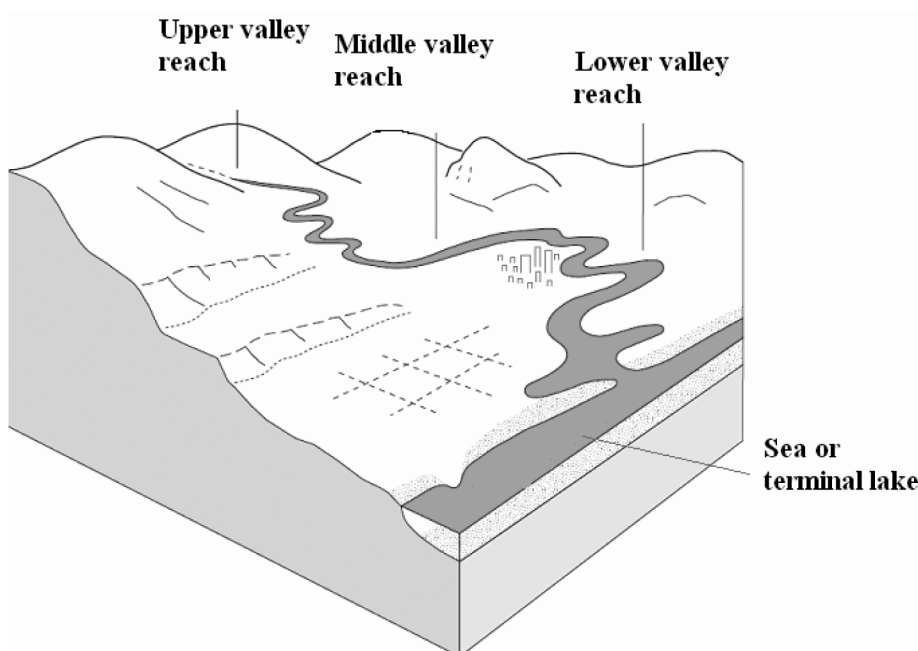


Diagram A—Overview of valley reaches

Part 2 Upper valley reach

Explanation of upper valley reach and associated watercourse

The upper valley reach of a valley drained by a watercourse is typically located in the most elevated parts of the watercourse catchment, often near the catchment's watershed. The valley floor is typically quite narrow, characterised by gorges and in some

places is only as wide as the watercourse itself. The valley floor is typically quite steep, characterised by waterfalls and cascades. The general direction and location of the reach is dictated by the valley margins which appear as significant geomorphic features.

The watercourse is typically narrow and deep with a V-shaped profile carved into the bedrock. The location of the watercourse within the narrow valley floor is generally dictated by the valley margins. The flow in the watercourse has high velocity and high energy, resulting in high erosive power. High flow events are confined within the watercourse by the adjoining valley margins. Past flow levels are often evidenced by scour marks on the valley margin or the deposition of lighter material, for example sands and twigs, carried by the flow. The bed and banks of the watercourse typically consist of bedrock and very coarse material, including boulders, cobbles and gravel. The movement and deposition of material happens primarily in periods of high flow. Flow tends to respond directly to rainfall events and during dry periods there is little or no base flow. Vegetation within or along the watercourse is often sparse or immature due to the regular scouring caused by high flow energy or by the absence of deep soil profiles.

Where the watercourse is wider, it could have a narrow bench adjacent to one bank or the other. These benches are typically made of finer materials, commonly cobbles and gravel. These benches tend to be short in length and disconnected, and alternate from one side of the watercourse to the other as the flow rebounds from one valley margin to the other. These benches are regularly reshaped by flow events.

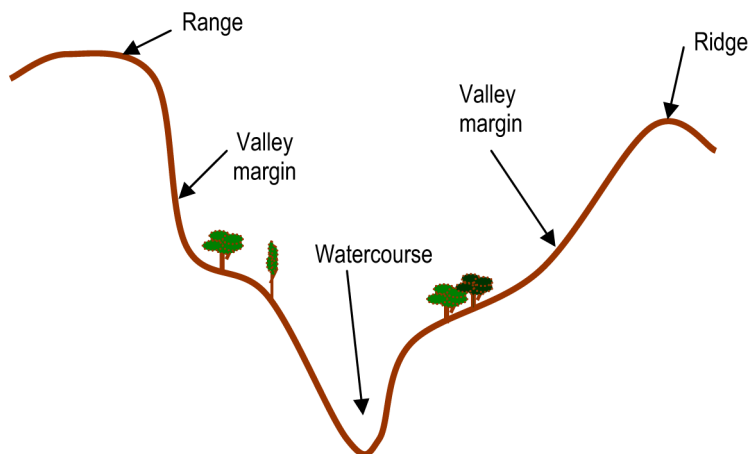


Diagram B—Cross-sectional view of a typical upper valley reach

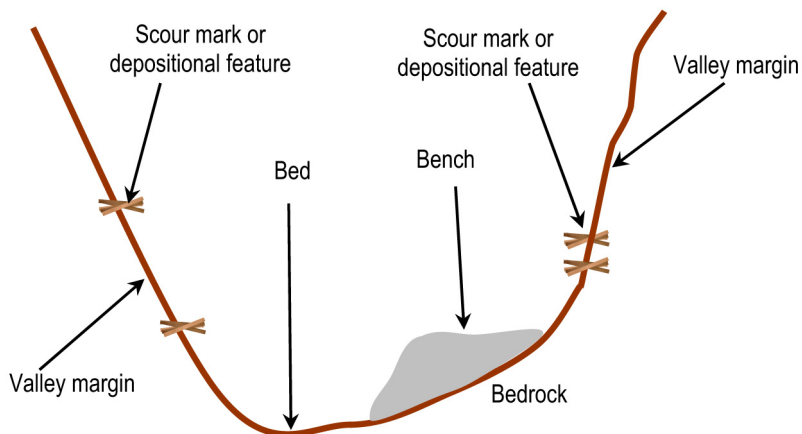


Diagram C—Cross-sectional view of a typical watercourse in an upper valley reach

Part 3 Middle valley reach

Explanation of middle valley reach and associated watercourse

The middle valley reach of a valley drained by a watercourse is typically located in the watercourse catchment's pediment or foothills. The middle valley reach is at a higher elevation than the

lower valley reach but is not as high as the upper valley reach. The valley floor is typically of moderate width, and is characterised by narrow floodplains between valley margins of fringing hills, terraces and low ridges. The valley floor has a moderate grade, characterised by a meandering watercourse and occasional cascades. The valley floor is typically comprised of ancient sediments deposited by the watercourse in earlier geological periods, and can be interrupted by occasional bedrock ridges or bars that are exposed in the watercourse.

The watercourse carries flow from several tributaries and so is typically deeper and wider than in the upper valley reach. The location of the watercourse within the valley floor is generally dictated by its meander pattern and is occasionally bounded by the valley margin. The flow in the watercourse has less energy and is not as fast as in the upper valley reach. However, it has enough energy to transport sediment eroded in the upper valley reach down to the lower valley reach. Much of the sediment being transported is temporarily stored in the watercourse (typically as in-stream benches and islands) or on adjacent floodplains before being further eroded and transported downstream in subsequent high flow events.

A number of benches are typical in the watercourse, created by the mixture of flow size and frequency. The lower, narrower channel of the watercourse is shaped by the more frequent, smaller flows and the wider, deeper channel of the watercourse is shaped by less frequent large flows. High flow events commonly erupt from the watercourse onto the adjacent floodplain. The bed and banks of the watercourse typically consist of medium-sized material, such as cobbles, gravel and sand. Subject always to long-term weather cycles, almost perennial base flows occur because of the slow drainage of upper sections of the middle valley reach and underground water inflows from alluvial floodplain aquifers along the watercourse. Vegetation within or along the watercourse is well established because of the reliable base flows and stable channel profile.

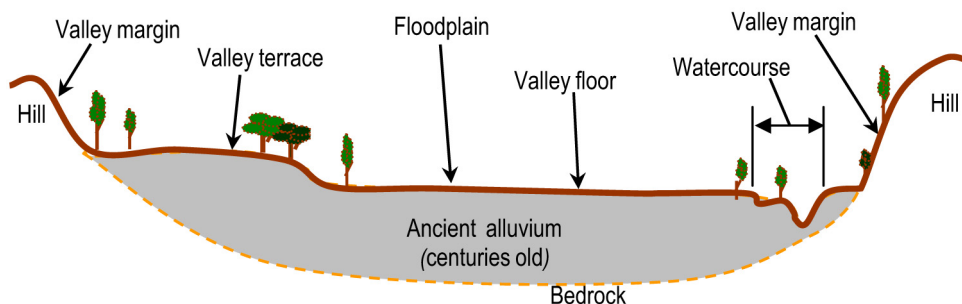


Diagram D—Cross-sectional view of a typical middle valley reach

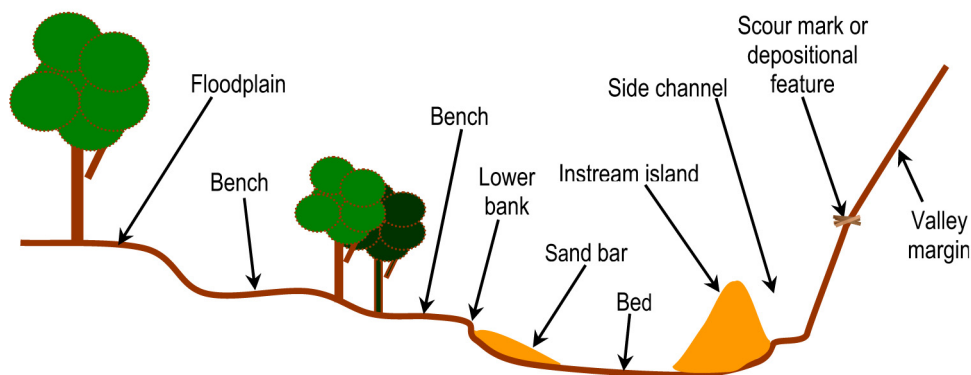


Diagram E—Cross-sectional view of a typical watercourse in a middle valley reach

Part 4 Lower valley reach

Explanation of lower valley reach and associated watercourse

The lower valley reach of a valley drained by a watercourse is typically located in the watercourse catchment’s lowest elevations, generally immediately upstream of where the watercourse becomes tidal or where it flows into a natural terminal lake. The valley floor is quite broad, characterised by extensive floodplains between distant valley margins of fringing hills and low ridges. The valley floor has a low gradient, characterised by a strongly meandering watercourse with oxbows and occasional anabranches.

The valley floor is typically comprised of ancient sediments deposited by the watercourse in earlier geological periods.

The watercourse gradient is quite low, resulting in slow moving flow. However, the watercourse is now carrying water from all upstream reaches and so dissipates this kinetic energy by meandering across the valley floor, eroding and depositing sediment along the way. This results in a comparatively wide, shallow channel, often with large sediment accumulations such as in-stream benches and islands. Sediment that makes up the channel of the watercourse and adjoining floodplains tends to be fine, commonly gravel, sand and silt, with low resistance to erosion. Large flows result in floods that spread across the floodplains, depositing fine sediment. Perennial base flows occur because of the slow drainage of upper sections of the lower valley reach and underground water inflows from alluvial floodplain aquifers along the watercourse. Vegetation within or along the watercourse is well established due to the reliable base flows and stable channel profile.

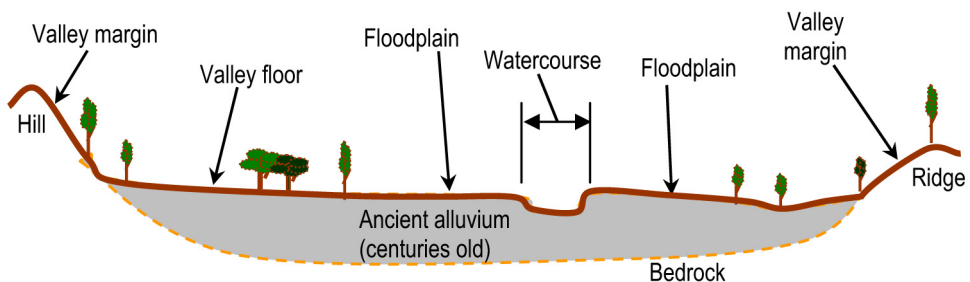


Diagram F—Cross-sectional view of a typical lower valley reach

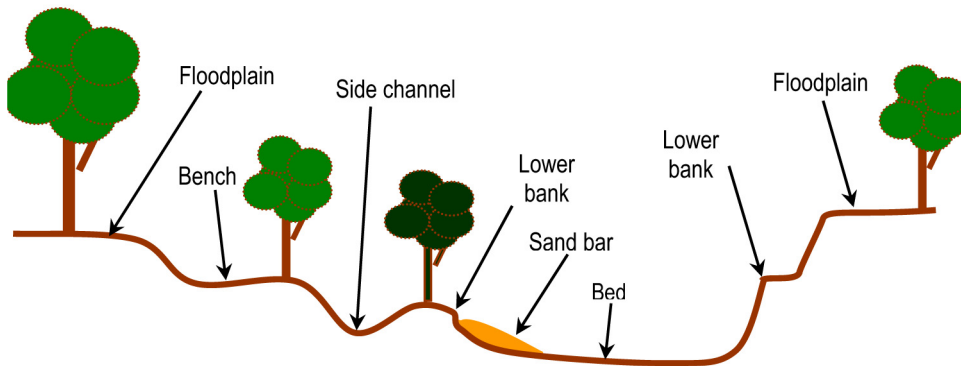


Diagram G—Cross-sectional view of a typical watercourse in a lower valley reach

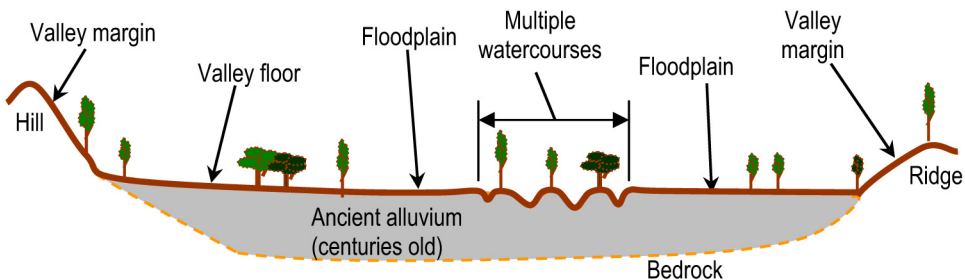


Diagram H—Cross-sectional view of a typical lower valley reach with multiple watercourses

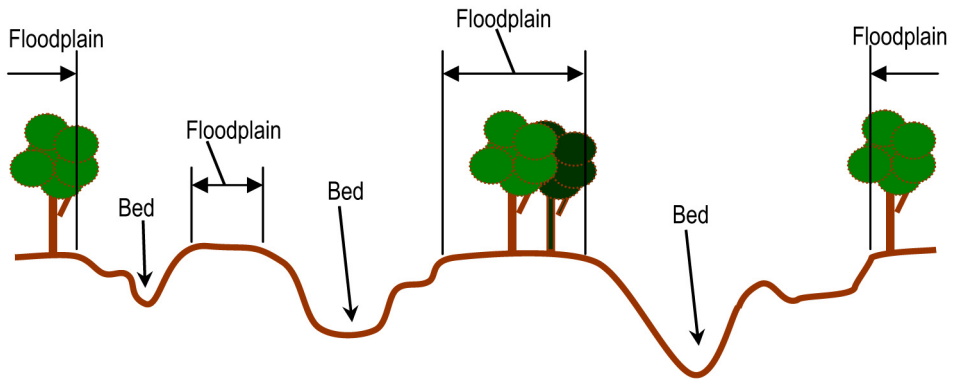


Diagram I—Cross-sectional view of typical watercourses in a lower valley reach with multiple watercourses

Schedule 2 Particular unallocated water reserved

section 14

Location of unallocated water	Type of water reserved	Purpose for which water is reserved	Volume of water reserved

Editor's note—

No unallocated water has been reserved under section 14.

**Schedule 3 Prescribed activities, Act,
section 101(1)(a)****section 25**

- 1 washing, for processing or packing, produce from a single farming enterprise
- 2 operating 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
- 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 Act; or
 - (c) as part of exercising entitlements under an exploration permit issued under the Mineral Resources Act
- 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 be 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 Act; 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
Examples of temporary infrastructure or plant—
- mobile or temporary camps
 - temporary power lines
- 11 constructing, but not maintaining, roads within—
- (a) a farm; or
- (b) the area of a mineral development licence, or mining lease, granted under the Mineral Resources Act; or
- (c) the area of an authority to prospect, petroleum lease, pipeline licence or petroleum facility licence granted under the Petroleum and Gas Act

- 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

Schedule 4 Prescribed entities

section 26

- 1 Hampton Irrigators Pty Ltd ACN 064 888 633
- 2 Hinchley Bore Pty Ltd ACN 105 498 628
- 3 Nuhrunnda Park Co-operative Society Ltd ABN 28 992 741 260
- 4 Minmore Road Water Group Ltd ACN 108 178 936
- 5 Westaroy Progress Association Inc IA 15321
- 6 Walker Pastoral and Agency Company Pty Ltd ACN 001 099 261
- 7 Body Corporate for Coolibah Community Titles Scheme CMS 28706
- 8 Body Corporate for Acacias Community Titles Scheme CMS 30332
- 9 Australian Stockman's Hall of Fame and Outback Heritage Centre ACN 010 007 093
- 10 Etgold Pty Ltd ACN 010 705 432
- 11 Stockyard Point Services Co-op Ltd QC 0202
- 12 Body Corporate for Williams' Retreat Community Titles Scheme CMS 23581
- 13 Body Corporate for Crystal Waters Permaculture Village Community Titles Scheme CMS 20926
- 14 Body Corporate for Sandalwoods Community Titles Scheme CMS 23452
- 15 Body Corporate for Burdekin Riverside Community Titles Scheme CMS 18617
- 16 Sealink Fraser Island Pty Ltd ACN 624 478 280
- 17 Rosedale Water Supply Association Inc ABN 37 265 819 522

-
- 18 Aurizon Operations Limited ACN 124 649 967
 - 19 Stanwell Corporation Limited ACN 078 848 674
 - 20 The Conondale Water Supply Co-op Ltd QC 0317
 - 21 Callide Power Management Pty. Limited ACN 082 468 700
 - 22 C S Energy Limited ACN 078 848 745
 - 23 Meridian Energy Australia Pty Limited ACN 143 533 322
 - 24 Troy Peter Sobczak and Kate Louise Sobczak, in their capacity as trustees for the Evergreen Trust under instrument 713266609, as joint holders of licences with licence numbers 61070B and 17990B or a licence that replaces either licence
 - 25 CP Water Pty Ltd ACN 164 388 612
 - 26 Coreen Water Pty Ltd ACN 165 776 036
 - 27 Grevillea Water Pty Ltd ACN 165 645 081
 - 28 Kooingal Water Pty Ltd ACN 165 779 322
 - 29 The parties to the 'Middle Park Closed Water Agreement', registered dealing number 715140398
 - 30 Mulgildie Water Pty Ltd ACN 165 779 331
 - 31 Myall Plains Water Co-operative Ltd QC 0316
 - 32 Oaky Creek Water Pty Ltd ACN 165 779 340
 - 33 The parties to the 'Juandah Bore Water Group Closed Water Authority Agreement', registered dealing number 715578077
 - 34 Washpool Water Pty Ltd ACN 167 582 514
 - 35 The parties to the 'Marathon Bore Water Group Agreement', registered dealing number 715961002
 - 36 The parties to the 'Palmgrove Bore Water Group Agreement', registered dealing number 715662828
 - 37 Crowley Vale Water Co-operative Limited QC 0333
 - 38 The parties to the 'Weengallon Bore Water Group Agreement', registered dealing number 716094379
 - 39 Adani Infrastructure Pty Ltd ACN 606 764 827

Schedule 4

- 40 an eligible person under the *Water Plan (Cape York) 2019*, section 32(6)
- 41 CleanCo Queensland Limited ACN 628 008 159
- 42 Granite Belt Water Limited ACN 631 442 129
- 43 Carmichael Rail Network Pty Ltd ACN 601 738 685
- 44 Merlwood Water Pty Ltd ACN 611 379 278
- 45 Mondure Water Supply Inc. IA56117

Schedule 5 Water sharing rules

section 27

Column 1	Column 2
Water management area	Water sharing rules
Bowen groundwater management area	Bowen groundwater management area water sharing rules
Burdekin groundwater management area	Burdekin groundwater management area water sharing rules

Schedule 6 Seasonal water assignments

section 39

Column 1	Column 2	Column 3
Water management area	Type of water licence	Seasonal water assignment rules
Bowen groundwater management area	water licence to take underground water	Bowen groundwater management area seasonal water assignment rules
Burdekin groundwater management area	water licence to take underground water	Burdekin groundwater management area seasonal water assignment rules

Schedule 7 Rates and pump sizes

sections 51 and 54

Column 1	Column 2	Column 3
Pump size (mm)	Maximum rate (litres/second)	Maximum rate per day or daily volumetric limit (megalitres)
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
600	1,000	86.4
660	1,390	120
700	1,740	150

Schedule 7

Column 1	Column 2	Column 3
Pump size (mm)	Maximum rate (litres/second)	Maximum rate per day or daily volumetric limit (megalitres)
750	2,080	180
780	2,320	200

Schedule 8 Water authorities

sections 93, 94 and 94A

Part 1 Established water authorities

Column 1	Column 2
Water authority	Plan
Avondale Water Board	AP4014
Babinda Swamp Drainage Board	AP4045
Bollon South Water Authority	AP6513
Bollon West Water Authority	AP7351
Bones Knob Water Board	AP4016
Eugun Bore Water Authority	AP7343
Fernlee Water Authority	AP6941
Gladstone Area Water Board	—
Glamorgan Vale Water Board	AP22179
Ingie Water Authority	AP7350
Kaywana Bore Water Board	AP13400
Mount Isa Water Board	AP7346
Roadvale Water Board	AP4038
Silkwood Drainage Board	AP4057
South Maroochy Drainage Board	AP4059
Yambocully Water Board	AP4044

Part 2 Amalgamated water authorities

Column 1	Column 2
Water authority	Plan
Lower Burdekin Water	AP22327
Lower Herbert Water Management Authority <i>Note—</i> The formation of the Lower Herbert Water Management Authority is confirmed and validated under the Act, section 1282.	AP4064
Orchard Creek and East Euramo Drainage Board	AP22324

Part 3 Water authorities dissolved for conversion to alternative institutional structures

Column 1	Column 2	Column 3
Dissolved water authority	Plan of dissolved authority area	Alternative institutional structure
Brigooda Water Board	AP4018	the institutional structure consisting of all the parties to the Brigooda Water Supply Agreement (dealing number 716109624)
Callandoon Water Supply Board	AP4019	Callandoon Water Users Limited ACN 636 809 400

Column 1	Column 2	Column 3
Dissolved water authority	Plan of dissolved authority area	Alternative institutional structure
East Deeral Drainage Board	AP4047	the institutional structure consisting of all the parties to the East Deeral Drainage Scheme Agreement (dealing numbers 719616504 and 719616508)
Matthews Road Drainage Board	AP4052	the institutional structure consisting of all the parties to the Matthews Road Drainage Scheme Agreement (dealing number 720157247)
Merlwood Water Board	AP7342	Merlwood Water Pty Ltd ACN 611 379 278

Schedule 9 Assessable development or accepted development

section 98

Part 1 Works for taking overland flow water

Column 1	Column 2	Column 3
Area	Works that are accepted development if relevant requirements complied with	Works that are not assessable development
<i>Water Plan (Baffle Creek Basin) 2010 plan area</i>	<p>Works for stock or domestic purposes</p> <p>Works of a capacity of not more than 20ML</p> <p>Works constructed to satisfy the requirements of—</p> <p>(a) an environmental authority; or</p> <p>(b) a development permit for carrying out an environmentally relevant activity</p>	<p>Repair or maintenance of either of the following works if the repair or maintenance does not alter the design of the works—</p> <p>(a) existing works mentioned in section 52(1) of that plan;</p> <p>(b) works constructed under a development permit</p>

Column 1	Column 2	Column 3
Area	Works that are accepted development if relevant requirements complied with	Works that are not assessable development
<i>Water Plan (Border Rivers and Moonie) 2019 plan area</i>	<p>Works for stock or domestic purposes</p> <p>Works of a capacity of not more than 5ML for taking water under section 99(2) of the Act</p>	<p>Repair or maintenance of any of the following works if the repair or maintenance does not alter the design of the works—</p> <ul style="list-style-type: none"> (a) notified existing overland flow works within the meaning of the <i>Water Plan (Border Rivers and Moonie) 2019</i>; (b) works constructed for the taking of, or interfering with, water under section 97 of the Act; (c) works constructed under a development permit <p>Construction, repair or maintenance of existing works, within the meaning of the <i>Water Plan (Border Rivers and Moonie) 2019</i>, section 38(3), used to take water for prescribed activities mentioned in schedule 3</p>

Column 1	Column 2	Column 3
Area	Works that are accepted development if relevant requirements complied with	Works that are not assessable development
<i>Water Plan (Burdekin Basin) 2007 plan area</i>	<p>Works for stock or domestic purposes</p> <p>Works of a capacity of not more than 250ML</p> <p>Works constructed to satisfy the requirements of—</p> <p>(a) an environmental authority; or</p> <p>(b) a development permit for carrying out an environmentally relevant activity</p>	<p>Repair or maintenance of either of the following works if the repair or maintenance does not alter the design of the works—</p> <p>(a) existing works mentioned in section 80(1) of that plan;</p> <p>(b) works constructed under a development permit</p>
<i>Coastal Burnett overland flow area under the Water Plan (Burnett Basin) 2014</i>	<p>Works for stock or domestic purposes</p> <p>Works of a capacity of not more than 20ML</p> <p>Works constructed to satisfy the requirements of—</p> <p>(a) an environmental authority; or</p> <p>(b) a development permit for carrying out an environmentally relevant activity</p>	<p>Repair or maintenance of works if the repair or maintenance does not alter the design of the works—</p> <p>(a) existing works mentioned in section 91(2)(g) of that plan;</p> <p>(b) works constructed under a development permit</p>
<i>Water Plan (Calliope River Basin) 2006 plan area</i>	<p>Works for stock or domestic purposes</p> <p>Works of a capacity of not more than 5ML</p> <p>Works constructed to satisfy the requirements of—</p> <p>(a) an environmental authority; or</p> <p>(b) a development permit for carrying out an environmentally relevant activity</p>	<p>Repair or maintenance of either of the following works if the repair or maintenance does not alter the design of the works—</p> <p>(a) existing works mentioned in section 15(1) of that plan;</p> <p>(b) works constructed under a development permit</p>

Column 1	Column 2	Column 3
Area	Works that are accepted development if relevant requirements complied with	Works that are not assessable development
<p><i>Water Plan (Cape York) 2019 plan area</i></p>	<p>Works for stock or domestic purposes</p> <p>Works to take overland flow water with a capacity of not more than 50ML situated in a catchment, other than the Normanby catchment, mentioned in schedule 2 of that plan</p> <p>Works constructed to satisfy the requirements of—</p> <ul style="list-style-type: none"> (a) an environmental authority; or (b) a development permit for carrying out an environmentally relevant activity <p>Works of a capacity of not more than 5ML situated in the Normanby catchment for taking water under section 99(2) of the Act</p>	<p>Repair or maintenance of any of the following works if the repair or maintenance does not alter the design of the works—</p> <ul style="list-style-type: none"> (a) existing works mentioned in section 28(c) and (d) of that plan; (b) works constructed for the taking of, or interfering with, water under section 97 of the Act; (c) works constructed under a development permit

Column 1	Column 2	Column 3
Area	Works that are accepted development if relevant requirements complied with	Works that are not assessable development
<i>Water Plan (Condamine and Balonne) 2019</i> plan area	<p>Works for stock or domestic purposes</p> <p>Works of a capacity of not more than 5ML for taking water under section 99(2) of the Act</p>	<p>Repair or maintenance of any of the following works if the repair or maintenance does not alter the design of the works—</p> <ul style="list-style-type: none"> (a) notified existing overland flow works within the meaning of the <i>Water Plan (Condamine and Balonne) 2019</i>; (b) works constructed for the taking of, or interfering with, water under section 97 of the Act; (c) works constructed under a development permit <p>Construction, repair or maintenance of existing works, within the meaning of the <i>Water Plan (Condamine and Balonne) 2019</i>, section 36(3), used to take water for prescribed activities mentioned in schedule 3</p>

Column 1	Column 2	Column 3
Area	Works that are accepted development if relevant requirements complied with	Works that are not assessable development
<i>Water Plan (Cooper Creek) 2011 plan area</i>	<p>Works for stock or domestic purposes</p> <p>Works, for taking water for a purpose other than irrigation, of a capacity of not more than 10ML</p> <p>Works constructed to satisfy the requirements of—</p> <p>(a) an environmental authority; or</p> <p>(b) a development permit for carrying out an environmentally relevant activity</p>	<p>Repair or maintenance of either of the following works if the repair or maintenance does not alter the design of the works—</p> <p>(a) existing works mentioned in section 37 of that plan;</p> <p>(b) works constructed under a development permit</p>
<i>Water Plan (Fitzroy Basin) 2011 plan area</i>	<p>Works for stock or domestic purposes</p> <p>Works downstream of the Fitzroy Barrage of a capacity of not more than 5ML</p> <p>Other works of a capacity of not more than 50ML</p> <p>Works constructed to satisfy the requirements of—</p> <p>(a) an environmental authority; or</p> <p>(b) a development permit for carrying out an environmentally relevant activity</p>	<p>Repair or maintenance of either of the following works if the repair or maintenance does not alter the design of the works—</p> <p>(a) existing works mentioned in section 111 of that plan;</p> <p>(b) works constructed under a development permit</p>

Column 1	Column 2	Column 3
Area	Works that are accepted development if relevant requirements complied with	Works that are not assessable development
<i>Water Plan (Georgina and Diamantina) 2004 plan area</i>	<p>Works for stock or domestic purposes</p> <p>Works of a capacity of not more than 5ML for taking water under section 99(2) of the Act</p>	<p>Repair or maintenance of any of the following works if the repair or maintenance does not alter the design of the works—</p> <p>(a) existing works mentioned in section 12 of that plan;</p> <p>(b) works constructed for the taking of, or interfering with, water under section 97 of the Act;</p> <p>(c) works constructed under a development permit</p>
<i>Water Plan (Gulf) 2007 plan area</i>	<p>Works for stock or domestic purposes</p> <p>Works of a capacity of not more than 250ML</p> <p>Works constructed to satisfy the requirements of—</p> <p>(a) an environmental authority; or</p> <p>(b) a development permit for carrying out an environmentally relevant activity</p>	<p>Repair or maintenance of either of the following works if the repair or maintenance does not alter the design of the works—</p> <p>(a) existing works mentioned in section 79 of that plan;</p> <p>(b) works constructed under a development permit</p>

Column 1	Column 2	Column 3
Area	Works that are accepted development if relevant requirements complied with	Works that are not assessable development
<i>Water Plan (Mitchell) 2007</i> plan area	<p>Works for stock or domestic purposes</p> <p>Works of a capacity of not more than 250ML</p> <p>Works constructed to satisfy the requirements of—</p> <p>(a) an environmental authority; or</p> <p>(b) a development permit for carrying out an environmentally relevant activity</p>	<p>Repair or maintenance of either of the following works if the repair or maintenance does not alter the design of the works—</p> <p>(a) existing works mentioned in section 55 of that plan;</p> <p>(b) works constructed under a development permit</p>
<i>Water Plan (Moreton) 2007</i> plan area	<p>Works for stock or domestic purposes</p> <p>Works of a capacity of not more than 5ML</p> <p>Works constructed to satisfy the requirements of—</p> <p>(a) an environmental authority; or</p> <p>(b) a development permit for carrying out an environmentally relevant activity</p>	<p>Repair or maintenance of either of the following works if the repair or maintenance does not alter the design of the works—</p> <p>(a) works mentioned in sections 86 and 87 of that plan;</p> <p>(b) works constructed under a development permit</p>

Column 1	Column 2	Column 3
Area	Works that are accepted development if relevant requirements complied with	Works that are not assessable development
<i>Water Plan (Warrego, Paroo, Bulloo and Nebine) 2016 plan area</i>	<p>Works for stock or domestic purposes</p> <p>Works constructed to satisfy the requirements of—</p> <ul style="list-style-type: none"> (a) an environmental authority; or (b) a development permit for carrying out an environmentally relevant activity <p>Works of a capacity of not more than 5ML for taking water under section 99(2) of the Act</p>	<p>Repair or maintenance of either of the following works if the repair or maintenance does not alter the design of the works—</p> <ul style="list-style-type: none"> (a) existing works mentioned in section 26 of that plan; (b) works constructed under a development permit <p>Works for prescribed activities mentioned in schedule 3</p>
<i>Water Resource (Whitsunday) Plan 2010 plan area</i>	<p>Works for stock or domestic purposes</p> <p>Works of a capacity of not more than 20ML</p> <p>Works constructed to satisfy the requirements of—</p> <ul style="list-style-type: none"> (a) an environmental authority; or (b) a development permit for carrying out an environmentally relevant activity 	<p>Repair or maintenance of either of the following works if the repair or maintenance does not alter the design of the works—</p> <ul style="list-style-type: none"> (a) existing works mentioned in section 68 of that plan; (b) works constructed under a development permit

Part 2

Works for taking underground water through a subartesian bore

Column 1	Column 2	Column 3
Area or groundwater unit	Works that are accepted development if relevant requirements complied with	Works that are not assessable development
Atherton groundwater management area or the Cairns Northern Beaches groundwater management area under the <i>Water Plan (Barron) 2002</i>		<p>An exempt bore</p> <p>A water bore (the <i>first bore</i>) constructed more than 200m from a watercourse and—</p> <p>(a) more than 400m from another water bore; or</p> <p>(b) if the first bore is constructed within 400m of another water bore (the <i>second bore</i>)—</p> <p>(i) the second bore is situated on land owned by the landholder constructing the first bore; or</p> <p>(ii) the owner of the land on which the second bore is situated has given written consent to the construction of the first bore</p>

Column 1	Column 2	Column 3
Area or groundwater unit	Works that are accepted development if relevant requirements complied with	Works that are not assessable development
Underground water in the parts of an underground water unit that are within the underground water management area under the <i>Water Plan (Border Rivers and Moonie) 2019</i>		<p>An exempt bore</p> <p>A water bore that—</p> <p>(a) is constructed more than—</p> <p style="padding-left: 40px;">(i) 200m from a boundary of a parcel of land; and</p> <p style="padding-left: 40px;">(ii) 400m from another water bore; and</p> <p>(b) takes water from an aquifer other than the Border Rivers Alluvium (deep)</p>

Column 1	Column 2	Column 3
Area or groundwater unit	Works that are accepted development if relevant requirements complied with	Works that are not assessable development
Groundwater management areas under the <i>Water Plan (Burnett Basin) 2014</i>		<p>An exempt bore</p> <p>Prescribed existing groundwater works as defined under that plan, schedule 12</p> <p>A water bore for prescribed activities mentioned in schedule 3</p> <p>A water bore that is constructed more than—</p> <ul style="list-style-type: none"> (a) 100m from a boundary of a parcel of land; and (b) 200m from another water bore; and (c) for the Barambah Creek groundwater management area—200m from Barambah Creek between AMTD 101km and AMTD 143km; and (d) for the Central Burnett River groundwater management area—200m from the Burnett River between AMTD 250km and AMTD 295km; and (e) for the Coastal Burnett groundwater management area—200m from the Elliott River

Column 1	Column 2	Column 3
Area or groundwater unit	Works that are accepted development if relevant requirements complied with	Works that are not assessable development
<p><i>Water Plan (Cape York) 2019 plan area</i></p>		<p>An exempt bore</p> <p>A water bore that is constructed—</p> <ul style="list-style-type: none"> (a) more than 200m from a watercourse, lake or spring; and (b) more than 200m from a boundary of a parcel of land; and (c) more than 400m from another water bore. <p>A water bore that is constructed more than 200m from a watercourse, lake or spring if—</p> <ul style="list-style-type: none"> (a) the water bore is located within 200m of a boundary of a parcel of land (the <i>neighbouring land</i>), other than the land on which the bore is being constructed, and the person constructing the bore— <ul style="list-style-type: none"> (i) is the owner of the neighbouring land; or (ii) has the written consent of the owner of the neighbouring land; or

Column 1	Column 2	Column 3
Area or groundwater unit	Works that are accepted development if relevant requirements complied with	Works that are not assessable development
		<p>(b) the water bore (the <i>new water bore</i>) is located within 400m of another water bore and the person constructing the new water bore—</p> <ul style="list-style-type: none"> (i) is the owner of the land on which the other water bore is situated; or (ii) has the written consent of the owner of the land on which the other water bore is situated.

Column 1	Column 2	Column 3
Area or groundwater unit	Works that are accepted development if relevant requirements complied with	Works that are not assessable development
Underground water in an underground water unit under the <i>Water Plan (Condamine and Balonne) 2019</i>		<p>An exempt bore</p> <p>A water bore that is constructed—</p> <ul style="list-style-type: none"> (a) more than 200m from a boundary of a parcel of land; and (b) more than 400m from another water bore; and (c) outside of the following underground water sub-areas under the <i>Water Plan (Condamine and Balonne) 2019</i>— <ul style="list-style-type: none"> (i) Central Condamine Alluvium; (ii) Cunningham Alluvium; (iii) Dalrymple Creek Alluvium; (iv) Oakey Creek Alluvium
Groundwater management areas under the <i>Water Plan (Fitzroy Basin) 2011</i>		<p>An exempt bore</p> <p>A water bore that is constructed more than—</p> <ul style="list-style-type: none"> (a) 200m from a boundary of a parcel of land; and (b) 400m from another water bore
groundwater units, other than the south-eastern groundwater units and groundwater sub-areas, under the <i>Water Plan (Great Artesian Basin and Other Regional Aquifers) 2017</i>	A replacement water bore that is a subartesian bore	An exempt bore

Column 1	Column 2	Column 3
Area or groundwater unit	Works that are accepted development if relevant requirements complied with	Works that are not assessable development
south-eastern groundwater units and groundwater sub-areas under the <i>Water Plan (Great Artesian Basin and Other Regional Aquifers) 2017</i>	Works for stock or domestic purposes Works for a replacement water bore that is a subartesian bore	An exempt bore
<i>Water Plan (Gulf) 2007</i> plan area		An exempt bore Works that are more than— (a) 200m from a boundary of a parcel of land; and (b) 400m from another water bore
Cooloola Sandmass subartesian area under the <i>Water Plan (Mary Basin) 2006</i> plan area		An exempt bore
<i>Water Plan (Mitchell) 2007</i> plan area		An exempt bore Works that are more than— (a) 200m from a boundary of a parcel of land; and (b) 400m from another water bore
Warrill-Bremer Alluvial groundwater management area and the watercourse buffer zone under the <i>Water Plan (Moreton) 2007</i>	Works replacing works in the watercourse buffer zone	An exempt bore

Column 1	Column 2	Column 3
Area or groundwater unit	Works that are accepted development if relevant requirements complied with	Works that are not assessable development
Cressbrook Creek Alluvial groundwater management area and Lockyer Valley groundwater management area under the <i>Water Plan (Moreton) 2007</i>		<p>An exempt bore</p> <p>A water bore that is constructed more than—</p> <ul style="list-style-type: none"> (a) 100m from a boundary of a parcel of land; and (b) 200m from another water bore; and (c) 50m from a watercourse
<i>Water Plan (Pioneer Valley) 2002</i> plan area		<p>An exempt bore</p> <p>Repair or maintenance of works if the repair or maintenance does not alter the design of the works</p> <p>A water bore that is constructed more than—</p> <ul style="list-style-type: none"> (a) 200m from— <ul style="list-style-type: none"> (i) a boundary of a parcel of land; and (ii) a boundary of subcatchment area 10; and (iii) a relevant watercourse; and (b) 400m from another water bore; and (c) 100m from a watercourse, other than a relevant watercourse

Column 1	Column 2	Column 3
Area or groundwater unit	Works that are accepted development if relevant requirements complied with	Works that are not assessable development
Groundwater in a groundwater unit under the <i>Water Plan (Warrego, Paroo, Bulloo and Nebine) 2016</i>		<p>An exempt bore</p> <p>A water bore for prescribed activities mentioned in schedule 3</p> <p>A water bore that is constructed more than—</p> <p>(a) 200m from a boundary of a parcel of land; and</p> <p>(b) 400m from another water bore</p>
Groundwater management areas under the <i>Water Plan (Wet Tropics) 2013</i>	A water bore that is within 400m of a watercourse, lake, spring or water bore	<p>An exempt bore</p> <p>A water bore that is constructed more than 400m from—</p> <p>(a) a watercourse; and</p> <p>(b) another water bore</p>

Schedule 10 Code for assessment of development for construction or modification of particular levees

section 102

1 Application of code

- (1) The code applies for the assessment of assessable development for—
 - (a) the construction of a new category 2 levee or new category 3 levee (each a *new levee*); or
 - (b) the modification of an existing levee if, after the modification, the levee (the *modified levee*) will fulfil the requirements for a category 2 levee or category 3 levee.
- (2) The code should be read together with the document called ‘Guidelines for the construction or modification of category 2 and 3 levees’ published by the department.

Editor’s note—

A copy of the document called ‘Guidelines for the construction or modification of category 2 and 3 levees’ is available on the department’s website.

2 Purpose of code

The purpose of the code is to ensure that a new levee or modified levee meets a set of criteria.

3 Definitions

In this schedule—

modified levee see section 1(1)(b).

new levee see section 1(1)(a).

off-property impact, for a levee, see section 101(5) of this regulation.

4 Compliance with code

- (1) The code is complied with if each of the performance outcomes stated in column 1 of the table is complied with for a new levee or modified levee.
- (2) A performance outcome is complied with if the new levee or modified levee—
 - (a) complies with an acceptable outcome stated in column 2 of the table; or
 - (b) otherwise satisfies the performance outcome mentioned in column 1 of the table.

Column 1	Column 2
Performance outcome	Acceptable outcome
<p>1 any off-property impact from the levee is minimised and acceptable having regard to the following—</p> <ul style="list-style-type: none"> • the environment in which the levee is located; • the measures proposed to be taken to mitigate any off-property impact; • any compensation measures for an impact that are proposed by the applicant 	<p>the levee does not result in—</p> <ol style="list-style-type: none"> (a) an unacceptable change in hydraulic effects that occur off-property; and (b) an unacceptable impact on people, property or the environment
<p>2 the levee is a safe and stable structure</p>	<p>the design, construction, operation and maintenance for the levee is appropriate for the materials used and the levee's intended function</p>

Column 1	Column 2
Performance outcome	Acceptable outcome
3 community safety is ensured in the event a category 3 levee fails or overtops	appropriate emergency action procedures are in place for category 3 levees

Schedule 11 Metered entitlements

sections 107 and 111(3)

Column 1	Column 2	Column 3
Part of the State	Authorisation	Revalidation date
Border Rivers Alluvium underground water sub-area under the <i>Water Plan (Border Rivers and Moonie) 2019</i>	all water allocations	30 November 2024
Bowen groundwater management area on plan CAS3065	all water licences to take underground water or surface water, other than licences for stock or domestic purposes only	30 November 2023
Boyne and Stuart Rivers water management area under the <i>Water Plan (Burnett Basin) 2014</i> <i>Note—</i> See sections 1259 and 1264 of the Act.	all water entitlements	30 November 2024
Burdekin groundwater management area on plan AP10054	all water licences to take underground water, other than licences for stock or domestic purposes only	30 November 2024

Column 1	Column 2	Column 3
Part of the State	Authorisation	Revalidation date
Central Condamine Alluvium underground water sub-area under the <i>Water Plan (Condamine and Balonne) 2019</i>	all water licences to take underground water, other than licences for stock or domestic purposes only	30 November 2023
Christmas Creek water management area under the <i>Water Plan (Logan Basin) 2007</i> <i>Note—</i> See sections 1259 and 1264 of the Act.	all water allocations	30 November 2025
Coastal Burnett groundwater management area for the following groundwater sub-areas shown on the <i>Water Plan (Burnett Basin) 2014</i> , schedule 5, maps A and B— (a) Kolan - Burnett A; (b) Burnett - Elliot A; (c) Elliot - Gregory A; (d) Fairymead A	all water entitlements, other than the following— (a) water licences for dewatering purposes only; (b) water licences for agricultural dewatering purposes only; (c) water entitlements for which the annual volumetric limit is not more than 2ML	30 November 2023

Column 1	Column 2	Column 3
Part of the State	Authorisation	Revalidation date
<p>Coastal Burnett groundwater management area for the following groundwater sub-areas shown on the <i>Water Plan (Burnett Basin) 2014</i>, schedule 5, maps A and B—</p> <p>(a) Kolan - Burnett B;</p> <p>(b) Burnett - Elliot B;</p> <p>(c) Elliot - Gregory B;</p> <p>(d) Fairymead B</p>	<p>all water entitlements, other than the following—</p> <p>(a) water licences for dewatering purposes only;</p> <p>(b) water licences for agricultural dewatering purposes only;</p> <p>(c) water entitlements for which the annual volumetric limit is not more than 2ML</p>	30 November 2024
<p>Comet water management area under the <i>Water Plan (Fitzroy Basin) 2011</i></p>	all water allocations	30 November 2026
<p>Condamine and Balonne water management area, water management area zones CBU-01, CBU-02, CBU-03, CBU-04, CBU-05, CBU-06, CBU-07, CBU-08 and CBU-09 under the <i>Water Plan (Condamine and Balonne) 2019</i></p>	all water allocations to take unsupplemented surface water	30 November 2023

Column 1	Column 2	Column 3
Part of the State	Authorisation	Revalidation date
Cooloolo Sandmass subartesian area under the <i>Water Plan (Mary Basin) 2006</i>	all water licences, other than water licence 190197 and water licence 190200	30 November 2023
Cressbrook Creek alluvial groundwater management area under the <i>Water Plan (Moreton) 2007</i>	all water licences, other than licences for stock or domestic purposes only	30 November 2023
Dalrymple Creek Alluvium underground water sub-area under the <i>Water Plan (Condamine and Balonne) 2019</i>	all water allocations to take underground water	30 November 2023
Dawson Valley water management area under the <i>Water Plan (Fitzroy Basin) 2011</i>	all water allocations	30 November 2025
Don and Dee Rivers and Alma Creek water management area under the <i>Water Plan (Fitzroy Basin) 2011</i>	all water licences to take surface water, other than licences for stock or domestic purposes only	30 November 2026
Don and Dee groundwater sub-area under the <i>Water Plan (Fitzroy Basin) 2011</i>	all water licences to take underground water	30 November 2026

Schedule 11

Column 1	Column 2	Column 3
Part of the State	Authorisation	Revalidation date
Eastern Downs Marburg groundwater sub-area under the <i>Water Plan (Great Artesian Basin and Other Regional Aquifers) 2017</i>	water licence 100875	30 November 2026
Fitzroy water management area under the <i>Water Plan (Fitzroy Basin) 2011</i> , other than Fitzroy B	all water allocations	30 November 2025
Flinders River catchment area under the <i>Water Plan (Gulf) 2007</i>	all water entitlements	30 November 2026

Column 1	Column 2	Column 3
Part of the State	Authorisation	Revalidation date
Gatton Esk Road Marburg groundwater sub-area and Gatton Esk Road Woogaroo groundwater sub-area under the <i>Water Plan (Great Artesian Basin and Other Regional Aquifers) 2017</i>	all water licences, other than the following— (a) water entitlements for stock or domestic purposes only; (b) water licence 406711; (c) water licence 406717; (d) water licence 406722; (e) water licence 406725; (f) water licence 406732; (g) water licence 406735; (h) water licence 406738; (i) water licence 406751; (j) water licence 406755; (k) water licence 406761; (l) water licence 406807; (m) water licence 406867; (n) water licence 407196; (o) water licence 409175	30 November 2026
Gilbert River catchment area under the <i>Water Plan (Gulf) 2007</i>	all water entitlements	30 November 2024

Column 1	Column 2	Column 3
Part of the State	Authorisation	Revalidation date
Gowrie and Oakey Creek water management area, water management area zones GOU-1, GOU-2, GOU-3 and GOU-4 under the <i>Water Plan (Condamine and Balonne) 2019</i>	all water entitlements to take surface water, other than water entitlements for stock or domestic purposes only	30 November 2025
Implementation area 1 for Lockyer Valley groundwater management area under the <i>Water Plan (Moreton) 2007</i>	all water licences, other than licences for stock or domestic purposes only	30 November 2023
Isaac River and Connors River catchment area on plan AP14807	all water licences to take underground water or surface water, other than licences for stock or domestic purposes only	30 November 2026
Jimbour Creek Alluvium underground water sub-area under the <i>Water Plan (Condamine and Balonne) 2019</i>	all water licences to take underground water, other than licences for stock or domestic purposes only	30 November 2026
Lakeland water licence zones 1 and 2 of the Cook underground water management area under the <i>Water Plan (Cape York) 2019</i>	all water licences to take underground water, other than licences for stock or domestic purposes only	30 November 2024

Column 1	Column 2	Column 3
Part of the State	Authorisation	Revalidation date
Lower Balonne water management area under the <i>Water Plan (Condamine and Balonne) 2019</i>	all water allocations to take unsupplemented surface water and water licences to take overland flow water	30 November 2022
Lower Callide, Prospect Creek and Upper Callide groundwater sub-areas under the <i>Water Plan (Fitzroy Basin) 2011</i>	all water licences	30 November 2024
Lower Nerang water management area under the <i>Water Plan (Gold Coast) 2006</i>	all water entitlements	30 November 2023
Moonie catchment under the <i>Water Plan (Border Rivers and Moonie) 2019</i>	all water entitlements to take surface water, other than water entitlements for stock or domestic purposes only	30 November 2023
Mulgildie North Hutton groundwater unit, Mulgildie North Precipice groundwater sub-area and Mulgildie South Precipice groundwater sub-area under the <i>Water Plan (Great Artesian Basin and Other Regional Aquifers) 2017</i>	all water licences	30 November 2026

Column 1	Column 2	Column 3
Part of the State	Authorisation	Revalidation date
Mulgrave-Russell catchment area under the <i>Water Plan (Wet Tropics) 2013</i>	all water entitlements, other than the following— (a) water entitlements for stock or domestic purposes only; (b) water entitlements for which the annual volumetric limit is not more than 2ML	30 November 2024
Nogoa Mackenzie water management area under the <i>Water Plan (Fitzroy Basin) 2011</i>	all water allocations	30 November 2025
Oakey Creek Alluvium underground water sub-area under the <i>Water Plan (Condamine and Balonne) 2019</i>	all water allocations to take underground water	30 November 2023
Running Creek water management area under the <i>Water Plan (Logan Basin) 2007</i> <i>Note—</i> See sections 1259 and 1264 of the Act.	all water allocations	30 November 2025
Six Mile Creek subcatchment area under the <i>Water Plan (Mary Basin) 2006</i>	all water licences, other than licences for stock or domestic purposes only	30 November 2026

Column 1	Column 2	Column 3
Part of the State	Authorisation	Revalidation date
Stanthorpe water management area under the <i>Water Plan (Border Rivers and Moonie) 2019</i>	all water allocations in force before the commencement of the <i>Water Plan (Border Rivers and Moonie) 2019</i>	30 November 2023
Subcatchment area J under the <i>Water Plan (Burnett Basin) 2014</i>	water allocation 2189/AP6975	30 November 2023
the plan area under the <i>Water Plan (Barron) 2002</i>	all water entitlements, other than licences for stock or domestic purposes only	30 November 2026
the plan area under the <i>Water Plan (Boyne River Basin) 2013</i>	all water licences	30 November 2026
the plan area under the <i>Water Plan (Calliope River Basin) 2006</i>	all water licences, other than licences for stock or domestic purposes only	30 November 2026
the plan area under the <i>Water Plan (Mitchell) 2007</i>	all water licences, other than licences for stock or domestic purposes only	30 November 2026
the plan area under the <i>Water Plan (Pioneer Valley) 2002</i>	all water entitlements, other than water licences for stock or domestic purposes only	30 November 2026

Column 1	Column 2	Column 3
Part of the State	Authorisation	Revalidation date
the plan area under the <i>Water Plan (Warrego, Paroo, Bulloo and Nebine) 2016</i>	all water entitlements to take surface water, other than the following— (a) water entitlements for stock or domestic purposes only; (b) water entitlements to take supplemented water	30 November 2025
the plan area under the <i>Water Resource (Whitsunday) Plan 2010</i>	all water licences in subcatchment areas A, B, C and F, other than the following— (a) water licences for stock or domestic purposes only; (b) water licences to take overland flow water	30 November 2026
Theresa Retreat water management area under the <i>Water Plan (Fitzroy Basin) 2011</i>	all water allocations	30 November 2026
Tinana Creek subcatchment area under the <i>Water Plan (Mary Basin) 2006</i>	all water licences, other than licences for stock or domestic purposes only	30 November 2026
Toowoomba City Basalts underground water sub-area under the <i>Water Plan (Condamine and Balonne) 2019</i>	all water licences, other than water licences for stock or domestic purposes only	30 November 2025

Column 1	Column 2	Column 3
Part of the State	Authorisation	Revalidation date
Upper Condamine water management area downstream of Cecil Plains Weir to the upstream extent of Chinchilla Weir water supply scheme under the <i>Water Plan (Condamine and Balonne) 2019</i>	all water allocations to take unsupplemented surface water	30 November 2023
Upper Hodgson Creek Basalts underground water sub-area under the <i>Water Plan (Condamine and Balonne) 2019</i>	all water licences to take water from the Main Range Volcanics Formation, other than licences for stock or domestic purposes only	30 November 2025
Upper Weir River water management area and the Lower Weir River water management area under the <i>Water Plan (Border Rivers and Moonie) 2019</i>	all water allocations to take unsupplemented surface water	30 November 2025
Wide Bay Creek subcatchment area under the <i>Water Plan (Mary Basin) 2006</i>	all water licences, other than licences for stock or domestic purposes only	30 November 2026
Widgee Creek subcatchment area under the <i>Water Plan (Mary Basin) 2006</i>	all water licences, other than licences for stock or domestic purposes only	30 November 2026

Schedule 12 Fees

section 130(1)

	\$
1 Application for a water allocation dealing (s 63(b))	135.60
2 Application for a seasonal water assignment (s 58(3)(b))—	
(a) for a water allocation	180.90
(b) for a seasonal water assignment notice	180.90
21 Application for water licence (Act, s 110(b))	135.60
22 Application for a dealing with a water licence to renew the licence (Act, s 122(1)(b))	nil
23 Application for a dealing with a water licence to relocate the licence (Act, s 122(1)(b))	398.30
24 Application for a dealing with a water licence for a seasonal water assignment notice for a seasonal water assignment (Act, s 122(1)(b))	180.90
25 Application for 1 or more other dealings with a water licence (Act, s 122(1)(b))	135.60
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	185.90
27 Application to renew an 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	185.90
28 Application for a water bore driller’s licence (Act, s 981(2)(e))—	
(a) if the applicant relies on section 124(2)(c)(iii) or (iv)	1,097.00

	\$
(b) if the applicant relies on section 125(2)(c)(iii) or (iv)	1,603.00
(c) if the applicant relies on section 126(2)(c)(iii) or (iv)	1,941.00
(d) if paragraphs (a) to (c) do not apply	611.00
29 Application to amend a water bore driller's licence under s 983B of the Act (Act, s 981(2)(e))	180.90
30 Application to renew a water bore driller's licence (Act, s 983F(2)(c))	587.00
31 Application to reinstate an expired water bore driller's licence (Act, s 983G(2)(b))	611.00
32 Application for an operations licence (Act, s 206(2)(d))	135.60
33 Computer printout of a document available for inspection under section 1009(3) of the Act generated—	
(a) at an office of the department	18.35
(b) electronically	14.65
34 Certifying a copy of a document available for inspection under section 1009(3) of the Act	37.50
35 Water licence fee—for each year	85.35
36 Investigative search, by the chief executive, of the department's water entitlement database (not including providing copies of documents)—	
(a) if no additional computer programming time is required—for each hour or part of an hour	75.55
(b) if additional computer programming time is required—for each hour or part of an hour	186.60
37 Copy of a report on an entry in the department's water entitlement database	9.00

Schedule 12

	\$
38 Testing a water meter—for each hour	78.75
39 Reading a water meter—	
(a) for 1 water meter	87.60
(b) for each additional water meter on the same or an adjacent property	17.20

Schedule 13 Fees for continuing interim water allocations

section 132(2)

	\$
1 Application under section 193 of the unamended Act to transfer all or part of a continuing interim water allocation	398.30
2 Application under section 195 of the unamended Act to transfer all or part of a continuing interim water allocation—	
(a) for 1 application	398.30
(b) for each additional application, made at the same time, to transfer to the same land	87.60
3 Application under section 198 of the unamended Act to replace jointly held continuing interim water allocation	135.60
4 Application under section 216 of the unamended Act to amend continuing interim water allocation	135.60
5 Application under section 224 of the unamended Act to amalgamate continuing interim water allocations	135.60
6 Application under section 225 of the unamended Act to replace continuing interim water allocation with 2 or more new continuing interim water allocations	135.60

Note—

For items 4, 5 and 6 see section 192 of the unamended Act.

Schedule 14 Water charges

section 133(1)

Column 1	Column 2	Column 3
Water management area	Date water year ends	Water charges
Barker–Barambah Creeks water management area	30 June	Water harvesting—\$4.80 for each megalitre
Border Rivers water management area	30 June	Water harvesting—\$4.80 for each megalitre
Bowen–Broken Rivers water management area	30 June	Water harvesting—\$4.80 for each megalitre
Boyne and Stuart Rivers water management area	30 June	Water harvesting—\$4.80 for each megalitre
Central Lockyer water management area	30 June	Water harvesting—\$4.80 for each megalitre
Chinchilla Weir water management area	31 August	Water harvesting—\$4.80 for each megalitre
Dawson Valley water management area	30 September	Water harvesting from zone Dawson B to M as identified in the Fitzroy Basin water management protocol—\$4.80 for each megalitre

Column 1	Column 2	Column 3
Water management area	Date water year ends	Water charges
Dumaresq River water management area	30 June	Water from a watercourse flowing from Glenlyon Dam— (a) part A—\$12.00 (b) part B—\$14.70
Fitzroy water management area	30 June	Water harvesting from zone Fitzroy A as identified in the Fitzroy Basin water management protocol—\$4.80 for each megalitre
Logan River water management area	30 June	Water harvesting from Burnett Creek or Logan River—\$4.80 for each megalitre
Lower Balonne water management area	30 June	Water harvesting— (a) from a supplemented section of the Thuraggi watercourse or Thuraggi diversion channel—\$4.80 for each megalitre (b) from Beardmore Dam or from any watercourse downstream of Beardmore Dam to the Queensland/New South Wales border—\$4.80 for each megalitre
Lower Burnett and Kolan Rivers water management area	30 June	Water harvesting—\$4.80 for each megalitre
Lower Lockyer water management area	30 April	Water harvesting—\$4.80 for each megalitre

Column 1	Column 2	Column 3
Water management area	Date water year ends	Water charges
Macintyre Brook water management area	30 June	Water harvesting—\$4.80 for each megalitre
Nogoa Mackenzie water management area	30 June	Water harvesting from Lake Maraboon or Nogoa River or Mackenzie River to the junction with Springton Creek—\$4.80 for each megalitre
Pioneer River water management area	30 June	Water harvesting from zones Cattle 01, Cattle 02, Pioneer 01, Pioneer 02, Pioneer 03, Pioneer 04 or Silver/McGregor 01 identified in the <i>Water Plan (Pioneer Valley) 2002</i> —\$4.80 for each megalitre
Three Moon Creek water management area	30 June	Water harvesting—\$4.80 for each megalitre
Upper Burnett and Nogo Rivers water management area	30 June	Water harvesting from Nogo River or Burnett River—\$4.80 for each megalitre
Upper Condamine water management area	30 June	Water harvesting from zones UCU-03 (excluding the ponded area of Leslie Dam), UCU-04, UCU-05, UCU-06, UCU-07, UCU-08, UCU-09 or UCU-11 identified in the Condamine and Balonne water management protocol—\$4.80 for each megalitre

Column 1	Column 2	Column 3
Water management area	Date water year ends	Water charges
Warrill Valley water management area	30 June	Water harvesting— <ul style="list-style-type: none"> <li data-bbox="697 433 1125 687">(a) from Reynolds Creek, Warrill Creek from its junction with Reynolds Creek or Bremer River from the junction of Warrill Creek downstream to Berry's Lagoon—\$4.80 for each megalitre <li data-bbox="697 706 1125 900">(b) from Black Gully, Kent's Lagoon, Normanby Gully, West Branch, Waroolaba Creek or the Upper Warrill systems—\$4.80 for each megalitre

Schedule 15 Royalties

section 135(1)

\$

Removing State quarry material—for each cubic metre removed—

- | | |
|--|------|
| (a) by a local government or other entity established under an Act and that does not represent the State (a <i>statutory body</i>), for its own use | 0.78 |
| (b) by another person for a statutory body if the statutory body issues a certificate stating that the material was supplied to the statutory body for its own use | 0.78 |
| (c) if paragraphs (a) and (b) do not apply | 2.26 |

Schedule 16 Drainage rates

section 136

Drainage area	Drainage rate
Burdekin River drainage area, shown on AP4064	\$29.25 for each hectare of land

Schedule 17 Underground water areas

sections 139 and 140

Part 1 Areas and purposes

Column 1	Column 2
Area and plan	Purposes for which water entitlement, water permit or seasonal water assignment notice not required
Black River underground water area on plan WM3085	<p>stock or domestic purposes if the land concerned does not have access to a reticulated supply, and—</p> <p>(a) the land exists in the same surveyed form it was in at the commencement of this entry; or</p> <p>(b) 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</p>
Bowen underground water area on plan CAS3065	<p>(a) stock or domestic purposes</p> <p>(b) a prescribed activity</p>
Burdekin underground water area on plan AP10054	<p>(a) stock or domestic purposes</p> <p>(b) a prescribed activity</p>
Dryander underground water area on plan CAS1827	<p>(a) stock or domestic purposes</p> <p>(b) a prescribed activity</p>

Column 1	Column 2
Area and plan	Purposes for which water entitlement, water permit or seasonal water assignment notice not required
Farnborough underground water area on plan AP10058	(a) stock or domestic purposes (b) a prescribed activity
Fraser Island underground water area on plan AP10063	(a) domestic purposes (b) a prescribed activity
Greater Western underground water area on plan WM3083	(a) stock purposes from aquifers not dealt with under the <i>Water Plan (Great Artesian Basin and Other Regional Aquifers) 2017</i> (b) domestic purposes (c) a prescribed activity
Highlands underground water area on plan CAS2055	(a) stock or domestic purposes (b) a prescribed activity
Moreton Island underground water area on plan AP10065	(a) stock or domestic purposes (b) a prescribed activity
North Stradbroke Island underground water area on plan AP10067	(a) stock or domestic purposes (b) a prescribed activity
Sarina underground water area on plan CAS1672	(a) stock or domestic purposes (b) a prescribed activity
Upper Georgina underground water area on plan WM3088	(a) stock or domestic purposes (b) a prescribed activity

Part 2 Critical distances for non-stock or domestic water bores

Column 1	Column 2	Column 3	Column 4
Underground water area as mentioned in part 1, column 1	Critical distance from a boundary of a parcel of land	Critical distance from a watercourse	Critical distance from another water bore
Black River underground water area	—	—	300m
Bowen underground water area	100m	—	—
Burdekin underground water area	—	—	400m
Dryander underground water area	200m	40m	400m
Greater Western underground water area	200m	—	400m
Highlands underground water area	200m	—	400m
Moreton Island underground water area	100m	—	200m
Sarina underground water area	200m	40m	400m

Schedule 18 Authority areas

section 141

Column 1	Column 2
Former water area	Plan
Alva Bore Water Supply Area	AP3961
Ardoch Bore Water Area	AP3962
Bindebango Bore Water Supply Area	AP3964
Cabanda Bore Water Supply Area	AP3965
Chesterfield Bore Water Supply Area	AP3967
Chippeway Bore Water Supply Area	AP3968
Coongoola Bore Water Supply Area	AP3969
Cypress Downs Bore Water Supply Area	AP3970
Dillalah No. 1 Bore Water Area	AP3971
Dillalah No. 2 Bore Water Area	AP3972
Euthella Bore Water Supply Area	AP3974
Glenlyon Bore Water Supply Area	AP3976
Hopeland Bore Water Supply Area	AP3977
Jabiru Bore Water Area	AP3979
Juanbong Bore Water Area	AP3980
Julia Creek Bore Water Supply Area	AP3981
Mackunda Downs Bore Water Supply Area	AP3983
Maroungle Bore Water Supply Area	AP7344
Maxwelton Bore Water Supply Area	AP3985

Column 1	Column 2
Former water area	Plan
Merridew Bore Water Supply Area	AP3986
Minetta Bore Water Supply Area	AP3987
Mona Bore Water Area	AP3988
Mooro Bore Water Supply Area	AP3989
Moselle Bore Water Supply Area	AP3990
Murweh Bore Water Supply Area	AP3991
Neabul Bore Water Supply Area	AP3993
Nebine Bore Water Supply Area	AP3994
Nelia Ponds Bore Water Supply Area	AP3995
Noondoo Bore Water Area	AP3996
Oakhampton Bore Water Supply Area	AP3998
Pigurra Bore Water Supply Area	AP3999
Sesbania Bore Water Supply Area	AP4000
Stamfordham Bore Water Supply Area	AP4001
Thomby Bore Water Area	AP4002
Toorak Bore Water Supply Area	AP4003
Weengallon No. 2 Bore Water Supply Area	AP4005
Wellshot Bore Water Supply Area	AP4006
Whyenbah Bore Water Supply Area	AP4007
Whynot Bore Water Area	AP4008
Wierbolla Bore Water Supply Area	AP4009
Winbin Bore Water Supply Area	AP4011
Yanborra Bore Water Supply Area	AP4013

Schedule 19 Dictionary

section 3

amalgamation, for part 4, division 3, see section 33.

amendment, for part 4, division 3, see section 33.

AMTD means the adopted middle thread distance which is the distance in kilometres, measured along the middle of a watercourse, that a specific point in the watercourse is from the watercourse's mouth or junction with the main watercourse.

announced entitlement see section 29.

annual entitlement see section 30.

approved meter, for part 11, see section 106.

authorisation means a water licence, water permit, water allocation or other authority to take or interfere with water under the Act.

authorised meter validator, for part 11, see section 105.

Border Rivers Alluvium (deep) means the underground water sub-unit with that name under the *Water Plan (Border Rivers and Moonie) 2019*.

bulk water supply authority means the Queensland Bulk Water Supply Authority under the *South East Queensland Water (Restructuring) Act 2007*, section 6.

bulk water supply system, for part 6, see section 77.

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

category 1 levee see section 101(2).

category 2 levee see section 101(3).

category 3 levee see section 101(4).

cessation date, for part 11, see section 105.

cessation notice, for part 11, division 6, see section 120(2).

class A tenure, for part 7, see section 87A(1).

class B tenure, for part 7, see section 87A(2).

class C tenure, for part 7, see section 87A(3).

closing day, for a tender, see section 17(3)(f)(i).

continuing interim water allocation, see section 132(1).

critical distance, of a non-stock or domestic water bore in a an underground water area mentioned in schedule 17, part 2, column 1, from—

- (a) a boundary of a parcel of land—see section 140(2); or
- (b) a watercourse—see section 140(3); or
- (c) another water bore—see section 140(4).

DICAT course, for part 12, see section 124(2)(c)(i)(A).

excavation means a cavity, of a capacity of more than 2 megalitres, in the surface of land that—

- (a) is open: and
- (b) results from digging or scooping out material; and
- (c) exposes the water table at its intersection with the upper zone of saturation.

exempt bore means—

- (a) a water bore used for monitoring—
 - (i) the physical characteristics of an aquifer: or
 - (ii) the physical, chemical or biological characteristics of water in an aquifer; or

Examples of physical characteristics of water—

standing water level, water discharge rate, water pressure

- (b) for taking or interfering with water that is not Great Artesian Basin plan related water—any of the following—

-
- (i) a water bore for testing the water production capacity, water production quality or hydraulic properties of an aquifer;
 - (ii) a water bore for taking water for stock or domestic purposes;
 - (iii) a non-stock or domestic water bore constructed, erected or installed in an underground water area mentioned in schedule 17, part 2, column 1, but not within the critical distance from a boundary of a parcel of land, a watercourse or another water bore;
 - (iv) a replacement water bore.

existing authorisation see section 44(1).

existing levee see section 1247(2) of the Act.

faulty meter, for part 11, see section 105.

Great Artesian Basin plan related water means—

- (a) water to which the *Water Plan (Great Artesian Basin and Other Regional Aquifers) 2017* applies, other than the water in—
 - (i) the Betts Creek beds groundwater unit; and
 - (ii) the Cape Rolling Downs groundwater sub-area; and
 - (iii) the Normanton groundwater area; and
 - (iv) the Winton Mackunda groundwater unit; and
- (b) water that is accessible by drilling through water mentioned in paragraph (a).

interested entity, for part 4, division 3, subdivision 2, see section 34(3)(b)(i).

levyable mining tenure, for part 7, see section 87A(4).

meter use charge see section 116(1).

minimum operating level, for part 6, see section 77.

modify, for an existing levee, means any or all of the following—

- (a) to raise or lower the height of the levee;
- (b) to extend or reduce the length of the levee;
- (c) to make another change to the levee that affects the flow of water.

new licence, for part 4, division 3, see section 33.

nominal entitlement see section 28.

non-residential water use, for part 6, see section 77.

non-stock or domestic water bore means a water bore for taking water for a purpose other than a stock or domestic purpose.

non-urban metering standard, for part 11, see section 105.

NUDLC, for part 12, see section 124(2)(a)(i).

office income statement, for part 7, see section 85.

office's estimated costs, for part 7, see section 85.

office's estimated mining costs, for part 7, see section 88A(b).

office's estimated petroleum costs, for part 7, see section 88A(a).

part A, for water charges mentioned in schedule 14, means the amount payable for each megalitre of nominal entitlement.

part B, for water charges mentioned in schedule 14, means the amount payable for each megalitre of water taken up to the annual entitlement.

prescribed activity means an activity mentioned in schedule 3 for a general authorisation to take water.

priority notice see the *Land Title Act 1994*, section 139(1).

relevant date, for part 7, see section 85.

relevant management area, for part 11, see section 105.

relevant person, for part 11, see section 105.

relevant sub-block, for part 7, see section 87(1).

relevant watercourse means any of the following—

- (a) Cattle Creek;
- (b) Finch Hatton Creek;
- (c) McGregor Creek;
- (d) Owen Creek;
- (e) Sandringham Lagoon.

repealed regulation means the *Water Regulation 2002*.

replacement water bore means a water bore that—

- (a) is constructed, installed or erected—
 - (i) to replace a water bore (the **previous bore**) used for the taking of, or interfering with, water—
 - (A) for which a development permit was held or, under section 1048A of the Act, was taken to be held; or
 - (B) for which a development permit was not required; or
 - (C) which, under the repealed *Sustainable Planning Act 2009*, section 681(1), was taken to be a lawful use of the premises in which the previous bore was constructed, installed or erected; and
 - (ii) within 10m of the location of the previous bore; and
- (b) taps the same aquifer tapped by the previous bore.

residential water use, for part 6, section 77.

resource project, for part 7, see section 85.

SEQ water security program, for part 6, see section 77.

settlement notice means a settlement notice under the *Land Title Act 1994*, part 7A.

south-eastern groundwater units and groundwater sub-areas, in relation to the *Water Plan (Great Artesian Basin and Other Regional Aquifers) 2017*, means—

- (a) the Mulgildie North Hutton groundwater unit under that plan; and
- (b) the following groundwater sub-areas under that plan—
 - Crows Nest Marburg
 - Crows Nest Woogaroo
 - Eastern Downs Marburg
 - Eastern Downs Precipice
 - Eastern Downs Springbok Walloon
 - Gatton Esk Road Marburg
 - Gatton Esk Road Woogaroo
 - Mulgildie North Precipice
 - Mulgildie South Precipice
 - Murphys Creek Marburg
 - Murphys Creek Woogaroo
 - Redbank Creek Woogaroo
 - Southern Clarence Moreton Marburg
 - Southern Clarence Moreton Walloon
 - Southern Clarence Moreton Woogaroo.

standard terms document see the *Land Title Act 1994*, section 168.

sub-block, for part 7, see section 85.

Suncorp Metway Ltd business banking variable lending base rate means the variable base interest rate set by the Suncorp Metway Bank for loans to business entities.

supplemented water means water supplied under an interim resource operations licence, resource operations licence or other authority to operate infrastructure.

surface water means water in a watercourse.

transfer, for part 4, division 3, see section 33.

transfer notice—

- (a) for part 4, division 3, see section 37(2); or
- (b) for part 11, division 6, see section 119(2).

unamended Act means the Act as in force immediately before the commencement of section 1250 of the Act.

validation certificate, for part 11, see section 105.

validation inspection, for part 11, see section 105.

water licence, for sections 28, 29 and 30, means a water licence not managed under a water management protocol.

water management area see section 137.

works, for part 11, see section 105.