



Queensland

Water Plan (Fitzroy Basin) Amendment Plan 2020

Subordinate Legislation 2020 No. ...

made under the
Water Act 2000

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[s 1]

1 Short title

This plan may be cited as the *Water Plan (Fitzroy Basin) Amendment Plan 2020*.

2 Plan amended

This plan amends the *Water Plan (Fitzroy Basin) 2011*.

3 Declaration—Act, s 1259

Each of the following sections is made for section 1259(7) of the Act—

- section 4
- section 5
- section 14, to the extent it inserts sections 53(1)(d) and 55
- section 26
- section 37
- section 38.

4 Amendment of s 7 (Groundwater units and groundwater sub-areas)

(1) Section 7(2), ‘maps A to D’—

omit, insert—

map A

(2) Section 7—

insert—

(2A) Each part of the planarea shown as a groundwater sub-area zone for the Upper Callide groundwater sub-area on map A in schedule 4 is a groundwater sub-area zone for that groundwater sub-area.

(2B) Each part of the planarea shown as a groundwater sub-area zone for the Lower Callide groundwater

sub-area on map A in schedule 4 is a groundwater sub-area zone for that groundwater sub-area.

(2C) Each part of the plan area shown as a groundwater sub-area zone for the Prospect Creek groundwater sub-area on map A in schedule 4 is a groundwater sub-area zone for that groundwater sub-area.

(2D) Each part of the plan area shown as a groundwater sub-area zone for the Don and Dee groundwater sub-area on map A in schedule 4 is a groundwater sub-area zone for that groundwater sub-area.

(3) Section 7(4), ‘map E’—

omit, insert—

map B

(4) Section 7(6), ‘map F’—

omit, insert—

map C

5 Insertion of new ss 7B–7D

After section 7A—

insert—

7B Water allocation zones

Each part of the plan area shown as a water allocation zone on the map in schedule 4A is a ***water allocation zone***.

7C Water licence zones

(1) Each part of the plan area shown as a water licence zone on a map in schedule 4B is a ***water licence zone***.

(2) A reference in this plan to a water licence zone by name is a reference to the water licence zone of that name shown on the map in schedule 4B.

7D Trading zones—Act, s 43

For section 43(1)(e)(i) of the Act—

- (a) a water allocation zone is a trading zone for water allocations; and
- (b) a water licence zone is a trading zone for water licences to take surface water; and
- (c) a groundwater sub-area zone is a trading zone for water licences to take groundwater.

6 Amendment of s 8 (Information about areas)

Section 8(1) and (2)—

omit, insert—

The exact location of the boundaries of each of the following is held in digital electronic form by the department and may be accessed at each office of the department—

- (a) the plan area;
- (b) a subcatchment area;
- (c) a groundwater management area;
- (d) a groundwater unit;
- (e) a groundwater sub-area;
- (f) a groundwater sub-area zone;
- (g) a water management area;
- (h) a water allocation zone;
- (i) a water licence zone.

Note—

The location of each office of the department is available on the department’s website.

7 Insertion of new ch 3A

After chapter 3—

insert—

Chapter 3A Measures for achieving outcomes

15A General measure to achieve specific outcome

- (1) This section applies if unallocated water held as a strategic water infrastructure reserve is released for water infrastructure on the Fitzroy River.
- (2) A measure that contributes to achieving the specific outcome stated in section 13(1)(c) is that at least 50% of unallocated water held as a strategic water infrastructure reserve released for water infrastructure is released to agricultural users.
- (3) In this section—
agricultural activity includes—
 - (a) cultivating soil; and
 - (b) broadcasting seed to establish an improved pasture; and
 - (c) planting, gathering or harvesting a crop, including a food or fibre crop; and
 - (d) growing non-indigenous grasses, legumes or forage cultivars; and
 - (e) other horticulture or viticulture activities.

agricultural users means holders of water entitlements who use water for an agricultural activity.

8 Omission of s 30 (Matters to be considered for infrastructure operating rules)

Section 30—

omit.

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[s 9]

9 Omission of ch 5, pt 1, div 2 (Continued effect of moratorium and interim arrangements for applications)

Chapter 5, part 1, division 2—

omit.

10 Replacement of ch 5, pt 1, div 3, sdiv 6 (Dealing with unallocated water under the resource operations plan)

Chapter 5, part 1, division 3, subdivision 6—

omit, insert—

Subdivision 6 Processes for releasing unallocated water

48 Processes for releasing unallocated water— Act, s 43

- (1) For section 43(2)(f) of the Act, this section states the processes for releasing unallocated water not held as a general reserve under this plan.
- (2) The processes stated in the *Water Regulation 2016*, part 2, division 2, subdivision 2 apply for releasing unallocated water held as a strategic reserve.
- (3) The processes stated in the water management protocol apply for releasing unallocated water held as a strategic water infrastructure reserve.

11 Omission of ch 5, pt 1, div 4 (Callide Valley Water Supply Scheme)

Chapter 5, part 1, division 4—

omit.

12 Amendment of s 51 (Limitations on taking or interfering with water—Act, s 20(2))

- (1) Section 51, heading, ‘s 20(2)’—

omit, insert—

s 101

- (2) Section 51(1), ‘section 20(2)’—

omit, insert—

section 101(1)

- (3) Section 51(3), definition *prescribed activities*, ‘section 20(2)(a)’—

omit, insert—

section 101(1)(a)

13 Amendment of s 52 (Taking water for stock or domestic purposes)

Section 52, ‘section 20A(5)’—

omit, insert—

section 103(a)

14 Insertion of new ch 5, pt 1, div 6

Chapter 5, part 1—

insert—

Division 6 Water licences

53 Applications for water licences that must not be accepted—Act, s 43

- (1) For section 43(2)(j) of the Act, the chief executive must not accept an application for a water licence made under section 107 of the Act unless the application—

- (a) is an application to which part 2, division 4 applies; or

[s 14]

- (b) is made as part of a process for releasing unallocated water from the general reserve or strategic reserve; or
 - (c) is to interfere with the flow of surface water to change the course of a watercourse, lake or spring; or
 - (d) is to interfere with the flow of groundwater under land; or
 - (e) is to take water to facilitate the removal of mine site seepage or runoff from a watercourse.
- (2) Subsection (1)(e) applies only if the water management protocol states that applications of the type mentioned in that subsection may be accepted.

54 Deciding applications for relocating water licences or seasonal water assignment of water licences—Act, s 43

- (1) For section 43(2)(i) of the Act, this section applies to—
- (a) an application for relocating a water licence; or
 - (b) an application for a seasonal water assignment of a water licence.
- (2) The chief executive may decide to grant the application to change the location from which water may be taken under the licence or for a seasonal water assignment if—
- (a) the existing location from which water may be taken under the licence is within—
 - (i) a groundwater sub-area zone; or
 - (ii) a water licence zone; and
 - (b) the dealing is permitted under the water management protocol.

-
- (3) However, the chief executive may grant the application only if the application would result in water being taken from a location that is—
- (a) if the existing location is in a groundwater sub-area zone—a groundwater sub-area zone within the same groundwater sub-area; or
 - (b) if the existing location is in a water licence zone—within a water licence zone.

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

- (1) This section applies to an application for a dealing with a water licence, other than an application—
- (a) for a dealing that is permitted under the water management protocol; or
 - (b) that the chief executive may grant under section 54; or
 - (c) for a dealing with a water licence to interfere with the flow of surface water or groundwater.
- (2) Granting the application would be inconsistent with this plan if granting the application would—
- (a) increase the volume of water that would be taken or stored under licence; or
 - (b) increase the rate at which water may be taken under the licence; or
 - (c) increase the maximum area to be irrigated under the licence; or
 - (d) increase the daily or monthly volumetric limit for taking water under the licence; or
 - (e) change the location of taking surface water under the licence; or

[s 15]

- (f) change the conditions under which water may be taken.

15 Omission of ch 5, pt 2, divs 2 and 3

Chapter 5, part 2, divisions 2 and 3—
omit.

16 Amendment of s 76 (Application of div 4)

Section 76(1), ‘section 206’—
omit, insert—
section 107

17 Amendment of s 77 (Limitations on interference with water)

(1) Section 77(2)(a)—
omit, insert—

(aa) the proposed impoundment is related to a proposed water licence to take water that is allocated under the processes mentioned section 48(2) or (3); or

(a) the proposed impoundment is related to a water licence to take water that is allocated under the process mentioned in repealed section 48(1); or

(2) Section 77(2)(aa) to (b)—
renumber as section 77(2)(a) to (c).

(3) Section 77—
insert—

(3) In this section—

repealed section 48(1) means section 48(1) as in force from time to time before the commencement.

18 Omission of ch 5, pt 2, div 5 (Granting particular water licences)

Chapter 5, part 2, division 5—

omit.

19 Amendment of ch 5, pt 2, div 8, sdiv 1, hdg (Form of water licences to take water from watercourse, lake or spring)

Chapter 5, part 2, division 8, subdivision 1, heading—

omit, insert—

Subdivision 1 Preliminary

20 Insertion of new s 100A and ch 5, pt 2, div 8, sdiv 1A, hdg

Before section 101—

insert—

100A Application of division

- (1) This division applies to—
 - (a) a water licence proposed to be granted by the chief executive under the Act to take water to which this plan applies; or
 - (b) a water licence to take water to which this plan applies that is proposed to be amended under section 133 of the Act for consistency with this plan.
- (2) However, this division does not apply to a water licence to interfere with the flow of water to which this plan applies.

Subdivision 1A Elements of water licences

21 Amendment of s 101 (Elements of water licences to take water from a watercourse, lake or spring)

- (1) Section 101(a), after subparagraph (i)—

[s 22]

insert—

(ia) relift;

(2) Section 101(a)(ia) to (iii)—

renumber as section 101(a)(ii) to (iv).

22 Amendment of s 102 (Definition for s div 2)

Section 102, definition *amended water licence*, ‘section 217’—

omit, insert—

section 133

23 Amendment of s 103 (Purpose to be stated on a water licence)

(1) Section 103—

insert—

(ba) if the chief executive is satisfied that water taken under the water licence before the amendment was used for a relift purpose— ‘relift’; or

(2) Section 103(ba) and (c)—

renumber as section 103(c) and (d).

(3) Section 103—

insert—

(2) For subsection (1)(c), water taken under a water licence is used for a ***relift purpose*** if the water is—

(a) taken from a watercourse, lake, spring or works under the licence; and

(b) released into a watercourse, lake, spring or works for the purpose of being taken from the watercourse, lake, spring or works under another authorisation.

-
- 24 Omission of s 106A (Additional nominal entitlement for Don and Dee Rivers and Alma Creek WMA water licences)**
Section 106A—
omit.
- 25 Amendment of s 110 (Limitation on taking overland flow water—Act, s 20(2))**
(1) Section 110, heading, ‘s 20(2)’—
omit, insert—
s 101
(2) Section 110(1), ‘section 20(2)’—
omit, insert—
section 101(1)
- 26 Amendment of s 112 (Granting water licences under the resource operations plan)**
(1) Section 112, heading and (1)—
omit, insert—
112 Process for granting water licences—Act, s 116
(1) This section applies if the water management protocol states a process for granting a licence to take overland flow water.
(2) Section 112(2), ‘Under the process’—
omit, insert—
For section 116 of the Act, under the process
- 27 Amendment of s 116 (Limitation on taking or interfering with groundwater—Act, s 20(2))**
(1) Section 116, heading, ‘s 20(2)’—

[s 28]

omit, insert—

s 101

- (2) Section 116(1), ‘section 20(2)’—

omit, insert—

section 101(1)

- (3) Section 116(2)(e)—

omit.

- (4) Section 116(2)(g), ‘section 20(2)(a)’—

omit, insert—

section 101(1)(a)

- (5) Section 116(2)(f) and (g)—

renumber as section 116(2)(e) and (f).

28 Amendment of s 119 (Definition for sdiv 2)

Section 102, definition *amended water licence*, ‘section 217’—

omit, insert—

section 133

29 Amendment of s 121 (Nominal entitlement for a water licence)

- (1) Section 121(1)—

omit.

- (2) Section 121(2), ‘other than a licence mentioned in subsection (1)’—

omit.

30 Omission of ch 5, pt 3, div 2, sdiv 3 and divs 3 and 4 and ch 6

Chapter 5, part 3, division 2, subdivision 3 and divisions 3 and 4 and chapter 6—

omit.

31 Replacement of s 150 (Implementation schedule)

Section 150—

omit, insert—

150 Water management protocol—Act, s 43

- (1) For section 43(2)(1) of the Act, a water management protocol must be prepared for the plan area.
- (2) The water management protocol must address the following matters for the plan area—
 - (a) the volumes of unallocated water reserved for stated purposes or stated locations;
 - (b) the process for releasing unallocated water not held as general reserve;
 - (c) for water allocations not managed under a resource operations licence—
 - (i) the water allocation dealing rules; and
 - (ii) the water sharing rules;
 - (d) whether all or part of a water licence may be relocated;
 - (e) the criteria and process for deciding applications for a seasonal water assignment or for relocation of a water licence;
 - (f) the criteria and process for granting water licences for taking overland flow water to which this plan applies;
 - (g) the monitoring requirements for water and natural ecosystems;

- (h) for section 53—whether applications of the type mentioned in section 53(1)(e) may be accepted;
- (i) for sections 54 and 55—whether a dealing with a water licence is permitted.

32 Amendment of s 151 (Minor or stated amendment of plan—Act, s 57)

- (1) Section 151, heading—

omit, insert—

151 Amendments to this plan that may be made without consultation—Act, s 43

- (2) Section 151, ‘The following types of amendment may be made to this plan under section 57(b) of the Act—’—

omit, insert—

For section 43(2)(m) of the Act, the following amendments may be made to this plan without public consultation—

- (3) Section 151(i)—

omit.

33 Omission of s 152 (Amending or replacing plan)

Section 152—

omit.

34 Amendment of ch 8, hdg (Repeal)

Chapter 8, heading, after ‘Repeal’—

insert—

and transitional provisions

35 Insertion of new ss 154–156

After section 153—

insert—

154 Effect of repealed s 34

- (1) The effect of repealed section 34 does not end merely because of its repeal.
- (2) In this section—

repealed section 34 means section 34 as in force before the commencement.

155 Application of s 53(1)(e)

Section 53(1)(e), as in force on the commencement, applies to an application for a water licence made before or after the commencement.

Note—

From the commencement, section 53(1)(e) includes particular resource operation plan provisions of a kind mentioned in section 1264(c) of the Act. For how the provisions were taken to have effect for the purposes of this plan before the commencement, see section 1259(2)(e) and (7) of the Act.

156 Application of s 55

Section 55, as in force on the commencement, applies to an application for a dealing with a water licence made before or after the commencement.

Note—

From the commencement, section 55 includes particular resource operation plan provisions of a kind mentioned in section 1264(c) of the Act. For how the provisions were taken to have effect for the purposes of this plan before the commencement, see section 1259(2)(e) and (7) of the Act.

[s 36]

36 Amendment of sch 2 (Subcatchment areas)

Schedule 2, authorising provision—

omit, insert—

section 5

37 Amendment of sch 4 (Groundwater sub-areas)

(1) Schedule 4, heading, after ‘sub-areas’—

insert—

and groundwater sub-area zones

(2) Schedule 4, authorising provision, after ‘(2)’—

insert—

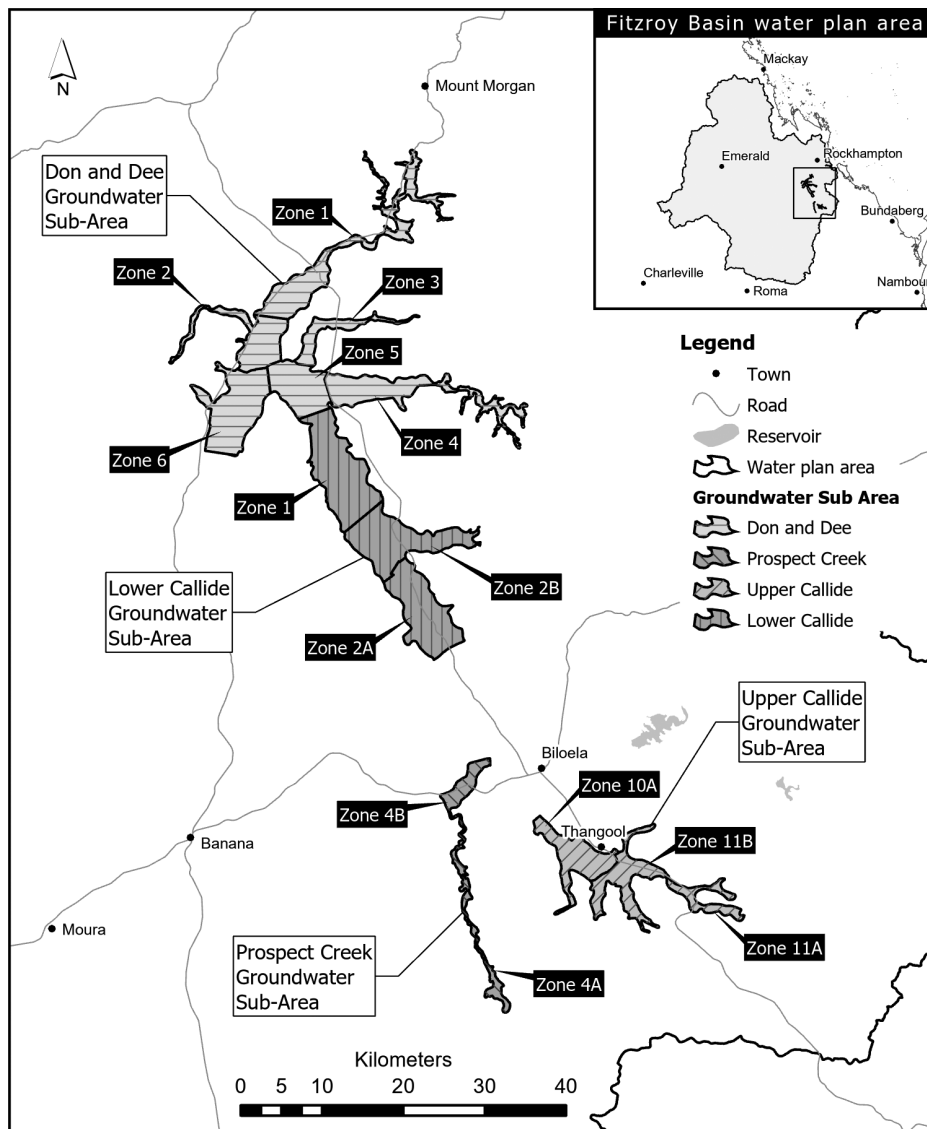
to (2D)

(3) Schedule 4, maps A to D—

omit, insert—

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Map A—Groundwater sub-areas and groundwater sub-area zones



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(4) Schedule 4, maps E and F—
renumber as maps B and C.

[s 38]

38 Insertion of new schs 4A and 4B

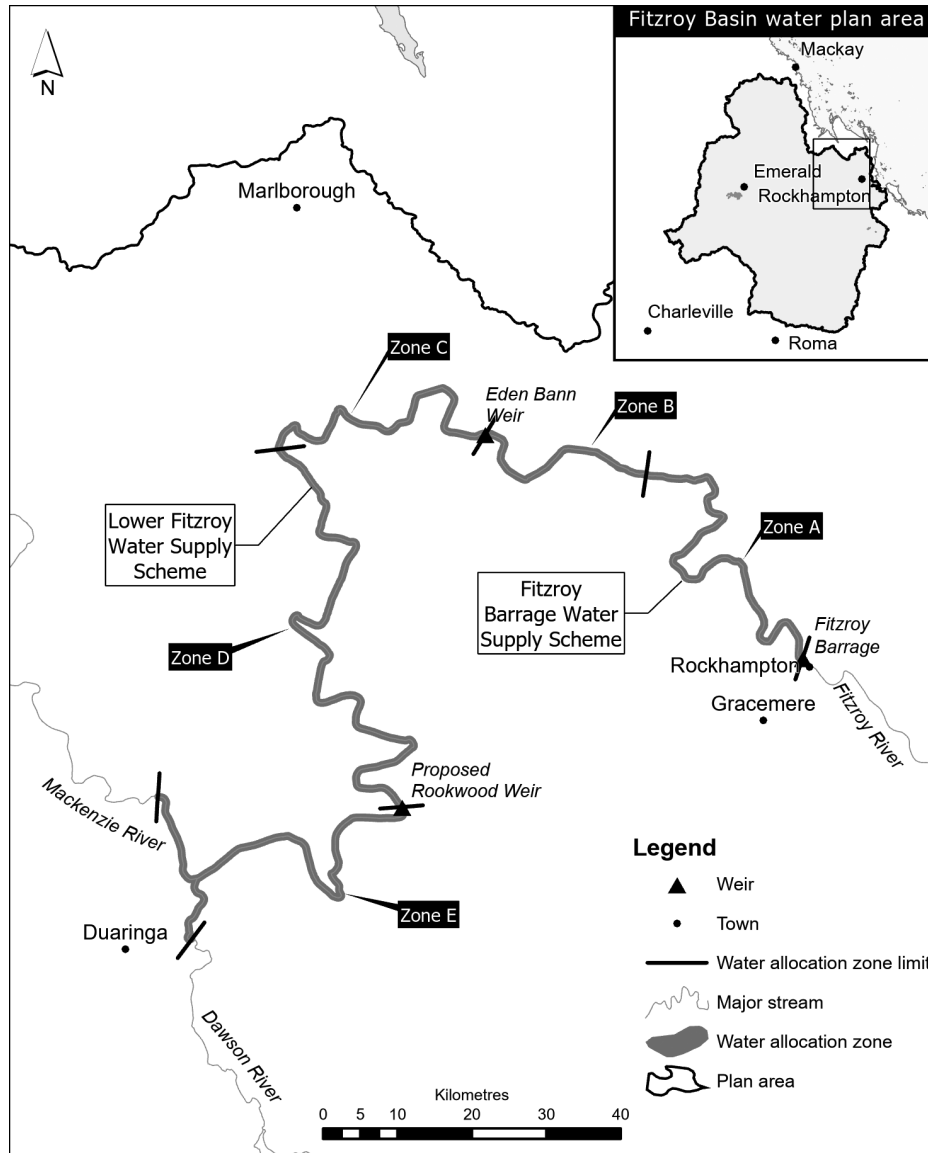
After schedule 4—

insert—

Schedule 4A Water allocation zones

section 7B

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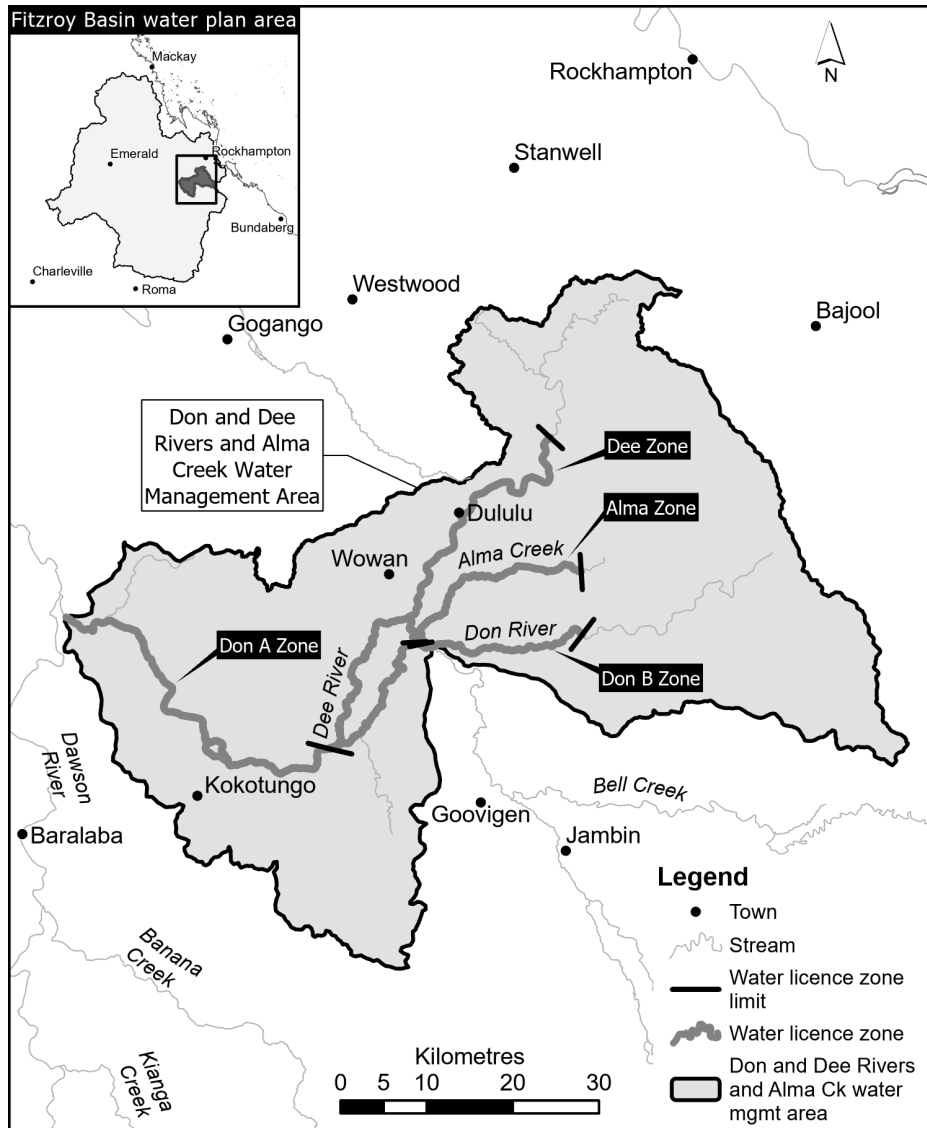
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Schedule 4B Water licence zones

section 7C

[s 39]

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39 Amendment of sch 7 (Water allocation security objectives)

Schedule 7, part 1—

insert—

3A Rookwood Weir Water Supply Scheme

- 1 For water allocations in a high priority group upstream of Rookwood Weir—
 - (a) the annual supplemented water sharing index is to be at least 94%; and
 - (b) the monthly supplemented water sharing index is to be at least 98%.
- 2 For water allocations in a medium priority group upstream or downstream of Rookwood Weir—the monthly supplemented water sharing index is to be at least 82%.

40 Amendment of sch 8 (Unallocated water)

- (1) Schedule 8, part 3, table, for The Isaac Connors subcatchment area, column 2, '32,000'—
omit, insert—
12,545
- (2) Schedule 8, part 3, table, entry for The Upper Dawson subcatchment area, column 2, '11,500'—
omit, insert—
5,040
- (3) Schedule 8, part 5, table, entry for Highlands groundwater management area—groundwater management area other than Sandy Creek Alluvium groundwater sub-area, column 2, '7,000'—
omit, insert—
6,579
- (4) Schedule 8, part 5, table, entry for Fitzroy Groundwater Unit 1, column 2, '20,000'—
omit, insert—
1, 986

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[s 41]

- (5) Schedule 8, part 5, table, entry for Carnarvon groundwater management area, column 2, '1,000'—

omit, insert—

820

41 Amendment of sch 13 (Dictionary)

- (1) Schedule 13, definitions *2010 authorisation, 2010 authorisation volume, accounted use, amending authorisation, annual adjusted use volume, annual entitlement, carry over, converted section 129 authorisation, converting authorisation, deemed use, enterprise infrastructure, forward draw, HOU consideration period, hydraulic habitat requirements, potential productive capacity, pre-2010 contributing authorisation, pre-conversion use volume, prescribed authorisation, prescribed existing groundwater works, previous authorisation, previous section 51, section 129 authorisation, section 137(c) allocation, this plan, water accounts and water year—*

omit.

- (2) Schedule 13—

insert—

groundwater sub-area zone, for a groundwater sub-area, means a groundwater sub-area zone for the groundwater sub-area under section 7.

water allocation zone see section 7B.

water licence zone see section 7C(1).

42 Expiry

This plan expires on the day after it is notified.

ENDNOTES

- 1 Approved by the Governor in Council on [Approved by Governor Date].
- 2 Notified on the Queensland legislation website on [Notification Date].
- 3 The administering agency is the Department of Natural Resources, Mines and Energy.

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