



Queensland

Water Plan (Moreton) (Supply Scheme Arrangements) Amendment Plan 2018

Subordinate Legislation 2018 No. ...

made under the
Water Act 2000

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1 Short title

This amendment plan may be cited as the *Water Plan (Moreton) (Supply Scheme Arrangements) Amendment Plan 2018*.

2 Commencement

This amendment plan commences on [TBD].

3 Plan amended

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

4 Replacement of s 6A (Zones)

Section 6A—

omit, insert—

6A Trading zones

- (1) Each zone shown on the map in schedule 5A, part 1 is a trading zone for surface water to which this plan applies, other than surface water in the Central Lockyer Valley water supply scheme.
- (2) Each zone shown on the map in schedule 5A, part 2 is a trading zone for surface water in the Central Lockyer Valley water supply scheme.
- (3) Each zone shown on the map in schedule 5A, part 3 is a trading zone for groundwater in the Central Lockyer Valley water supply scheme.
- (4) A trading zone for surface water includes—
 - (a) each part of a watercourse, lake or spring that is in the zone; and
 - (b) those sections of tributaries from which there is access to flow or pondage from a watercourse or lake in the zone.
- (5) A trading zone for groundwater includes the part of a groundwater management area that is in the

[s 5]

zone.

5 Amendment of s 7 (Information about areas)

(1) Section 7(1), after ‘4’—

insert—

and 5A

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

omit, insert—

the

6 Omission of pt 4, div 1

Part 4, division 1—

omit.

7 Insertion of new s 13

Part 4, division 2—

insert—

13 Application of division

This division applies to surface water.

8 Insertion of new s 15A

Part 4, division 3—

insert—

15A Application of division

This division applies to surface water and groundwater.

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

Section 16(a) and (b)—

omit, insert—

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

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

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

insert—

about surface water

11 Amendment of s 19 (Application of div 2)

Section 19, after ‘management of’—

insert—

surface

12 Amendment of s 20 (Decisions consistent with objectives)

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

insert—

about surface water must be

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

[s 13]

insert—

surface

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

insert—

for surface water

13 Amendment of s 21 (Assessing impact of decisions)

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

insert—

about surface water

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

omit, insert—

for surface water

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

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

insert—

about surface water

- (2) Section 22(1)—

omit, insert—

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

15 Replacement of pt 5, div 3 (Strategic reserve)

Part 5, division 3—

omit, insert—

Division 3 Unallocated water

24 Unallocated water held as general reserve or strategic reserve

Unallocated water is held as a general reserve or strategic reserve.

25 Volume of unallocated water held as general reserve

For section 43(1)(c) of the Act, the volume of unallocated water held as general reserve is 100ML.

Note—

See the water management protocol for the volumes of unallocated water held as general reserve for particular subcatchment areas.

26 Purpose for which unallocated water held as general reserve may be granted

- (1) Unallocated water held as a general reserve may be granted for—
 - (a) a community facility; or
 - (b) a small scale commercial enterprise.
- (2) In this section—

community facility includes—

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

26A Purposes for which unallocated water held as strategic reserve may be granted

- (1) Unallocated water held as a strategic reserve may

[s 15]

be granted for the following infrastructure—

- (a) infrastructure for a coordinated project under the *State Development and Public Works Organisation Act 1971*;
 - (b) infrastructure for achieving water supply security objectives under—
 - (i) the SEQ regional plan; or
 - (ii) a water security program for a designated region;
 - (c) infrastructure proposed under a water infrastructure proposal if—
 - (i) a feasibility study demonstrates the grant of water is consistent with the objectives of this plan in relation the water; and
 - (ii) the chief executive considers adequate public consultation about the proposal was carried out; and
 - (iii) the infrastructure improves water supply security for the Central Lockyer Valley water supply scheme or Lower Lockyer Valley water supply scheme.
- (2) The maximum volume that may be granted for infrastructure mentioned in subsection (1) is the volume required to satisfy the water requirements for the infrastructure.

**26B 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 reserved under this plan.
- (2) The processes for releasing the unallocated water stated in the *Water Regulation 2016*, part 2, division 2, subdivision 2 apply for releasing the

unallocated water.

- (3) In preparing and implementing a process for releasing unallocated water under subsection (2), the chief executive must consider the matters stated in the water management protocol.

16 Replacement of s 27 (Process for Act, ss 176 and 184A)

Section 27—

omit, insert—

27 Purpose of division

This division states a process for amending an interim resource operations licence to meet future water requirements if unallocated water is granted or reserved for infrastructure mentioned in section 26A(1).

Note—

See the Act, section 176, repealed section 184A and section 1271.

17 Amendment of s 28 (Applying for, or to amend, interim resource operations licence)

Section 28(1), ‘section 25(a) or (b)’—

omit, insert—

section 26A(1)

18 Omission of s 35 (Granting interim water allocations—Act, s 189)

Section 35—

omit.

19 Insertion of new ss 38 and 39

Part 5, division 6—

[s 20]

insert—

38 Authorising existing taking of water from Morton Vale Pipeline zone

- (1) The chief executive must grant a water allocation to the bulk water supply authority for taking surface water from the Morton Vale Pipeline zone.
- (2) Subsection (1) applies on and from [*the commencement of this amendment plan*].
- (3) The water allocation must state a nominal volume of 3,507ML.

39 Subdivision of bulk water supply authority allocation

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

20 Omission of pt 5, div 6 (Water entitlements)

Part 5, division 6—

omit.

21 Replacement of s 43 (Application of div 7)

Section 43—

omit, insert—

43 Purpose of division

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

43A Authorisations may be converted to water allocations

- (1) A water entitlement notice may, under section 70(1)(a) of the Act, implement this plan by providing for an authorisation mentioned in subsection (2) to be converted to a water allocation to take surface water from the Central Lockyer Valley water supply scheme.
- (2) For subsection (1), the authorisations are authorisations to take surface water from the Central Lockyer Valley water supply scheme for a purpose other than stock purposes or domestic purposes.

22 Amendment of s 46 (Nominal volume for water allocation)

Section 46(b), from 'regard to'—

omit, insert—

regard to—

- (i) the volume of water required to efficiently irrigate the area, but not more than the volume, expressed in megalitres, calculated by multiplying the area, in hectares, by 3.4; and
- (ii) any additional volume for the authorisation decided by the chief executive under section 89B(2).

23 Amendment of s 47 (Priority groups)

Section 47(2)—

[s 24]

omit, insert—

- (2) In the Central Lockyer Valley water supply scheme, a water allocation to take surface water belongs to—
- (a) for a water allocation to take surface water from the Morton Vale Pipeline zone—the medium priority B group; or
 - (b) for a water allocation to take surface water from a zone other than the Morton Vale Pipeline zone—the medium priority C group.

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

Section 55(b)—

omit, insert—

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

25 Insertion of new pt 6, div 1A

Part 6—

insert—

Division 1A Decisions about groundwater made under this plan

62A Application of division

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

62B Decision about groundwater to be consistent with objectives

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

62C Assessing impact of decisions about groundwater

- (1) The MODFLOW computer program's simulation for the simulation period must be used to assess the consistency of a decision with the water allocation security objectives for section 62B.
- (2) If it is not practicable to use the MODFLOW computer program, another assessment method approved by the chief executive may be used.
- (3) However, the chief executive may approve an assessment method for subsection (2) only if the chief executive is satisfied the method will accurately assess the consistency of a decision with the water allocation security objectives for section 62B.
- (4) In this section—

MODFLOW computer program means the department's computer program (known as MODFLOW) and associated data files, and statistical and data processing programs, that simulate groundwater levels, groundwater demand, recharge and groundwater flows in parts of the plan area.

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

Part 6, division 6, heading—

omit, insert—

Division 6 Water allocations to be managed under resource operations licence

84 Management of water allocations

Water allocations to take groundwater from the Central Lockyer Valley water supply scheme are managed under the resource operations licence for the water supply scheme.

Division 7 Converting water licences to water allocations to take supplemented groundwater

84A Purpose of division

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

84B Definitions for division

In this division—

90th percentile, of the recorded volumes for a water licence in the water years during the HOU consideration period, means the volume that 90% of the recorded volumes for the water licence are equal to or below.

pre-conversion use volume, for a water licence, means the volume that is the 90th percentile of the recorded volumes of water taken under the water licence in the water years during the HOU consideration period divided by the irrigable area

for the water licence.

recorded volume, for a water licence, means the volume of water taken under the water licence in a water year according to metered data that is recorded about the volume taken.

84C Irrigable area for water licence

The **irrigable area** for a water licence is—

- (a) if the water licence allows only part of a parcel of land attached to the water licence to be irrigated using water taken under the licence—the total area, in hectares, of the part of the parcel of land; or
- (b) otherwise—the total area, in hectares, of the parcels of land attached to the water licence at the commencement of this section the chief executive decides, having regard to geological mapping and spatial imagery, is—
 - (i) land with alluvium; and
 - (ii) land without alluvium that has been irrigated, during the HOU consideration period, using water authorised to be taken under the licence from the parcels of land.

Note—

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

84D Water licences may be converted to water allocations

- (1) A water entitlement notice may, under section 70(1)(a) of the Act, implement this plan by providing for 1 or more water licences mentioned in subsection (2) to be converted to a water

[s 26]

allocation to take supplemented groundwater from the Central Lockyer Valley water supply scheme.

- (2) For subsection (1), the water licences are water licences to take supplemented groundwater from the Central Lockyer Valley water supply scheme under which water is taken for a purpose other than stock purposes or domestic purposes.

84E References to water licence in a provision about a water allocation

In a provision about a water allocation, a reference to the water licence is a reference to the water licence that is, or water licences that are, converted to the water allocation under section 146 of the Act.

84F Location for taking water

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

- (a) from which water could have been taken under the water licence; and
- (b) that is in a trading zone for groundwater.

84G Purpose for taking water

The purpose for taking water under the water allocation must be 'any'.

84H Nominal volume—generally

- (1) Subject to section 84I, the nominal volume for the water allocation is the sum of—
 - (a) the volume under subsection (2) for the water licence; and

-
- (b) any additional volume for the water licence decided by the chief executive under section 89B(1).
- (2) For subsection (1)(a), the volume is—
- (a) if the pre-conversion use volume for the water licence being converted is more than 3ML per hectare for the HOU consideration period—the volume equal to the 90th percentile of the recorded volumes of water taken under the water licence in the water years during the HOU consideration period; or
 - (b) if the pre-conversion use volume of the water licence being converted is more than 2ML per hectare but not more than 3ML per hectare for the HOU consideration period—the irrigable area for the water licence multiplied by 3; or
 - (c) if the pre-conversion use volume for the water licence being converted is not more than 2ML per hectare for the HOU consideration period—the irrigable area for the water licence multiplied by 2; or
 - (d) if there is no recorded use of water for the water licence being converted for the HOU consideration period—the irrigable area for the water licence multiplied by 2; or
 - (e) for water licences 66442G and 98268G held by the Lockyer Valley Regional Council—5ML.

84I Nominal volume—particular water allocations converted from water licences with authorised activity parcels

- (1) This section applies to a water allocation if—

[s 26]

- (a) an authorised activity parcel for a water licence (the *first licence*) is also the authorised activity parcel for 1 or more other water licences to which section 84D applies; and
 - (b) the other water licences are held by a person other than the holder of the first licence.
- (2) The nominal volume for the water allocation is the sum of—
 - (a) the volume—
 - (i) if the holder of the first licence nominates a volume, with the agreement of the holders of the other licences—nominated by the holder; or
 - (ii) otherwise—decided by the chief executive; and
 - (b) any additional volume for the water licence decided by the chief executive under section 89B(1).
- (3) For nominating, agreeing to or deciding a volume for a water allocation under subsection (2)(a), a holder or the chief executive must have regard to—
 - (a) the water use of each holder under a water licence mentioned in subsection (1)(a) during the HOU consideration period; and
 - (b) the nominal volume that would otherwise have been determined for the water allocation under section 84H if this section did not apply.
- (4) However, the nominal volume for the water allocation must not be more than the highest recorded maximum water use in a single water year for the water licence.
- (5) In this section—

authorised activity parcel, for a water licence, means the parcel of land that is stated on the licence as the location from which water may be taken under the water licence.

84J Priority group

A water allocation to take supplemented groundwater from the Central Lockyer Valley water supply scheme belongs to the medium priority A group.

27 Replacement of ss 85–87

Sections 85 to 87—

omit, insert—

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

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

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

- (1) For section 101(1) of the Act, a person must not take overland flow water to which this plan applies under section 101(1)(b) of the Act, unless the water is taken—
- (a) for stock or domestic purposes; or
 - (b) under a water licence; or
 - (c) for another purpose using works that have a capacity of not more than 5ML; or
 - (d) for a purpose the chief executive reasonably considers is for water sensitive design,

[s 27]

within the meaning of the SEQ regional plan; or

- (e) to satisfy the requirements of—
 - (i) an environmental authority under the *Environmental Protection Act 1994*; or
 - (ii) a development permit for carrying out an environmentally relevant activity, other than a mining activity or petroleum activity, under the *Environmental Protection Act 1994*; or
 - (f) under an authority under section 87.
- (2) For subsection (1)(e), the volume of overland flow water taken must not be more than the amount necessary to satisfy the requirements of the environmental authority or development permit.

87 Taking water using particular existing overland flow works authorised

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

88 Notification of reconfiguration of existing overland flow works

- (1) This section applies to an owner of land authorised to use existing overland flow works to take overland flow water under section 87.
- (2) If the owner reconfigures the works, the owner must give the chief executive notice, in the approved form, about the reconfiguration.

- (3) If the owner gives the notice mentioned in subsection (2) to the chief executive, and any further information the chief executive reasonably requires, the owner may continue to use the works to take overland flow water.

28 Insertion of new pt 8

After part 7—

insert—

Part 8 Additional nominal volumes for authorisations under Central Lockyer Valley water supply scheme

89 Application of part

This part applies if the holder of an eligible converting authorisation makes a submission under section 72(2) of the Act about the draft water entitlement notice for the plan area that includes—

- (a) details about why the nominal volume for the eligible converting authorisation stated in the draft water entitlement notice is not sufficient for the agricultural enterprise supplied by the authorisation; and
- (b) a request by the holder for an additional volume for—
 - (i) the eligible converting authorisation; or
 - (ii) an eligible groundwater authorisation held by the holder; and
- (c) details about why an additional volume under section 89B is necessary.

89A Definitions for part

In this part—

agricultural enterprise means an agricultural activity, carried out on 2 or more contiguous parcels of land, that is the primary activity carried out on the parcels of land.

draft water entitlement notice means the draft of the water entitlement notice published by the chief executive under section 72(1) of the Act on [date of publication of this draft plan].

eligible converting authorisation means an authorisation to take supplemented water from the Central Lockyer Valley water supply scheme that—

- (a) is stated in part 1, schedule 1 of the draft water entitlement notice for the plan area; and
- (b) immediately before (*the date this draft plan was published under section 46 of the Act*), did not state a nominal entitlement.

eligible groundwater authorisation means an authorisation to take supplemented groundwater stated in part 1, schedule 2 of the draft water entitlement notice for the plan area.

89B Additional volumes for particular authorisations if submission lodged under Act, s 72(2)

- (1) The chief executive may decide to increase the nominal volume by a stated volume (*the additional volume*) of—
 - (a) the eligible converting authorisation to which the submission mentioned in section 89(a) relates; or

-
- (b) an eligible groundwater authorisation held by the holder of the eligible converting authorisation.
- (2) However, the chief executive may decide an additional volume only if satisfied the 90th percentile of the recorded volumes of water taken under the eligible converting authorisation in the water years during the HOU consideration period is greater than the nominal volume for the authorisation under the draft water entitlement notice.
- (3) Also, the chief executive must ensure the total of the additional volumes for all authorisations decided under subsection (1) is not more than 986ML.
- (4) If the total of the additional volumes requested by holders of eligible converting authorisations in a submission made about the draft water entitlement notice is more than 986ML, the chief executive may decide the additional volumes on a pro-rata basis for—
- (a) all eligible converting authorisations, or eligible groundwater authorisations, in the Central Lockyer Valley water supply scheme for which an additional volume is requested; or
- (b) the eligible converting authorisations, or eligible groundwater authorisations, in a particular zone for which an additional volume is requested.
- (5) The chief executive may decide an additional volume for an authorisation under this section only once.
- (6) In this section—
- 90th percentile***, of the recorded volumes for an eligible converting authorisation in the water years during the HOU consideration period,

[s 28]

means the volume that 90% of the recorded volumes for the eligible converting authorisation are equal to or below.

recorded volume, for an eligible converting authorisation, means the volume of water taken under the authorisation in a water year according to metered data that is recorded about the volume taken.

89C Matters chief executive may consider in deciding additional volume

- (1) In deciding the additional volume for an authorisation under section 89B, the chief executive may consider—
 - (a) a submission mentioned in subsection 89 made by the holder of the authorisation; and
 - (b) the sources of water available to the holder for the agricultural enterprise to which the submission relates, including—
 - (i) the total of the nominal volumes for all eligible converting authorisations and eligible groundwater authorisations held by the holder; and
 - (ii) any existing overland flow works; and
 - (iii) water from other sources including, for example, recycled water; and
 - (c) demonstrated water use for the agricultural enterprise, including from sources of water mentioned in paragraph (b); and
 - (d) water efficiency practices used by the holder that relate to the demonstrated water use under paragraph (c); and
 - (e) the employment of persons directly attributable to the agricultural enterprise; and

-
- (f) past investment by the holder in irrigation infrastructure or water efficiency technology for use in the agricultural enterprise; and
 - (g) the total volume of water that can be effectively managed by the agricultural enterprise's infrastructure; and
 - (h) agricultural produce supply contracts that, in whole or part, apply directly to the agricultural enterprise; and
 - (i) for an additional volume for an eligible groundwater authorisation held by the holder—
 - (i) the extent to which the agricultural enterprise is dependent on groundwater or any other source of water; and
 - (ii) the local availability of groundwater or the ability of the holder to access other sources of water for the agricultural enterprise.
- (2) Subsection (1) does not limit the matters the chief executive may consider.

29 Amendment of sch 5A (Trading zones)

- (1) Schedule 5A, before map—

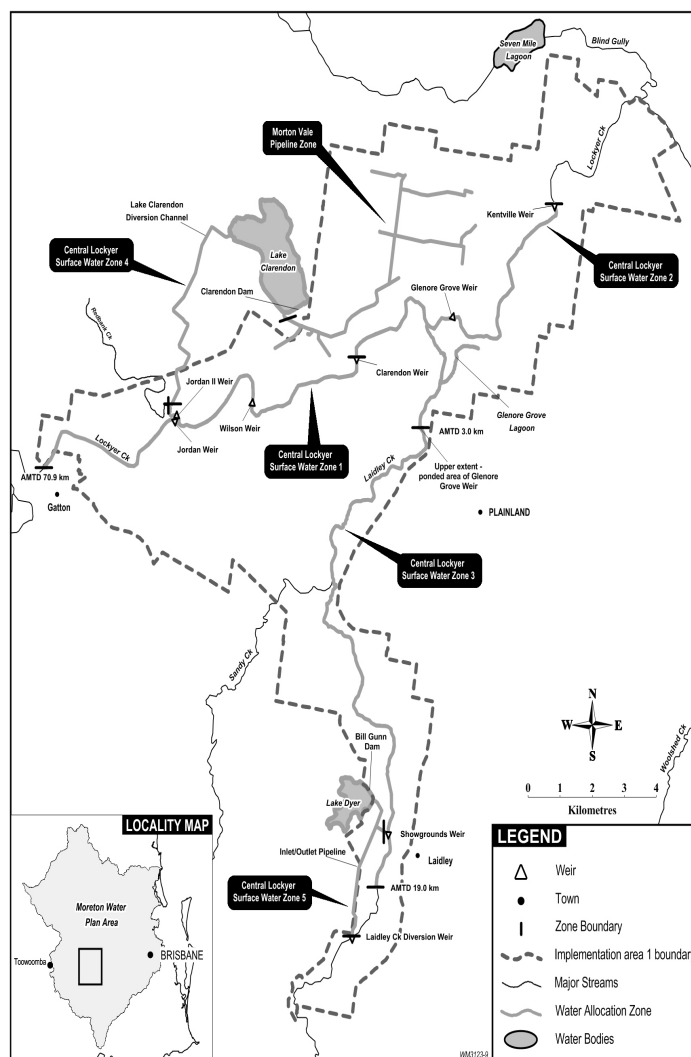
insert—

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

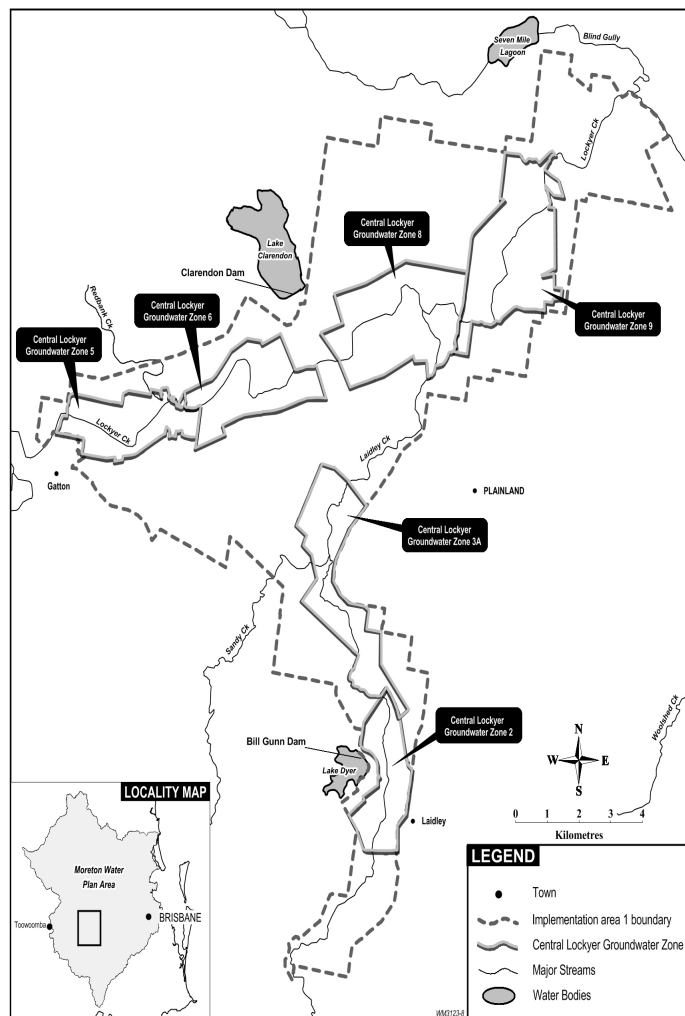
- (2) Schedule 5A—

insert—

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



Part 3 Groundwater trading zones in the Central Lockyer Valley water supply scheme



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[s 30]

30 Amendment of sch 8 (Water allocation security objectives)

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

omit, insert—

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

(2) Schedule 8—

insert—

Part 3 Groundwater

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

Table 2

Zone	Maximum allowable volume
Central Lockyer groundwater zone 2	1,311ML

Zone	Maximum allowable volume
Central Lockyer groundwater zone 3A	1,724ML
Central Lockyer groundwater zone 5	1,958ML
Central Lockyer groundwater zone 6	1,990ML
Central Lockyer groundwater zone 8	3,297ML
Central Lockyer groundwater zone 9	3,390ML

31 Amendment of sch 15 (Dictionary)

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

omit.

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

omit, insert—

a

- (3) Schedule 15—

insert—

90th percentile volume, for part 6, division 7, see section 84B.

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

existing overland flow works means—

- (a) works for taking overland flow water that—
 - (i) were in existence on [*the commencement of this amendment plan*]; or
 - (ii) were started, but not completed by [*the commencement of this amendment plan*]; or
- (b) works that—
 - (i) are a reconfiguration of existing overland flow works mentioned in paragraph (a); and
 - (ii) do not increase the average annual volume of water taken above the average annual volume taken using the existing works.

HOU consideration period means the period from 1 July 1992 to 30 June 2017.

irrigable area, for part 6, division 7, see section 84B.

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

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

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

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

pre-conversion use volume, for part 6, division 7, see section 84B.

recorded volume, for part 6, division 7, see section 84B.

ENDNOTES

- 1 Made by the Governor in Council on [Made 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.