



Queensland

Water and Other Legislation Amendment Regulation (No. 1) 2012

Subordinate Legislation 2012 No. 120

made under the

Sustainable Planning Act 2009
Water Act 2000

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Part 1 Preliminary

1 Short title

This regulation may be cited as the *Water and Other Legislation Amendment Regulation (No. 1) 2012*.

Part 2 Amendment of Sustainable Planning Regulation 2009

2 Regulation amended

This part amends the *Sustainable Planning Regulation 2009*.

3 Amendment of sch 6 (Assessment manager for development applications)

(1) Schedule 6, table 3, item 3—

omit, insert—

'3 If tables 1 and 2 do not apply and the application is for— (a) operational work for the taking or interfering with water under the <i>Water Act 2000</i> ; and (b) no other assessable development	Chief executive administering the <i>Water Act 2000</i>
3A If tables 1 and 2 do not apply and the application is for— (a) operational work for the construction of a dam, or that is carried out in relation to a dam, if, because of the work, the dam must be failure impact assessed; and (b) no other assessable development	Chief executive administering the <i>Water Supply Act</i> '.

(2) Schedule 6, table 4, item 2, column 2—

omit, insert—

[s 3]

‘The chief executive administering the Vegetation Management Act and the *Water Act 2000*’.

(3) Schedule 6, table 4, item 5—

omit, insert—

<p>‘5 If tables 1, 2 and 3 do not apply and the application is for—</p> <p>(a) operational work that is the construction or raising of waterway barrier works and any or none of the following—</p> <p>(i) building work in a declared fish habitat area;</p> <p>(ii) operational work carried out completely or partly within a declared fish habitat area;</p> <p>(iii) operational work that is the removal, destruction or damage of a marine plant; and</p> <p>(b) operational work for the taking or interfering with water under the <i>Water Act 2000</i>; and</p> <p>(c) no other assessable development</p>	<p>The chief executive administering the <i>Water Act 2000</i></p>
<p>5A If tables 1, 2 and 3 do not apply and the application is for—</p> <p>(a) operational work that is the construction or raising of waterway barrier works and any or none of the following—</p> <p>(i) building work in a declared fish habitat area;</p> <p>(ii) operational work carried out completely or partly within a declared fish habitat area;</p> <p>(iii) operational work that is the removal, destruction or damage of a marine plant; and</p> <p>(b) operational work for the construction of a dam, or that is carried out in relation to a dam, if, because of the work, the dam must be failure impact assessed; and</p> <p>(c) no other assessable development</p>	<p>The chief executive administering the <i>Water Supply Act</i>’.</p>

(4) Schedule 6, table 4, item 6, column 2—

omit, insert—

‘The chief executive administering the Vegetation Management Act and the *Water Act 2000*’.

(5) Schedule 6, table 4, item 9, column 2, ‘and the *Wild Rivers Act 2005*’—

omit.

(6) Schedule 6, table 4, item 10—

omit, insert—

<p>‘10 If tables 1, 2 and 3 do not apply and the application is for—</p> <p>(a) operational work for taking or interfering with water under the <i>Water Act 2000</i>; and</p> <p>(b) assessable development under—</p> <p style="padding-left: 20px;">(i) schedule 3, part 1, table 2, item 11; or</p> <p style="padding-left: 20px;">(ii) schedule 3, part 1, table 4, item 9; and</p> <p>(c) no other assessable development</p>	<p>The chief executive administering the <i>Water Act 2000</i></p>
<p>10A If tables 1, 2 and 3 do not apply and the application is for—</p> <p>(a) operational work for the construction of a dam, or that is carried out in relation to a dam, if, because of the work, the dam must be failure impact assessed; and</p> <p>(b) assessable development under—</p> <p style="padding-left: 20px;">(i) schedule 3, part 1, table 2, item 11; or</p> <p style="padding-left: 20px;">(ii) schedule 3, part 1, table 4, item 9; and</p> <p>(c) no other assessable development</p>	<p>The chief executive administering the <i>Water Supply Act</i>’.</p>

(7) Schedule 6, table 4, item 11, column 2—

omit, insert—

‘The chief executive administering the *Vegetation Management Act* and the *Water Act 2000*’.

[s 4]

Part 3 **Amendment of Water Regulation 2002**

4 **Regulation amended**

This part amends the *Water Regulation 2002*.

5 **Omission of ss 8–13B**

Sections 8 to 13B—
omit.

6 **Amendment of s 14 (Entities—Act, ss 206 and 213)**

Section 14, ‘206(4)(g) and 213(e)(viii)’—
omit, insert—
‘206(4)(i) and 213(1)(e)(ix)’.

7 **Amendment of s 23 (Conditions of water bore driller’s licence—Act, s 302)**

Section 23(1)(d), ‘item 1(e)’—
omit, insert—
‘item 1(b)(iii)’.

8 **Amendment of s 49 (Destroying vegetation in a watercourse, lake or spring—Act, s 814)**

(1) Section 49—

insert—

‘(ea) an environmental authority (chapter 5A activities) under
the *Environmental Protection Act 1994*; or’.

(2) Section 49(f)(ii), ‘mining operations’—

omit, insert—

‘a resource activity or mining operations’.

- (3) Section 49(ea) and (f)—
renumber as section 49(f) and (g).

9 Amendment of s 50 (Excavating in a watercourse, lake or spring—Act, s 814)

- (1) Section 50—
insert—
‘(da) an environmental authority (chapter 5A activities) under the *Environmental Protection Act 1994*; or’.
- (2) Section 50(e)(ii) ‘mining operations’—
omit, insert—
‘a resource activity or mining operations’.
- (3) Section 50(da) and (e)—
renumber as section 50(e) and (f).

10 Amendment of s 51 (Placing fill in a watercourse, lake or spring—Act, s 814)

- (1) Section 51—
insert—
‘(da) an environmental authority (chapter 5A activities) under the *Environmental Protection Act 1994*; or’.
- (2) Section 51(e)(ii), ‘mining operations’—
omit, insert—
‘a resource activity or mining operations’.
- (3) Section 51(da) and (e)—
renumber as section 51(e) and (f).

[s 11]

11 Amendment of s 62 (Code for self-assessable development—Act, s 1014)

Section 62(c), ‘1(b)(ii)’—

omit, insert—

‘1(e)’.

12 Amendment of s 76 (Metering service charge—Act, s 1014)

Section 76(3)(b)(ii), second mention—

renumber as section 76(3)(b)(iii).

13 Insertion of new pt 9, div 10

Part 9—

insert—

‘Division 10 Transitional provision for Water and Other Legislation Amendment Regulation (No. 1) 2012

‘131 Carrying out particular activities under environmental authority

‘(1) This section applies to an environmental authority that permits the holder of the authority to carry out, under the document called ‘Guideline—Activities in a watercourse, lake or spring associated with mining operations’, any of the following activities—

- (a) destroying vegetation in a watercourse, lake or spring;
- (b) excavating in a watercourse, lake or spring;
- (c) placing fill in a watercourse, lake or spring.

‘(2) From the commencement of this section, a reference in the environmental authority to the document mentioned in subsection (1) is taken to be a reference to

‘Guideline-Activities in a watercourse, lake or spring associated with a resource activity or mining operations’.

‘(3) In this section—

environmental authority means the following environmental authorities under the *Environmental Protection Act 1994*—

- (a) an environmental authority (mining activities);
- (b) an environmental authority (chapter 5A activities).’.

14 Amendment of sch 2 (Entities—Act, sections 190, 193, 206 and 213)

Schedule 2—

insert—

‘22 The Conondale Water Supply Co-op Ltd QC 0317’.

15 Omission of sch 3 (Transferring interim water allocation)

Schedule 3—

omit.

16 Amendment of sch 8 (Downstream and upstream limits)

Schedule 8, part 1—

insert—

‘Boyne River	Downstream side of Manns Wier at UTM coordinates 329180E and 7340927N GDA 94 and, from that point, across to the right bank at a level of 2.25m AHD	AP4240’.
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[s 17]

17 Amendment of sch 17 (Dictionary)

(1) Schedule 17, definitions *approval application*, *proposed transferee* and *proposed transferor*—

omit.

(2) Schedule 17—

insert—

‘**AHD** means the Australian height datum adopted by the National Mapping Council of Australia for referencing a level or height back to a standard base level.’.

ENDNOTES

- 1 Made by the Governor in Council on 2 August 2012.
- 2 Notified in the gazette on 3 August 2012.
- 3 Laid before the Legislative Assembly on . . .
- 4 The administering agency is the Department of Natural Resources and Mines.

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