



Queensland

# Water (Border Rivers and Moonie and Condamine and Balonne) Amendment Regulation 2019

## Subordinate Legislation 2019 No. 136

made under the

*Water Act 2000*

## Contents

---

|    |   | Page |
|----|---|------|
| 1  | Short title .....   | 2    |
| 2  | Regulation amended .....  | 2    |
| 3  | Amendment of s 95 (Authorised taking of water—Act, s 808) . . .   | 2    |
| 4  | Amendment of s 105 (Definitions for part) .....   | 2    |
| 5  | Amendment of s 119 (Transfer of approved meters that are the property<br>of the State) .....  | 2    |
| 6  | Amendment of s 120 (Approved meter that does not comply with non-<br>urban metering standard may stop being approved meter) . . . . | 3    |
| 7  | Amendment of sch 5 (Water sharing rules) .....  | 3    |
| 8  | Amendment of sch 6 (Seasonal water assignments) .....   | 3    |
| 9  | Amendment of sch 9 (Assessable development or accepted<br>development) .....  | 3    |
| 10 | Amendment of sch 11 (Metered entitlements) .....  | 7    |
| 11 | Amendment of sch 14 (Water charges) .....   | 10   |
| 12 | Amendment of sch 19 (Dictionary) .....  | 11   |

**1 Short title**

This regulation may be cited as the *Water (Border Rivers and Moonie and Condamine and Balonne) Amendment Regulation 2019*.

**2 Regulation amended**

This regulation amends the *Water Regulation 2016*.

**3 Amendment of s 95 (Authorised taking of water—Act, s 808)**

Section 95(2), definition *Border Rivers water management protocol*, ‘*Water Plan (Border Rivers) 2003*’—

*omit, insert—*

*Water Plan (Border Rivers and Moonie) 2019*

**4 Amendment of s 105 (Definitions for part)**

(1) Section 105, definition *relevant management area*, first dot point—

*omit.*

(2) Section 105, definition *relevant management area*, last dot point—

*omit, insert—*

- Upper Hodgson Creek Basalts underground water sub-area under the *Water Plan (Condamine and Balonne) 2019*.

**5 Amendment of s 119 (Transfer of approved meters that are the property of the State)**

Section 119(2)(d), after ‘area’—

*insert—*

, or works that take water from the Border Rivers Alluvium (deep),

**6 Amendment of s 120 (Approved meter that does not comply with non-urban metering standard may stop being approved meter)**

Section 120(1)(a), after ‘area’—

*insert—*

, or that take water from the Border Rivers Alluvium (deep),

**7 Amendment of sch 5 (Water sharing rules)**

Schedule 5, table, entries for Border Rivers Alluvium groundwater management area, Central Condamine Alluvium groundwater management area, Dalrymple Creek Alluvium groundwater management area, Oakey Creek groundwater management area and Upper Hodgson Creek groundwater management area—

*omit.*

**8 Amendment of sch 6 (Seasonal water assignments)**

Schedule 6, table, entries for Border Rivers Alluvium groundwater management area, Central Condamine Alluvium groundwater management area, Dalrymple Creek Alluvium groundwater management area, Oakey Creek groundwater management area, Toowoomba City Basalts groundwater management area and Upper Hodgson Creek groundwater management area—

*omit.*

**9 Amendment of sch 9 (Assessable development or accepted development)**

(1) Schedule 9, part 1, table, entry for *Water Plan (Border Rivers) 2003* plan area—

*omit, insert—*

|  |   |   |
|--|---|---|
| <p><i>Water Plan (Border Rivers and Moonie) 2019</i> plan area</p> | <p>Works for stock or domestic purposes</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"> <li>(a) notified existing overland flow works within the meaning of the <i>Water Plan (Border Rivers and Moonie) 2019</i>;</li> <li>(b) works constructed for the taking of, or interfering with, water under section 97 of the Act;</li> <li>(c) works constructed under a development permit</li> </ul> <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> |
|--|---|---|

- (2) Schedule 9, part 1, table, entry for *Water Plan (Condamine and Balonne) 2004* plan area—  
*omit, insert—*

|   |   |  |
|---|---|--|
| <p><i>Water Plan (Condamine and Balonne) 2019</i> plan area</p> | <p>Works for stock or domestic purposes</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) notified existing overland flow works within the meaning of the <i>Water Plan (Condamine and Balonne) 2019</i>;</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> <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> |
|---|---|--|

- (3) Schedule 9, part 1, table, entry for *Water Plan (Moonie) 2003* plan area—  
*omit.*
- (4) Schedule 9, part 2, table, entry for groundwater in the parts of a groundwater unit that are within the groundwater management area under the *Water Plan (Border Rivers) 2003*—  
*omit, insert—*

|  |  |   |
|--|--|---|
| <p>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> |  | <p>An exempt bore<br/>                 A water bore that—<br/>                 (a) is constructed more than—<br/>                     (i) 200m from a boundary of a parcel of land; and<br/>                     (ii) 400m from another water bore; and<br/>                 (b) takes water from an aquifer other than the Border Rivers Alluvium (deep)</p> |
|--|--|---|

(5) Schedule 9, part 2, table, entry for Groundwater in a groundwater unit under the *Water Plan (Condamine and Balonne) 2004*—

*omit, insert—*

|  |  |  |
|--|--|--|
| <p>Underground water in an underground water unit under the <i>Water Plan (Condamine and Balonne) 2019</i></p> |  | <p>An exempt bore<br/>                 A water bore that is constructed—<br/>                 (a) more than 200m from a boundary of a parcel of land; and<br/>                 (b) more than 400m from another water bore; and<br/>                 (c) outside of the following underground water sub-areas under the <i>Water Plan (Condamine and Balonne) 2019</i>—<br/>                     (i) Central Condamine Alluvium;<br/>                     (ii) Cunningham Alluvium;<br/>                     (iii) Dalrymple Creek Alluvium;<br/>                     (iv) Oakey Creek Alluvium</p> |
|--|--|--|

- (6) Schedule 9, part 2, table, entry for groundwater in a groundwater unit under the *Water Plan (Moonie) 2003*—  
*omit.*

## 10 Amendment of sch 11 (Metered entitlements)

- (1) Schedule 11, table, entry for Border Rivers Alluvium groundwater management area—  
*omit, insert—*

|   |                       |                  |
|---|-----------------------|------------------|
| Border Rivers Alluvium underground water sub-area under the <i>Water Plan (Border Rivers and Moonie) 2019</i> | all water allocations | 30 November 2019 |
|---|-----------------------|------------------|

- (2) Schedule 11, table, entry for Central Condamine Alluvium groundwater management area—  
*omit, insert—*

|  |   |                  |
|--|---|------------------|
| 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 2019 |
|--|---|------------------|

- (3) Schedule 11, table, entry for Eastern Downs underground water area, Jimbour Creek Alluvium—  
*omit.*
- (4) Schedule 11, table, entry for Gowrie and Oakey Creek water management area, zones GOU-1, GOU-2, GOU-3 and GOU-4 under the *Water Plan (Condamine and Balonne) 2004*—  
*omit, insert—*

|  |   |  |
|--|---|--|
| 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 2021 for water allocations with flow conditions<br><br>30 November 2019 for other water entitlements |
|--|---|--|

(5) Schedule 11, table—

*insert—*

|  |   |                  |
|--|---|------------------|
| 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 2019 |
|--|---|------------------|

(6) Schedule 11, table, entry for Lower Balonne water management area under the *Water Plan (Condamine and Balonne) 2004*—

*omit, insert—*

|  |   |                  |
|--|---|------------------|
| 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 2019 |
|--|---|------------------|

(7) Schedule 11, table, entry for Oakey Creek groundwater management area—

*omit, insert—*



|  |   |                  |
|--|---|------------------|
| 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 2019 |
|--|---|------------------|

- (8) Schedule 11, table, entry for Stanthorpe water management area under the *Water Plan (Border Rivers) 2003*—  
*omit, insert—*

|  |   |                  |
|--|---|------------------|
| 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 2019 |
|--|---|------------------|

- (9) Schedule 11, table, entry for the area of the basalt aquifer in the Toowoomba City Basalts groundwater management area—  
*omit.*
- (10) Schedule 11, table—  
*insert—*

|  |   |                  |
|--|---|------------------|
| 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 2019 |
|--|---|------------------|

- (11) Schedule 11, table, entry for the Dalrymple Creek Alluvium Area on AP18888—  
*omit.*
- (12) Schedule 11, table—  
*insert—*

---

|  |   |                  |
|--|---|------------------|
| 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 2019 |
|--|---|------------------|

- (13) Schedule 11, table, ‘the plan area of the *Water Plan (Moonie) 2003*’—

*omit, insert—*

the Moonie catchment under the *Water Plan (Border Rivers and Moonie) 2019*

- (14) Schedule 11, table, entry for Upper Hodgson Creek groundwater management area—

*omit, insert—*

|   |   |                  |
|---|---|------------------|
| 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 2019 |
|---|---|------------------|

## 11 Amendment of sch 14 (Water charges)

Schedule 14, table, entry for Upper Condamine water management area—

*omit, insert—*

---

|  |         |  |
|--|---------|--|
| Upper Condamine water management area under the <i>Water Plan (Condamine and Balonne) 2019</i> | 30 June | Water harvesting from water management area 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 under the <i>Water Plan (Condamine and Balonne) 2019</i> —\$4.45 for each megalitre |
|--|---------|--|

## 12 Amendment of sch 19 (Dictionary)

Schedule 19—

*insert—*

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

#### ENDNOTES

- 1 Made by the Governor in Council on 11 July 2019.
- 2 Notified on the Queensland legislation website on 12 July 2019.
- 3 The administering agency is the Department of Natural Resources, Mines and Energy.

© State of Queensland 2019