



Queensland

Water Amendment Regulation 2022

Subordinate Legislation 2022 No. 177

made under the

Water Act 2000

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1 Short title

This regulation may be cited as the *Water Amendment Regulation 2022*.

2 Commencement

Section 9(2) commences on 31 December 2022.

3 Regulation amended

This regulation amends the *Water Regulation 2016*.

4 Amendment of s 59 (Deciding application)

(1) Section 59(1), after ‘rules’—

insert—

(the *relevant rules*)

(2) Section 59—

insert—

(1A) If the application is inconsistent with the relevant rules, the chief executive must refuse the application.

(3) Section 59(2)(a) and (b)—

omit, insert—

(a) give the applicant notice of the decision; and

(b) if the application is approved—give the proposed assignee a seasonal water assignment notice.

(4) Section 59—

insert—

(2A) The notice mentioned in subsection (3)(a) must be an information notice if, having regard to the information in the application, the chief executive could have made a different decision consistent

with the relevant rules.

- (2B) The notice mentioned in subsection (3)(a) must include the reasons for the decision if—
- (a) subsection (4) does not apply; and
 - (b) the decision is to—
 - (i) refuse the application; or
 - (ii) approve the application—
 - (A) with a condition not requested in the application; or
 - (B) if the application requested a particular condition—without the condition.

- (5) Section 59(4), ‘Subsection (5)’—

omit, insert—

Subsection (8)

- (6) Section 59(6), from ‘a notice’—

omit, insert—

stated in the seasonal water assignment notice mentioned in subsection (3)(b).

- (7) Section 59(1A) to (7)—

renumber as section 59(2) to (10).

5 Amendment of s 99 (Requirements for accepted development for operational work for taking water—Act, s 1014)

- (1) Section 99(2)(a) and (b)—

omit, insert—

- (a) operational work involving taking overland flow water must comply with the requirements applying to the work mentioned in each of the following documents—

[s 6]

- (i) ‘Accepted development requirements for taking overland flow water for stock or domestic purposes, or using limited capacity works’;
 - (ii) ‘Accepted development requirements 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 document called ‘Accepted development requirements for subartesian bores or replacement bores’.
- (2) Section 99(3), ‘code’—
omit, insert—
document

6 Amendment of s 101A (Requirements for accepted development for category 1 levees—Act, s 1014)

Section 101A(3), definition *levee code*, ‘Self-assessable code for the construction or modification of levees’—

omit, insert—

Accepted development requirements for the construction of new levees or the modification of existing levees

7 Amendment of s 122 (Classes of licence—Act, s 981)

(1) Section 122(2), (3) and (4), ‘drill’—

omit, insert—

carry out a water bore drilling activity in relation to

(2) Section 122—

insert—

(5) In this section—

water bore drilling activity see section 816(2) of the Act.

8 Insertion of new pt 16, div 4

Part 16—

insert—

Division 4 Transitional provisions for Water Amendment Regulation 2022

148 Application of new s 59 to existing applications for seasonal water assignments for particular water allocations

- (1) This section applies to an application under section 58(1) or (2) that was made, but not decided, before the commencement.
- (2) The application must be decided under new section 59.
- (3) In this section—
new section 59 means section 59 as in force from the commencement.

149 Continued application of former ss 99 and 101A to particular operational work

- (1) This section applies to operational work that was started, but not completed, before the commencement.
- (2) Former sections 99 and 101A continue to apply in relation to the operational work as if the *Water*

[s 9]

Amendment Regulation 2022 had not been enacted.

(3) In this section—

former, for a provision of this regulation, means the provision as in force immediately before the commencement.

9 Amendment of sch 11 (Metered entitlements)

(1) Schedule 11, table—

insert—

Mistake A water licence zone under the <i>Water Plan (Burdekin Basin) 2007</i>	water licence 620909	1 October 2028
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(2) Schedule 11, table—

insert—

the plan area under the <i>Water Plan (Cape York) 2019</i> , other than the following water licence zones— (a) Lakeland water licence zone 1; (b) Lakeland water licence zone 2	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 5ML	31 December 2027
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(3) Schedule 11, table, entry for Lower Callide, Prospect Creek and Upper Callide groundwater sub-areas under the *Water Plan (Fitzroy Basin) 2011*, column 2, ‘licences’—

omit, insert—

entitlements

- (4) Schedule 11, table, entry for Subcatchment area E under the *Water Plan (Burdekin Basin) 2007*, column 1, after ‘the *Water Plan (Burdekin Basin) 2007*’—

insert—

, other than Mistake A water licence zone

10 Amendment of sch 16 (Drainage rates)

Schedule 16, ‘AP4064’—

omit, insert—

AP23668

ENDNOTES

- 1 Made by the Governor in Council on 1 December 2022.
- 2 Notified on the Queensland legislation website on 2 December 2022.
- 3 The administering agency is the Department of Regional Development, Manufacturing and Water.

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