



Georgina and Diamantina

resource operations plan

July 2006

Prepared by

Water Planning Group and Water Services
Department of Natural Resources, Mines and Water

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FOREWORD

The Georgina and Diamantina Resource Operations Plan has been finalised following a period of consultation and review that began with the release of a draft plan in September 2005.

The finalised plan will implement the objectives and outcomes specified in the *Water Resource (Georgina and Diamantina) Plan 2004*. Together, these plans will provide enhanced certainty and security for water users and the natural environment.

Both plans are complementary parts of a water planning process that will ensure that the Georgina and Diamantina Rivers and other watercourses in the plan area are sustainably managed for the benefit of future generations.

The resource operations plan contains arrangements for—

- releasing unallocated water;
- setting conditions on new and existing licences;
- water and ecosystem monitoring; and
- amendments to the plan through public notification and consultation.

The plan makes up to 12,000 megalitres of unallocated water generally available. This water has been split into two categories in recognition of the different needs for additional water within the catchment.

In addition, 1,500 megalitres of unallocated water for projects of state significance has been reserved to provide for further economic opportunity in the region.

The plan ensures that the release of any new water in the Georgina and Diamantina does not put at risk the natural assets of the catchments. Any future development will be managed within sustainable levels.

I'd like to take this opportunity to thank all those who have contributed to the development of this plan for all their hard work and input.

Bob McCarthy
Director-General
Department of Natural Resources, Mines and Water

GEORGINA AND DIAMANTINA
RESOURCE OPERATIONS PLAN 2006

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CHAPTER 1 – PRELIMINARY

1. Water resource plan implemented through the resource operations plan

This resource operations plan implements the *Water Resource (Georgina and Diamantina) Plan 2004* ('the water resource plan').

2. Name of the resource operations plan

This resource operations plan may be cited as the '*Georgina and Diamantina Resource Operations Plan 2006*' ('this plan').

3. Commencement of the resource operations plan

This plan commences on the first business day after this plan is notified in the *Queensland Government Gazette*.

4. Plan area

This plan applies to the area shown as the plan area on the map in Attachment 1¹.

5. Water to which this plan applies

- (1) This plan applies to the following water in the plan area—
 - (a) surface water;
 - (b) overland flow water, other than water in springs connected to—
 - (i) artesian water; or
 - (ii) subartesian water connected to artesian water;
 - (c) hydraulically-linked subartesian water not connected to artesian water.
- (2) In subsection (1)—

surface water means the following—

 - (a) water in a watercourse or lake;
 - (b) water in springs not connected to—
 - (i) artesian water; or
 - (ii) subartesian water connected to artesian water.

6. Water management areas

- (1) Within the Georgina and Diamantina catchments there are the following resource operations plan water management areas—
 - (a) Upper Georgina water management area.
 - (b) Lower Georgina water management area.
 - (c) Burke and Hamilton water management area.
 - (d) Upper Diamantina water management area.
 - (e) Lower Diamantina water management area.
- (2) A water management area includes—
 - (a) each part of a watercourse, lake or spring that lies within the area;
 - (b) those sections of tributaries where there is access to flow or pondage from a watercourse or lake within the area;
 - (c) overland flow water; and
 - (d) hydraulically-linked subartesian water.
- (3) The location of the water management areas are identified in Attachments 2A to 2E.

¹ This plan area is identical to the plan area for the water resource plan.

7. Information about areas

- (1) The exact boundary of the plan and water management areas is held in digital electronic form by the department.
- (2) The information held in digital electronic form can be reduced or enlarged to show the details of the boundaries².

8. Departmental water monitoring data collection standard

- (1) Where this plan requires monitoring by an entity, including measurement, collection, analysis and storage of data, the entity must ensure the monitoring is consistent with the *Water Monitoring Data Collection Standard*³.
- (2) The *Water Monitoring Data Collection Standard* may be reviewed and updated by the chief executive at any time.

9. Metering

- (1) Metering of the taking of water to which this plan applies must be in accordance with the arrangements prescribed by regulation made under the *Water Act 2000*.
- (2) Taking water under a water authorisation must be metered where a volumetric limit is stated on the authorisation.

10. Sustainable management of water

This plan, in implementing the water resource plan, provides for the sustainable management of water by—

- (a) protecting the biological diversity and health of natural ecosystems and contributing to the protection and, where possible, reversal of degradation of water, watercourses, lakes, springs, aquifers, natural ecosystems and other resources by—
 - (i) developing conditions for existing water licences to account for environmental needs;
 - (ii) considering environmental requirements when issuing unallocated water; and
 - (iii) detailing arrangements for the collection and assessment by the chief executive of data relating to the water resource plan outcomes (including ecological outcomes);
- (b) allowing for the allocation of water and improving the confidence of water users regarding the availability and security of water authorisations by—
 - (i) specifying processes for dealing with applications for water licences;
 - (ii) detailing processes for dealing with unallocated water and the issuing of new water licences;
 - (iii) detailing arrangements for the collection and assessment of data by the chief executive relating to water resource plan outcomes; and
 - (iv) detailing those parts of this plan that may be amended under Section 106(b) of the *Water Act 2000*;
- (c) contributing to increasing community understanding and participation in the sustainable management of water by—
 - (i) providing opportunities for community participation and submissions as part of plan development; and
 - (ii) specifying rules and arrangements for the allocation and management of water in the plan area, including explanatory notes that provide details of the intent and application of each section of this plan.

² The boundaries in digital electronic form may be inspected at the department's head office.

³ The data collection standards can be accessed on the departments web site at <http://www.nrm.qld.gov.au> or alternatively, inspected at any of the department's offices.

11. Addressing water resource plan outcomes

- (1) This plan addresses water resource plan outcomes by—
 - (a) specifying processes, rules and limits, the applications of which are consistent with objectives specified in the water resource plan; and
 - (b) providing reporting arrangements that will assist in the ongoing assessment of whether water management arrangements in the plan area will contribute to the achievement of water resource plan outcomes.
- (2) Attachment 3 lists the outcomes of the *Water Resource (Georgina and Diamantina) Plan 2004* and how the rules of this plan are linked to those outcomes.

CHAPTER 2 – ISSUING NEW WATER LICENCES

12. Scope of chapter 2

This chapter sets out the process for issuing new water licences within the plan area. It sets out the process for dealing with—

- (a) unallocated water, made up of—
 - (i) 8,800 megalitres of category A unallocated water reserved under the water resource plan for ‘any’ purpose;
 - (ii) 3,200 megalitres of category B unallocated water reserved under the water resource plan for ‘any’ purpose; and
 - (iii) 1,500 megalitres of unallocated water reserved under the water resource plan for ‘projects of state significance’;
- (b) applications for water for the purpose of ‘town water supply’⁴; and
- (c) the granting of a water licence for the take of overland flow water which will replace an authority under section 12 of the water resource plan.

Part 1 – Unallocated Water

13. Reissue of surrendered, cancelled or expired water licences

- (1) If a water licence is surrendered, cancelled or expires then that volume may be made available for reallocation at a future date in the water management area it was originally issued.
- (2) If the licence referred to in subsection (1) was originally unallocated water, then the volume may be reissued under the same provisions which applied when it was originally released.
- (3) If the licence referred to in subsection (1) was not originally unallocated water, then the volume may be reissued as category A unallocated water.
- (4) No refunds or compensation of any sort will be payable as a result of the surrender, cancellation or expiry of a licence or as a result of the reissuing of water under subsection (2) or (3).

14. Record of volume of unallocated water

The chief executive must maintain a publicly available record of the remaining volume of each unallocated water type⁵ in each water management area.

⁴ Water available for issuing as ‘town water supply’ is in addition to the volume of unallocated water set aside in the water resource plan.

⁵ Unallocated water types will be ‘category A’, ‘category B’ and ‘projects of state significance’ water.

15. Entitlement to apply

Applications for water licences under the provisions detailed in this chapter will only be accepted from—

- (a) for category A or B unallocated water—an owner or an entity that is entitled to apply for a licence under Section 206 of the Act;
- (b) for water for ‘projects of state significance’—the proponent of a project declared a ‘significant project’ under Section 26 of the *State Development and Public Works Organisation Act 1971*; and
- (c) for water for ‘town water supply’—a local government within the plan area.

16. Category A and B unallocated water

- (1) Water will be available as a water licence for taking water from a watercourse or for taking overland flow water, with terms consistent with the process defined in this chapter.
- (2) The maximum annual volume of water available for each water management area at the commencement of this plan is defined in Table 2.1.
- (3) The volume of water specified in Table 2.1 as being available in a water management area is only available for release in that water management area and a licence will only be issued to take the water in that water management area.
- (4) The volume of water for sale or tender is a maximum annual take, that is, the maximum amount of water that may be taken in a water year.

Table 2.1 – Unallocated Water Available at the Commencement of this Plan

Water Management Area	Category A		Category B	
	Maximum Annual Take (megalitres)	Lot Size (megalitres)	Maximum Annual Take (megalitres)	Lot Size (megalitres)
Upper Diamantina	6,000	200	1,500	10
Lower Diamantina	600	200	400	10
Burke and Hamilton	1,000	200	500	10
Upper Georgina	600	200	400	10
Lower Georgina	600	200	400	10

17 to 30. Section numbers not used

Division 1 – Category A or Category B Unallocated Water

31. General provisions of division 1

- (1) This division sets out the process for releasing category A and category B unallocated water.
- (2) An individual process will be undertaken for category A water in each water management area.
- (3) An individual process will be undertaken for category B water in each water management area.
- (4) The method of release of category A or category B unallocated water will be through—
 - (a) a tender as outlined in this division; or

- (b) a fixed price as determined by the chief executive.
- (5) The results of a tender may be used to guide the chief executive in determining a fixed price and reassessment of the fixed price may be undertaken at the chief executive's discretion.
- (6) The right to apply for a water licence will be sold in lots, as per Table 2.1. There is no restriction on the number of lots that may be purchased by a single applicant.

32. Restrictions on the volume of water that can be purchased

- (1) There is no restriction on the number of lots of category A unallocated water that may be purchased by a single purchaser or used on a single lot on plan.
- (2) A maximum of 150 megalitres of water originally purchased as category B unallocated water may be used on a single lot on plan.

33. Initiation of the process for making the water available

- (1) The process for releasing category A or category B unallocated water in a specific water management area will be initiated by an entity submitting an expression of interest on a form provided by the chief executive.
- (2) An expression of interest must be for a specific—
 - (a) type of water (category A or category B);
 - (b) volume of water; and
 - (c) water in a specific water management area.
- (3) Once an expression of interest is received then the chief executive may initiate the process detailed in subdivision 1 if the price will be determined by a tender or subdivision 2 if a fixed price is used.
- (4) For each water management area, a tender process will be used for the first sale of water after the commencement of this plan.
- (5) If, following a tender process for a specific category of water in a specific water management area, none of the unallocated water is sold due to tenders not meeting the minimum price, the chief executive will not reinstate a tender process for that water for at least two years after the end of that tender process unless there is demonstrated market demand.
- (6) Following the first sale of water, whether a tender process or a fixed price is used will be at the discretion of the chief executive.
- (7) Until an initial expression of interest is received for water in a specific water management area, the chief executive may not commence the release of category A or category B unallocated water in that area.

Subdivision 1 – Tender Process

34. Inviting interested parties to apply for unallocated water

- (1) If an expression of interest for category A or category B unallocated water is received in a water management area, the chief executive will publish a notice inviting all interested parties to apply to tender for the unallocated water available in the water management area.
- (2) The notice must be—
 - (a) published in a newspaper distributed throughout the catchment and on the departmental web site;
 - (b) sent to all local governments in the catchment area; and
 - (c) sent to all natural resource management bodies in the catchment area.
- (3) The notice must contain information on the—

- (a) water available for sale;
- (b) location and time of the tender;
- (c) application process; and
- (d) the closing date for applications.

35. Tenders for unallocated water

- (1) A tender for category A or category B unallocated water must be made on a form provided by the chief executive and provide the information required in subsection 35(3).
- (2) The chief executive may require a one-off, non-refundable, processing fee to be lodged.
- (3) Tender information required will include—
 - (a) an outline of the proposal;
 - (b) the source of water;
 - (c) maximum annual take;
 - (d) method of take;
 - (e) location of take;
 - (f) rate of take;
 - (g) evidence that the applicant has informed the chief executive of the local government in which the take will be located about the intended development associated with the proposed taking of water;
 - (h) assessment of resource availability and impact of take;
 - (i) the tender price in dollars per megalitre (maximum annual take); and
 - (j) any other matters the chief executive believes appropriate.
- (4) This information must be provided to the chief executive at the time of tender to allow the determination of indicative conditions that may be applied to the licence.
- (5) With regard to subsection 35(3), the chief executive may request the applicant to provide additional information with regard to the proposal. If the applicant fails to provide this information prior to the closing date for tenders, the chief executive may not accept the tender.

36. Process to issue unallocated water

- (1) The chief executive—
 - (a) must determine the minimum price per megalitre;
 - (b) the minimum price—
 - (i) must not be made public; and
 - (ii) may be altered at any time;
 - (c) must not accept tenders unless the applicant has applied under the procedure in section 35; and
 - (d) must not sell the right to apply for a water licence if tenders do not meet the minimum price.
- (2) If the chief executive receives tenders of the same value which seek volumes of water in excess of the volume of category A or category B unallocated water available in the water management area, the chief executive may determine the distribution of the water having regard to the highest value use of the water.

37. Process for setting conditions on water licences where required

- (1) Once the successful tender/s have been decided, the chief executive must determine conditions for the proposed water licence to ensure that the issuing of the licence will be consistent with the—
 - (a) requirements listed in sections 11 and 19 of the water resource plan;
 - (b) requirements listed in part 4 of this chapter; and

- (c) consideration of third party impacts, including impacts in South Australia.
- (2) If the applicant is given a smaller volume of water than tendered for under section 35, the chief executive may request the applicant to provide additional information to allow for reassessment of impacts and resource availability.
- (3) If the conditions to be applied by the chief executive are not acceptable to the prospective purchaser and agreement cannot be reached then the tender will be rejected.

38. Finalisation of conditions and issuing of a water licence

The process for the finalisation of conditions and the issuing of a water licence is detailed in part 5 of this chapter.

Subdivision 2 – Fixed Price

39. Fixed price for unallocated water

- (1) An application for category A or category B unallocated water must be made on a form provided by the chief executive and provide the information required in subsection 39(3).
- (2) The chief executive may require a one-off, non-refundable, processing fee to be lodged.
- (3) Application information required will include—
 - (a) an outline of the proposal;
 - (b) the source of water;
 - (c) maximum annual take;
 - (d) method of take;
 - (e) location of take;
 - (f) rate of take;
 - (g) evidence that the applicant has informed the chief executive of the local government in which the take will be located about the intended development associated with the proposed taking of water;
 - (h) assessment of resource availability and impact of take; and
 - (i) any other matters the chief executive believes appropriate.
- (4) This information must be provided to the chief executive at the time of application to allow the determination of indicative conditions that may be applied to the licence.
- (5) With regard to subsection 39(3), the chief executive may request the applicant to provide additional information with regard to the proposal. If the applicant fails to provide this information within the time frame determined by the chief executive, the application will not be accepted.

40. Process to issue unallocated water

- (1) The chief executive must determine the fixed price per megalitre.
- (2) This fixed price will be made publicly available.
- (3) Any entities applying to purchase category A or category B unallocated water will be required to pay the price determined by the chief executive once the process detailed in part 5 of this chapter has been completed.
- (4) Applications will not be accepted unless made in accordance with section 39.
- (5) If the chief executive receives applications which seek volumes of water in excess of the volume of category A or category B unallocated water available in the water management area, the chief executive may determine the distribution of the water having regard to the highest value use of the water.

41. Process for setting conditions on water licences where required

- (1) Once the application has been accepted, the chief executive must determine conditions for the proposed water licence to ensure that the issuing of the licence will be consistent with the—
 - (a) requirements listed in sections 11 and 19 of the water resource plan;
 - (b) requirements listed in part 4 of this chapter; and
 - (c) consideration of third party impacts, including impacts in South Australia.
- (2) If the applicant is given a smaller volume of water than applied for under section 39, the chief executive may request the applicant to provide additional information to allow for reassessment of impacts and resource availability.
- (3) If the conditions to be applied by the chief executive are not acceptable to the prospective purchaser and agreement cannot be reached then the application will be rejected.

42. Finalisation of conditions and issuing of a water licence

The process for the finalisation of conditions and the issuing of a water licence is detailed in part 5 of this chapter.

43 to 46. Section numbers not used*Division 3 – Projects of State Significance Water***47. General provisions of division 3**

- (1) This division sets out the process for releasing water for a ‘significant project’ as declared by the coordinator general responsible for the implementation of the *State Development and Public Works Organisation Act 1971*⁶.
- (2) Water is available for use in any water management area and can be allocated in any volume up to a cumulative total of 1,500 megalitres.
- (3) Water granted for a significant project is granted only for the life of that project and the volume of unallocated will become available for reallocation at the conclusion of the project.

48. Process for making water available

- (1) A water licence for a significant project may be issued when the chief executive receives an application in writing from a proponent within the plan area requesting a licence to take water.
- (2) In making an application for a licence, the applicant must provide the following—
 - (a) an outline of the proposal;
 - (b) the source of water;
 - (c) maximum annual take;
 - (d) method of take;
 - (e) location of take;
 - (f) rate of take;
 - (g) when the water will be required;
 - (h) how long the water will be required for;
 - (i) evidence that the project is a ‘significant project’ as defined in subsection 47(1);

⁶ A ‘significant project’ may be declared under Section 26 of the *State Development and Public Works Organisation Act 1971*.

- (j) evidence that the applicant has informed the chief executive of the local government in which the take will be located about the intended development associated with the proposed taking of water;
- (k) information demonstrating that the proposed arrangements for taking of the water are consistent with the water resource plan;
- (l) assessment of resource availability and impact of take; and
- (m) any other matters the chief executive believes appropriate.

49. Assessment of an application for water

- (1) In assessing an application for a water licence, the chief executive must consider—
 - (a) the information provided in subsection 48(2);
 - (b) the status of the project;
 - (c) when the water will be required;
 - (d) how long the water will be required for; and
 - (e) the requirements of any other significant projects that are within, or proposed to be within, the plan area.
- (2) Subsection (1) does not limit the matters the chief executive may consider.

50. Additional information may be required

The chief executive may require additional information about the application.

51. Deciding the application

- (1) Where the chief executive decides to make a water licence available, the chief executive must determine—
 - (a) the maximum rate of take and volume of water to be issued;
 - (b) the price for the water that will be made available; and
 - (c) conditions under which the water will be made available.
- (2) Conditions on the proposed water licence will ensure that the issuing of the licence will be consistent with the—
 - (a) requirements listed in sections 11 and 19 of the water resource plan;
 - (b) requirements listed in part 4 of this chapter; and
 - (c) consideration of third party impacts, including impacts in South Australia.

52. Finalisation of conditions and issuing of a water licence

The process for the finalisation of conditions and the issuing of a water licence is detailed in part 5 of this chapter.

53 to 57. Section numbers not used

Part 2 – Applications for Town Water Supply

58. Scope of part 2

- (1) This part sets out the process for issuing a water licence to a local government for town water supply.
- (2) Water available to be taken for the purpose of town water supply is in addition to water available as unallocated water under part 1.

59. Process for making water available

- (1) A water licence for town water supply may be issued when the chief executive—

- (a) receives an application in writing from a local government within the plan area requesting a licence to take water; and
 - (b) is satisfied that additional water is needed to meet town water supply purposes in the applicant's local government area.
- (2) In making an application for a licence, the applicant must provide the following—
- (a) an outline of the proposal;
 - (b) the source of water;
 - (c) maximum annual take;
 - (d) method of take;
 - (e) location of take;
 - (f) rate of take;
 - (g) when the water will be required;
 - (h) information demonstrating that the proposed arrangements for taking of the water are consistent with the water resource plan;
 - (i) assessment of resource availability and impact of take;
 - (j) a copy of the planning study referred to in subsection 20(1) of the water resource plan; and
 - (k) any other matters the chief executive believes appropriate.

60. Assessment of an application for water

- (1) In assessing an application for a water licence, the chief executive must consider—
- (a) the matters specified in subsection 59(2); and
 - (b) whether the application is consistent with approved plans developed for the management of water demand and for the augmentation of water supplies in the applicant's local government area.
- (2) Subsection (1) does not limit the matters the chief executive may consider.

61. Additional information may be required

The chief executive may require additional information about the application.

62. Deciding the application

- (1) Where the chief executive decides to make a water licence available, the chief executive must determine—
- (a) the maximum rate of take and volume of water to be issued;
 - (b) the price for the water that will be made available; and
 - (c) conditions under which the water will be made available.
- (2) Conditions on the proposed water licence will ensure that the issuing of the licence will be consistent with the—
- (a) requirements listed in sections 11 and 19 of the water resource plan;
 - (b) requirements listed in part 4 of this chapter; and
 - (c) consideration of third party impacts, including impacts in South Australia.

63. Finalisation of conditions and issuing of a water licence

The process for the finalisation of conditions and the issuing of a water licence is detailed in part 5 of this chapter.

Part 3 – Granting a Water Licence for Taking Overland Flow Water

64. Scope of part 1

For granting a licence under Section 212 of the Act, this part states—

- (a) for section 14 of the water resource plan, the process for granting a water licence to replace the authority under section 12 of the water resource plan;
- (b) for this plan, the grounds and process for granting a water licence to replace an authority under section 12 of the water resource plan;
- (c) requirements for certified reports for an overland flow storage;
- (d) matters the chief executive must consider; and
- (e) conditions the chief executive must include on the licence.

65. Parts of the plan area and works for taking overland flow water where an authority may be replaced by a water licence

- (1) An authority to take overland flow water may be replaced by a licence within the plan area.
- (2) The take of water through any works authorised to continue taking water under section 12 of the water resource plan may be licenced through the process in section 66.

66. Granting a water licence under section 14 of the water resource plan

- (1) The chief executive may at any time—
 - (a) grant a licence for the take of overland flow water to replace the authority under section 12 of the water resource plan;
 - (b) amend a licence for the take of overland flow water granted under section 212 of the Act, because of section 13 of the water resource plan.
- (2) Before granting or amending a water licence under subsection (1), the chief executive must issue a notice to the owner of the land—
 - (a) clearly identifying the existing works; and
 - (b) stating that a water licence will be granted or amended for the take of overland flow water for the existing works.
- (3) A notice under subsection (2) may also request the owner of the land to provide a certified report about the existing works.
- (4) In making a decision about granting or amending a licence under subsection (1), the chief executive must—
 - (a) consider any certified report available to the chief executive about the existing works; and
 - (b) where a certified report is available for the existing works, calculate and consider the matters specified in sections 82 to 85.
- (5) The chief executive must include one or more of the conditions under subsection 81(1) for a licence granted under Section 212 of the Act.

67. Certified reports for overland flow works

- (1) For the purpose of this part, a certified report is a report prepared in accordance with the standards and requirements set out in a notice provided by the chief executive.
- (2) The purpose of the certified report is to provide the chief executive with an accurate representation of—
 - (a) the infrastructure to which the report relates;
 - (b) how the infrastructure operates; and
 - (c) the ability of the infrastructure to take overland flow water.
- (3) The chief executive may require that the certified report is to be verified and signed by a Registered Professional Engineer of Queensland.

Part 4 – Setting Conditions on New Water Licences

68. Scope of part 4

- (1) This part details conditions that may be set by the chief executive on water licences issued under part 5 of this chapter.
- (2) Nothing in this part limits the conditions the chief executive may set on a licence issued under this plan.

*Division 1 – All New Water Licences***69. Scope and purpose of division 1**

- (1) This division details the conditions that would apply to all licences issued under part 5 of this chapter.
- (2) For licenses to take overland flow these conditions are in addition to those detailed in division 2 of this part.
- (3) This division does not deal with licences to interfere with water which are dealt with under section 108 of this plan.

70. Determining conditions for the take of water

- (1) When determining the conditions that may be applied on a water licence for the take of water, the chief executive must consider—
 - (a) the matters specified in the *Water Act 2000*;
 - (b) the information supplied by the applicant under parts 1, 2, 4 and 5 of this chapter;
 - (c) where the take is from a waterhole or augmented waterhole—the long-term ecological, cultural, recreational and aesthetic values of the waterhole; and
 - (d) not issuing a licence if the chief executive determines the applicant is unable to access the volume of water detailed on the licence.
- (2) Subsection (1) does not limit the matters the chief executive may consider.

71. Use of water

- (1) A condition must be imposed on all licences so that a maximum of 150 megalitres of category B water may be held on a single lot on plan.
- (2) In accordance with Section 73 of the Act, a person proposing to use, for irrigation, water taken under a licence must have an approved land and water management plan for the land on which the water is to be used before the water can be taken.

72. Conditions for the take of water from a waterhole

- (1) Conditions on a water licence to take water will be imposed to ensure that—
 - (a) water will not be extracted from below the natural cease to flow level of a waterhole listed in Attachment 5;
 - (b) water will not be extracted from below the natural cease to flow level of any waterhole if the application is for category A unallocated water or water for projects of state significance; and
 - (c) water will not be extracted when the level of a waterhole not listed in Attachment 5 is lower than 0.5 m below the natural cease to flow if the application is for category B unallocated water.
- (2) The chief executive may impose additional conditions on the take of water from any waterhole to maintain its ecological integrity.

73. Limits on the take of water

A condition is to be applied to a licence that prohibits the taking of water from 1 July to 31 December.

74. Flow access conditions

- (1) Flow conditions will be placed on a licence to take water from a watercourse so that water may not be extracted from below the 'low flow' at the location of take.
- (2) The 'low flow' will be determined by the chief executive having regard to the methodology outlined in *Using Instream Geomorphic Features to Determine Flow Thresholds*⁷.

75 to 79. Section numbers not used*Division 2 – New Licences for Taking Overland Flow Water***80. Scope and purpose of division 2**

- (1) This division details the conditions that would apply to a licence for taking overland flow water that would—
 - (a) be issued as a result of a successful purchase of unallocated water; or
 - (b) replace the authorised taking of overland flow water under section 12 of the water resource plan.
- (2) This division will be used when issuing a licence for an overland flow works to ensure that the take of water does not exceed—
 - (a) in the case of existing works or changes to existing works, the average annual volume taken prior to the commencement of the water resource plan; or
 - (b) the volumetric limit granted as a result of the issuing of unallocated water.

81. Conditions for taking overland flow water

- (1) A water licence for taking overland flow water may include one or more of the following conditions—
 - (a) a maximum rate for taking water in megalitres per day;
 - (b) a storage volume in megalitres;
 - (c) a volumetric limit in megalitres per year; and
 - (d) a mean annual diversion.
- (2) The assessment of these conditions must be in accordance with sections 82 to 85.
- (3) The chief executive may impose conditions in addition to those mentioned above including—
 - (a) a limit on the amount of water that can be taken in a period; and
 - (b) a limit on the volume that can be stored at any time;
- (4) Subsection (3) does not limit the conditions which the chief executive may impose.

82. Assessment of maximum rate for taking overland flow water

The chief executive must determine the condition limiting the maximum rate for taking overland flow water having regard to—

- (a) if the works are taking overland flow water using a pump - the information about pump sizes and maximum rates as stated in Attachment 4; or
- (b) otherwise, the rate at which the works may take water determined having regard to the information provided in a certified report.

⁷ This document may be inspected by contacting the department's head office.

83. Assessment of storage volume

The chief executive must determine the condition limiting the storage volume having regard to the information provided in a certified report.

84. Assessment of the volumetric limit for taking overland flow water

- (1) In assessing the volumetric limit for taking overland flow water, the chief executive must have regard to the following parameters—
 - (a) the catchment characteristics;
 - (b) the maximum rate determined in section 82;
 - (c) the storage volume determined in section 83;
 - (d) the pattern of usage demand from the storage based on water requirements having regard for the use being made of the water; and
 - (e) the extent to which the storage works would also be filled under the authority of other authorisations to take water.
- (2) Subsection (1) does not limit the matters the chief executive may consider.

85. Assessment of the mean annual diversion of overland flow water

The chief executive must determine the mean annual diversion having regard to—

- (a) the volumetric limit; and
- (b) any other conditions related to when water may be taken under the authority.

86 to 94. Section numbers not used**Part 5 – Finalisation of Conditions and Issuing of a Water Licence****95. Public notification of successful purchasers**

- (1) Once the process detailed in sections 38, 42, 52 or 63 have been finalised, a public notice must be issued advertising the proposed licence.
- (2) The advertisement must be—
 - (a) placed in a newspaper distributed throughout the catchment and on the departmental web site;
 - (b) sent to all local governments within the catchment area;
 - (c) sent to all natural resource management bodies in the catchment area.
- (3) For each of the licences advertised, the following must be specified—
 - (a) location of the proposed taking of water;
 - (b) volume (maximum annual volume);
 - (c) rate of take;
 - (d) where information on any draft conditions the chief executive proposes to apply to the proposed licence can be viewed;
 - (e) that written submissions may be made by any entity regarding the issuing of the licence; and
 - (f) a day by which submissions must be made and the person to whom and the place where the submissions must be made.

96. Review of submissions and settling of purchases

- (1) The chief executive, in settling purchases must—
 - (a) collate information about any submissions made under section 95 and refer the information and submissions to a resource operations plan referral panel for review and recommendation on how the issues raised in the submissions should be dealt with;

- (b) consider the submissions received, recommendations from the referral panel and any other matters the chief executive considers appropriate; and
 - (c) for each successful tender or application, decide to either—
 - (i) grant a water licence; or
 - (ii) further amend the conditions on the water licence; or
 - (iii) decide not to issue the water licence.
- (2) If the conditions to be imposed by the chief executive are not acceptable to the prospective purchaser then the application will be rejected and a licence not issued.

97. Finalisation of sale and issuing of a water licence

- (1) If the chief executive decides to issue a water licence as a result of section 96, the chief executive must require payment for the water purchased within 10 working days of the purchaser being notified that payment is required.
- (2) Following receipt of payment the chief executive must issue the licence and may amend the resource operations plan to specify the details of successful purchases. The chief executive must not issue the licence unless all monies associated with the issuing of the licence have been paid.
- (3) If a land and water management plan is required under section 71(2) of this plan, the chief executive will not require payment under subsection (1) until a land and water management plan acceptable to the chief executive has been produced. If this plan has not been produced within 12 months of the completion of the process in section 96, the unallocated water will be returned to the reserve to be reissued under the same provisions which applied when it was originally released.

98 to 102. Section numbers not used

CHAPTER 3 – DEALING WITH WATER LICENCES

103. Scope of chapter 3

This chapter deals with existing and new applications for water licences and amendments to existing water licences.

Part 1 – Existing and New Applications for a Water Licence

104. Water licence applications to which part 1 applies

- (1) This part deals with applications for water licences for water from a watercourse, lake or spring, overland flow water or water from hydraulically-linked subartesian water.
- (2) This part applies to each application for a water licence made under Section 206 of the *Water Act 2000* and applications made under the *Water Resources Act 1989*, if granting the application would have one or more of the following effects within the plan area—
 - (a) increase the amount of water that may be taken;
 - (b) change the location from which water may be taken;
 - (c) increase the rate at which water may be taken;
 - (d) change the flow conditions under which water can be interfered with or taken; or
 - (e) increase the interference with water.
- (3) This part applies even if the application was made before the commencement of this plan.
- (4) This part does not apply to applications made under Section 221 and 229 of the *Water Act 2000*.
- (5) Applications to convert an authority to take overland flow water to a water licence are dealt with under Chapter 2, Part 3 of this plan

105. Applications to be refused

The chief executive must refuse an application to which this part applies unless this part explicitly provides for accepting or dealing with the application.

106. Applications not accepted

Applications for water licences must not be accepted unless this part explicitly provides for accepting or dealing with the application.

107. Previous water licences

- (1) This section applies where—
 - (a) a water licence has expired; and
 - (b) the owner of land to which the expired water licence applied has made an application for the reinstatement of the expired water licence after the time specified in the *Water Act 2000*.
- (2) The chief executive must refuse the application unless the applicant can demonstrate—
 - (a) the works associated with the expired water licence were installed at the time the water licence expired; and
 - (b) there has been continuing use of water associated with the expired water licence.
- (3) For deciding the application, Subsections 220(4) to 220(8) of the *Water Act 2000* apply.

108. Applications to interfere with water

- (1) This section applies to an application to interfere with water in a watercourse.
- (2) If the proposal is to be located in the watercourse of any of the following locations, the application must be refused—
 - (i) Georgina River
 - (ii) Buckley River
 - (iii) Templeton River
 - (iv) Burke River
 - (v) Hamilton River
 - (vi) Eyre Creek
 - (vii) Mulligan River
 - (viii) Diamantina River
 - (ix) Mayne River
 - (x) Farrars Creek
 - (xi) Western River
 - (xii) Wokingham Creek
 - (xiii) Mills Creek
 - (xiv) Jessamine Creek.
- (3) The upstream extent of the watercourses listed under subsection (2) where applications will be refused will be determined by the chief executive when there is a licence application that states that the works will be located on one of the watercourses listed in subsection (2).
- (4) No structures will be authorised to be constructed in the waterholes listed in Attachment 5.
- (5) Issuing of a licence to interfere does not exempt a licenceholder from having to apply for a development permit through the *Integrated Planning Act 1997*.
- (6) Development permits for structures will be assessed and issued under the *Integrated Planning Act 1997*. The structure must have a means of releasing water during the stated periods in section 73, or where applicable for water to bypass the structure.

109 to 114. Section numbers not used**Part 2 – Amending Existing Water Licences****115. Water licences for the purpose other than for stock and/or domestic**

- (1) This part applies to any water licence in the plan area that states the purpose as being other than for solely stock and/or domestic purposes.
- (2) For any licences that do not already state the following details, the chief executive will amend that licence to include—
 - (a) a volumetric limit (section 116); and
 - (b) conditions that state a maximum rate for taking water (section 117).
- (3) The chief executive may amend the licence to apply flow conditions (section 118).

116. Volumetric limit

The volumetric limit of a licence will be determined by the chief executive having regard to the following—

- (a) for a licence that states a volume or a nominal volume, the limit stated;
- (b) for a works that was constructed under an authorisation, the terms or conditions stated on that authorisation; and
- (c) for a licence that states an area, the volume determined by—
 - (i) multiplying the authorised area in hectares by 16 megalitres; and
 - (ii) if the authorisation includes the purpose of stock and/or domestic, an additional volume of water calculated by using tables 1 and 2 of the worksheet in schedule 1 of the *Code for Self-assessable Development for Taking Overland Flow Water for Stock and Domestic Purposes* and based on the standard stocking rates for the property.

117. Maximum rate of take

For a water licence to take water, the maximum rate for taking water is the rate decided by the chief executive having regard to the following—

- (a) for an authorisation that states a rate for taking water—the stated rate;
- (b) for an authorisation that states a pump size, other than for an axial flow pump—the information about the pump sizes and maximum rates in Attachment 4, columns 1 and 2;
- (c) for an authorisation that states a pump size, for an axial flow pump—the information about pump sizes and maximum rates in Attachment 4, columns 1 and 3;
- (d) for an authorisation that states both a rate and a pump size, the lesser of the following—
 - (i) the rate decided under paragraph (a); or
 - (ii) the rate decided under paragraph (b) or (c);
- (e) for another authorisation—the terms or conditions under which water may be taken under the authorisation;
- (f) if an authorisation includes a condition limiting the total rate for taking water under the authorisation and any other authorisations, the chief executive must have regard to these conditions in deciding the maximum rate for taking water; and
- (g) if a control structure has been constructed to allow for the diversion of water, then the dimensions of that control structure.

118. Flow conditions

- (1) If flow conditions are applied to a licence, the flow threshold for taking water must not be lower than the ‘low flow’ at a flow reference point determined by the chief executive.

- (2) The ‘low flow’ will be determined by the chief executive having regard to the methodology outlined in *Using Instream Geomorphic Features to Determine Flow Thresholds*.
- (3) Flow conditions detailed on the licence may also include conditions related to the drawdown rate on waterholes.

119 to 124. Section numbers not used

CHAPTER 4 – MONITORING, ASSESSMENT AND REPORTING

125. Data collection

- (1) The chief executive must measure, and keep publicly available, records of—
 - (a) water quantity and flows;
 - (b) water quality; and
 - (c) water use.
- (2) The chief executive must collect and keep publicly available, information on—
 - (a) future consumptive demands for water; and
 - (b) water use efficiency.
- (3) All water authorisations in the plan area will be progressively metered.
- (4) The chief executive will consider information collected from meters and other flow measurement devices when undertaking water resource assessment and reporting.

126. Ecological performance monitoring and assessment

- (1) The ecological performance monitoring and assessment program will provide the basis for the chief executive to collect and keep publicly available information on—
 - (a) ecological assets that are linked to the ecological outcomes of the water resource plan; and
 - (b) detailed information on the critical water requirements of biological indicators of the ecological assets.
- (2) The chief executive will work with stakeholders in developing and implementing this program as part of implementation of this plan.

127. Assessment

- (1) The chief executive must make ongoing assessments of whether the trends in data measured, collected and recorded under sections 125 and 126 indicate that outcomes specified in the water resource plan will be achieved.
- (2) The chief executive’s assessments will be used in assisting the Minister to prepare a report under section 23 of the water resource plan.

128. Links to other monitoring programs

Information collected as part of other monitoring and assessment programs in the catchments will be considered in the assessment of the ecological outcomes detailed in the water resource plan.

129 to 133. Section numbers not used

CHAPTER 5 – AMENDMENTS TO THE RESOURCE OPERATIONS PLAN

Part 1 – Amendments not Requiring Public Notification

134. Scope of part 1

This part describes those amendments that may be made to this plan under Section 106(b) of the Act.

135. Implementing an amendment to the water resource plan

An amendment that is necessary to implement an amendment to the water resource plan made under Section 57(b) of the Act may be made to this plan.

136. Changes to monitoring requirements

- (1) An amendment that provides for improved or more efficient monitoring for assessing the outcomes of the water resource plan may be made to this plan.
- (2) Such amendments may include but are not limited to the following—
 - (a) changing indicators for water quality or biological monitoring;
 - (b) an increase or addition to monitoring requirements if further information is required; and
 - (c) a reduction or removal of state monitoring requirements if no further information or benefit is gained from the continuation of the monitoring.

137. Changes to the method of determining conditions on an overland flow licence

Sections 64 to 67 and 80 to 85 of this plan may be amended to allow for an improved method of determining the requirements of a water licence for taking overland flow.

138. Granting an entitlement for unallocated water

An amendment that provides for granting a water licence under section 97 of this plan may be made to this plan.

Part 2 – Amendments Requiring Public Notification

139. Amendments under the Water Act 2000

- (1) The chief executive may amend this plan under Subsection 105(5) of the *Water Act 2000* to include additional requirements for water management.
- (2) Examples of amendments that may occur under Subsection 105(5) of the *Water Act 2000* include, but are not limited to—
 - (a) The establishment of a rule to determine the maximum cumulative extraction rate that may take place from a waterhole not listed in Attachment 5; or
 - (b) Including additional waterholes to those listed in Attachment 5; or
 - (c) Including additional streams to those listed in section 108(2).

140 to 144. Section numbers not used

CHAPTER 6 – IMPLEMENTATION

145. Implementation of the resource operations plan

The chief executive must implement the requirements of this plan as soon as is practicable.

GLOSSARY

Act: Is the *Water Act 2000*.

Augmented: In relation to natural storages or waterholes, is where the capacity of a natural storage has been increased by the construction of a physical barrier to impound a volume of water in excess of that which would be stored naturally.

Chief executive: The chief executive officer of the department responsible for administering the *Water Act 2000*.

Code: The *Code for Assessable Development for Operational Works that Allow Taking Overland Flow Water*.

Department: The department responsible for administering the *Water Act 2000*.

Low flow: The level in the river, as determined by the chief executive, having regard to the methodology outlined in *Using Instream Geomorphic Features to Determine Flow Thresholds*.

Maximum annual take: Is the maximum total annual volume taken in any water year under the authority of a water licence by the works described on the licence, i.e. the volumetric limit.

Natural resource management body: A regional natural resource management body, recognised by the chief executive, which has been established to develop and implement a regional natural resource management plan.

Prospective purchaser: The entity who is in the process of purchasing water through the process detailed in chapter 2 but has not yet paid any money nor had a licence issued.

Publish: Means:

- (a) if the provision states the way the notice must be published—in the way stated in the provision; or
- (b) if the provision does not state the way the notice must be published—in a newspaper circulating generally throughout the area for which the notice is published.

Resource operations plan ('this plan'): The *Georgina and Diamantina Resource Operations Plan 2006*.

Resource operations plan water management area: For the purposes of this plan, the geographic locations described in Attachments 2A to 2E.

The catchment: Means the Georgina and Diamantina catchments and includes the area within Queensland, the Northern Territory and South Australia

Third party impacts: Impacts on other water users, entitlement holders, landholders, the environment and any others that may be affected by a decision made under this plan.

Uncontrolled: With reference to overland flow, is where the rate of take of overland flow cannot be regulated or adjusted.

Water resource plan ('the water resource plan'): The *Water Resource (Georgina and Diamantina) Plan 2004*.

Water year: The period from 1 July to 30 June in the following year.