

Barron

Draft Water Management Protocol

July 2022



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How to read this document

The main changes in this draft Barron Water Management Protocol are to:

- make administrative changes to the water management protocol to reflect updated references to the provisions in the draft water plan and clarify existing provisions
- changes to water allocation dealing rules for supplemented and unsupplemented surface water allocations for consistency with section 158 of the *Water Act 2000* and part 5, division 3 of the *Water Regulation 2016*.
- provide a breakdown of the volume of unallocated water set in the draft water plan into volumes held as general, strategic or Indigenous reserves and where applicable, location of the unallocated water
- provide the process for releasing unallocated water from the Indigenous reserves, and the considerations which must be taken into account when releasing water from a reserve
- include nominal volume in the consideration of subdivision and amalgamation of unsupplemented surface water licences and additional consideration of daily volumetric limits and conditions for seasonal assignments of unsupplemented surface water allocations
- changes to seasonal water assignment rules in the Atherton underground water management area; and
- include in the monitoring and reporting requirements measurement and recording of sale price of seasonal water assignments in line with the department's Water monitoring data collection and reporting standards.

To assist interested parties in identifying which aspects of this document may affect them, each chapter heading contains a call-out box which briefly summarises the content of the chapter and what changes have occurred to the existing Barron water management protocol.

This draft protocol should be read in conjunction with the draft Barron water plan (the draft water plan) to gain a full understanding of the water planning process to replace the Water Plan (Barron) 2002. These documents along with the Statement of Intent, which provides a plain English explanation of the intent and effect of the draft water plan, will provide stakeholders and other interested parties sufficient details on the water planning process for the Barron plan area, to inform submissions on the draft water plan and draft water management protocol.

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Chapter 1 Preliminary

1 Short title

- (1) This water management protocol may be cited as the Barron Water Management Protocol.
- (2) Reference in this document to 'this protocol' means the Barron Water Management Protocol.

This chapter states:

- The purpose of this protocol
- When this protocol commences
- Water to which this protocol applies
- How information about mapping boundaries may be accessed.

Changes:

- The commencement date of the protocol and date of the finalised water plan.

2 Commencement of the water management protocol

This protocol commenced on **<date to be determined following finalisation of the water plan>**.

3 Purpose of protocol

This protocol implements the Water Plan (Barron) **2022** (the Water Plan).

4 Interpretation of words used in this protocol

Unless defined under the relevant provisions, the dictionary in Attachment 1 defines particular words used in this protocol.

5 Area to which this protocol applies

This protocol applies to parts of the plan area defined in the Water Plan.

6 Water to which this protocol applies

This protocol applies to the following water in the plan area—

- (a) water in a watercourse, lake or spring (**surface water**); and
- (b) underground water.

7 Zones

- (1) Each zone, shown on the maps in the Water Plan, is a zone for this protocol.
- (2) For surface water, each zone includes—
 - (a) each part of a watercourse, lake or spring that lies within the zone; and
 - (b) those sections of tributaries where there is access to flow or pondage from a watercourse or lake within the zone.
- (3) For underground water, each zone applies to each part of an aquifer for the Atherton underground water management area that lies within the zone.

8 Information about areas, schemes and zones

- (1) The location of plan area boundaries and zones are 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 boundaries.¹

¹ The boundaries held in digital electronic form may be inspected at any of the department's offices or on <https://qldglobe.information.qld.gov.au/>

Chapter 2 Unallocated water

New Chapter

This chapter states:

- The breakdown of unallocated water volumes into strategic, general and Indigenous purposes
- General requirements for granting unallocated water
- The processes for releasing water from the Indigenous reserves.

9 Scope of chapter 2

This chapter states the reserve types and volume of unallocated water as mentioned in section 31 of the Water Plan and the process for granting unallocated water from an Indigenous reserve.

10 Record of volume of unallocated water

The chief executive may keep a register of the volume of the unallocated water available.

Part 1 Unallocated water reserve types and volumes

11 Unallocated water reserve types and volumes

- (1) Unallocated water held as a reserve of surface water is reserved for the following purposes—
 - (a) Strategic;
 - (b) Indigenous; and
 - (c) General.
- (2) The volume and location of unallocated water held as a reserve of surface water is detailed in Attachment 2, Table 1.

Part 2 General requirements when granting unallocated water

12 Specification of unallocated water

If the chief executive decides to grant an entitlement from any unallocated water reserve, the entitlement must be a water licence.

13 Conditions for taking strategic reserve water from Lake Placid

For a water licence granted from strategic unallocated water reserve to take up to 4000 ML of nominal entitlement from Lake Placid, the chief executive must include a condition that water may only be taken when there is a visible flow immediately downstream of the downstream control at Lake Placid.

Part 3 Releasing unallocated water from the Indigenous reserve

14 Process for granting unallocated water from an Indigenous reserve

- (1) Unallocated water held as an Indigenous reserve in a particular subcatchment specified in Attachment 2, Table 1, may be granted to an **eligible person** in that subcatchment to help an Aboriginal or Torres Strait Islander community in the plan area to achieve its economic and social aspirations.
- (2) An **eligible person** is a native title holder under the *Native Title Act 1993* (Cwlth).

15 Elements of a water licence offered or granted to an eligible person

An offer to grant of a particular water licence made in accordance with section 14 of this protocol must state—

- (a) the proposed water licence holder, who is the eligible person;
- (b) the purpose to be stated on the proposed water licence is “Indigenous”;
- (c) the subcatchment where water may be taken under the proposed water licence;
- (d) the nominal entitlement for the proposed water licence;
- (e) the contents, terms and conditions that will apply; and
- (f) the expiry date - that is the date by which the eligible person must accept or decline the offer, otherwise the offer expires on this date.

16 Granting a particular water licence to an eligible person

- (1) The chief executive may accept an application or make an offer to an eligible person.
- (2) Subsection (1) must be consulted with Traditional Owners and Custodians.

Chapter 3 Water allocation dealing rules—Mareeba-Dimbulah Water Supply Scheme

17 Scope of chapter 3

- (1) For section 158(2) of the *Water Act 2000*, this chapter states the water allocation dealing rules that apply to supplemented water allocations managed under the resource operations licence for the Mareeba-Dimbulah Water Supply Scheme.
- (2) The process for making an application for a water allocation dealing is prescribed in part 5, division 3 of the *Water Regulation 2016*.

18 Definition for chapter 3

In this chapter—

location, for a water allocation, means the zone from which water under the water allocation can be taken.

Part 1 Permitted water allocation dealings

19 Application of this part

For section 158(4)(a) of the *Water Act 2000*, this part states the types of water allocation dealings that are permitted under the water allocation dealing rules in this protocol.

Note – For deciding a water allocation dealing under this part, see section 159(2)(a) of the Water Act 2000.

20 Barron River zone group

For this part, zones B and C are in the Barron River zone group.

21 Location

- (1) A change to the location for the taking of water under a water allocation that belongs to a medium or high priority group is permitted provided the change would not result in a total nominal volume in a zone or zone group that—
 - (a) exceeds the maximum total nominal volume for a zone or zone group; or
 - (b) is less than the minimum total nominal volume for a zone or zone group.
- (2) For this section, the maximum and minimum total nominal volume (high priority group and medium priority group) for each zone and each zone group for the Mareeba–Dimbulah Water Supply Scheme is identified in Table 1.
- (3) For this section, the total nominal volume in a zone or zone group is the total nominal volume of all water allocations—
 - (a) for the zone or zone group; and
 - (b) for which a certificate has been issued under section 159 of the *Water Act 2000*.

This chapter states:

- Dealing rules for water allocations in the Mareeba-Dimbulah Water Supply Scheme

Changes

- Administrative changes to update reference to replacement water plan
- Additional considerations for permitted changes to a priority group of a water allocation from medium priority to high priority and from high priority to medium priority
- Changes to water allocation dealing rules to be consistent with section 158 of the *Water Act 2000* and part 5, division 3 of the *Water Regulation 2016*.

Table 1 - Permitted distribution of all nominal volume in the Mareeba-Dimbulah Water Supply Scheme

Zone/group	Minimum total nominal volume (ML)	Maximum total nominal volume (ML)
Zone A	0	15 000
Zone B	0	13 500
Zone C	0	20 000
Zone D	86 200	No limit
Zone E	9 500	29 500
Barron River zone group	8 500	33 500

22 Priority group

- (1) A change to the priority group of a water allocation that belongs to a medium priority group to a high priority group is permitted, where—
 - (a) the nominal volume, in megalitres, is calculated by multiplying the nominal volume of the water allocation that belongs to the medium priority group, by the conversion factor of 0.7 and rounding down to the nearest whole number; and
 - (b) the maximum total nominal volume for high priority water supplied under the resource operations licence is 33 900 ML; and
 - (c) the resulting total of nominal volume for the location of the water allocation is less than the minimum total nominal volume for a zone or zone group in Table 1.
- (2) A change to the priority group of a water allocation that belongs to a high priority group to a medium priority group is permitted where—
 - (a) the nominal volume, in megalitres, is calculated by dividing the nominal volume of the water allocation that belongs to the high priority group, by the conversion factor of 0.7 and rounding down to the nearest whole number; and
 - (b) the resulting total of nominal volume for the location of the water allocation exceeds the maximum total nominal volume for a zone or zone group in Table 1.

23 Purpose

A change to the purpose of a water allocation is permitted where the change in purpose is from—

- (a) 'any' to 'rural'; or
- (b) 'rural' to 'any'.

24 Subdivisions or amalgamations

- (1) Subdivision of a water allocation is permitted where—
 - (a) the new water allocations state the same priority group and location as the allocation that is being subdivided; and
 - (b) the sum of the nominal volumes of the new water allocations is equal to the nominal volume of the water allocation that is being subdivided.
- (2) Amalgamation of water allocations is permitted where—
 - (a) the allocations being amalgamated state the same priority group and location; and
 - (b) the nominal volume of the new water allocation is equal to the sum of the nominal volumes of the water allocations that are being amalgamated.

Part 2 Prohibited water allocation dealings

25 Application of this part

For section 158(4)(c) of the *Water Act 2000*, this part states the type of water allocation dealings that are prohibited under the water allocation dealing rules in this protocol.

Note – For deciding a water allocation dealing under this part, see section 159(2)(c) of the Water Act 2000.

26 Water allocation dealings that are prohibited

- (1) The following water allocation dealings are prohibited—
 - (a) a change that would result in—
 - (i) the nominal volume in a zone or zone group in Table 1 being greater than the maximum total nominal volume for the zone or zone group; or
 - (ii) the nominal volume in a zone or zone group in Table 1 being less than the minimum total nominal volume for the zone or zone group.
 - (b) a subdivision where the combined nominal volume of each new water allocation is not equal to the nominal volume of the original water allocation being subdivided;
 - (c) an amalgamation where the nominal volume of the new water allocation is not equal to the combined nominal volume of the original water allocations being amalgamated;
 - (d) a change to a priority group that is not specified in the Water Plan; and
 - (e) a change to a location that is not a location listed in Table 1 of this protocol.
- (2) For this section, the total nominal volume in a zone or zone group is the total nominal volume of all water allocations—
 - (a) for the zone or zone group; and
 - (b) for which a relevant certificate of the dealing has been issued under section 159 of the *Water Act 2000*.

Part 3 Assessed water allocation dealings

27 Application of this part

- (1) For section 158(4)(b) of the *Water Act 2000*, this part states the types of water allocation dealings that must be assessed against stated criteria under the water allocation dealing rules in this protocol.
- (2) The part states, for section 67(2)(b) of the *Water Regulation 2016*, the criteria for assessment for a dealing that must be assessed under this protocol.

Note – For deciding a water allocation dealing under this part, see sections 67 and 68 of the Water Regulation 2016.

28 Assessing applications for particular dealings

- (1) An application received from the holder of a water allocation for a water allocation dealing to change the purpose of 'distribution loss' to a purpose of 'any' or 'rural' is a water allocation dealing that must be assessed under this protocol.

- (2) For assessing an application received under subsection (1), the chief executive must approve the application, with or without conditions, if the chief executive is satisfied that it is consistent with the general assessment criteria in section 29.
- (3) The application is to be made in accordance with section 63 of the Water Regulation 2016.
- (4) The applicant must publish a notice of the application in accordance with section 64 of the Water Regulation 2016.
- (5) The chief executive may determine that additional information may be required in accordance with section 65 of the Water Regulation 2016.
- (6) If the chief executive is satisfied there will be considerable expense in investigating the application the applicant must pay the reasonable costs incurred by the chief executive in investigating the application in accordance with section 66 of the Water Regulation 2016.
- (7) If the chief executive is not satisfied that the criteria have been met, the chief executive must refuse the application.
- (8) Within 10 business days of deciding to approve or refuse an application for the water allocation dealing, the chief executive must give written notice of the decision to the applicant.

29 General assessment criteria

The following are general assessment criteria for the purpose of assessing an application for a dealing mentioned in section 28—

- (a) the change meets the objectives of the Water Plan;
- (b) the change will not adversely affect the supply of water to water allocation holders or releases for environmental management rules, hydro-electric power generation and other purposes; and
- (c) there is no change to the nominal volume of the water allocation.

30 Purpose

- (1) The chief executive must not approve an application to change the purpose from 'distribution loss' to 'any' or 'rural' if the criteria in section 29 is not met.
- (2) The water allocation holder must provide information with the application detailing that there is sufficient volume held under water allocations to provide for distribution losses within the system.

Part 4 Other water allocation dealings

31 Application for a change to a water allocation not specified as permitted, prohibited or assessed

An application for a water allocation dealing that is not specified as permitted, prohibited or assessed may be made in accordance with part 5, division 3, subdivision 4 of the Water Regulation 2016.

Chapter 4 Unsupplemented surface water

Part 1 Water allocations

32 Application of part 1

This part provides for the management of unsupplemented water allocations in the **plan area**.

33 Water allocation zones for unsupplemented water

For the purpose of this part, a water allocation must be located within a zone in subcatchment area C or H, as shown in the Water Plan.

Division 1 Water allocation **dealing** rules

34 Application of division 1

- (1) For section 158(2) of the *Water Act 2000*, this division states the water allocation dealing rules that apply to unsupplemented water allocations in subcatchment areas C and H.
- (2) The process for making an application for a water allocation dealing is prescribed in part 5, division 3 of the Water Regulation 2016.

Subdivision 1 Permitted water allocation dealings

35 Application of this subdivision

For section 158(4)(a) of the *Water Act 2000*, this subdivision states the types of water allocation dealings that are permitted under the water allocation dealing rules in this protocol.

Note – For deciding a water allocation dealing under this division, see section 159(2)(a) of the Water Act 2000.

36 Location

- (1) For the purpose of this section, the annual volumetric limit is the total volume of all water allocations—
 - (a) in a zone for the water allocation group; and
 - (b) for which a certificate has been issued under section 159 of the *Water Act 2000*.
- (2) For subcatchment area C, a change to the location for the taking of water under a water allocation is permitted provided the change would not result in a total annual volumetric limit in a zone that is greater than the maximum annual volumetric limit for a water allocation group in a zone as specified in Table 2.

This chapter states:

- For water allocations in subcatchment C-Upper Barron River and subcatchment H-Mid Barron River:
 - water allocation change rules
 - seasonal water assignment rules; and
 - water sharing rules.
- For water licences in subcatchment A-Emerald Creek zone
 - rules for relocation of water licence; and
 - seasonal water assignment rules.

Changes:

- Administrative changes to update reference to replacement water plan and subcatchment areas, and correct heading for Table 2
- Table 2 – updated maximum annual volumetric limits for permitted change to CB water allocation zone
- Section 38 amendment to permitted change for daily volumetric limit
- Section 39 includes addition of nominal volume to volumetric limits in the consideration of subdivision and amalgamation of water licences
- Section 44 includes new criteria for consideration of seasonal water assignments of water allocations
- Clarification of section 46 for when to ease seasonal restriction, which reflects long standing practice
- Sections 50 and 51 – references to ‘transfer’ corrected to ‘relocate’ to be consistent with the *Water Act 2000*
- Changes to water allocation dealing rules to be consistent with section 158 of the *Water Act 2000* and part 5, division 3 of the Water Regulation 2016.

Table 2 - Maximum annual volumetric limits for unsupplemented water allocation zones

Zone	Water allocation group		
	CA	CB	CC
Upper Barron zone A	1150	400	0
Upper Barron zone B	1150	1730	0
Upper Barron zone C	2000	2850	80
Upper Barron zone D	3150	2500	80
Leslie Creek zone A	0	1000	0
Leslie Creek zone B	0	2800	0
Leslie Creek zone C	0	1000	100
Leslie Creek zone D	0	1150	0
Leslie Creek zone E	0	1300	0
Mazlin Creek zone A	0	1700	0
Mazlin Creek zone B	0	1480	0
Mazlin Creek zone C	0	522	0
Scrubby Creek zone	625	1140	0
Peterson Creek zone	0	1180	0
Ahyah Creek zone	0	1000	0
Tinaroo zone	0	2250	0

37 Purpose

A change to the purpose of a water allocation is permitted where the change in purpose is from—

- (a) 'any' to 'rural'; or
- (b) 'rural' to 'any'.

38 Daily volumetric limit

(1) A change to the daily volumetric limit of a water allocation is permitted provided the new daily volumetric limit is not greater than the annual volumetric limit divided by 40.

39 Subdivision and amalgamation

(1) Subdivision of a water allocation is permitted where—

- (a) the new water allocations state the same water allocation group and location as the allocation that is being subdivided; and
- (b) the **nominal volume and** volumetric limits of each of the new water allocations are in the same proportions as the **nominal volume and** volumetric limits of the allocation that is being subdivided; and
- (c) the sum of each **nominal volume and** volumetric limit of the new water allocations is equal to the sum of each **nominal volume and** volumetric limit of the allocation that is being subdivided.

(2) Amalgamation of water allocations is permitted where—

- (a) the allocations being amalgamated state the same water allocation group, location and flow conditions; and

- (b) each **nominal volume and** volumetric limit for the new water allocation is equal to the sum of each **nominal volume and** volumetric limit of the allocations being amalgamated.

Subdivision 2 Prohibited **water allocation dealings**

40 Application of this subdivision

For section 158(4)(c) of the *Water Act 2000*, this subdivision states the types of water allocation dealings that are prohibited under the water allocation dealing rules in this protocol.

Note – For deciding a water allocation dealing under this division, see section 159(2)(c) of the Water Act 2000.

41 Water allocation **dealings** that are prohibited

The following water allocation **dealings** are prohibited—

- (a) a change to a water allocation group;
- (b) a change to the location of a water allocation—
 - (i) from one **subcatchment** area to another **subcatchment** area; or
 - (ii) that is not consistent with section 36 of this protocol.
- (c) a change to a purpose that is not consistent with section 37 of this protocol; and
- (d) a change to the daily volumetric limit that is not consistent with section 38 of this protocol.

Subdivision 3 Other water allocation dealings

42 Application for a change to a water allocation not specified as permitted, prohibited or assessed

An application for a water allocation dealing that is not specified as permitted, prohibited or assessed may be made in accordance with part 5, division 3, subdivision 4 of the *Water Regulation 2016*.

Division 2 Seasonal water assignment rules

43 Application of division 2

This division states the seasonal water assignment rules for water allocations to take unsupplemented water in subcatchment areas C and H.

44 Approving seasonal water assignment applications

The chief executive may approve a seasonal water assignment only if—

- (a) for subcatchment area C—the total annual volumetric limit in a zone subject to the seasonal assignment is not greater than the maximum annual volumetric limit for a water allocation group in that zone as specified in Table 2;
- (b) for subcatchment area H—the water is to be taken from subcatchment area H; and
- (c) **the daily volumetric limit to be applied to the seasonal water assignment does not exceed the daily volumetric limit stated on the entitlement being seasonally assigned; and**
- (d) the seasonal water assignment volume does not exceed the remaining volume of water that may be taken under the water allocation in the water year; and

(e) the seasonal water assignment granted states that the take of water under the seasonal assignment must cease if the take causes the flow, immediately downstream of the point of take, to cease.

Division 3 Water sharing rules

45 Application of division 3

This division states the water sharing rules for water allocations and seasonal assignment notices to take unsupplemented water in the subcatchment areas C and H.

46 Reducing the volume of water taken in a season under a water allocation

- (1) This section applies to water allocations and seasonal water assignment notices for water allocation groups CB and HB.
- (2) When the announced entitlement for taking underground water decided under section 61 is equal to or less than 25 percent for an underground water zone mentioned in Table 3, Column 1, the volume of water taken under a water allocation in a surface water zone mentioned in Column 2 must not exceed 66 percent of the annual volumetric limit for the water allocation or seasonal water assignment notice.
- (3) Subsection (2) only applies for the period 1 July to 31 December in any water year.
- (4) Subsection (2) and (3) continue to have effect to 31 December even if an announced entitlement percentage is increased during a review under section 62.

Table 3 - Zones for reducing the volume taken in a season under a water allocation

Column 1	Column 2
Underground water zones	Surface water Subcatchment area zones
Northwest zone	Cherry Creek zone
	Rocky Creek zone
	Mazlin Creek zones B and C
Central zone	Spring Creek zone
	Mazlin Creek zone A
	Upper Barron zone D
Southwest zone	Upper Barron zones A, B and C
	Scrubby Creek zone
	Ahyah Creek zone
	Leslie Creek zones A, B and C
Yungaburra zone	Leslie Creek zones D and E
	Peterson Creek zone

47 Reducing the volume of water taken in a day under a water allocation

- (1) This section applies to water allocations and seasonal water assignment notices that belong to the water allocation group stated in Table 4 Column 1, and are within the zones stated in Column 2.
- (2) When the streamflow recorded at the gauging station stated in Column 3, is the volume stated in Column 4, the chief executive must reduce the total volume of water that may be taken in a day under a water allocation to the percentage of the daily volumetric limit stated in Column 5.

Table 4 - Streamflows for reducing the volume of water taken in a day under a water allocation

Column 1	Column 2	Column 3	Column 4	Column 5
Water allocation group	Zones	Gauging station	Streamflow	Per cent of daily volumetric limit
CA	All zones	Picnic Crossing - 110003A	Greater than or equal to 5 ML/day for seven (7) consecutive days	100
			Less than 5 ML/day for seven (7) consecutive days	75
			Less than 2 ML/day for seven (7) consecutive days	50
			Less than 1 ML/day for seven (7) consecutive days	0
CB	Upper Barron zones Ahyah Creek zone Scrubby Creek zone	Picnic Crossing - 110003A	Greater than or equal to 20 ML/day for seven (7) consecutive days	100
			Less than 20 ML/day for seven (7) consecutive days	75
			Less than 15 ML/day for seven (7) consecutive days	50
			Less than 10 ML/day for seven (7) consecutive days	25
			Less than 5 ML/day for seven (7) consecutive days	0
CB	Leslie Creek zones	Barron Junction - 110022A	Greater than or equal to 14 ML/day for seven (7) consecutive days	100
			Less than 14 ML/day for seven (7) consecutive days	75
			Less than 9 ML/day for seven (7) consecutive days	50
			Less than 5 ML/day for seven (7) consecutive days	25
			Less than 2 ML/day for seven (7) consecutive days	0
CB	Peterson Creek zone	Peterson Creek - 110019B	Greater than or equal to 2 ML/day for seven (7) consecutive days	100
			Less than 2 ML/day for seven (7) consecutive days	75
			Less than 1.6 ML/day for seven (7) consecutive days	50
			Less than 1.3 ML/day for seven (7) consecutive days	25
			Less than 1 ML/day for seven (7) consecutive days	0
CB	Mazlin Creek zones	Railway Bridge - 110018A	Greater than or equal to 8 ML/day for seven (7) consecutive days	100
			Less than 8 ML/day for seven (7) consecutive days	75

Column 1	Column 2	Column 3	Column 4	Column 5
Water allocation group	Zones	Gauging station	Streamflow	Per cent of daily volumetric limit
			Less than 5ML/day for seven (7) consecutive days	50
			Less than 3 ML/day for seven (7) consecutive days	25
			Less than 1.5 ML/day for seven (7) consecutive days	0

48 Increasing the volume of water taken in a day under a water allocation

- (1) This section applies to water allocations and seasonal water assignment notices that belong to the water allocation group states in Table 5 Column 1, and are within the zones states within Column 2.
- (2) When the streamflow recorded at the gauging station stated in Column 3, is the volume stated in Column 4, the chief executive must increase the total volume of water that may be taken in a day under a water allocation to the percentage of the daily volumetric limit stated in Column 5.
- (3) Subsection (2) only applies if the chief executive has reduced the total volume of water that may be taken in a day under a water allocation **or seasonal water assignment notice** in accordance with section 47 of this protocol.

Table 5 - Streamflows for increasing the volume of water taken in a day under a water allocation

Column 1	Column 2	Column 3	Column 4	Column 5
Water allocation group	Zones	Gauging station	Streamflow	Per cent of daily volumetric limit
CA	All zones	Picnic Crossing - 110003A	Greater than 10 ML/day for twenty-one (21) consecutive days	25
			Greater than 15 ML/day for twenty-one (21) consecutive days	50
			Greater than 20 ML/day for twenty-one (21) consecutive days	100
			Greater than 60 ML/day for seven (7) consecutive days	100
CB	Upper Barron zones Ahyah Creek zone Scrubby Creek zone	Picnic Crossing - 110003A	Greater than 15 ML/day for twenty-one (21) consecutive days	25
			Greater than 20 ML/day for twenty-one (21) consecutive days	50
			Greater than 25 ML/day for twenty-one (21) consecutive days	75
			Greater than 30 ML/day for twenty-one (21) consecutive days	100
			Greater than 60 ML/day for seven (7) consecutive days	100
CB	Leslie Creek zones		Greater than 9 ML/day for twenty-one (21) consecutive days	25

Column 1	Column 2	Column 3	Column 4	Column 5
Water allocation group	Zones	Gauging station	Streamflow	Per cent of daily volumetric limit
		Barron Junction - 110022A	Greater than 14 ML/day for twenty-one (21) consecutive days	50
			Greater than 18 ML/day for twenty-one (21) consecutive days	75
			Greater than 24 ML/day for twenty-one (21) consecutive days	100
			Greater than 45 ML/day for seven (7) consecutive days	100
CB	Peterson Creek zone	Peterson Creek - 110019B	Greater than 3.5 ML/day for twenty-one (21) consecutive days	25
			Greater than 5 ML/day for twenty-one (21) consecutive days	50
			Greater than 7 ML/day for twenty-one (21) consecutive days	75
			Greater than 10 ML/day for twenty-one (21) consecutive days	100
			Greater than 20 ML/day for seven (7) consecutive days	100
CB	Mazlin Creek zones	Railway Bridge - 110018A	Greater than 3 ML/day for twenty-one (21) consecutive days	25
			Greater than 5 ML/day for twenty-one (21) consecutive days	50
			Greater than 8 ML/day for twenty-one (21) consecutive days	75
			Greater than 12 ML/day for twenty-one (21) consecutive days	100
			Greater than 30 ML/day for seven (7) consecutive days	100

49 Notification

- (1) The chief executive must, within **two business days**, notify water allocations holders **and seasonal water assignment notice holders** about—
 - (a) reducing the total volume of water that may be taken under a water allocation in a day in accordance with sections 47 of this protocol; or
 - (b) increasing the total volume of water that may be taken under a water allocation in a day in accordance with section 48 of this protocol.
- (2) A change made under sections 46, 47 or 48 of this protocol has effect from the day following the day the chief executive notifies water allocation holders in accordance with subsection (1).
- (3) The notification provided under subsection (1) must state the date and time from which the reduction or increase takes effect.

Part 2 Water Licences

50 Application of part 2

- (1) This part applies to an application—
 - (a) to **relocate** part or all of a water licence to other land made under section 126 of the *Water Act 2000* and in accordance with section 34 of the *Water Regulation 2016*; and
 - (b) for seasonal water assignment made under section 127 of the *Water Act 2000*.
- (2) Subsection (1) applies to water licences that authorise the taking of water from the Emerald Creek zone in subcatchment area A.

51 Rules for **relocating** water licences to other land

The chief executive may approve an application to **relocate** part or all of a water licence only if—

- (a) the **relocation** of a water licence is to other land within the same zone; and
- (b) the volume being **relocated** does not exceed the nominal entitlement for the original water licence.

52 Rules for seasonal water assignment

The chief executive may approve an application for seasonal water assignment only if—

- (a) the water is to be taken from the same zone as water taken under the water licence; and
- (b) the seasonal water assignment volume does not exceed the remaining volume of water that may be taken under the water licence in the water year.

Chapter 5 Underground water

53 Application of Chapter 5

This chapter applies to underground water in the Atherton underground water management area.

Division 1 Relocating water licences to other land within Atherton underground water management area

54 Application of division 1

This division applies to an application made to **relocate** part or all of a water licence in the Atherton underground water management area to other land in the Atherton underground water management area under section 126 of the *Water Act 2000* and in accordance with section 34 of the Water Regulation 2016.

55 Zones for **relocating** water licences to other land

The zones within which the **relocation** of water licences to other land is permitted are within the Atherton underground water management area, as shown in the Water Plan.

56 Rules for **relocating** water licences to other land

The chief executive may approve an application to which this division applies only if—

- (a) the volume being **relocated** would not result in the total nominal entitlement volume in the zone where the volume is being **relocated** exceeding the maximum volumetric limit for that zone as specified in Table 6; and
- (b) the entitlement granted is not taken from a water bore that is within 400 metres of another existing authorised bore, unless—
 - (i) the transferee is the owner of the existing authorised bore; or
 - (ii) the owner of the existing authorised bore gives consent to the transferee to take **relocated** water from a bore that is within 400 metres of the existing authorised bore; or
 - (iii) the transferee can demonstrate that taking the **relocated** volume will not impact on any existing authorised bore owner's ability to access water.

This chapter states:

- For water licences in the Atherton underground water management area:
 - rules for relocation of water licences;
 - seasonal water assignment rules; and
 - water sharing rules.

Changes

- Sections 54, 55 and 56 – references to 'transfer' corrected to 'relocate' to be consistent with the *Water Act 2000*
- Section 59 – clarification added and amendments to specify additional rules for seasonal water assignments to be approved for low risk seasonal water assignments, and restrict seasonal water assignments if the proposed water bore is located within 400 metres of a registered bore that is used to determine announced entitlements
- Section 61 and Table 7 – clarifications to operational rules for determining Announced entitlements, and clarifications of water levels to determine Announced entitlement
- Section 62 – amendment to provide for decisions of Announced entitlements to be made on the first business day of each water year and reviews when required on the first business day of the month after commencement of the water year
- Section 63 – amendment to provide for notifications of Announced entitlements to be made within two business days of being decided and until the announced entitlement for the current water year takes effect, the announced entitlement from the previous water year remains in effect.

Table 6 - Maximum volumetric limits for zones within Atherton underground water management area

Zone	Volumetric limit (ML)
Northwest zone	6 000
Central zone	17 862
Yungaburra zone	5 505
Northeast zone	1 000
Southwest zone	3 000

Division 2 Seasonal water assignment within Atherton underground water management area

57 Application of division 2

This division applies to water taken under a water licence if an application for a seasonal water assignment is made under section 127 of the Act.

58 Water that may be seasonally assigned

Water may be seasonally assigned if it is authorised under an existing water licence to be taken from a zone identified in the Water Plan.

59 Rules for seasonal water assignment

- (1) The chief executive may approve an application for a seasonal water assignment only if—
 - (a) The volume being assigned does not cause the total nominal entitlement volume in the zone where the volume is being seasonally assigned, to exceed the maximum volumetric limit for that zone as specified in Table 6; and
 - (b) If the volume being seasonally assigned is greater than 20 megalitres per water year, it must not be taken from a water bore that is within 400 metres of another existing authorised bore, unless—
 - (i) the transferee is the owner of the existing authorised bore; or
 - (ii) the owner of the existing authorised bore gives consent to the transferee to take seasonally assigned water from a bore that is within 400 metres of the existing authorised bore; or
 - (iii) the transferee can demonstrate that taking the seasonal assigned volume will not impact on any existing authorised bore owner's ability to access water; and
 - (c) the seasonal water assignment volume does not exceed the remaining volume of water that may be taken under the water licence in the water year.
- (2) Despite subsection (1)(a), the chief executive may approve an application for a seasonal water assignment from one zone to another zone if the locations for the water licence and the proposed seasonal assignment are on contiguous parcels of land.
- (3) Despite subsection (1)(b)—
 - (a) if a seasonal assignment of less than or equal to 20 ML has occurred for the previous three consecutive years, subsection (1)(b) will apply as if the application was for greater than 20 ML; and
 - (b) a seasonal assignment must not be approved if the proposed water bore is located within 400 metres of a registered bore listed in Table 7 that is used to determine announced entitlements.

Division 3 Water sharing rules

60 Application of division 3

This division applies to entitlements for the taking of underground water from the Atherton underground water management area.

61 Announced entitlement for water licences and seasonal water assignment notices

- (1) This section applies to water licences and seasonal water assignment notices located in the Central zone, Yungaburra zone, Southwest zone and Northwest zone shown in the Water Plan.
- (2) The announced entitlement percentage stated in Table 7, Column 4, applies to the nominal entitlement for water licences and seasonal assignment notices—
 - (a) for the Central zone and Northwest zone—when the **daily mean** underground water level in the two registered bores stated in Column 2—
 - (i) for deciding the announced entitlement on the first day of the water year—is the level stated in Column 3 **on the last day of** the month before the announced entitlement is decided; and
 - (ii) for deciding the announced entitlement on the first day of the month after the commencement of water year—is the level stated in Column 3 on the last day of the month before the announced entitlement is decided.
 - (b) for the Yungaburra zone—when the **daily mean** underground water level in at least two of the registered bores stated in Column 2—
 - (i) for deciding the announced entitlement on the first day of the water year—is the level stated in Column 3 **on the last day of** the month before the announced entitlement is decided; and
 - (ii) for deciding the announced entitlement on the first day of the month after the commencement of water year—is the level stated in Column 3 on the last day of the month before the announced entitlement is decided.
 - (c) for the Southwest zone—when the **daily mean** underground water level in the registered bore stated in Column 2—
 - (i) for deciding the announced entitlement on the first day of the water year—is the level stated in Column 3 **on the last day of** the month before the announced entitlement is decided; and
 - (ii) for deciding the announced entitlement on the first day of the month after the commencement of water year—is the level stated in Column 3 on the last day of the month before the announced entitlement is decided.
- (3) For subsection (2)(a), when the **daily mean** underground water levels in the two registered bores correspond with different announced entitlement percentages the higher announced entitlement percentage applies.

Table 7 - Underground water levels for determining announced entitlements

Column 1	Column 2	Column 3	Column 4
Zone	Registered bore number	Water level (AHD)	Announced entitlement percentage
Central	RN11000064	Greater than 703.75 m	100
		703.75 m – 702.75 m	75
		702.74 m – 701.75 m	50
		701.74 m – 700.75 m	25
		Less than 700.75 m	0
	RN11000068	Greater than 724.53 m	100
		724.53 m – 722.53 m	75
		722.52 m – 720.53 m	50
		720.52 m – 716.53 m	25
		Less than 716.53 m	0
Northwest	RN11000062	Greater than 698.13 m	100
		698.13 m – 697.13 m	75
		697.12 m – 696.13 m	50
		696.12 m – 695.13 m	25
		Less than 695.13 m	0
	RN11000066	Greater than 707.01 m	100
		707.01 m – 705.01 m	75
		705.00 m – 703.01 m	50
		703.00 m – 701.01 m	25
		Less than 701.01 m	0
Yungaburra	RN11000148	Greater than 695.83 m	100
		695.83 m – 695.63 m	75
		695.62 m – 695.33 m	50
		695.32 m – 695.13 m	25
		Less than 695.13 m	0
	RN11000157	Greater than 693.56 m	100
		693.56 m – 692.56 m	75
		692.55 m – 691.76 m	50
		691.75 m – 691.06 m	25
		Less than 691.06 m	0
	RN11000159	Greater than 707.18 m	100
		707.18 m – 706.88 m	75
		706.87 m – 706.18 m	50
		706.17 m – 705.68 m	25
Less than 705.68 m		0	
Southwest	RN11000159	Greater than 707.18 m	100
		707.18 m – 706.88 m	75

Column 1	Column 2	Column 3	Column 4
Zone	Registered bore number	Water level (AHD)	Announced entitlement percentage
		706.87 m – 706.18 m	50
		706.17 m – 705.68 m	25
		Less than 705.68 m	0

62 Deciding announced entitlement

- (1) For section 61, the chief executive must—
 - (a) decide the announced entitlement for each zone on the first **business** day of the water year; and
 - (b) if the announced entitlement percentage is less than 100, review the announced entitlements for each zone on the first **business** day of every month after commencement of the water year; and
 - (c) reset the announced entitlement for a zone only if a review under subsection (1)(b) indicates an increased announced entitlement.
- (2) When the announced entitlement has been set under subsection (1), the announced entitlement cannot be reduced for the remaining part of the water year.

63 Notification

- (1) The chief executive must notify water licence holders and seasonal water assignment notice holders of the announced entitlement for each zone, within **two business days** of deciding the announced entitlement percentage under this part.
- (2) The announced entitlement decided under this part takes effect on the day following notification.
- (3) **Until the announced entitlement for the current water year takes effect, the announced entitlement from the previous water year remains in effect.**
- (4) The notification provided under subsection (1) must state the date, time and zone for which the announced entitlement takes effect.

64 Taking water under an announced entitlement

Water licence holders and seasonal assignment notice holders must not take more than the volume calculated by applying the announced entitlement percentage to the nominal entitlement for water licences and seasonal water assignment notices in the same zone.

Chapter 6 Monitoring

65 Water monitoring

- (1) The chief executive must measure and record—
 - (a) water quantity;
 - (b) water taken;
 - (c) underground water levels;
 - (d) prices for water permanently traded **and seasonally assigned**;
 - (e) the number of permanent trades and seasonal assignments; and
 - (f) nominal volume of water permanently traded and seasonally assigned.
- (2) The chief executive must collect information on—
 - (a) future consumptive demands for water; and
 - (b) the construction of new bores.
- (3) The chief executive may use information collected to support water resource assessment and reporting.

This chapter states:

- Monitoring requirements
- Ongoing assessment requirements

Changes

- Administrative changes to update references to replacement water plan
- Section 65 amended to include measurement and recording of sale price of seasonal water assignments.

66 Natural ecosystems monitoring

The chief executive must collect and keep publicly available information on ecological assets that are linked to the ecological outcomes of the Water Plan.

67 Assessment

The chief executive must make ongoing assessments of whether the trends in the data measured, collected and recorded under sections 65 and 66 of this protocol indicate that outcomes specified in the Water Plan are being achieved.

Attachment 1 Dictionary

section 4

Term	Definition
AHD	Australian Height Datum, which references a level or height to a standard base level.
Announced allocation	For a water allocation managed under a resource operations licence, means a number, expressed as a percentage, which is used to determine the maximum volume of water that may be taken in a water year under the authority of a water allocation.
Distribution loss	Water that is 'lost' when delivering water for water allocations via constructed water delivery infrastructure, such as pipelines and open channels, through such processes as evaporation, seepage, pipeline leakage, accidental loss through temporary pipe failure (breaks), loss through pressure relief systems, scouring, pigging. Distribution loss water is not included in, or part of, transmission operation allowance (TOA—as defined in the operations manual for the Mareeba–Dimbulah Water Supply Scheme).
Ecological asset	An ecological asset can be a species, group of species, a biological function or particular ecosystem or place of value for which water is critical.
EL	Elevation level
Existing authorised bore	For sections 57 and 60 of this protocol, means a bore that is authorised under a water licence or water plan.
Gauging station (GS)	A gauging station is a recording device on a stream which continuously measures stream height and flow.
Location	For a water allocation, means the zone from which water can be taken under the water authorisation. For a water licence, means the location of works from which water can be taken under the water licence.
Megalitre (ML)	One million litres
Water year	The period from 1 July to 30 June in the following year.

Attachment 2 Availability of unallocated water

Table 1 Unallocated water reserves for surface water

Subcatchment	Zone and location	Reserve		Purpose of reserve
		Volume (ML)	Type	
A	Zone C Lake Placid	4000	Water Licence Nominal entitlement	Strategic
A	Excludes Zones A, B and C of the MDWSS	450	Water licence Average annual volume	Indigenous
B	Excludes location upstream of Lake Morris	300		
C	Tinaroo Zone Excludes take from Tinaroo Falls Dam ponded area.	450		
D	Excludes take from Zone E of the MDWSS	150		
E	Excludes take from Zone E of the MDWSS	1250		
F				
G				
E	Excludes take from Zone E of the MDWSS	1250	Water licence Average annual volume	General
F				
G				



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