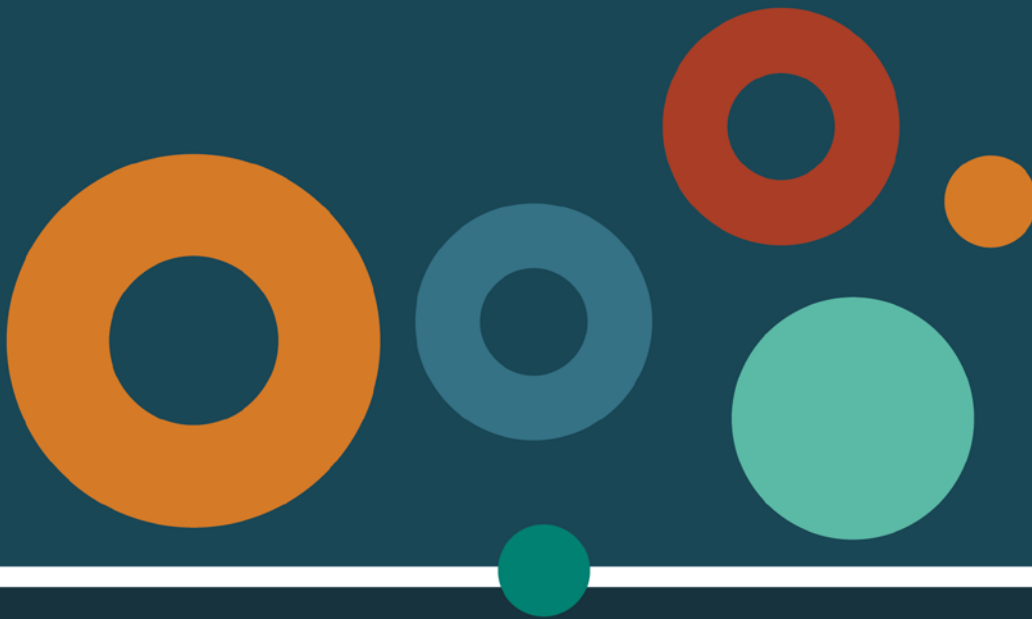


# Water Amendment Plan (Burdekin Basin) 2019

## Minister's Considerations Report

June 2019



This publication has been compiled by Department of Natural Resources, Mines and Energy.

© State of Queensland, 2019

The Queensland Government supports and encourages the dissemination and exchange of its information. The copyright in this publication is licensed under a Creative Commons Attribution 4.0 International (CC BY 4.0) licence.

Under this licence you are free, without having to seek our permission, to use this publication in accordance with the licence terms.



You must keep intact the copyright notice and attribute the State of Queensland as the source of the publication.

Note: Some content in this publication may have different licence terms as indicated.

For more information on this licence, visit <https://creativecommons.org/licenses/by/4.0/>.

The information contained herein is subject to change without notice. The Queensland Government shall not be liable for technical or other errors or omissions contained herein. The reader/user accepts all risks and responsibility for losses, damages, costs and other consequences resulting directly or indirectly from using this information.

## Foreword

This report has been prepared to inform stakeholders of the considerations I made in finalising the Water Amendment Plan (Burdekin Basin) 2019.

The 17 submissions received during the consultation period on the draft Water Amendment Plan (Burdekin Basin) 2018 and the feedback received during consultation meetings were critical in informing the amendment plan. I was pleased that the submissions and feedback indicated broad support for the draft water amendment plan's provisions, including ensuring the security of access to water for existing users, opportunities for new development through water trading and the protection of environmental flows.

All issues raised through consultation and submissions have been fully considered and addressed in finalising the water plan.

These amendments are a positive step toward providing sustainable water management in the Upper Burdekin region.

Thank you to all of you who have participated and contributed to the development of the final Water Amendment Plan (Burdekin Basin) 2019, particularly the Upper Burdekin Water Consultation Group, as well as those who provided written submissions on the draft Water Amendment Plan (Burdekin Basin) 2018.

Your ongoing involvement in the water planning process has ensured that the final Water Amendment Plan (Burdekin Basin) 2019 advances the sustainable management of Queensland's water resources.

With this amendment finalised, our focus now shifts to a full review of the Burdekin Basin Water Plan. In 2017, I extended the expiry date for the plan to 1 September 2019. This extension allowed time for the Water Amendment Plan (Burdekin Basin) 2019 to be finalised and for various water infrastructure feasibility assessments to progress so that a complete picture of the opportunities in the Burdekin Basin would become clear. In mid-2019, I anticipate seeking community feedback on what this future vision for the future allocation and management of water resources in the basin should be.

**Hon. Mark Bailey MP**

Minister for Transport and Main Roads

# 1 Table of contents

<b>Foreword</b> .....	<b>iii</b>
<b>1 Introduction</b> .....	<b>1</b>
1.1 Purpose of this report .....	1
1.2 Overview of the water amendment plan area .....	1
1.3 Intent of the water amendment plan.....	1
1.4 Developing the water amendment plan.....	3
1.5 Copies of the water amendment plan and supporting documents.....	3
<b>2 Consultation and submissions</b> .....	<b>4</b>
2.1 Consultation on the draft water amendment plan .....	4
2.2 Submissions .....	4
<b>3 Issues raised on the draft water amendment plan and how they were considered and addressed</b> .....	<b>5</b>
3.1 Support for the draft water plan.....	5
3.2 Conversion of water licences to water allocations .....	5
Draft water amendment plan provisions .....	5
Issues raised.....	5
Considerations and Finalised provisions .....	6
3.3 Specification of water entitlements.....	6
Draft water amendment plan provisions .....	6
Issues raised.....	6
Considerations and Finalised provisions .....	6
3.4 Water licence trading zones.....	7
Draft water amendment plan provisions .....	7
Issues raised.....	7
Considerations and Finalised provisions .....	7
3.5 Water allocation trading zones and limits.....	8
Draft water amendment plan provisions .....	8
Issues raised.....	8
Considerations and Finalised provisions .....	8
3.6 Other issues .....	8
Amendment of water licences to interfere with water in a watercourse.....	8
Unallocated water volume and release.....	8
Stock and domestic take of water .....	9
Water metering .....	9
Water sharing rules.....	9
Monitoring and reporting .....	9
Overland flow management.....	10

Three year rolling averages for taking water under an entitlement .....	10
Assessed changes for water entitlement trading .....	10
3.7 Out of scope issues .....	11
Effects of water licence conversion on property values.....	11
Format of the draft water amendment plan.....	11
<b>4 Further considerations for plan finalisation .....</b>	<b>12</b>
Overland flow capture for the purpose of contaminated agricultural run-off.....	12
Applications for dealings with water licences inconsistent with this plan.....	12
Water management protocol.....	12
<b>5 Next steps .....</b>	<b>13</b>
<b>Attachment 1: Map of the plan area .....</b>	<b>14</b>
<b>Attachment 2: Statement of Changes for the Burdekin Basin Water Management Protocol .....</b>	<b>15</b>

# 1 Introduction

## 1.1 Purpose of this report

Under section 48 of the *Water Act 2000* (Water Act), following approval of the Water Amendment Plan (Burdekin Basin) 2019 (water amendment plan) by the Governor in Council, the Minister must prepare a report stating the considerations made in finalising the plan. The report must outline the submissions received on the draft water amendment plan and whether or not issues raised in the submissions were addressed.

This report therefore provides information about:

- the considerations in finalising the water amendment plan
- the consultation process undertaken by the Department of Natural Resources, Mines and Energy (the department) in developing the water amendment plan
- the issues raised in the submissions on the draft water amendment plan and
- how submissions were considered and addressed in finalising the water amendment plan.

Section 69 of the Water Act requires the Chief Executive to publish a Statement of Changes upon amending or replacing a water management protocol. The Statement of Changes has been included in this report so that it may be read in conjunction with this report.

## 1.2 Overview of the water amendment plan area

The part of the Burdekin Basin water plan area covered by the water amendment plan comprises the subcatchments of the Upper Burdekin (subcatchment area G); the Cape Campaspe (subcatchment area F), and the Belyando Suttor (subcatchment area E) as shown in the map in Attachment 1. These subcatchments are all upstream of the Burdekin Falls Dam and provide critical inflows to the dam that maintain secure water supplies for downstream water users.

This area of the plan supports a diverse range of industries as well as town water supplies including for Charters Towers. In the Belyando-Suttor subcatchment mining and mineral resources is fast becoming the dominant industry seeking water for processing, amenities and maintenance activities. The mining industry is also present in the Upper Burdekin subcatchment. Irrigated agriculture including pasture and fodder production for beef cattle is an important industry, along with small crops and horticulture production, which occurs around the major centre of Charters Towers.

## 1.3 Intent of the water amendment plan

The water amendment plan contains objectives and strategies for sustainably managing surface water and overland flow water in subcatchments upstream of Burdekin Falls Dam. The key driver for this amendment was to establish new water markets in the water amendment plan area, where possible, to enable agricultural growth supported by seasonal and permanent trades of water entitlements.

The water amendment plan will provide opportunities to meet emerging mining and agriculture demands in the area, while maintaining the security of existing entitlements and environmental flows.

The water amendment plan and implementation instruments achieve this goal through the following:

- Converting 146 existing water licences with a total volume of 62,591 megalitres (ML) to water allocations (which separate water and land into two separate titles) in priority areas of the Upper Burdekin subcatchment and the Cape Campaspe subcatchment. This provides new opportunities for trading of water titles, and promotes water use efficiency and the movement of water to its highest value use.

- Establishing water allocation security objectives for newly created water allocations to enable water users to better understand the security of their entitlements.
- Establish a water trading framework for 18 water licences (the water licence remains attached to the land title) totalling 61,413 ML in the Belyando Suttor subcatchment, to enable simple trades within zones (river reaches) to help meet emerging water demands.
- Amending 52 water licences to remove redundant or impractical conditions, simplifying access conditions and placing volumetric limits on entitlements that are currently only limited by area. This provides a clearer description for each water licence that gives certainty to water users and removes unnecessary regulatory burden.
- Simplifying the purpose of water entitlements so there are no limitations on what the water is used for so that water can move freely to its highest value use and between sectors.
- Replacing 11 water licences with four new water licences to simplify access conditions and reduce unnecessary administrative costs for water users.
- Granting three new water licences to recognise the historical take or interference with water that existed prior to the initial Water Resource (Burdekin Basin) Plan 2007.
- Establishing a limit for taking water of up to 5 ML annually without an entitlement to use for a prescribed activity except in water supply schemes. Prescribed activities include water use for activities not part of primary production, e.g. washing produce for processing or packaging and washing down equipment, plant or vehicles.
- Providing for an additional 50,000 ML to be traded from the Burdekin Falls Dam ponded area to meet increased market interest in accessing water direct from the dam to address future water demands upstream of the dam.

## 1.4 Developing the water amendment plan

**Table 1 – Water planning milestones for the water amendment plan**

Date	Milestone
August 2015	Statement of Proposals and public notice was released for public consultation and submissions about the Minister's intention to review strategies and rules for unsupplemented water entitlements in subcatchment areas E, F and G.
February 2017	Water Amendment Plan (Burdekin Basin) (No. 1) 2017 was released to give effect to changes made to the <i>Water Act 2000</i> in late 2016 to improve the water planning framework.
27 April 2018	Draft water amendment plan (Burdekin Basin), draft water management protocol, draft water entitlement notice and an accompanying Statement of Intent were released for consultation and public submissions. Public notices were also published in the local newspapers.
May/June 2018	Public information sessions were held in Charters Towers and Alpha. Shed meetings were held in Greenvale and Belyando Crossing. Meetings were held with external stakeholder groups (e.g. Charters Towers Regional Council and Upper Burdekin Water Consultation Group) and state agencies.
15 June 2018	Formal submission period closed.
June 2019	Governor in Council approval of the final Water Amendment Plan (Burdekin Basin) and water entitlement notice.
June 2019	Final Water Amendment Plan (Burdekin Basin) and water entitlement notice published in the Queensland Government Gazette.
June 2019	Final water management protocol published on the department's website.

## 1.5 Copies of the water amendment plan and supporting documents

The water amendment plan, water management protocol and water entitlement notice are available on the department's website at [www.dnrme.qld.gov.au](http://www.dnrme.qld.gov.au).



## **2 Consultation and submissions**

Community and stakeholder engagement has been instrumental at all stages in developing the water amendment plan, water entitlement notice and water management protocol.

The consultation undertaken for the water amendment plan included:

- consultation with the Upper Burdekin Water Consultation Group to inform development of the water amendment plan and the water management protocol
- public meetings and information sessions
- local government and key stakeholder body briefings and information sessions
- liaison with other State Government departments
- a formal submissions process.

### **2.1 Consultation on the draft water amendment plan**

The community in the plan area was actively engaged and consulted throughout the development of the water amendment plan, water entitlement notice and water management protocol.

Public consultation sessions were held during the submission period to enable stakeholders to seek further information about the intent of the draft documents, understand the implications of the rules contained in the draft documents and obtain details about how to make a submission.

Public meetings were held at Alpha (28 May 2018) and Charters Towers (30 May 2018). Shed meetings were held at Belyando Crossing (29 May 2018) and Greenvale (30 May 2018). The department also engaged with water users and other stakeholders who were not able to attend these meetings, or who required further information as a follow up to the meetings.

Meetings were held with Charters Towers Regional Council and the Upper Burdekin Basin Water Consultation Group to discuss the draft water amendment plan and seek feedback on the draft proposals.

Separate briefings and information sessions were held with key stakeholder groups such as Queensland Farmers' Federation (QFF), Agforce, Queensland Conservation Council (QCC) and Renewable Developments Australia (RDA).

In finalising the water amendment plan, the department considered submissions along with feedback from discussions with the Upper Burdekin Basin Water Consultation Group, key stakeholders and submitters. These were generally supportive of the strategies proposed for the draft water amendment plan.

### **2.2 Submissions**

The draft water amendment plan and implementation instruments were released for public consultation on 27 April 2018 with the submission period closing on 15 June 2018. Seventeen submissions were received on the draft water amendment plan, the draft water entitlement notice and the water management protocol amendment.

### **3 Issues raised on the draft water amendment plan and how they were considered and addressed**

This section summarises key issues raised and how the issues were considered and addressed in finalising the water amendment plan.

The department analysed and reviewed every submission received on the draft water amendment plan, draft water entitlement notice and the water management protocol. If a submission requested a change to a provision in the draft water amendment plan or water management protocol, or requested a change to a water entitlement stated in the water entitlement notice, the change was made if:

- it was consistent with the water plan including plan outcomes and objectives
- it was substantiated by the submission
- it was supported by hydrological modelling
- there were no adverse impacts on existing water users, including town water supplies, or environment flows.

For submissions about water entitlement terms and conditions, the department liaised with submitters for clarification or further information, and sought independent advice from a referral panel.

#### **3.1 Support for the draft water plan**

Many submissions provided general support for the draft water amendment plan and the planning process, including positive feedback on the following aspects:

- water trading framework
- conversion of water licences to water allocations
- simplified and clearer specification of water entitlements including rationalisation of licences
- retention of unallocated water reserves
- provision for prescribed activities
- allowing land owners to take water for stock and domestic use without an entitlement
- water metering
- change in the purpose for taking of water to 'any' purpose
- protection of waterways and security of existing entitlements.

#### **3.2 Conversion of water licences to water allocations**

##### **Draft water amendment plan provisions**

The draft water amendment plan proposed to convert water licences to water allocations in priority areas of the Upper Burdekin subcatchment, and all irrigation water licences in the Cape Campaspe subcatchment. Water allocations could be established in these areas because there was sufficient data and rigour in the hydrologic model to support the conversion and the establishment of suitable water allocation security objectives with confidence. This level of confidence is important when assessing conversion and trading rules for consistency with existing environmental flow objectives and water allocation security objectives.

In the Belyando Suttor subcatchment, the confidence and sufficiency in data was not equivalent to the other subcatchment areas and therefore entitlements were proposed to remain as water licences and not be converted to water allocations at this time.

##### **Issues raised**

Six submissions were received expressing disappointment that water licences in the Belyando Suttor subcatchment were not being converted to water allocations.

## **Considerations and finalised provisions**

The final water amendment plan retains the position that water licences in the Belyando Suttor subcatchment remain as water licences at this time. This position is on the basis that there isn't sufficient confidence in the data and the hydrologic model to support converting these licences to water allocations.

However, the department has maintained the draft water amendment plan proposal to enable water licence trading within specific zones. While this trading framework does not enable the full flexibility of a water allocation trading market, there are significant opportunities provided for through the water licence trading rules to support emerging water demands.

There may be opportunities through a future review of the Burdekin Plan to consider this issue further with the benefit of additional information and a review of the effectiveness of the water licence trading arrangements provided for under this water amendment plan.

## **3.3 Specification of water entitlements**

### **Draft water amendment plan provisions**

The draft water amendment plan and water entitlement notice proposed better defined and streamlined terms and conditions of water entitlements. This included ensuring all water entitlements specified volumetric terms and that any redundant or unnecessarily burdensome conditions were removed.

### **Issues raised**

Six submitters from the Belyando Suttor subcatchment and one from Upper Burdekin subcatchment raised specific issues relating to their entitlements and asked for changes to one or more of the entitlement attributes.

## **Considerations and finalised provisions**

### **Annual volumetric limits**

Four submissions requested an increase to the volumetric limit on their water licences specified in the draft water entitlement notice.

One submitter's water entitlement already stated a volumetric limit on the licence and the draft water entitlement notice simply reflected this existing volume. The water plan did not propose to revisit any existing volumes as these volumes had already been determined previously in accordance with the Water Act and were compliant with the water plan. The submission sought to increase the volume stated on an existing licence, which is not consistent with the water plan and therefore could not be accommodated or supported.

One submission related to a water licence that did not currently state a volumetric limit and provided information supporting a volume greater than that proposed in the draft water entitlement notice. The submitter's requested volume and supporting information was assessed to be consistent with the plan and the volume has been changed accordingly for the final water entitlement notice.

The final two submissions also related to water entitlements that did not currently state a volumetric limit however the department did not agree that an increased volume should be supported. The department sought independent advice from the referral panel who assessed the submission against the criteria in the water plan, and against the information provided in the submissions.

The panel recommended that the volumes remain unchanged. The department adopted the panel's recommendation and the volumes are unchanged in the final water entitlement notice.

### **Maximum rate of take**

Five submissions requested an increase to their proposed maximum rate of take to be specified on the water entitlement. The proposed maximum rates of take in the draft water entitlement notice were

determined in accordance with the water plan, which had a clear process for how the rate was to be calculated. For four of the submissions, this meant the rate was clear and any requests for changes would have been inconsistent with the water plan. Therefore, no changes were made in relation to these four submissions in the final water entitlement notice. There may be opportunities for submitters to make an application to increase the maximum rate after finalisation of the water amendment plan as plan provisions allow for rates to be increased up to those possible for existing authorised works.

The fifth submission about the maximum rates of take identified an error in the calculation for the draft water entitlement notice for the individual. The department agrees that an error was made and has amended the final water entitlement notice accordingly.

### **3.4 Water licence trading zones**

#### **Draft water amendment plan provisions**

The water amendment plan proposed nine water licence trading zones in priority areas of the Belyando Suttor subcatchment to facilitate localised trading opportunities for relocatable licences.

#### **Issues raised**

Four submissions were received seeking more flexibility in the proposed trading zones in Belyando Suttor subcatchment, while one submission suggested additional trading zones.

#### **Considerations and finalised provisions**

As discussed in section 3.2, there are a number of issues that prevented the department from having sufficient confidence to support converting water licences in the Belyando Suttor subcatchment to tradeable water allocations.

Despite this, the department still recognised the need to establish trading to meet emerging demands and therefore developed water licence trading zones. The zones were determined by assessing river reaches where, if water was traded, would result in the lowest impacts to existing users. This assessment included:

- identifying reaches where water licences shared similar access conditions (e.g. a flow condition met at St Anne's gauging station)
- assessing existing water use patterns and determining where additional demand may be sought
- analysing flow data to ensure a zone was hydrologically consistent along its length to ensure flow patterns were the same along the entirety of the zone
- limiting impacts to existing water users' current access, which may otherwise be compromised with the inclusion of larger zones.

At this time, the confidence simply isn't there to enable changes to the zones as requested by submitters. However, it is anticipated that a future review of the Burdekin Plan may provide an opportunity to consider this issue further with the benefit of additional information and a review of the effectiveness of the water licence trading arrangements provided for under this water amendment plan.

## **3.5 Water allocation trading zones and limits**

### **Draft water amendment plan provisions**

The water amendment plan proposed water allocation zones in priority areas of the Upper Burdekin and Cape Campaspe subcatchments to facilitate trading opportunities. The proposed trading rules were based on extensive hydrologic modelling whilst ensuring consistency with the plan outcomes, including the protection of Charters Towers' town water supply. Community groups and individuals, particularly the Upper Burdekin Water Consultation Group, were consulted in developing these rules.

### **Issues raised**

One submission in the Upper Burdekin subcatchment sought adjustments to the boundary between the Upper Burdekin zone B, which includes the ponded area of the Charters Towers Weir, and Upper Burdekin zone C. Their request for change was to secure greater opportunity for moving water within and between the two zones.

Another submission requested that trading be provided for between the Upper Burdekin zone C and Fanning A zone.

### **Considerations and finalised provisions**

The final water amendment plan was amended resulting in greater flexibility in trading opportunities in Burdekin zone C. The department confirmed through hydrologic modelling that water security for Charters Towers' town water supply would be protected and that other plan outcomes, including ecological outcomes, could also be supported. Feedback from the submitters, affected individuals and stakeholders, including Charters Towers Regional Council, have confirmed that they are supportive of the proposed changes.

A change to allow trading between the Upper Burdekin C and Fanning A zones could not be accommodated at this stage without introducing complicated trade rules and also recognising the change would affect the value of entitlements and performance between different water allocation groups. However, the trading envelop for Fanning A zone has been increased to provide a greater opportunity to trade water for similar performing water allocations. The effectiveness and flexibility of the trading framework may be examined at a future review of the Burdekin water plan.

## **3.6 Other issues**

### **Amendment of water licences to interfere with water in a watercourse**

Two submissions were received from water users seeking clarification on the absence of their water licences to interfere with the flow of water in the water entitlement notice.

No changes were being contemplated to these licences to interfere under the water amendment plan. This means the licences still exist and remain as they are.

### **Unallocated water volume and release**

A few submissions were received relating to unallocated water volumes and the process for releasing unallocated water. The water amendment plan did not include any revision of matters relating to unallocated water within its scope.

The decision to release unallocated water takes into account whether there are alternative mechanisms, such as water trading, which may meet water demand. It is anticipated that the establishment of a water trading framework in the water amendment plan and water management protocol will facilitate new opportunities for growth, allow water to move to its highest value use and to drive water use efficiency.

The review of the Burdekin Basin Water Plan, intended to commence later this year, provides an opportunity to take a strategic look at a broader range of issues and consider the effectiveness of water trading and emerging demands for water.

## **Stock and domestic take of water**

Three submissions were received from landholders wanting riparian (land adjacent to a watercourse) and non-riparian water access for meeting their water needs for stock and domestic use.

Section 96 of the Act authorises stock and domestic use for riparian land. Section 103 of the Act provides for a plan to limit the taking of water for stock and domestic use for a property that is non-riparian. The draft water amendment plan allowed non-riparian water access without the need for a water licence for such uses in the plan area except where the water was to be taken from a watercourse in a water supply scheme area. Non-riparian landholders would still need to negotiate access to the watercourse with their neighbouring riparian landholders.

Restricting access in water supply scheme areas aligns with the approach that also applies for water taken for prescribed activities. These restrictions help to ensure security of supplies for supplemented water users.

The final water amendment plan has not been changed.

## **Water metering**

One submitter supported the principle of water metering once a trading framework is established. Another submitter stated that water meters will be critical particularly for those who trade only a proportion of their allocation.

All volumetric entitlements will require a meter as directed by the Chief Executive, to ensure water security objectives and environmental flows are maintained. This also enables management of water resource trading rules, water sharing rules, flow conditions and entitlement restrictions are adhered to.

## **Water sharing rules**

A restriction applies to relevant water allocations holders in the G3 water allocation group that helps to prioritise town water supplies at Charters Tower Weir. The restriction prevents these water allocation holders from taking water in times when the weir is not overflowing.

One submission requested that this restriction be further examined.

This matter was previously considered by the Water Consultation Group and no changes were recommended as assurances could not be given that relaxing the restrictions would not have implications for town water supplies.

At this time, the restrictions are unchanged so that town water supplies are protected. There may be scope to consider water sharing rules in a future review of the Burdekin water plan.

## **Monitoring and reporting**

One submission suggested the need to collect, and make publicly available, data on the impacts of taking or interfering with water on water quality and Traditional Owners' cultural values. While these matters were outside the scope of this amendment process, the Burdekin Basin Water Plan review that is intended to commence later this year, will provide an opportunity to take these matters into consideration. In particular, the review will be undertaken in close consultation with Traditional Owners to ensure that a new plan includes cultural outcomes and strategies to support those outcomes.

One submission suggested that the department doesn't hold software to monitor, track and record water trades, particularly part-trades, in a timely manner. The department will monitor and record information on seasonal and permanent water trades either upon granting an application to trade (as for water licence trading), or when the information comes to hand (as for water allocations).

More broadly, the department's Rural Water Management Program includes investigation into opportunities for system and software improvements in relation to water entitlement data.

## **Overland flow management**

Three submissions were received about the management of overland flow water, which was not a matter within the scope of the amendment process.

Two of the submissions suggested that existing overland flow water storages needed to be quantified and licenced. One submitter was requesting licensing to facilitate trading. At this time, the priority for trading has been focused on watercourses where there is sufficient data and science to underpin the confidence needed to allow entitlements to move from one place to another. The second submitter sought an entitlement to give financiers better security to fund future development. The existing water plan allows a landholder that has lodged a notification about their overland flow works with the department to continue to take water using those works. While not a licence at this time, this is an authorisation to take water under the plan.

A third submitter requested that the storage capacity limit increase from 250 ML to 500 ML for taking overland flow water for stock and domestic use. An increase is not necessary as the capacity limit of 250 ML stated in the existing water plan that applies to uses such as irrigation, and does not apply to taking water for stock or domestic purposes.

## **Three year rolling averages for taking water under an entitlement**

Four submissions were received requesting that water users be allowed to take more than their annual volume of water in a year by including a 3-year rolling average rule in the planning instruments. The intent of these submissions was to gain greater flexibility to manage the high variability of water availability by being able to access and store greater volumes of water during wetter years.

At this time, there isn't sufficient data or science to underpin the confidence needed to ensure that these arrangements could be accommodated, particularly for Belyando Suttor subcatchment, without affecting downstream water security or environmental flows.

## **Assessed changes for water entitlement trading**

Four submissions were received requesting greater trading flexibility through allowing trades that haven't been pre-tested to be assessed on a case by case basis (referred to as assessed trades).

At this time, the water amendment plan has prioritised trading opportunities in those areas where there is a demand for markets and sufficient data and science to establish pre-tested rules. This was a cost-effective and efficient focus of the development and implementation of the plan amendment. The rules also cluster similar entitlements together which makes it easier for the market to value the entitlement and for the department to administer the trade. Case-by-case processes draw significant complexities with hydrology, reliability, market value and administration. At this time, the priority remains on trading within priority watercourses.

## **3.7 Out of scope issues**

### **Effects of water licence conversion on property values**

One submission was concerned about the impact that conversion to tradable water allocations may have on property values. When the licence is converted to an allocation, the water becomes a separate title to land resulting in a possible change in unimproved land value. However, the separate water title will still have a value by itself.

### **Format of the draft water amendment plan**

Four submissions expressed dissatisfaction with the format of the draft water amendment plan. The format of the plan document follows standard legislative drafting practices of the Office of the Queensland Parliamentary Counsel. Shortly following the finalisation of the water amendment plan, the Office of Queensland Parliamentary Counsel integrates the amendments with the existing plan to create one consolidated version so that it is clearer to understand and apply.



## **4 Further considerations for plan finalisation**

This chapter summarises further key changes made in the final water amendment plan as compared to the draft water amendment plan. Although not directly requested through the public submissions, they reflect changes necessary to achieve the outcomes of the final plan in a way that provides a more fit-for-purpose and contemporary regulatory environment.

### **Overland flow capture for the purpose of contaminated agricultural run-off**

The current water plan states that water may be taken using overland flow works for capturing contaminated agricultural run-off. This provision was removed from the draft water amendment plan as such a code was no longer valid.

Since then the Water Act has been amended to include a new subsection 101(3) to state that for contaminated agricultural run-off, an alteration or limitation stated in a water plan for how overland flow water may be limited cannot prevent a person from taking overland flow water, that is contaminated agricultural run-off, to the extent the taking is necessary to comply with an obligation on the person under the *Environmental Protection Act 1994*.

Therefore any new storages constructed for the purpose of capturing contaminated agricultural run-off will need to comply with the requirements under section 101(3) of the Water Act.

### **Applications for dealings with water licences inconsistent with this plan**

A new section has been included in the final water amendment plan to provide more clarity that a water licence dealing under section 129 of the Water Act is considered inconsistent with this plan if the dealing is not for a water licence relocation in a water licence trading zone. This section ensures that only a water licence dealing provided for in the water management protocol may be granted, if consistent with the rules. This protects existing water users from the risk of an application being granted which may impact water users' existing levels of access.

### **Water management protocol**

The water plan now states that a water management protocol must be prepared for the plan area, which will implement a number of strategies in the water plan, and the water amendment plan. While a draft water management protocol was released with the draft water amendment plan and draft water entitlement notice for consultation, including this new provision creates a much clearer link to show the relevance of the water management protocol to the water plan. This new section states those matters in the water plan which will be addressed in the water management protocol.

## 5 Next steps

The water amendment plan is now subordinate legislation under the Water Act. The water amendment plan will make changes to the water plan and these changes will be made available on the Office of the Queensland Parliamentary Counsel website.

The Burdekin Basin Water Entitlement Notice was published in the Queensland Government Gazette at the same time as the water amendment plan and is now the Water Entitlement Notice for the water amendment plan. The amendments to the Burdekin Basin Water Management Protocol have also been finalised and made available as a Statement of Changes in Attachment 2 of this report.

Together, the water entitlement notice and the water management protocol implement the strategies of the water amendment plan to further the advancement of meeting the stated general, ecological and specific ecological outcomes of the water plan.

In implementing the requirements of the water entitlement notice, the department will:

- convert 146 existing water licences to tradable water allocations in the Upper Burdekin and Cape Campaspe Water Management Areas
- amend 52 water licences to remove redundant or impractical conditions, simplify access conditions and place volumetric limits on entitlements that are currently only limited by area
- replace 11 water licences with four new water licences
- grant three new water licences in recognition of the historical take or interference with water that existed prior to the original Water Resource (Burdekin Basin) Plan 2007.

The department will also commence implementing the water management protocol by:

- accepting and deciding applications to relocate or seasonally assign water licences in the Belyando Suttor subcatchment
- enabling water allocation trading and seasonal water assignments in the Upper Burdekin and Cape Campaspe Water Management Areas.

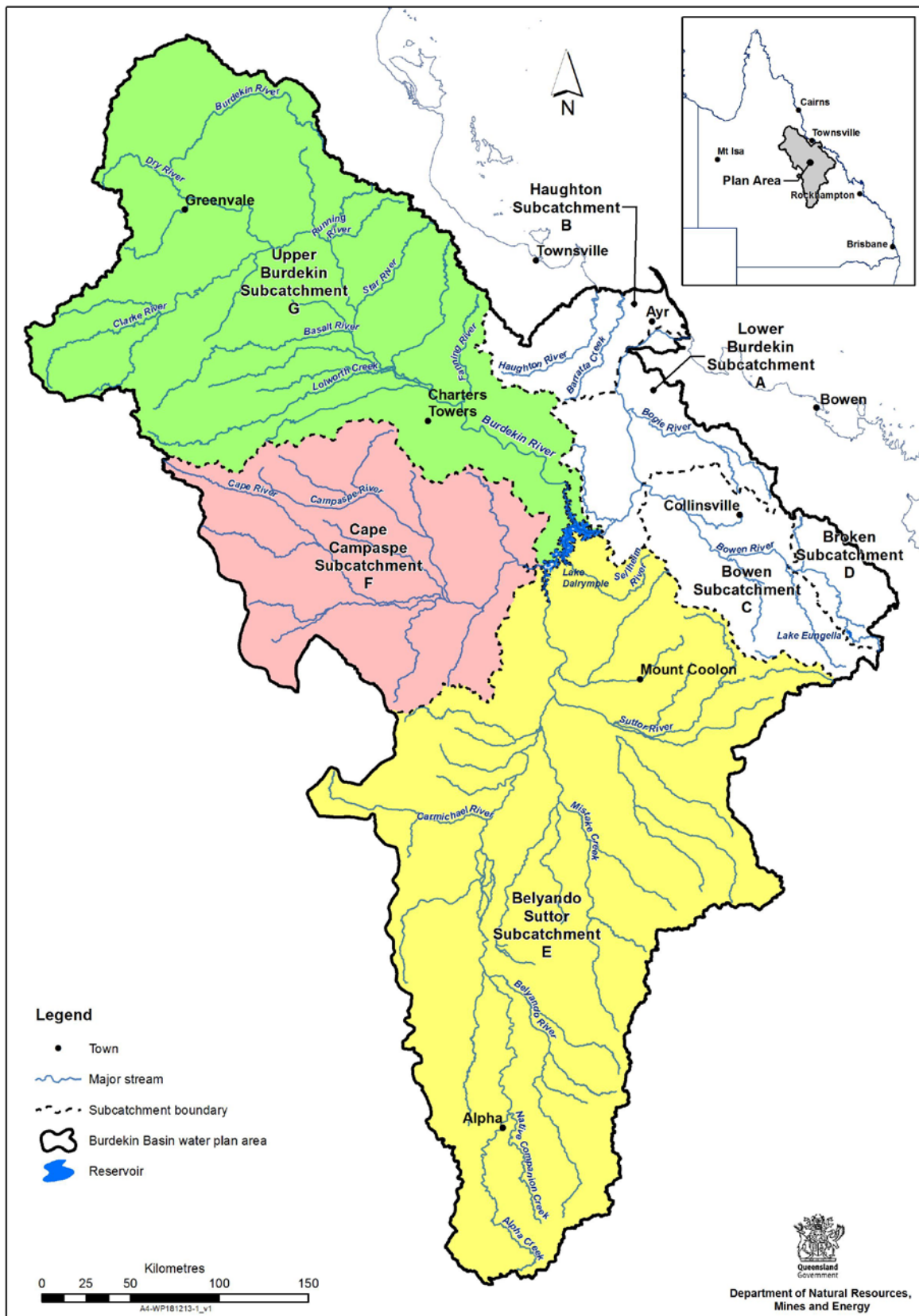
With this amendment finalised, the department's focus now shifts to the review of the plan in full. In 2017, the Minister extended the expiry date for the plan to 1 September 2019 to allow time for this water amendment plan to be finalised. The extension was also provided to allow several complex water development, management, and infrastructure proposals such as Hells Gate Dam, Urannah Dam, and Burdekin Falls Dam Hydro-Power Project to progress to a point where it would be clearer to determine how the plan might deal with these projects.

It is intended that a report will be released for consultation in mid-2019 that outlines the scope of a plan review (including how the review might address these different projects), timeframes for the review and opportunities for community input.

For parts of the Burdekin Haughton Water Supply Scheme where rising groundwater and associated salinization issues threaten the sustainability of the area, the department will continue to work with stakeholders to build a coordinated response through the development of the Lower Burdekin Groundwater Strategy. A draft groundwater strategy is also expected to be released for community input in mid-2019.

For any further information about this report, the water amendment plan, the water entitlement notice or the water management protocol, please contact the department by phone on 1800 232 454 or by email on [WPBurdekin@dnrme.qld.gov.au](mailto:WPBurdekin@dnrme.qld.gov.au).

# Attachment 1: Map of the plan area



## Attachment 2: Statement of Changes for the Burdekin Basin Water Management Protocol

In May 2017 the Burdekin Basin Water Management Protocol 2016 was approved. Amendments have been made to the Burdekin Basin Water Management Protocol 2016 to implement the Water Amendment Plan (Burdekin Basin) 2019 following its gazettal.

A change to the Burdekin Basin Water Management Protocol 2016 is a change to:

- amend Table 1 unallocated water reserve volumes to reflect the current balance of strategic reserve
- amend section 14 to allow unallocated water from the general reserve to be released as water allocations in subcatchments F and G
- amend Table 2, maximum volume for medium priority group for zone Burdekin E from 25,000 ML to 75,000 ML
- amend Chapter 5 to include water allocation dealing and seasonal water assignment rules for unsupplemented water allocations in the Upper Burdekin and Cape Campaspe water management areas
- insert Chapter 6 to facilitate the seasonal and permanent water licence trading in the Belyando Suttor subcatchment. This chapter provides the framework and rules for–
  - permanent relocation
  - seasonal water assignment
  - conditions on the licence for the permanent relocation or seasonal water assignment.