

**APPENDIX A**

**EXPLANATORY NOTES FOR THE**

**GEORGINA AND DIAMANTINA RESOURCE**

**OPERATIONS PLAN 2006**

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## THE PURPOSE OF THESE NOTES

These explanatory notes are a 'plain English' version of the *Georgina and Diamantina Resource Operations Plan 2006*. They are intended to provide the reader with some explanation and background information on the sections in the resource operations plan (ROP) and should assist the reader's understanding of the rules.

These notes should be read in conjunction with the ROP as the detail is contained in the plan itself. These notes are not intended to be comprehensive but merely to guide the readers understanding of the plan.

### **Who to Contact**

If you have any questions or require some clarification of this plan, please contact the Department of Natural Resources, Mines and Water, Longreach Office on (07) 4650 1900.

### **Section Numbers Not Used**

In order to allow for future amendments to the plan, a number of blank section numbers have been included and titled '**Section Numbers Not Used**'. This is to allow changes to be made without the necessity of renumbering the entire resource operations plan.

## CHAPTER 1 – PRELIMINARY

(Sections 1 to 11)

The preliminary section contains background detail on the resource operations plan and other general information.

### **This Plan Will Implement the Water Resource Plan**

The resource operations plan is designed to implement the *Water Resource (Georgina and Diamantina) Plan 2004* which was approved on 5 August 2004. The water resource plan gives the broad rules for managing surface water (including hydraulically-linked groundwater) in the Georgina and Diamantina catchments.

Its purpose is to:

- *Define the availability of water in the plan area* by detailing the amount of water required for current and future users and the environment;
- *Provide a framework for sustainably managing water and the taking of water* by preventing over allocation of water and preserving specific water flows which drive key ecological processes;
- *Identify priorities and mechanisms for dealing with future water requirements;*
- *Provide a framework for reversing, where practical, degradation that has occurred in natural ecosystems; and*
- *Regulate the taking of overland flow water* through specific volumetric water entitlements.

The resource operations plan contains more detailed rules than those in the water resource plan.

### **Who, What, Where and When of the Resource Operations Plan**

#### *Who and What?*

This resource operations plan applies to:

- existing surface water users;
- future surface water users;
- the environment;
- water in a watercourse, lake or spring (except those connected to artesian water);
- overland flow water (overland flow water is water that flows on the surface of the land but not within a defined watercourse, e.g. floodwater, surface sheet flow, etc.); and
- hydraulically-linked subartesian water (hydraulically-linked subartesian water is underground water that requires pumping to the surface from a bore located within or adjacent to a watercourse – a formal definition is provided in the water resource plan).

**None of the rules in this ROP or the water resource plan affect a user's riparian right to take water for stock and domestic purposes from a watercourse adjoining their property. That right is defined in the *Water Act 2000* and the ROP cannot override it.**

The rules in the ROP only apply to surface water and hydraulically-linked groundwater. It does not apply to other sources of groundwater such as from the Great Artesian Basin (which is subject to the *Water Resource (Great Artesian Basin) Plan 2006*).

### *Where?*

The map in Attachment 1 of the ROP shows the geographic area where this plan applies. It is identical to the area covered by the water resource plan. If there is any doubt as to whether your property is subject to this plan, contact your local Department of Natural Resources, Mines and Water office and they will let you know.

The area is divided into five water management areas in order to allow for slightly different management rules in each area. This has been done to address the community's wishes that different volumes of unallocated water be set aside in different parts of the catchment to allow for fair access to water supplies for future users.

Attachments 2A to 2E further detail the boundaries of the water management areas and indicate significant waterhole and wetland sites.

Further detailed information on the location of the water management areas can be obtained by contacting your local Department of Natural Resources, Mines and Water office.

### *When?*

The resource operations plan will commence on 17 July 2006, which is the day after the plan was notified in the Government Gazette. It will be implemented as soon as practical after this. Certain sections of the plan (such as the release of unallocated water) will only commence when the triggers in the plan are met. Other parts (such as the automatic refusal of existing licence applications) will occur immediately.

***Q. Where can I get a copy of the final plan?***

*A. The plan will be available from your local departmental office (call 131304 to find your local office) or on the department's website (<http://www.nrm.qld.gov.au>).*

## **Departmental Monitoring Data Collection Standards**

The department will undertake monitoring on aspects of this resource operations plan. The aim of the monitoring will be to assess and report on the performance of the water resource plan and the resource operations plan.

The department's monitoring and reporting standards form the basis for consistent data collection and management to a specific standard. These standards are updated as required to ensure that the latest and most advanced methods are used.

## Metering

All water used under a licence or authorisation has to be metered in accordance with the regulation under the *Water Act 2000*. Metering water use is fundamental to the responsible management of the states water resources so that we have accurate information on the amount of water taken from our catchments.

Metering will provide data for water management activities, including demonstrating the amount of water taken under licences. This information will be used in the review of the water resource plan which will be completed within 10 years of that plan commencing (2014).

**Metering will only be required for licences where there is a volumetric limit stated on the licence. This does not apply to most stock and domestic riparian users who do not need a licence. The department is progressing a rollout of meters in accordance with the *Metering Water Extractions Policy*, with priority given to those catchments where there is a resource operations plan in place.**

If you need any additional information on metering, factsheets are available from your local Natural Resources, Mines and Water office or on the departmental web site – (<http://www.nrm.qld.gov.au/water/use/index.html>).

## CHAPTER 2 – ISSUING NEW WATER LICENCES

(Sections 12 to 102)

This chapter deals with the issuing of new licences and how the department will make additional water available. It also deals with the issuing of licences for existing overland flow works.

Part 1 of chapter 2 outlines how much unallocated water is available in the Georgina and Diamantina catchments. Government policy has determined that unallocated water will be released through a market based process and chapter 2 details how it will be sold. Depending on the type of water, this will be either through a tender, a fixed price or an expression of interest.

Up to 13,500 megalitres of unallocated water is available for future use in the Georgina and Diamantina catchments. This is made up of 12,000 megalitres of water for ‘any’ purpose and 1,500 megalitres reserved for ‘projects of state significance’.

The water resource plan, released in August 2004, did not make provision for town water supply to be part of unallocated water. It did however, outline the information required to be supplied to the department when a local council applies for water. Part 2 of this ROP details how local councils can apply for a licence to take water to provide for the needs of towns in the catchment.

Part 3 of this chapter deals with issuing a water licence to replace an authorisation for an overland flow works.

As a requirement of the Georgina and Diamantina water resource plan, owners of works that take overland flow had to notify the department about the details of those works by August

2005. If the owner wants to reconfigure those works and it is likely that, as a result, more water will be taken, then they must be issued with a water licence. Part 3 details how this would happen.

Part 4 outlines the licence conditions that will be applied to new licences (not existing ones).

Part 5 details how a licence for new water (unallocated water or town water supply) will be issued. This includes the initial setting of conditions on the licence, its advertising seeking public submissions, the finalisation of the licence and its formal issuing.

***Q. What is a project of state significance?***

*A. It is a project that is defined as significant under the State Development and Public Works Organisation Act 1971. Examples can include – the construction of major public dams, mines, bridges and tunnels, gas pipelines, etc. Generally they are large scale projects that have a significant benefit for the state and have to undergo rigorous assessments.*

## **Unallocated Water**

(Sections 13 to 57)

### *Who Can Apply for Unallocated Water?*

Landowners, governments, companies and other entities can apply for water licences to take unallocated water as long as they own land or have a registered lease within the Queensland part of the catchment. Entities that can apply for the unallocated water under the ROP are those defined under section 206 of the *Water Act 2000*. Applicants must also be able to take and use the water applied for consistent with the provisions of section 19 of the water resource plan. It is not a requirement of the plan that water is taken every year and trading of the water separate from the land is not proposed at this stage.

Water for ‘projects of state significance’ is only available for a major project that has been declared a ‘significant project’ under the *State Development and Public Works Organisation Act 1971*.

### *Water for ‘Any’ Purpose*

#### *What’s Available?*

A volume of 12,000 megalitres of water was set aside in the water resource plan and this water is available to be used for any purpose.

This water is broken up into:

- Category A water for larger-scale purposes; and
- Category B water for smaller-scale purposes, non-riparian stock and domestic use, small cropping, etc.

Discussions with the community has highlighted the need for smaller lots of water to be made available to allow for small operations and to supply non-riparian stock and domestic

demands. The break up of the 12,000 megalitres into category A and B water addresses that need.

To allow for potential development in all parts of the Georgina and Diamantina and not just in one area, unallocated water has been distributed between the five management areas. This will ensure that all water is not taken up in a single section of the catchment. Water that is issued for a particular management area may only be used within that management area.

The volumes of unallocated water available in the five management areas are given in Table 1.

**Table 1 – Unallocated Water Available at the Commencement of the Plan**

<b>Water Management Area</b>	<b>Category A</b>	<b>Category B</b>
Upper Diamantina	6,000 ML	1,500 ML
Lower Diamantina	600 ML	400 ML
Burke and Hamilton	1,000 ML	500 ML
Upper Georgina	600 ML	400 ML
Lower Georgina	600 ML	400 ML

The volume of water available is the maximum volume (in megalitres) that can be taken in a water year.

***Q. What happens when all of the category A and B unallocated water is completely allocated? Will there be a future review of the amount of unallocated water for release?***

*A. When the water resource plan is reviewed in 2014 (10 years after its commencement) part of the assessment will be to determine if there is a genuine need for additional new water in the catchment. Until that time no new water (aside from the 13,500 ML set aside in the water resource plan) will be made available.*

***Q. What happens if I cancel a licence that was originally issued for unallocated water?***

*A. When water becomes unallocated due to the cancellation, surrender or expiry of a water licence, then that water will be made available at a future date under the same provisions when it was previously released.*

### *Category A and Category B Water*

Sections 31 to 46 detail the process for dealing with category A and B unallocated water. The amount of water available is given in Table 1.

Category A and B water will be sold through either a tender process or at a fixed price.

For each of the five management areas a separate sale process will take place for category A and B water.

There is no restriction on the number of lots of category A unallocated water that may be purchased by a single bidder or used on a single lot on plan. When tendering for or purchasing the water, the offer must be in lots of 200 megalitres.



A maximum of 150 megalitres of water originally purchased as category B unallocated water may be used on any single lot on plan. When tendering for or purchasing the water, the offer must be in lots of 10 megalitres.

If an applicant wants more than 150 ML, they would need to apply for category A water.

***Q. Why a tender or a fixed price?***

*A. Due to the likely low demand for the water in the catchments, it is necessary to ensure that the process for sale of the water is relatively simple. By having a tender/fixed price process there will be less administration and expense and licences will be able to be issued quicker. Once an indication of the value of category A or B water has been determined, a fixed price will be used to further reduce the amount of time taken to issue the licences. The fixed price will be reviewed periodically to ensure that it's up to date.*

The process detailed in the ROP for issuing category A or B water is:

1. The department will decide if the method of release of unallocated water will be through a tender or a fixed price. The first release of category A or B unallocated water in a management area will be through a tender. The results of this tender will provide some additional information to the department to allow it to determine the market price for water.  
  
A fixed price will be used to avoid having to go through the full tender process each time an application is received. Water will be released under a tender process whenever it is apparent that the market for water has changed and more information is needed to calculate the market price for category A or B water.
2. An expression of interest is received for some of the unallocated water in a water management area.
3. If the water is to be released through a tender process:
  - a. The department advertises that the water in that management area will be open to tender and request that people submit a tender for some of the water.
  - b. An information package will be sent out to interested people detailing what has to be included in the tender (such as where the water will be coming from, how much is needed and where it will be taken from—see section 35 of the ROP).
  - c. Tenders are received by the department and assessed to determine if they were above the reserve price and comply with the rules in the water resource plan, the ROP and the Water Act.
  - d. Indicative conditions are determined for the successful tenders. These indicative conditions may not be the final conditions that would apply to the licence once the public submission process has occurred. The conditions that may apply are detailed in part 4 of chapter 2 of the ROP.
4. If the water is to be released through a fixed price process:
  - a. An application is made for unallocated water. The department will notify the applicant of the price of the category A or B water. Information required to be included in the application is detailed in section 39 of the ROP.
  - b. The application is assessed to see if it complies with the rules in the water resource plan, the ROP and the Water Act and if so, indicative conditions will be determined. These indicative conditions may not be the final conditions that

would apply to the licence once the public submission process has occurred. The conditions that may apply are detailed in part 4 of chapter 2 of the ROP.

5. Once indicative conditions have been determined for tender or fixed price licences, the proposed water licences will be advertised in newspapers and details sent to local governments and natural resource management bodies throughout the catchment. The public will be invited to comment on the issuing of the licence through written submissions.
6. Once the public submissions have been received, they will be reviewed and sent to the Resource Operations Plan Referral Panel. This panel will review the proposed licences and submissions and advise the department on the issues raised in the submissions about the proposed licences.
7. The department will then make a decision to either grant the licence, grant it with different conditions or refuse the licence.
8. If a licence is granted and the applicant is content with any new conditions, full payment of the amount of water purchased is required prior to the licence being issued.
9. If the applicant is unhappy with the conditions, they may still leave the process at this stage and the water goes back into the unallocated reserve.

### *Projects of State Significance Water*

The water resource plan allowed for 1,500 megalitres of unallocated water to be reserved for 'projects of state significance'. This water is available in any water management area up to the 1,500 megalitres. It is not broken up amongst the management areas.

A project of state significance means a project declared under the *State Development and Public Works Organisation Act 1971* to be a significant project. Examples can include the construction of major public dams, mines, bridges and tunnels, gas pipelines, etc. Generally these are large scale projects that have a significant benefit for the state and undergo rigorous assessments.

The process detailed in the ROP for issuing 'projects of state significance' water is:

1. An application is received for some of the unallocated water.
2. The department then assesses the application, taking into account the amount of water needed and for how long, the details of the project and any new projects that may be in development.
3. Indicative conditions for the licence are then determined (based on the requirements of the water resource plan and part 4 of chapter 2 of the ROP) and a price set.
4. The proposed water licence will be advertised in newspapers and details sent to local governments and natural resource management bodies throughout the catchment. The public will be invited to comment on the issuing of the licence through written submissions.
5. Once the public submissions have been received, they will be reviewed and sent to the Resource Operations Plan Referral Panel. This panel will review the proposed licences

and submissions and advise the department on the issues raised in the submissions about the proposed licences.

6. The department will then make a decision to either grant the licence, grant it with different conditions or refuse the licence.
7. If a licence is granted and the applicant is content with any new conditions, full payment of the amount of water purchased is required prior to the licence being issued.
8. If the applicant is unhappy with the conditions, they may still leave the process at this stage and the water goes back into the unallocated reserve.

## **Applications for Town Water Supply**

(Sections 58 to 63)

This resource operations plan does not limit town water supply to any quantity of unallocated water due to the provisions of the water resource plan. Local councils within the catchment can apply for a water licence to provide water for town uses.

The process detailed in the ROP for issuing water for town water supply is:

1. An application is received from a local council for a water licence for town water supply. The application must also include a copy of a planning study that details the demonstrated need for the water and shows how the proposal is consistent with sections 11 and 19 of the water resource plan.
2. The department then assesses the application and must be satisfied that there is a need for the additional water. They will also make sure that the application is consistent with approved plans developed for the management of water demand and for the increase of water supplies in that area.
3. Indicative conditions for the licence are then determined (based on the requirements of the water resource plan and chapter 4 of the ROP) and a price set.
4. The proposed water licences will be advertised in newspapers and details sent to local governments and natural resource management bodies throughout the catchment. The public will be invited to comment on the issuing of the licence through written submissions.
5. Once the public submissions have been received, they will be reviewed and sent to the Resource Operations Plan Referral Panel. This panel will review the proposed licences and submissions and advise the department on the issues raised in the submissions about the proposed licences.
6. The department will then make a decision to either grant the licence, grant it with different conditions or refuse the licence.
7. If a licence is granted and the applicant is content with any new conditions, full payment of the amount of water purchased is required prior to the licence being issued.

## **Granting Water Licences for Taking Overland Flow Water**

(Sections 64 to 67)

Under the water resource plan, landholders who take overland flow water should have notified the department about the details of their works by August 2005.

If, as a result of a redesign or reconfiguration of those works, it is likely that more water will be taken than would have been prior to the reconfiguration, the water resource plan states that the department must issue a licence for those works. This is to ensure that the new works do not take more water than the original works.

The requirement to notify the department about the details of overland flow works does not apply to works that are used solely to take water for stock and domestic supply.

Part 3 (sections 64 to 67) of chapter 2 of the resource operations plan sets out the process for issuing a licence.

The process for issuing the licence is:

1. The department issues a notice to the landholder letting them know that a licence will be issued. This notice will request that a copy of the 'certified report' be provided containing the details of the proposed reconfiguration.
2. The department will review the proposed works and issue a licence. The conditions on that licence will ensure that the average annual volume of overland flow water that will be taken is no greater than that under the original works. The conditions on the licence will depend upon individual circumstances and may include one or more of the following conditions:
  - a maximum rate;
  - a storage volume;
  - a volumetric limit;
  - a mean annual diversion;
  - a limit on the amount of water that can be taken in a period;
  - a limit on the volume that can be stored at any time; and
  - any other conditions to ensure the average annual volume of water allowed to be taken is not exceeded.

Sections 82 to 85 of the ROP details how these conditions will be determined.

***Q. What is a 'certified report'?***

*A. This is a report detailing information about the proposed and existing overland flow infrastructure. The purpose of the certified report is to provide the department with an accurate representation of the physical works, how they operate and how they can take overland flow water. In order to ensure accuracy, they should be verified and signed by a Registered Professional Engineer of Queensland.*

***Q. What about 'stock and domestic'?***

*A. If you are using overland flow works only for stock and domestic purposes then they do not come under these requirements. The 'Code for Self Assessable Development for Taking Overland Flow Water for Stock and Domestic Purposes' (available from your local Natural Resources, Mines and Water office) details the rules for building stock and domestic overland flow works. This does not include works that takes both stock and domestic water and water used for other purposes.*

***Q. How do I notify my overland flow works if I haven't already?***

*A. Contact your local Natural Resources, Mines and Water office immediately and they will provide you with the paperwork.*

**Setting Conditions on New Water Licences**

(Sections 68 to 94)

This part details the conditions that can be set on new water licences. This will apply to licences issued for unallocated water or for new overland flow licences (as a result of the issuing of a licence due to reconfiguration of existing works or the construction of new works).

Existing licences are dealt with under chapter 3 of the ROP and conditions to be applied to them are explained later in these notes.

**All New Water Licences**

For all new water licences, conditions will be applied to ensure that:

- the licence will be consistent with the water resource plan (specifically sections 11 and 19 which deal with overland flow water and general licensing considerations);
- the licence will be consistent with the *Water Act 2000*;
- the take of water will have minimal impact upon existing water users;
- the take of water will have consideration of impacts on South Australia;
- the volume of water assigned to the licence is not exceeded;
- water is available and able to be accessed; and
- impact on the environment as a result of the extraction is minimised.

Conditions that may be applied to new water licences may affect the:

- Use of the water:
  - A maximum of 150ML of category B unallocated water may be held on a single lot on plan.
  - If water is to be used for irrigation, an approved land and water management plan must be in place for the land on which the water will be used.
- Taking of water from a waterhole:
 

Water is not to be extracted from below the natural cease-to-flow level of a waterhole listed in Attachment 5 (this applies to all new licences).

  - Water is not to be extracted from below the natural cease-to-flow level of any waterhole (this only applies to category A water or water for ‘projects of state significance’).
  - Water is not to be extracted when the level of a waterhole not listed in attachment 5 is lower than 0.5 metres below the natural cease-to-flow level of the waterhole (this only applies to category B water).
  - The significant waterholes and wetlands listed in Attachment 5 are displayed in attachments 2A to 2E.
- Limits on the take of water:
  - Water cannot be taken from 1 July until the 31 December. Once this period has passed, water can be extracted (assuming all other licence conditions are met, such as flow thresholds) until the end of the water year.
  - This rule is in place to ensure some connectivity between the waterholes in the catchment. This will have positive benefits for water quality and species diversity within those waterholes and allow for species migration.
  - This rule applies to licences that will allow the take of water from watercourses, overland flow and hydraulically-linked subartesian water.
- Flow access conditions:
  - If the flow drops below a defined ‘low-flow’ threshold then water cannot be taken.
  - This flow threshold will be based on a geomorphic assessment of the pump site and will be in accordance with a standard methodology that has been developed by the department.

All licence conditions will be determined in accordance with the *Water Act 2000*, the water resource plan and the resource operations plan.

***Q. What’s a water year?***

*A. A water year runs from 1 July to 30 June, the same as a financial year.*

## **New licences for Taking Overland Flow Water**

This division details how the conditions on a licence to take overland flow water will be determined.

When a new licence for overland flow water is issued or an existing licence and works are being amended, the department will use the method described in this division to determine those conditions.

This is being done to ensure that:

- in the case of an overland flow licence issued from unallocated water, that the volumetric limit is not exceeded; and
- for a licence that results from a reconfiguration of existing works, that the average annual take is not greater than that taken before the reconfiguration.

If through rebuilding or modifying existing works it is likely that more water will be taken than was originally, the landholder can always apply for unallocated water (if any remains).

## **Finalisation of Conditions and Issuing of a Water Licence**

(Sections 95 to 102)

Once water has been sold and indicative conditions determined, the licence will be finalised. This finalisation involves:

1. Indicative conditions that may be set on the licence are determined.
2. The details of the licence are publicly advertised to allow members of the public to make submissions on the issuing of the licence and the conditions to be applied.
3. Any submissions are collated and referred to a Resource Operations Plan Referral Panel. The panel will provide independent advice to the department on any of the issues raised.
4. The department then considers the submissions and any advice received. For each potential licence advertised, the department will decide to either:
  - grant a water licence; or
  - amend the conditions and then grant a water licence; or
  - not issue a water licence.
5. The purchaser then has the option to withdraw from the process if the conditions to be applied are not acceptable.
6. If an approved Land and Water Management Plan is required, the applicant has 12 months to produce the plan and payment will not be requested until this time. If the plan has not been produced within 12 months, the unallocated water will be returned to the reserve.
7. The purchaser pays the money owed for the licence as a result of the successful bid, tender or sale. Payment must be received by the department within 10 working days from when the department notifies that payment is required.
8. The licence is issued.

How this occurs is also detailed in these explanatory notes under the various types of new water. The process of finalising the conditions remains the same for all licences issued under this ROP.

## **CHAPTER 3 – DEALING WITH WATER LICENCES** (Sections 103 to 124)

This chapter describes how the department will deal with:

- new and existing applications for licences;
- previous water licences that have expired; and
- existing water licences that will have additional conditions applied.

### **Existing and New Applications for a Water Licence** (Sections 104 to 114)

#### *Licences to Take Water*

All existing applications for licences to take water will be refused. This is being done to ensure a ‘level playing field’ when unallocated water is issued.

Only applications for licences to take ‘unallocated’ and ‘town water supply’ water will be accepted. How to apply for this water is detailed in the chapter on unallocated water.

#### *Previous Water Licences*

If a landholder has held a water licence that has expired at the commencement of this plan and can prove that:

- the works associated with the expired water licence were installed at the time the water licence expired; and
- there has been continuing use of water associated with the expired water licence, then

the department may issue a new water licence with the same conditions and volume as the original licence.

#### *Licence to Interfere with Water by Impounding Flow*

Applications will be accepted for a licence to interfere with water flows in a watercourse (such as from a weir, a pump pool, barrier etc).



A licence to interfere will not be issued if the proposed interference is within the watercourses of the:

- Georgina River
- Buckley River
- Templeton River
- Burke River
- Hamilton River
- Eyre Creek
- Mulligan River
- Diamantina River
- Mayne River
- Farrars Creek
- Western River
- Wokingham Creek
- Mills Creek, or
- Jessamine Creek.

A licence to interfere will not be issued if the works are to be constructed on any of the waterholes listed in Attachment 5.

These two rules are in place to protect the natural assets of the catchment and to minimise any barriers that may result in negative ecological impacts.

Structures not authorised to be constructed under these rules include any in-stream barriers such as weirs (including barriers with low-flow release mechanisms), low-flow barriers, constructed pump pools, diversions and causeways without adequate 'flow through'.

For any application for a licence to interfere in locations other than those mentioned above, the licenceholder still needs to obtain a development permit issued under the *Integrated Planning Act 1997* for the structure. For some structures, other permissions may be required from your local council, Department of Primary Industries and Fisheries or the Environmental Protection Agency. Contact them to check if this is necessary.

***Q. What is a 'watercourse'?***

*A. The Water Act 2000 gives a formal definition of a 'watercourse' and the department will use that definition when assessing a licence application. In western Queensland what is and is not a 'watercourse' is often difficult to determine. Advice from your local Natural Resources, Mines and Water office should be obtained prior to lodging a licence application.*

## Amending Existing Water Licences

(Sections 115 to 124)

Some existing licences to take surface water will be amended. These amendments are intended to formalise the original intent of the licence and to ensure that the licences are consistent with both the water resource plan and the ROP. Consideration will be given to the existing works structures when amending conditions.

Licenceholders where this applies to have been contacted by the department to discuss this conversion. These conversions will be finalised as part of the implementation of the ROP.

Licences that are only for stock and/or domestic use (i.e. have no additional uses) are **exempt** from these amendments.

The three amendments to existing licences will be:

- A volumetric limit:
  - A maximum volume of water that can be taken in a water year will be the main limit on the take of water.
  - The volumetric limit will replace an ‘authorised area’ on a water licence.
  - If a licence states a volumetric limit or a nominal volume, then that volume will be the volumetric limit.
  - If the licence is for works that were constructed under an authorisation that do not specify a volumetric limit, then the terms or conditions stated on that authorisation will be used to determine the limit.
  - If a licence states a ‘maximum area to be irrigated’, the areas in hectares multiplied by 16 will be the volumetric limit. The 16 ML/Ha has been based on standard crop irrigation requirements for that area and takes into account water use by a crop for the full year, rainfall, evaporation and other losses for the full water year.
  - An additional allowance will be made if the licence also states that the water is for stock and/or domestic purposes.
- A maximum daily rate for taking water:
  - If this rate is already stated on the authorisation, the rate will remain the same.
  - For licences that state the pump size, the rate will be based on the pump size. If both the maximum rate and pump size are already stated, then it will be the lesser rate of the two.
  - If neither of the first two are on the licence, the other conditions on the licence will be used to calculate the maximum rate.
  - If none of the above is present on the licence, then the rate will be based on the dimensions of the control structure.
- Flow conditions:
  - This will be done if it is evident that the take of water under the licence is having a direct impact on the ecology of the river.

- The flow threshold will be based on a geomorphic assessment of the pump or diversion site and will be in accordance with a standard methodology that has been developed by the department.
- Conditions that address drawdown rates on waterholes may be included on a licence, if necessary to prevent environmental damage to the waterhole.

None of these amendments to existing licences are intended to disadvantage or advantage existing licenceholders.

## **CHAPTER 4 – MONITORING, ASSESSMENT AND REPORTING**

(Sections 125 to 133)

The department will be collecting data and information on the quantity, flows, quality and use of water, and ecosystem health in the catchments.

### **Data Collection**

The water flow information will build on initial gauge information in the catchments and let the department know how flows are behaving. As a result, over time the department will be able to obtain more accurate information about the flows in the river systems. This will lead to better decision making about the impact of taking water from the system.

The water quality information will tell us whether or not the quality of water is of an acceptable level for water users and the environment. The quality of the water is based on a standard set of test parameters and includes things like a water analysis, the conductivity of the water, turbidity and pH. As a general rule water is not tested for trace metals or pesticides.

Water use information will be obtained from water meters that will be associated with the works (i.e. the pump). This information will be used in the reporting process to demonstrate exactly how much water is being used. In addition, it will help ensure fair and equitable water access amongst users.

Water use efficiency information will demonstrate the levels of water use efficiency that may change over time. It is expected that efficiency will increase once the water licences specify a volumetric limit and there is a limit on the total amount of water able to be taken from the system.

Data collected on the expected future consumptive demands for water will be used to demonstrate possible needs for the release of unallocated and town water supply water.

### **Ecological Performance Monitoring and Assessment**

It is widely accepted within the scientific community that the health and condition of an ecosystem can be determined through the health and condition of particular ecological assets that exist within that ecosystem. Examples of ecological assets in the riverine ecosystems of the Georgina and Diamantina catchments are – aquatic insects, crustaceans, mussels, fish, birds, reptiles, mammals and vegetation.

These ecological assets have certain requirements for water quality, quantity and flow, such as floods and droughts, to adequately complete their life cycles. If it can be determined that the ecological assets are not in a healthy condition, then it can be inferred that the ecosystem generally is not in a healthy condition.

The department uses these ecological assets as part of a monitoring program to determine whether or not the desired ecological goals defined in the water resource plan are being realised. Data and information will be collected on:

- the specific ecological assets themselves; and
- the critical flow requirements for the ecological assets.

It has not yet been finalised what these assets will be, nor the range to be monitored. The department will be releasing a paper on this issue in the near future. The departments preferred option is to closely link monitoring with the work being undertaken by the Lake Eyre Basin Rivers Assessment.

In addition to the ecological performance monitoring and assessment program conducted by the department, other information collected by stakeholders and agencies such as community groups, university researchers and environmental and engineering consultants may be used to help the department assess the effectiveness of the water resource plan.

## **Assessment and Reporting**

Several years of data collection may be required before trends in the information can be determined. It is necessary to establish a long-term picture of the catchment, so that water management decisions can be based on sound evidence and not affected by short-term variations. The Minister produces a publicly available annual report detailing water use and monitoring programmes and will be available from the department in January each year.

The department will, on an ongoing basis, assess all data and information to determine if the outcomes specified in the water resource plan have been addressed. This information will be used in the Ministers report on the effectiveness of the rules in meeting the intent of the water resource plan. This report will state whether or not the water resource plan needs to be amended or remains current. If the water resource plan needs to be amended, then the department will have to draft a new resource operations plan.

## **CHAPTER 5 – AMENDMENTS TO THE RESOURCE OPERATIONS PLAN**

(Sections 134 to 144)

This chapter discusses the different arrangements for making amendments to the resource operations plan.

### **Amendments Not Requiring Public Notification (‘Short Form’ Amendments)**

(Sections 134 to 138)

Some amendments do not require public notification because these sections detail how the ROP will be amended. These changes can be made automatically when certain triggers are met within the parameters detailed in the plan.

The amendments detailed in this ROP include:

- Changes to the ROP as a result of changes to the water resource plan. These sort of changes are to correct minor errors or other changes that are not of substance (ie typographic errors or corrections to names etc). If this sort of change is made to the water resource plan, then it may also be necessary to change the ROP to ensure consistency between the two plans.
- Changes to monitoring requirements to allow for more efficient monitoring of water quantity, water quality or biological indicators.
- Changes to the method of determining conditions for overland flow licences. This allows those sections in the ROP to be modified if a better methodology for determining the conditions on licences to take overland flow water is developed.
- The granting of a water licence resulting from the sale of unallocated water or for town water supply. The process to release this water is detailed in the ROP and includes the opportunity for other parties to comment on the issuing of the licence.

### **Amendments Requiring Public Notification (‘Medium Form’ Amendments)**

(Sections 138 to 144)

The *Water Act 2000* allows amendments to be made to the resource operations plan following public notification and consultation. These types of amendments detailed in the ROP include:

- The establishment of a rule to determine the maximum cumulative extraction rate that may take place from a waterhole not listed in Attachment 5.
- Including additional waterholes to those listed in Attachment 5.
- Including additional streams to those listed in section 108(2).

## **Other Amendments That Require Public Notification ('Long Form' Amendments)**

Any other amendments that may be made to the ROP and are not detailed in the plan will have to follow the same processes that are required for developing a new resource operations plan. The main processes that are involved in making such an amendment include:

1. Public notification of the intent to make an amendment.
2. Receiving public comment and submissions on the intent.
3. Public notification of the details of the draft amendment.
4. Receiving public comment and submissions on the draft amendment.
5. Final approval or cancellation of the amendment.

## **CHAPTER 6 – IMPLEMENTATION** (Section 145)

The resource operations plan will be implemented as soon as practical after the date that its approval is notified in the Queensland Government Gazette, which occurred on 14 July 2006.

## FREQUENTLY ASKED QUESTIONS

### Licencing

***Q. Will my licence of 10 Ha for irrigation be converted to specify a volumetric limit?***

*A. Yes, all licences except for those taking solely stock and/or domestic water will be amended to specify a volumetric limit. The volumetric limit in this case would be 160 ML, which is the maximum volume of water that could be taken in a water year. A meter would also be required.*

***Q. How will my area-based licence be converted to a volumetric limit?***

*A. It will be converted at 16 ML/Ha plus an allowance if the licence states that it is also used for stock and/or domestic.*

***Q. What is the definition of ‘town water supply’?***

*A. Town water supply is the water required for the supply of services within the town boundary. This can include provision for domestic and commercial supply, parks and gardens. When applying for town water supply, the department will be assessing the application against the respective Strategic Asset Management Plan (or equivalent) for the town and water efficiency will be a primary concern. Supply of water for recreational dams would not be considered as town water supply.*

***Q. I want to build a structure, can I do it?***

*A. The ROP proposes that structures cannot be built on watercourses of a number of rivers in the catchment. For all other locations, structures may be able to be built but you should contact the department before lodging an application to clarify your individual circumstances.*

***Q. Will I need a meter?***

*A. If the works are solely for stock and/or domestic purposes you will not. If the licence has a volumetric limit, you will need a meter. Metering of extractions will be undertaken in accordance with the Metering Water Extractions Policy.*

***Q. I need additional stock and domestic water, how much will I pay for a licence?***

*A. If you have a property that adjoins a watercourse then you automatically have a right to take certain amounts of water for stock and domestic purposes. You do not therefore need a licence. If you wish to take overland flow water for stock and domestic purposes you may do so without requiring a licence, however there is a self assessable code that requires completion. If you do not adjoin a watercourse and want to take water from a watercourse, you will need to apply for unallocated water in accordance with chapter 2 of the ROP. This chapter also details how the water licence will be priced.*

***Q. I need additional water for irrigation, how much will I pay for a licence?***

*A. Any new surface water for irrigation or other purposes will have to come from the pool of unallocated water. Chapter 2 of the ROP details how to apply and how the price will be determined.*

***Q. I need to clear some land to use water?***

*A. The issuing of a water licence does not provide an authorisation to clear where the water may be used. If clearing is required this will be subject to the provisions of the Vegetation Management Act 1999 and a separate authority may be required. The Water Act 2000 allows for clearing associated with the interference or take of the water (ie where the dam or pump is located). Use on land will also be subject to other legislation and plans such as the Land Act 1994 and local government planning rules.*

***Q. How much will I pay for my water use?***

*A. The department is presently reviewing all fees and charges for water under a separate process. Contact your local office for additional information.*

***Q. I want a licence how do I get one?***

*A. If you have works in place but they are not licenced or the licence has expired you need to contact your local Natural Resources, Mines and Water office immediately.*

***Q. How do I obtain new water?***

*A. The process is outlined in chapter 2 and you can also contact your local Natural Resources, Mines and Water office for further help.*

***Q. What happens to my overland flow works?***

*A. Existing overland flow works (except those used only for stock and domestic use) should have been notified to the Department before August 2005. If you have not done so then please contact your local departmental office immediately.*

*If you intend to reconfigure your non stock and domestic overland flow works they may need to be licenced. If you intend to do this, you should contact your local departmental office before you finalise designs or commence construction.*

***Q. How do I obtain more overland flow water through my existing works?***

*A. If you want to take more water through existing overland flow works (for purposes other than stock and domestic use) then you will have to follow the process outlined in chapter 2 of the ROP. If you wish to obtain stock and domestic overland flow water, there is a self assessable code available, please contact your Natural Resources, Mines and Water office for more information.*

## **Unallocated Water**

***Q. Who can apply for a water licence under Section 206 of the Water Act 2000?***

*A. Individuals and entities that are entitled to either own land or have a registered lease can apply for a water licence. Entities who may obtain water include – the state, local government, a water authority, a resource operations licence holder, an interim resource operations licence holder, a petroleum tenure holder and an entity listed under a regulation.*

***Q. What is unallocated water?***

*A. Unallocated water is water that has been set aside for future release for new entitlements but does not include water for town supplies. This plan allows for 13,500 ML of which 12,000 ML is for 'any' purpose and 1,500 ML is set aside for projects of state significance.*



***Q. How do I obtain unallocated water?***

*A. If you would like unallocated water and are from one of the groups listed in section 15 of the ROP, then you need to contact the Longreach Office of the Department of Natural Resources, Mines and Water to obtain an expression of interest form. Once the expression of interest has been received, the department may initiate a tender process, or if a process has been undertaken recently water may be available for an 'off the shelf' fixed price.*

***Q. When I apply for unallocated water under the ROP what am I applying for?***

*A. Obtaining water through the resource operations plan is a staged process. When initially lodging a non-binding expression of interest, the applicant is indicating to the department that there is some demand for water in the water management area. From this, the department will consider whether to initiate a tender or fixed price process to sell the water. This is when the formal application will be required and information about how much water is requested and how it will be taken will have to be supplied.*

*If the application is accepted then there will be a process of public submissions, licence conditioning and referral to an independent panel before the licence is issued. If the applicant accepts the licence conditions, then once payment is received from the applicant the department will issue the licence.*

***Q. If I put in an application for unallocated water, one of the requirements is to provide an 'assessment of resource availability and impact of take'? Does this mean I have to hire a consulting firm to perform an Environmental Impact Assessment?***

*A. The amount of water you are interested in, the scale, complexity and location of the works to take water will determine how much assessment you will be required to undertake. A large extraction close to a sensitive ecological site may well require more information than a very small application. An Environmental Impact Assessment is not required however the matters listed in the water resource plan and the resource operations plan must still be considered.*

***Q. I need some unallocated water. Can we have more than is allocated in the plan?***

*A. . When the water resource plan is reviewed in 2014 (10 years after its commencement) part of the assessment will be to determine if there is a genuine need for additional new water in the catchment. Until that time, no new water (aside from the 13,500 ML set aside in the water resource plan) will be made available.*

***Q. Can I use both Category A and B water together?***

*A. Yes, category A and B water may be used together however there is a limit of 150ML of Category B water that may be used on a single Lot on Plan. Separate applications must be made to the department for the different categories of unallocated water.*

***Q. How can I find out how much unallocated water is available?***

*A. The department will maintain a publicly available record of the remaining volume of each type of unallocated water. Please contact your Natural Resources, Mines and Water office for information on the volume available.*

***Q. Will there be much demand for the unallocated water?***

*A. Demand for the unallocated water will be established through the ROP process. Once an expression of interest has been received for unallocated water in a particular management area the department may initiate a tender process. A notice will be published inviting all interested parties to apply to tender for water in a management area. This will help to quantify the demand for unallocated water.*

***Q. Can I withdraw from the process at any stage?***

*A. Within the ROP tender and licensing process there are several stages where the applicant can withdraw from the process.*

**Environment*****Q. How does this plan protect the environment?***

*A. This plan protects the environment through:*

- providing additional protection for waterholes which is in addition to that afforded by other agreements or legislation;*
- protecting the low flows that allow waterholes to be linked;*
- protecting small post winter flows;*
- prohibiting the construction of barriers on specific watercourses; and*
- requiring that all applications for a licence must demonstrate that the environment has been considered in the proposal.*

***Q. Where did the list of waterholes in Attachment 5 come from?***

*A. This list was the result of community and scientific recommendations and includes waterholes noted for their ecological, recreational, aesthetic or cultural values.*

***Q. How does this plan seek to recognise the concerns of South Australia?***

*A. The consultation to date has identified the concerns of South Australian landholders being principally about maintaining flow and the grazing benefit of these flows to their properties. The resource operations plan authorises less than 1 % of the average annual flows to be taken from the system. It also imposes flow threshold for new water, does not allow the concentration of take in one area and prohibits the construction of storages on specific watercourses. As part of the licence issuing process, comments can be made on the issuing of the licence and the conditions to be imposed. An applicant for a licence must provide evidence that the impact on South Australia has been considered.*

*This ROP cannot set the management rules for water in South Australia nor can it guarantee any supplies.*

**Other*****Q. Roughly when will this ROP be implemented?***

*A. Implementation should begin in the months following the release of the ROP (late 2006).*

***Q. I only use water for stock and domestic, does this plan affect me?***

*A. No. If you just want to continue on with stock and domestic water use then you don't need to worry about the plan. When proposed licence conditions are being advertised you still have the right to write a submission to ensure that your interests are protected.*

***Q. Why doesn't the ROP include water trading?***

*A. The Georgina and Diamantina catchments are remote semi-arid to arid river catchments with low demand for water. The main extractions have been for grazing, town water and some mining. As such, only a small amount of assessment and monitoring have occurred within the catchment to reveal the characteristics and ecology of these arid river systems. Under the National Water Initiative we are moving toward water trading, however due to the lack of knowledge about the system it is considered prudent not to introduce water trading until a*

*greater understanding of the catchment is obtained. The department has considered separation of water from land and once there is sufficient information, steps toward this separation (and the introduction of water trading) will occur.*

***Q. I need to get a copy of the ROP, the Water Act, the water resource plan, or other government legislation?***

*A. If the legislation relates to water, then it will be on our web site at <http://www.nrm.qld.gov.au>. Other legislation is available at <http://www.legislation.qld.gov.au>. Alternatively, contact your local Department of Natural Resources, Mines and Water office.*

***Q. I don't understand the plan?***

*A. If you need further clarification on the ROP read the explanatory notes or alternatively, call the Department of Natural Resources, Mines and Water, Longreach on (07) 4650 1900.*

***Q. Why not write it in plain English?***

*A. The plan itself needs to be written so that there is no doubt as to what it means and as a consequence it can be difficult to understand. When the department has to implement the plan and so that the public can be confident that the rules are being followed, it has to be very specific in its wording. This is why these explanatory notes have been prepared, to help people understand what it all means to them.*

***Q. What are these 'Section Numbers Not Used' bits, are you going to change the plan later?***

*A. The blank sections in the plan do allow for later amendments and avoid the necessity of renumbering the entire plan. Amendments that can be made are detailed in chapter 5 of the ROP. Any amendments not detailed there will only be made following considerable community consultation under a formal process set out in the Water Act 2000.*

## DIRECTORY

This section indicates which chapters of the resource operations plan may be of interest to certain readers. If, for example, you are interested in how the plan affects stock and domestic water users, the relevant sections of the plan are listed under ‘Stock and Domestic Users’.

### Stock and Domestic Users

- PRELIMINARY
- CHAPTER 2–ISSUING NEW WATER LICENCES
  - Part 1–Unallocated Water
    - Division 1–Category B Water
  - Part 4–Setting Conditions on New Water Licences
  - Part 5–Finalisation of Conditions and Issuing of a Water Licence
- CHAPTER 3 – DEALING WITH WATER LICENCES
  - Part 1–Existing and New Applications for a Water Licence
  - Part 2–Amending Existing Water Licences
- CHAPTER 4–MONITORING, ASSESSMENT AND REPORTING
- CHAPTER 5–AMENDMENTS TO THE RESOURCE OPERATIONS PLAN
- CHAPTER 6–IMPLEMENTATION

### Agriculture / Pastoralism

- PRELIMINARY
- CHAPTER 2–ISSUING NEW WATER LICENCES
  - Part 1- Unallocated Water
    - Division 1–Category A or B Water
  - Part 4–Setting Conditions on New Water Licences
  - Part 5–Finalisation of Conditions and Issuing of a Water Licence
- CHAPTER 3–DEALING WITH WATER LICENCES
  - Part 1–Existing and New Applications for a Water Licence
  - Part 2–Amending Existing Water Licences
- CHAPTER 4–MONITORING, ASSESSMENT AND REPORTING
- CHAPTER 5–AMENDMENTS TO THE RESOURCE OPERATIONS PLAN
- CHAPTER 6–IMPLEMENTATION

### Environment

- PRELIMINARY
- CHAPTER 2–ISSUING NEW WATER LICENCES
  - Part 4–Setting Conditions on New Water Licences
  - Part 5–Finalisation of Conditions and Issuing of a Water Licence
- CHAPTER 3–DEALING WITH WATER LICENCES
  - Part 1–Existing and New Applications for a Water Licence
  - Part 2–Amending Existing Water Licences
- CHAPTER 4–MONITORING, ASSESSMENT AND REPORTING
- CHAPTER 5–AMENDMENTS TO THE RESOURCE OPERATIONS PLAN
- CHAPTER 6–IMPLEMENTATION

## **Local Government**

- PRELIMINARY
- CHAPTER 2–ISSUING NEW WATER LICENCES
  - Part 1–Unallocated Water
    - Division 1–Category B Water
  - Part 2–Applications for Town Water Supply
  - Part 4–Setting Conditions on New Water Licences
  - Part 5–Finalisation of Conditions and Issuing of a Water Licence
- CHAPTER 3–DEALING WITH WATER LICENCES
  - Part 1–Existing and New Applications for a Water Licence
  - Part 2–Amending Existing Water Licences
- CHAPTER 4–MONITORING, ASSESSMENT AND REPORTING
- CHAPTER 5–AMENDMENTS TO THE RESOURCE OPERATIONS PLAN
- CHAPTER 6–IMPLEMENTATION

## **Industry Development**

- PRELIMINARY
- CHAPTER 2–ISSUING NEW WATER LICENCES
  - Part 1- Unallocated Water
    - Division 1–Category A or B Water
    - Division 3–Projects of State Significance Water
  - Part 4–Setting Conditions on New Water Licences
  - Part 5–Finalisation of Conditions and Issuing of a Water Licence
- CHAPTER 3–DEALING WITH WATER LICENCES
  - Part 1–Existing and New Applications for a Water Licence
  - Part 2–Amending Existing Water Licences
- CHAPTER 4–MONITORING, ASSESSMENT AND REPORTING
- CHAPTER 5–AMENDMENTS TO THE RESOURCE OPERATIONS PLAN
- CHAPTER 6–IMPLEMENTATION