

# **Burdekin Basin**

## **Water Management Protocol 2016**

**Amended June 2019**



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# Chapter 1 Preliminary

## 1 Short title

- (1) This water management protocol may be cited as the Burdekin Basin Water Management Protocol 2016.
- (2) Reference in this document to ‘this protocol’ means the Burdekin Basin Water Management Protocol 2016.

## 2 Commencement of the water management protocol and amendment

- (1) The protocol commenced on 6 December 2016.
- (2) The amendment to the protocol commenced on 28 June 2019.

## 3 Purpose of protocol

This protocol implements parts of the *Water Plan (Burdekin Basin) 2007*.

## 4 Interpretation of words used in this protocol

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

## 5 Water to which this protocol applies

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

- (a) water in a watercourse, lake or spring; and
- (b) overland flow water.

## 6 Information about areas, schemes and zones

- (1) The location of the boundaries of the plan area, subcatchment areas, water management areas, water supply schemes, water allocation zones and water licence zones are held in digital electronic form by the department.
- (2) The information held in digital electronic form can be reduced or enlarged to show the details of the boundaries<sup>1</sup>.

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<sup>1</sup> The boundaries held in digital electronic form may be inspected at any of the department's offices.

# Chapter 2 Unallocated water

## Part 1 Requirements for dealing with, and volumes of, unallocated water

### 7 Scope of chapter 2

This chapter states the process for making available and dealing with unallocated water mentioned in part 5, division 2, subdivision 2 of the *Water Plan (Burdék Basin) 2007*.

### 8 Record of volume of unallocated water

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

### 9 Dealing with unallocated water generally

- (1) In preparing and implementing a process to release unallocated water from a reserve, the chief executive must consider the following—
  - (a) the purpose for which the water is required;
  - (b) the efficiency of existing and proposed water use practices;
  - (c) the extent to which water is being taken under existing authorisations in the plan area;
  - (d) the availability of an alternative water supply for the purpose for which the water is required;
  - (e) the impact the proposed taking of, or interfering with, the water may have on existing water users in the plan area;
  - (f) whether the proposed taking or interfering is likely to have a direct adverse effect on groundwater flows;
  - (g) the matters mentioned in section 23(1)(a) and (b) of the *Water Plan (Burdék Basin) 2007*.
- (2) Subsection (1) does not limit the matters the chief executive may consider.

### 10 Requirement for information about land suitability

- (1) A submission for unallocated water where the water is proposed to be used for irrigation must be accompanied by information that demonstrates the potential suitability of the land for irrigation.
- (2) For this section, potential suitability of the land for irrigation means the potential of the land for sustainable irrigation having regard to the following matters that may constrain the extent and location of any irrigation development—
  - (a) the availability of land without remnant vegetation, including any occurrence of remnant vegetation;
  - (b) the occurrence of ecological assets and other high value environmental features such as wetlands;
  - (c) the suitability of the topography, including the slope of the land intended to be irrigated;

- (d) any known cultural heritage sites; and
- (e) the physical and chemical attributes of the soil.

## 11 Volumes of unallocated water held in reserve

The total volumes of water held in a reserve mentioned in section 30 of the *Water Plan (Burdakin Basin) 2007* for each subcatchment area is shown in table 1.

Table 1: Unallocated water reserve volumes

Reserve	Mean annual volume (ML) by subcatchment area							
	A	B	C	D	E	F	G	Total
General reserve	50 000	5 000	0	0	130 000	5 000	10 000	200 000
Strategic reserve for State purposes	0	0	0	0	9 200 <sup>2</sup>	5 000	10 000	35 000
Nominal volume (ML) by subcatchment area								
SunWater reserve	0	0	8 744	0	0	0	0	8 744
Strategic reserve for a future raising of Burdekin Falls Dam	150 000	0	0	0	0	0	0	150 000
Strategic reserve for water infrastructure for the Bowen and Broken subcatchments	0	0	150 000	0	0	0	0	150 000

## Part 2 Process for releasing water from the SunWater reserve

### 12 Process for releasing water from the SunWater reserve

- (1) The chief executive may release water from the SunWater reserve to SunWater Limited for all or part of the unallocated water held as SunWater reserve if—
  - (a) SunWater Limited makes a submission to the chief executive requesting the release of all or part of the SunWater reserve; and
  - (b) the submission addresses to the satisfaction of the chief executive—
    - (i) the matters mentioned in section 9 of this protocol; and
    - (ii) any other matters the chief executive requires SunWater to address in the submission; and
  - (c) the submission is consistent with an application to amend the resource operations licence for the Bowen Broken Water Supply Scheme to include new or altered infrastructure; and
  - (d) the release is consistent with—
    - (i) the environmental flow objectives for the *Water Plan (Burdakin Basin) 2007*; and

<sup>2</sup> At the commencement of the protocol, 9200ML is available to be granted from strategic reserve as shown in table 1. Upon completion of an existing State purpose project, 10 800ML will return to the State and the total available volume held in strategic reserve will be 20 000ML.

- (ii) the water allocation security objectives for *Water Plan (Burdekin Basin) 2007*—
    - (A) generally; and
    - (B) in particular, for the priority group to which the water allocation will belong; and
  - (iii) the general and strategic reserves mentioned in Part 1.
- (2) The submission must—
  - (a) be made to the chief executive, in writing;
  - (b) be accompanied by the prescribed fee; and
  - (c) be supported by sufficient information to enable the chief executive to assess the submission against the matters stated under section 9 of this protocol.
- (3) The chief executive may, give written notice to the applicant, requiring—
  - (a) the applicant to give additional information about the submission within the time specified within the notice; and
  - (b) any information included in the submission, or any additional information required under subsection (3)(a) to be verified by statutory declaration.
- (4) If the applicant fails to provide the information required by the chief executive within the time specified in the notice, the submission lapses.
- (5) For deciding the submission for releasing water from the SunWater reserve, the chief executive must consider—
  - (a) the submission and any additional information given about the submission;
  - (b) the matters prescribed under subsection (1)(b); and
  - (c) the public interest.
- (6) Subsection (5) does not limit the matters the chief executive may consider in deciding a submission for releasing water from the SunWater reserve.
- (7) If the chief executive is satisfied the submission should be approved, or approved in part, the chief executive must release water from the SunWater reserve as a water allocation to SunWater Limited.

## Part 3      Sale or grant for a particular purpose

- 13      Process for releasing water from the strategic water infrastructure reserve
- (1) This section applies to the release of a volume of unallocated water held as strategic reserve for a purpose other than a State purpose.
- (2) The chief executive may release all or part of the unallocated water only in conjunction with the granting or amending of a resource operations licence, and the specification of water infrastructure operating arrangements that are consistent with the outcomes and objectives of the *Water Plan (Burdekin Basin) 2007*.
- (3) Despite subsections (1) and (2), the chief executive may temporarily release unallocated water from strategic water infrastructure reserve/s under section 40A, 40B and 40C of the *Water Act 2000*.

## **Part 4            Limitation on water products to be released**

### **14            Specification of unallocated water products**

- (1) This section applies to—
  - (a) unallocated water held as general reserve; and
  - (b) unallocated water held as strategic reserve for State purposes.
- (2) In subcatchment areas A and B—unallocated water to which this part applies will be made available only as water allocations.
- (3) In subcatchment areas F and G—unallocated water to which this part applies will be made available as either water allocations or water licences.
- (4) In subcatchment areas E—unallocated water to which this part applies will be made available only as water licences.

# Chapter 3 Water allocation dealing rules—supplemented allocations

## 15 Scope of chapter 3—Act, s. 158

This chapter provides the water allocation dealing rules for water allocations managed under a resource operations licence within the *Water Plan (Buldekin Basin) 2007* area.

## 16 Definitions for this chapter

In this chapter—

**total nominal volume in a zone** means the sum of the nominal volumes of all water allocations in the same priority group for—

- (a) the zone or zone group;
- (b) which relevant valid change certificates have been issued under section 159 of the *Water Act 2000*.

**total nominal volume for high priority water allocations** means the sum of the nominal volumes of all water allocations belonging to the high priority group—including those for which relevant valid dealing certificates have been issued under section 159 of the *Water Act 2000*.

## Part 1 Water allocation dealing rules—general

## 17 Scope of part 1

- (1) This part applies to all water allocations managed under a resource operations licence generally.
- (2) Water allocation dealing rules that apply to specific water supply schemes are stated in parts 2 and 3.

## Division 1 Subdivision and amalgamations

## 18 Permitted subdivisions or amalgamations

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

- 19      **Prohibited subdivision and amalgamations**
- (1)     Subdivision of a water allocation is prohibited if it is not permitted under section 18(1).
  - (2)     Amalgamation of water allocations is prohibited if it is not permitted under section 18(2).

## Division 2    Water allocation change rules

### Subdivision 1   Permitted changes

- 20      **Change to the purpose rural or any**

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

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

- 21      **Change to nominal location**

A change to the nominal location of a water allocation is permitted where the change will result in the nominal location being the same as the location on the water allocation.

### Subdivision 2   Assessed changes

- 22      **Change of purpose distribution loss**

- (1)     The holder of a water allocation that states the purpose as 'distribution loss' may apply to the chief executive under section 159 of the *Water Act 2000* to change the purpose of the allocation to 'any' or 'rural'.
- (2)     The water allocation holder must provide a report with the application that demonstrates
  - (a)     the resource operations licence holder has achieved a permanent efficiency gain in the distribution of water within the associated delivery system;
  - (b)     the reduction in distribution losses specified as an annual volume that will result directly from the works or operational changes;
  - (c)     that there is sufficient volume held under water allocations to provide for distribution losses within the system;
  - (d)     that the proposed change meets the *Water Plan (Burdakin Basin) 2007* objectives; and
  - (e)     any other matters the chief executive considers appropriate.
- (3)     For this section—

**distribution loss** means water that is 'lost' when delivering water for water allocations in reticulated areas via constructed infrastructure through processes such as (but not limited to) evaporation, seepage, pipeline leakage, accidental

loss through temporary pipe failure, loss through pressure relief systems, scouring and pigging.

## Part 2 Water allocation dealing rules—Burdekin Haughton Water Supply Scheme

### 23 Scope of part 2

This part states water allocation dealing rules for water allocations managed under the resource operations licence for the Burdekin Haughton Water Supply Scheme.

### Division 1 Permitted changes

#### 24 Change to location

A change to the location of a water allocation is permitted if the change would not result in a total nominal volume in a zone or zone group that is greater than the maximum volumes or less than the minimum volumes in table 2.

Table 2: Limits of total nominal volume in a zone/zone group

Location (zone)	High priority group		Medium priority group	
	Minimum volume (ML)	Maximum volume (ML)	Minimum volume (ML)	Maximum volume (ML)
Burdekin A	0	20 000	267 944	350 000
Burdekin B	0	20 000	0	350 000
Burdekin C	0	100 000	524 892	850 000
Burdekin D	0	50 000	0	25 000
Burdekin E	0	25 000	0	75 000
Haughton A	0	8 800	29 178	49 178
Burdekin A and Burdekin B	0	20 000	267 944	350 000

#### 25 Change to priority group

- (1) A change to the priority group of a water allocation is permitted—
  - (a) from medium to high—where the nominal volume, in megalitres, is calculated by multiplying the nominal volume of the water allocation belonging to the medium priority group, by the conversion factor of 0.565 and rounding down to the nearest whole number; or
  - (b) from high to medium—where the nominal volume, in megalitres, is calculated by dividing the nominal volume of the water allocation belonging to the high priority group, by the conversion factor of 0.565 and rounding down to the nearest whole number.
- (2) Subsection (1) does not apply to a change prohibited under section 27 of this protocol.

## **Division 2 Prohibited changes**

### **26 Change to location**

A change to the location of a water allocation is prohibited if the change would result in—

- (a) the location being a zone not listed in table 2;
- (b) the total nominal volume in a zone or zone group that is greater than the maximum volumes or less than the minimum volumes in table 2.

### **27 Change to priority group**

A change to a priority group is prohibited where—

- (a) the priority group is not specified in the table 2;
- (b) a change to the priority group that would result in a nominal volume that is not the same as the nominal volume calculated using the conversion factor specified in section 25.
- (c) the total nominal volume for high priority water allocations being—
  - (i) greater than 100 000 ML; or
  - (ii) less than 25 000 ML.

## **Part 3 Water allocation dealing rules—Bowen Broken Water Supply Scheme**

### **28 Scope of part 2**

This part states water allocation dealing rules for water allocations managed under the resource operations licence for the Bowen Broken Water Supply Scheme.

## **Division 1 Permitted changes**

### **29 Change to location**

A change to the location of a water allocation is permitted if the change would not result in a total nominal volume in a zone that is greater than the maximum volumes or less than the minimum volumes in table 3.

Table 3: Limits of total nominal volume in a zone

Location (zone)	Priority group					
	High A1		High A2		Medium	
	Minimum volume (ML)	Maximum volume(ML)	Minimum volume (ML)	Maximum volume (ML)	Minimum volume (ML)	Maximum volume (ML)
Bowen Broken A	0	0	0	0	0	3600
Bowen Broken B	0	0	0	0	0	5676
Bowen Broken C	11 649	18 649	0	0	0	5676
Bowen Broken D	0	0	0	0	0	45
Bowen Broken E	0	0	14 605	21 605	0	0

## Division 2 Prohibited changes

### 30 Change to location

- (1) A change to the location of a water allocation is prohibited if the change would result in—
  - (a) the location being a zone not listed in table 3;
  - (b) the total nominal volume in a zone that is greater than the maximum volumes or less than the minimum volumes in table 3;
- (2) For High A1 and High A2 priority group water allocations in zones C and E, a change to the location of the allocation is prohibited if—
  - (a) for a change from zone C to E—the priority group of the allocation is not also changed to High A2; or
  - (b) for a change from zone E to C—the priority group of the allocation is not also changed to High A1.

### 31 Change to priority group

A change to a priority group that is not specified in table 3 is prohibited.

# Chapter 4 Water sharing rules for water management areas

## 32 Application of chapter 4

This chapter applies to water allocations to take unsupplemented water located in the Lower Burdekin, Haughton and Bowen Broken water management areas.

## 33 Definitions for this part

In this part—

**announced period** means the period of time, as determined and announced by the chief executive, when water may be taken in a water year under the authority of a water allocation.

## 34 Taking water under a water allocation

- (1) Water may be taken under a water allocation only during an announced period.
- (2) The holder of a water allocation taking water under this section must collect and provide data about the taking of water as is required under section 53 of this protocol.

## 35 Announced period for water allocations

- (1) The chief executive must announce the start and end of an announced period.
- (2) The chief executive must develop and make available procedures for managing the taking of water during an announced period.
- (3) In deciding an announced period, the chief executive must consider—
  - (a) the flow conditions for the water allocation; and
  - (b) the length of time that flow in the watercourse, lake or spring is expected to exceed the flow conditions for the water allocation.

# Chapter 5 Water allocation dealing and seasonal assignment rules for unsupplemented water allocations

## 36 Scope of Chapter 5—Act, s. 158

- (1) This chapter provides the water allocation dealing rules for water allocations not managed under a resource operations licence within the *Water Plan (Burdakin Basin) 2007* area.
- (2) This Chapter applies to water allocations that are measured as directed by the chief executive.

## 37 Definitions for this chapter

In this chapter—

**total annual volumetric limit** is the sum of the annual volumes for all water allocations —

- (a) for the zone or zone group; and
- (b) to which relevant valid change certificates have been issued under section 159 of the *Water Act 2000*.

**beds and condition** means a condition on a water allocation that states—

- (a) a latitudinal and longitudinal point for taking water associated with the water allocation; and
- (b) that water must only be taken under the water allocation from a point that is not greater than 50 metres from the stated latitudinal and longitudinal point.

# Part 1 Water allocation dealing rules

## Division 1 Subdivision and amalgamation

### 38 Permitted subdivision and amalgamations

- (1) Subdivision of a water allocation is permitted only if—
  - (a) the new water allocations state the same water allocation group, conditions and location as the allocation that is being subdivided;
  - (b) the nominal volume and volumetric limit for the new water allocations are in the same proportions as the nominal volume and volumetric limit of the allocation that is being subdivided; and
  - (c) the sums of the nominal volumes, volumetric limits, maximum rates and litres per second rates of the new water allocations are equal to the nominal volume, volumetric limit, maximum rate and litres per second rate of the allocation that is being subdivided.
- (2) Amalgamation of water allocations is permitted only if—
  - (a) the allocations being amalgamated state the same water allocation group, conditions and location; and
  - (b) the nominal volume, volumetric limit, maximum rate and litres per second rate for the new allocation are equal to the sum of the nominal volumes, volumetric limits, maximum rates and litres per second rates of the allocations being amalgamated.

**39 Prohibited subdivision and amalgamations**

- (1) Subdivision of a water allocation is prohibited if it is not permitted under section 38(1).
- (2) Amalgamation of water allocations is prohibited if it is not permitted under Section 38(2).

**Division 2 Water allocation change rules**

**Subdivision 1 Permitted changes**

**40 Change to location**

- (1) A change to the location of a water allocation is permitted only if—
  - (a) the change would not result in the total annual volumetric limit stated in tables 4a or 4b for the water allocation group in the zone being exceeded;
  - (b) the location is to be changed to a zone within the same water management area;
  - (c) the new location is a zone stated in table 4c column 2, the water allocation must state the flow condition in table 4c, column 4 if—
    - (i) the location of a water allocation belonging to water allocation group G2 is being changed to zone Upper Burdekin D; and
    - (ii) the total annual volumetric limit for the zone is greater than 1910 ML but does not exceed the total annual volumetric limit for the zone stated in table 4a.
  - (d) the new location is zone Broughton A for water allocation group G2 or occurs in the Cape Campaspe water management area for water allocation group F1 — the water allocation must state a bedsand condition.
- (2) For subsection (1)(d) a bedsand condition must state latitudinal and longitudinal coordinates for taking water at a distance equal to or greater than 1 kilometre away from—
  - (a) other water allocations with a bedsand condition; and
  - (b) stock and domestic authorisations under section 96 of the *Water Act 2000* or section 35 of the *Water Plan (Burdekin Basin) 2007*.
- (3) Despite subsection (2), a bedsand condition may state latitudinal coordinates for taking water within 1 kilometre of authorisations mentioned in subsection (2)(a) and (b), only if—
  - (a) the other authorisations are owned by the applicant for a permitted change or seasonal water assignment; or
  - (b) the owners of the other authorisations give written consent for the change or seasonal water assignment.

**Table 4a: Maximum total annual volumetric limits (ML) of unsupplemented water allocations by water management area, water allocation zone and water allocation group upstream of Burdekin Falls Dam**

Water Management Area	Location (zone)	Water Allocation Group					
		F1	F2	G1	G2	G3	G4
Upper Burdekin	Upper Burdekin A	*	*	150	7400	1920	12 010
	Upper Burdekin B	*	*	0	8070	0	3500
	Upper Burdekin C	*	*	0	7074	13470	3469
	Upper Burdekin D	*	*	0	2410	0	0
	Upper Burdekin E	*	*	0	1920	0	0
	Broughton A	*	*	134	2003	0	0
	Fanning A	*	*	340	0	0	0
	Gladstone A	*	*	367.2	0	0	0
	Lolworth A	*	*	0	240	0	0
	The Bubbling Spring A	*	*	0	270	0	0
	Fletcher A	*	*	0	1730	0	0
	Keelbottom A	*	*	0	247	1000	0
	Dry A	*	*	1070	0	0	0
	Wyandotte A	*	*	0	2420	0	0
Cape Campaspe	Cape A	1035#		*	*	*	*
	Campaspe A	400#		*	*	*	*
	Cape B	1367	50	*	*	*	*
	Betts A	149.5	192	*	*	*	*
	Homestead A	62	0	*	*	*	*

\* means that water allocation group does not exist for the water management area and zone

# means the maximum total annual volumetric limit for all water allocations belonging to any water allocation group in the zone.

**Table 4b: Maximum total annual volumetric limits (ML) of unsupplemented water allocations by water management area, water allocation zone and water allocation group downstream of Burdekin Falls Dam**

Water Management Area	Location (zone)	Water Allocation Group		
		A1	B1	C1
Haughton	Haughton A	*	1 564	*
Lower Burdekin	Burdekin A	37 447	*	*
	Burdekin B	37 447	*	*
	Burdekin C	37 447	*	*
	Burdekin D	37 447	*	*
	Burdekin E	0	*	*
Bowen Broken	Bowen Broken A	*	*	2 071
	Bowen Broken B	*	*	2 071
	Bowen Broken C	*	*	0
	Bowen Broken D	*	*	0
	Bowen Broken E	*	*	0

\* means that water allocation group does not exist for the water management area and zone

**Table 4c: Conditions for unsupplemented water allocations by water management area, water allocation zone and water allocation group upstream of Burdekin Falls Dam**

Water Management Area	Location (zone)	Water Allocation Group	Condition
Upper Burdekin	Broughton A	G1	<i>taking water is prohibited whenever there is no flow of water at the pump site</i>
	Burdekin D	G2	<i>taking of water is permitted only when the flow of water in the Burdekin River upstream of the pump site exceeds 25.92 megalitres per day</i>
	Wyandotte A	G2	<i>taking of water is permitted only when the flow of water in Wyandotte Creek upstream of the pump site exceeds 25.92 megalitres per day</i>
	Keelbottom A	G3	<i>taking of water is prohibited whenever there is no flow of water from the pump site through to the junction of Keelbottom Creek and the Burdekin River</i>

#### 41 Change to a water allocation group

A change to a water allocation group is permitted only if—

- (a) the water allocation occurs in the Cape Campaspe water management area;
- (b) the change is from a water allocation group in table 4d column 1 to the water allocation group in column 2; and
- (c) the nominal volume is calculated by multiplying the factor in column 3 and then rounded to the nearest decimal place; and
- (d) the condition stated in column 4 is applied.

**Table 4d: Permitted changes to a water allocation group by location and with conditions**

Change from Water Allocation Group	Change to Water Allocation Group	Nominal Volume factor	Condition to be applied
F1	F2	0.091	Impose condition stating <i>taking water is prohibited whenever there is no flow of water at the pump site</i> . Remove a bedsand condition.
F2	F1	7.545	Impose a bedsand condition. Remove condition stating <i>taking water is prohibited whenever there is no flow of water at the pump site</i> .

#### 42 Change the maximum rate

(1) A change to the maximum rate is permitted only if—

- (a) the water taking capacity of the works associated with the water allocation at the day of commencement of the plan—
  - (i) includes a pump—the maximum rate applied does not result in a volume that is greater than the maximum rate for a pump size specified in schedule 8 of the Water Plan (Burdekin Basin) 2007; or

- (ii) otherwise — the maximum rate does not result in a volume that is greater than the maximum rate specified in 66(2) of the *Water Plan (Burdakin Basin) 2007*; and
- (b) the water allocation does not belong to water allocation group—
  - (i) G4 in an upper Burdekin zone;
  - (ii) G2 for the Broughton A zone;
  - (iii) F1 in the Betts A, Homestead A and Cape B.
- (2) Despite subsection (1)(a) and (1)(b)(i) a change to the maximum rate for a water allocation belonging to water allocation group G4 is permitted only if the resulting maximum rate of take is not greater than 20% of the annual volumetric limit.

#### 43 Change a condition

- (1) A change to the bedsand condition for a water allocation is permitted only if a new bedsand condition states latitudinal and longitudinal coordinates for taking water at a distance equal to or greater than 1 kilometre away from—
  - (a) other water allocations with a bedsand condition; and
  - (b) stock and domestic authorisations under section 96 of the *Water Act 2000* or section 35 of the *Water Plan (Burdakin Basin) 2007*.
- (2) Despite subsection (1), a bedsand condition may state latitudinal and longitudinal coordinates for taking water within 1 kilometre of authorisations mentioned in subsection (2)(a) and (b), only if—
  - (a) the other authorisations are owned by the applicant for a permitted change or seasonal water assignment; or
  - (b) the owners of the other authorisations give written consent for the change or seasonal water assignment.

## Subdivision 2 Prohibited changes

#### 44 All other changes

If a change to a water allocation is not stated under this division as permitted, then the change is considered to be a prohibited change for the—

- (a) Upper Burdekin water management area; and
- (b) Cape Campaspe water management area.

## Division 3 Seasonal water assignment rules

#### 45 Seasonal water assignment rules

- (1) The chief executive must approve a seasonal water assignment for all or part of a water allocation, with or without conditions only if—
  - (a) the works for taking water under a seasonal assignment notice are measured as directed by the chief executive;
  - (b) the seasonal water assignment, to be treated as a water allocation for the purpose of assessment, is consistent with the rules for permitted changes under sections 40, 41 and 43.

- (2) Despite subsection (1)(b), the conditions and water allocation group for the seasonal water assignment must be the same as for water allocation being assigned, for a water allocation within a zone of the—
  - (a) Lower Burdekin water management area;
  - (b) Haughton water management area; and
  - (c) Bowen Broken water management area.
- (3) The chief executive must decide a maximum rate of take and/or a per second rate that does not result in a volume that is greater than the maximum rate of take in megalitres per day specified in 66(2) of the *Water Plan (Burdekin Basin) 2007*, having regard to the water taking capacity of the works.
- (4) The chief executive may impose other conditions for taking water under a seasonal water assignment.

# Chapter 6 Water licence dealings

## Division 1 Water licence relocation and seasonal water assignments

### 46 Application of division 1

- (1) This division applies to—
  - (a) water licences that are measured as directed by the chief executive; and
  - (b) an application for which section 26B of the *Water Plan (Burdakin Basin) 2007* applies.
- (2) The chief executive must not accept an application for a water licence relocation or seasonal water assignment if—
  - (a) the water licence does not authorise the take water from a lot in or adjoining a water licence zone stated in schedule 2C of the *Water Plan (Burdakin Basin) 2007*; or
  - (b) the original licence was issued from the Strategic Reserve.

### 47 Definitions for this division

In this division—

- (a) *Original water licence* is the licence that is being permanently relocated or seasonally assigned fully or in part;
- (b) *Proposed water licence* is the licence granted at the new location if the rules for permanent relocation are satisfied;
- (c) *Resulting water licences* are the product of a part relocation and include proposed water licences and the amended original water licence;

### 48 Rules for permanent relocation of a water licence

- (1) The chief executive may approve an application to permanently relocate part or all of a water licence only if—
  - (a) the original water licence and resulting water licences state a purpose of “any”;
  - (b) the original water licence and resulting water licences authorised the take of water from the same water licence zone as shown on a map in schedule 2C of the *Water Plan (Burdakin Basin) 2007*;
  - (c) the sum of the nominal entitlements for the resulting water licences must equal the nominal entitlement of the original water licence;
  - (d) the maximum rate of take for the proposed water licence is calculated using the following formula—

$$\text{Maximum rate for PWL} = \frac{\text{Nominal Entitlement PWL}}{\text{Nominal Entitlement OWL}} \times \text{Maximum rate for OWL}$$

Where PWL = proposed water licence; and

Where OWL = original water licence.

- (2) In addition to subsection (1), if the original water licence takes water from a water licence zone into an overland flow storage notified under section 80(3) of the *Water Plan (Burdakin Basin) 2007*—
  - (a) the original water licence holder must demonstrate that the relocation would not increase the average volume to be taken annually for the zone – For example the notified overland flow storage is no longer required for irrigation and the volume is consistent with stock and domestic requirements for the property; or
  - (b) an exemption may apply to the notified overland flow storage under section 79 of the *Water Plan (Burdakin Basin) 2007*.

**49 Rules for seasonal water assignment of a water licence**

- (1) The chief executive may approve an application to seasonally assign part or all of a water licence only if—
  - (a) the original water licence and seasonal water assignment notices state a purpose of “any”;
  - (b) the original water licence and seasonal water assignment notices authorised the take of water from the same water licence zone as shown on a map in schedule 2C of the *Water Plan (Burdakin Basin) 2007*;
  - (c) the volume that may be taken under the original water licence is reduced by a volume equal to the volume being seasonally assigned for the stated period;
  - (d) the maximum rate does not result in a rate greater than the maximum rate in megalitres per day specified in 74(2) of the *Water Plan (Burdakin Basin) 2007*, having regard to the water taking capacity of the works.
- (2) In addition to subsection (1), if the original water licence takes water from a water licence zone into an overland flow storage notified under section 80(3) of the *Water Plan (Burdakin Basin) 2007*—
  - (a) the original water licence holder must demonstrate that the relocation would not increase the average volume to be taken annually for the zone – for example the notified overland flow storage is no longer required for irrigation and the volume is consistent with stock and domestic requirements for the property; or
  - (b) an exemption may apply to the notified overland flow storage under section 79 of the *Water Plan (Burdakin Basin) 2007*.

**50 Conditions for permanent relocation or seasonal water assignment of a water licence**

- (1) For a proposed water licence or seasonal water assignment, the chief executive—
  - (a) must impose the same flow condition that is specified for the original water licence, unless the original water licence—
    - (i) does not state a flow condition; or
    - (ii) states a flow condition permitting the take of water when the flow at a particular point is less than 86.4ML per day.
  - (b) having regard for (a)(i) or (ii), must impose a condition that states taking water is permitted only when the flow of water immediately downstream of the pump site exceeds 86.4 megalitres per day.
  - (c) may decide to impose other conditions appropriate for the new location.
- (2) For a proposed water licence, where water is to be taken from a water licence zone into an overland flow storage, a condition must state that the volume stored is not greater than the nominal entitlement for the water licence, unless—
  - (a) an exemption applies to part of the stored volume under section 79 of the *Water Plan (Burdakin Basin) 2007*; or
  - (b) the overland flow storage is notified under section 80(3) and has a capacity greater than the nominal entitlement for the proposed water licence.

# Chapter 7 Monitoring and Reporting

## 51 Water monitoring

- (1) The chief executive must measure or collect and keep publicly available, records of—
  - (a) water quantity;
  - (b) water taken;
  - (c) prices for water allocations permanently traded; and
  - (d) the number and volumetric limit of water allocations and water licences permanently traded or seasonally assigned;
- (2) The chief executive must collect and keep publicly available, information on—
  - (a) future consumptive demands for water; and
  - (b) water use efficiency.
- (3) The chief executive may use information collected to support water resource assessment and reporting.

## 52 Natural ecosystems monitoring

The chief executive must collect and keep publicly available, information on—

- (a) ecological assets that are linked to the ecological outcomes of the *Water Plan (Burdakin Basin) 2007*; and
- (b) the critical water requirements of ecological assets, including the provision of these requirements under the *Water Plan (Burdakin Basin) 2007*.

## 53 Data collection and transfer for unsupplemented water allocation holders

- (1) For water taken under a water allocation during an announced period, the allocation holder or an assignee must record meter readings, time and date—
  - (a) at the start of taking water; and
  - (b) at the end of taking water.
- (2) The water allocation holder and any assignee must transfer the data collected under subsection (1) to the chief executive within five business days.
- (3) In this section—

**assignee** means the person or entity to whom an interest or right to water is being transferred (e.g. seasonally assigned).

# Attachment 1 Dictionary

Term	Definition
Location	For a water allocation, means the zone from which water under the water allocation can be taken. For a water licence, means the section of the watercourse, lake or spring abutting or contained by the land described on the water licence at which water may be taken.
Megalitre (ML)	One million litres
Nominal location	Nominal location is the location of a supplemented water allocation set at the commencement of the original resource operations plan.
Water year	The water year for water managed under the <i>Water Plan (Burdekin Basin) 2007</i> is the 12 month period beginning 1 July and ending 30 June.
Zone	Zone in chapters 3 and 5 means a water allocation zone as stated in section 7 of the <i>Water Plan (Burdekin Basin) 2007</i> . Zone in chapter 6 means a water licence zone as stated in section 7A of the <i>Water Plan (Burdekin Basin) 2007</i> . Zone in any other chapter means a reference to both unless otherwise stated.