

Whitsunday Water Management Protocol

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Government

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Chapter 1 Preliminary

1 Short title

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

2 Commencement of the water management protocol

This protocol commenced on 19 February 2020.

3 Purpose of protocol

This protocol implements parts of the Water Resource (Whitsunday) Plan 2010.

4 Interpretation of words used in this protocol

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

5 Area to which this protocol applies

This protocol applies to parts of the plan area defined in the Water Resource (Whitsunday) Plan 2010.

6 Water to which this protocol applies

- (1) This protocol applies to the following water (surface water) in the plan area—
 - (a) water in a watercourse, lake or spring; and
 - (b) overland flow water.
- (2) This protocol also applies to groundwater in the plan area.

7 Information about areas

- (1) The exact location of the boundaries of the plan area, water supply schemes, water management areas and zones are held in digital electronic form by the department.
- (2) The information held in digital electronic form can be reduced or enlarged to show the details of the boundaries¹.

8 Notifying the scheme licence holder

- (1) The chief executive may review and update the Water Monitoring Data Collection Standards or the Water Monitoring Data Reporting Standards at any time.
- (2) The chief executive must notify the scheme licence holder at least 20 business days prior to any substantive changes are made.

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

Chapter 2 Unallocated water

9 Scope of chapter 2

This chapter states the process for making available and dealing with unallocated water mentioned in section 27 of the Water Resource (Whitsunday) Plan 2010.

10 Record of volume of unallocated water

- (1) The chief executive may develop a register of the volume of unallocated water available.
- (2) This register must be updated after the granting of a water entitlement.

11 Requirement for information and 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.
- (3) In this section remnant vegetation has the meaning given by the *Vegetation Management Act 1999*.

Part 1 Unallocated water reserves

12 Volumes of unallocated water held in general or strategic reserve

The total volumes of water held in general and strategic reserve mentioned in schedule 6 of the Water Resource (Whitsunday) Plan 2010 are shown in table 1.

Table 1 - Unallocated water reserve volumes

Reserve	Volume (ML) by subcatchment area		
	B and C	D and E	Total
General	9500	19 000	28 500
Strategic	500	1000	1500
TOTAL			30 000

Part 2 Granting from general or strategic reserve

13 Process for granting unallocated water held as general and strategic reserve

The process for granting unallocated water must be in accordance with the requirements prescribed in part 2, division 2 of the Water Regulation 2016.

14 Unallocated water product specification

Where the chief executive decides to grant unallocated water, the water must only be granted as water licences.

15 Water licences for taking water from a watercourse, lake or spring

A water licence to take water from a watercourse, lake or spring must be granted in accordance with Chapter 5, Part 2, Division 3, Subdivision 2 of the Water Resource (Whitsunday) Plan 2010.

16 Water licences for taking groundwater

A water licence for taking groundwater must be granted in accordance with Chapter 5, Part 3, sections 75 – 77 of the Water Resource (Whitsunday) Plan 2010.

17 Water licences for taking overland flow water

A water licence for taking overland flow water—

- (a) must state the purpose for which water may be taken under the licence as either—
 - (i) rural; or
 - (ii) any.
- (b) must state at least one of the following terms and conditions—
 - (i) the maximum stored volume;
 - (ii) the maximum rate at which the water may be taken under the licence;
 - (iii) the daily volumetric limit for the licence;
 - (iv) the nominal entitlement;
 - (v) the annual volumetric limit for the licence; or
 - (vi) the mean annual volume for the licence.
- (c) may state the conditions for the licence, including flow conditions and conditions for storing water taken under the licence.

18 Additional condition for water licences granted for particular State purpose

Water licences granted from the strategic reserve for the following State purposes must include a condition on the licence that the authorisation to take the water returns to the State on the conclusion of—

- (a) a project of State significance; or
- (b) a project of regional significance.

Chapter 3 Water allocation dealings—Proserpine River Water Supply Scheme

19 Scope of chapter 3

This chapter contains water allocation dealing rules for supplemented water allocations managed under a scheme licence holder.

Part 1 Permitted water allocation dealings

20 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 water allocation that is being subdivided;
 - (b) the location, nominal location and priority group of the new water allocations are the same as those of the water 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 water 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.

21 Location

- (1) A change to the location for the taking of water under a water allocation is permitted provided the change would not result in a total nominal volume for a priority group in a zone that—
 - (a) exceeds the maximum specified in table 2; or
 - (b) is less than the minimum specified in table 2.
- (2) For this section, the total nominal volume for a priority group in a zone is the total nominal volume of all water allocations of the same priority group—
 - (a) for the zone; and
 - (b) for which relevant current change certificates have been issued under section 159 of the *Water Act 2000*.
- (3) Subject to subsection (1)—
 - (a) where a change results in the location of a medium priority water allocation moving from Proserpine Zone C or Proserpine Zone D to Proserpine Zone A or Proserpine Zone B—the medium priority water allocation must also be changed to priority group A1;
 - (b) where a change results in the location of a medium priority water allocation moving from Proserpine Zone A or Proserpine Zone B to Proserpine Zone C—the medium priority water allocation must also be changed to priority group A2; or
 - (c) where a change results in the location of a medium priority water allocation moving from Proserpine Zone A or Proserpine Zone B to Proserpine Zone

D—the medium priority water allocation must also be changed to priority group A3.

- (4) Subject to subsection (1)—a change to the location for the taking of water under a water allocation is permitted provided the change would result in the location being the same as the nominal location on the water allocation.
- (5) For a medium priority water allocation subject to a permitted change of location, a new nominal volume for that medium priority water allocation must be determined in the following way—
 - (a) the nominal volume, in megalitres, for a water allocation located in Proserpine Zone A or Proserpine Zone B that would be located in—
 - (i) Proserpine Zone C—must be divided by 0.90 and rounded down to the nearest whole number; or
 - (ii) Proserpine Zone D—must be divided by 0.75 and rounded down to the nearest whole number.
 - (b) the nominal volume, in megalitres, for a water allocation located in Proserpine Zone C that would be located in—
 - (i) Proserpine Zone A or Proserpine Zone B—must be multiplied by 0.90 and rounded down to the nearest whole number; or
 - (ii) Proserpine Zone D—must be multiplied by 1.20 and rounded down to the nearest whole number.
 - (c) the nominal volume, in megalitres, for a water allocation located in Proserpine Zone D that would be located in—
 - (i) Proserpine Zone A or Proserpine Zone B—must be multiplied by 0.75 and rounded down to the nearest whole number; or
 - (ii) Proserpine Zone C—must be divided by 1.20 and rounded down to the nearest whole number.
 - (d) the nominal volume, in megalitres, for a water allocation located in Proserpine Zone A that would be located in Proserpine Zone B, or for a water allocation located in Proserpine Zone B that would be located in Proserpine Zone A—must be multiplied by 1.00.

Table 2 – Limits of total nominal volume (ML) in a zone

Priority group	Total Nominal Volume	Zone			
		Proserpine A	Proserpine B	Proserpine C	Proserpine D
High A	Maximum	16 357	15 643	0	0
	Minimum	6357	5643	0	0
Medium A1	Maximum	27 426	36 142	0	0
	Minimum	0	5000	0	0
Medium A2	Maximum	0	0	3000	0
	Minimum	0	0	0	0
Medium A3	Maximum	0	0	0	10 000
	Minimum	0	0	0	0

22 Nominal location

A change to the nominal location for the taking of water under a water allocation is permitted to give effect to a change to the location for the taking of water made under section 21 of this protocol.

23 Priority group

- (1) A change to the priority group of a water allocation is permitted if the total nominal volume for priority group A water allocations supplied under the resource operations licence would be—
 - (a) equal to or less than 22 000 ML; and
 - (b) equal to or greater than 12 000 ML.
- (2) For subsection (1), the total nominal volume for priority group A1 water allocations is the total nominal volume of all priority group A1 water allocations, including priority group A1 water allocations for which relevant valid change certificates that have been issued under section 159 of the *Water Act 2000*.
- (3) Subject to subsection (1), a change to the priority group of a water allocation from priority group A to priority group A1 is permitted where the new nominal volume, in megalitres, is calculated by multiplying the existing nominal volume by 1.3 and rounding down to the nearest whole number.
- (4) Subject to subsection (1), a change to the priority group of a water allocation from priority group A1 to priority group A is permitted where the new nominal volume, in megalitres, is calculated by dividing the existing nominal volume by 1.3 and rounding down to the nearest whole number.

24 Purpose

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

- (a) ‘any’ to ‘rural’; or
- (b) ‘rural’ to ‘any’.

Part 2 Prohibited water allocation dealings

25 Prohibited subdivisions or amalgamations

- (1) Subdivision of a water allocation is prohibited where—
 - (a) the sum of the nominal volumes of the new water allocations is not equal to the nominal volume of the water allocation that is being subdivided;
 - (b) the location, nominal location and priority group of the new water allocations are not the same as those of the water allocation that is being subdivided.
- (2) Amalgamation of water allocations is prohibited where—
 - (a) the nominal volume of the new water allocation is not equal to the sum of the nominal volumes of the water allocations that are being amalgamated; and
 - (b) the location, nominal location and priority group of the water allocations that are being amalgamated are not the same.

26 Other prohibited changes

- (1) The following changes are prohibited—
- (a) a change to the location for the taking of water under a water allocation if the change would result in a total nominal volume for a priority group in a zone that—
 - (i) exceeds the maximum specified in table 2; or
 - (ii) is less than the minimum specified in table 2.
 - (b) a change to a location that is not a zone listed in table 2;
 - (c) a change to location that is not consistent with section 21;
 - (d) a change to the priority group of a water allocation from priority group A to priority group A1 that would result in a nominal volume which differs from the result of the conversion specified in section 23(3);
 - (e) a change to the priority group of a water allocation from priority group A1 to priority group A that would result in a nominal volume which differs from the result of the conversion specified in section 23(4);
 - (f) a change to the priority group of a water allocation that would result in the total nominal volume for priority group A water allocations supplied under the resource operations licence being—
 - (i) greater than 22 000 ML;
 - (ii) less than 12 000 ML.
 - (g) a change that would result in the nominal volume of the new water allocation not being expressed as a whole number unless an existing water allocation to be changed specifies a nominal volume that is not a whole number; and
 - (h) a change to a priority group that is not specified in the Water Resource (Whitsunday) Plan 2010.
- (2) For this section, the total nominal volume in a zone is the total nominal volume of all water allocations of the same priority group for that zone.

Part 3 Assessed changes

27 Assessed changes

- (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 water allocation to ‘any’ or ‘rural’.
- (2) The water allocation holder must provide a report with the application that demonstrates—
- (a) that there is sufficient volume held under water allocations to provide for distribution losses within the system;
 - (b) that the proposed change meets the Water Resource (Whitsunday) Plan 2010 objectives; and
 - (c) any other matters the chief executive considers appropriate, including, but not limited to—
 - (i) the scheme licence holder has achieved a permanent efficiency gain in the distribution of water within the associated delivery system; and
 - (ii) the reduction in distribution losses specified as an annual volume that will result directly from the works or operational changes.

- (3) The chief executive must consider the information supplied by the applicant under subsection (2) in deciding the application under section 67 of the Water Regulation 2016.
- (4) In this section ***distribution loss*** means water that is ‘lost’ when delivering water for water allocations in reticulated areas via constructed infrastructure, or a watercourse, through processes such as (but not limited to) evaporation, seepage, pipeline leakage, accidental loss through temporary pipe failure (breaks), loss through pressure relief systems, scouring and pigging.

Part 4 Other changes

28 Application for changes not specified as permitted or prohibited

An application for a change to a water allocation that is not specified as permitted, prohibited or assessed in this part of parts 1, 2 or 3 of this protocol may be made in accordance with section 72 of the Water Regulation 2016.

Chapter 5 Monitoring and reporting

29 Water monitoring

- (1) The chief executive must measure or collect and keep publicly available, records of—
 - (a) water quantity;
 - (b) water taken; and
 - (c) groundwater levels.
- (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.

30 Natural ecosystems monitoring

The chief executive must collect and record information on—

- (a) ecological assets that are linked to the ecological outcomes of the Water Resource (Whitsunday) Plan 2010; and
- (b) the critical water requirements for ecological assets, including the provision of these requirements under the Water Resource (Whitsunday) Plan 2010.

31 Assessment

- (1) The chief executive must assess the data measured, collected and recorded under sections 29 and 30 of this protocol against the outcomes specified in the Water Resource (Whitsunday) Plan 2010.
- (2) The chief executive's assessment may be used in assisting the minister to prepare a report under section 49 of the *Water Act 2000*.

Attachment 1 Dictionary

Term	Definition
AHD	Refers to Australian Height Datum, adopted by the National Mapping Council of Australia for referencing a level or height back to a standard base level.
Location	a) For a water allocation, location means the zone from which water under the water allocation can be taken. b) For a water licence, location 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 entitlement	1) A nominal entitlement is the volume of water authorised to be taken during a water year under a water licence. 2) However, the volume of water that may be taken during a particular water year is the annual entitlement for the water year.
Nominal location	For a water allocation, means the location from which water may be taken on the day the water allocation was first granted.
Project of regional significance	A project that the chief executive decides is a project of regional significance for the purposes of this protocol. See schedule 8 of the Water Resource (Whitsunday) Plan 2010.
Project of state significance	A project declared under the State Development and Public Works Organisation Act 1971 to be a significant project.
Scheme licence holder	For this protocol, the term 'scheme licence holder' means— a) the resource operations licence holder for the Proserpine River water supply scheme; b) the distribution operations licence holder within the Proserpine River water supply scheme for Six Mile Creek Irrigators Co-operative Limited; and c) the distribution operations licence holder within the Proserpine River water supply scheme for Kelsey Creek Water Co-operative Limited.
State purpose	A project of State significance or project of regional significance.
Water use	The actual consumption of water.
Zone	A geographic location defined by a reach of a watercourse. Zones define the location of a water allocation and operational arrangements under this protocol. Zones are defined in the Water Resource (Whitsunday) Plan 2010.