

**Mitchell**

**Water Management Protocol**

**December 2016**

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# Chapter 1      General

## **1      Short title**

This water management protocol may be cited as the Mitchell Water Management Protocol 2016<sup>1</sup>.

## **2      Commencement of the water management protocol**

This protocol commences on the 6 December 2016.

## **3      Purpose of protocol**

This protocol implements the Water Plan (Mitchell) 2007.

## **4      Water to which this protocol applies**

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

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

(2) Despite subsection (1), this protocol does not apply to water to which the Water Plan (Great Artesian Basin) 2006 applies.

## **5      Area to which this protocol applies**

This protocol applies to the plan area for the Water Plan (Mitchell) 2007 as shown in attachment 1.

## **6      Information about areas**

- (1) The exact location of the boundaries of the plan area, subcatchment area and seasonal assignment 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>2</sup>.

## **7 to 10      Section numbers not used**

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<sup>1</sup> To allow for future amendments to this protocol, some section numbers have been deliberately left blank. This will facilitate any protocol amendments that may occur without the need for the whole protocol to be renumbered.

<sup>2</sup> The boundaries held in digital electronic format may be inspected at any of the department's offices.

# Chapter 2 Unallocated water

## Part 1 Preliminary

### 11 Scope of chapter 2

This part states a process for making available and dealing with, unallocated water mentioned in section 23 of the Water Plan (Mitchell) 2007.

### 12 Record of volume of unallocated water

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

### 13 Unallocated water reserves

- (1) Unallocated water is held in the following reserves—
  - (a) strategic reserve;
  - (b) general reserve; and
  - (c) Indigenous reserve.
- (2) At the time of commencement of this protocol, the total volume of each reserve, including the subcatchment areas from which the water will be made available, is shown in table 1.

**Table 1 – Total volumes for unallocated water**

Location	Volume (ML)		
	Strategic reserve	General reserve	Indigenous reserve
Mitchell River upstream of Node 1	0	20 000	0
Areas other than the Mitchell River upstream of node 1	0	35 000	0
Indigenous unallocated water from the Cape York Peninsula Region	0	0	5000
Strategic unallocated water	10 000	0	0

### 14 Requirement for information about land suitability

- (1) An application for unallocated water where the water is proposed to be used under a water licence 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 where a vegetation clearing application may be made under the *Vegetation Management Act 1999*;
- (b) the occurrence of ecological assets and other high value environmental features such as wetlands;
- (c) suitability of the topography, including the slope of the land intended to be irrigated;
- (d) known cultural heritage sites; and
- (e) attributes of the soil, including potential salinity, sodicity and drainage concerns.

## Part 2      **Granting unallocated water from reserves**

### 15      **Unallocated water product specification**

Where the chief executive decides to grant unallocated water it must be as water licences.

### 16      **Granting unallocated water**

- (1) The process for granting unallocated water must be in accordance with the requirements prescribed in part 2, division 1C of the Water Regulation 2016.
- (2) When deciding an application for unallocated water from an unallocated water reserve, the chief executive must consider the effect of granting from the unallocated water reserves on Indigenous cultural values and the social and economic wellbeing of local Indigenous communities.

## Part 3      **Terms and conditions for water licences granted from unallocated water**

### 17      **Scope of part 3**

This part details terms and conditions that the chief executive may include on licences to take water, which may be granted under this part.

### 18      **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 4, part 2, division 4 of the Water Plan (Mitchell) 2007.

### 19      **Water licences for taking overland flow water**

A water licence for the taking of 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 annual volumetric limit for the licence;
  - (v) 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.

## 20 Water licences for taking underground water

- (1) A water licence for taking unallocated water from the Chillagoe Groundwater Management Area must be in accordance with chapter 4, part 3, division 2 sections 60 to 66 of the Water Plan (Mitchell) 2007.
- (2) The chief executive may require a person interested in obtaining a water licence to take unallocated underground water from the Chillagoe Groundwater Management Area to—
  - (a) investigate the likely impact the proposed taking of water may have on underground water or surface water flows; and
  - (b) give the result of the investigation to the chief executive.

## 21 Special conditions for licences granted from the strategic reserve

- (1) In granting a water licences from the strategic reserve for a coordinated project or a project of regional significance, the chief executive must impose a condition on the licence that on conclusion of the project the volume of water returns to the strategic reserve.
- (2) For this section—
 

***project of regional significance*** means a project that the Coordinator-General, having regard to the matters mentioned in the *State Development and Public Works Organisation Act 1971*, section 27, decides is a project of regional significance for the purposes of this plan.

***project of state significance*** means a project declared under the *State Development and Public Works Organisation Act 1971* to be a significant project.

## 22 to 30 Section numbers not used

# Chapter 3      Seasonal water assignment of water licences

## 31      Scope of chapter 3

This chapter provides for the seasonal water assignment of water licences that authorise the taking of water within the Upper Mitchell subcatchment in seasonal assignment zones 1, 2 or 3.

## 32      Seasonal water assignment zones

- (1) Each of the zones shown on the maps in attachment 2 is a seasonal water assignment zone for this protocol.
- (2) Each seasonal water assignment zone includes—
  - (a) each part of a watercourse, lake or spring that lies within the zone; and
  - (b) those sections of tributaries where there is access to flow or pondage from a watercourse or lake within the zone; and
  - (c) each part of an aquifer under land within the limits of the seasonal water assignment in which groundwater is declared under section 7 of the Water Plan (Mitchell) 2007 to be water in a watercourse and is within the limits of the seasonal water assignment zone.

## 33      Seasonal water assignment rules

- (1) The holder of a water licence or the holder of a seasonal water assignment notice may apply under section 127(2)(a) of the *Water Act 2000* for a seasonal water assignment only if the licence—
  - (a) states the elements of a water licence to take surface water as required under section 45 of the Water Plan (Mitchell) 2007; and
  - (b) is a metered entitlement in accordance with the Water Regulation 2016.
- (2) For water licences located in seasonal water assignment zones 1, 2 or 3 the chief executive may approve a seasonal water assignment of all or part of the water that may be taken under the licence only where—
  - (a) the assignment will be subject to the same conditions about when water may be taken as the licence to be assigned;
  - (b) the licence does not have a condition that requires the water taken to be stored in particular works;
  - (c) the volume of the assignment is no greater than the unused annual volumetric limit that may be taken under the authority of the licence;
  - (d) the daily volumetric limit for the assignment is in proportion to the share of the unused volume being assigned; and
  - (e) the daily volumetric limit for the licence being assigned is reduced in proportion to the share of the unused volume not being assigned.
- (3) For this section—

**annual volumetric limit** means nominal entitlement as defined under section 65 of the Water Regulation 2016.



**34 to 40 Section numbers not used**

## Chapter 4      Performance assessment

### **41      Water monitoring**

- (1)    The chief executive must measure or collect, and keep publicly available, records of—
  - (a)    water quantity; and
  - (b)    water taken.
- (2)    The chief executive must collect and record publicly available information on—
  - (a)    future consumptive demands for water; and
  - (b)    water use efficiency.

### **42      Natural ecosystems monitoring**

The chief executive must collect and keep publicly available information, including but not limited to information on—

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

### **43      Assessment and reporting**

The chief executive must make ongoing assessments of whether the trends in the data measured, collected and recorded under sections 41 and 42 indicate that outcomes specified in the Water Plan (Mitchell) 2007 are being achieved.

# Attachment 1 Mitchell Water Plan area

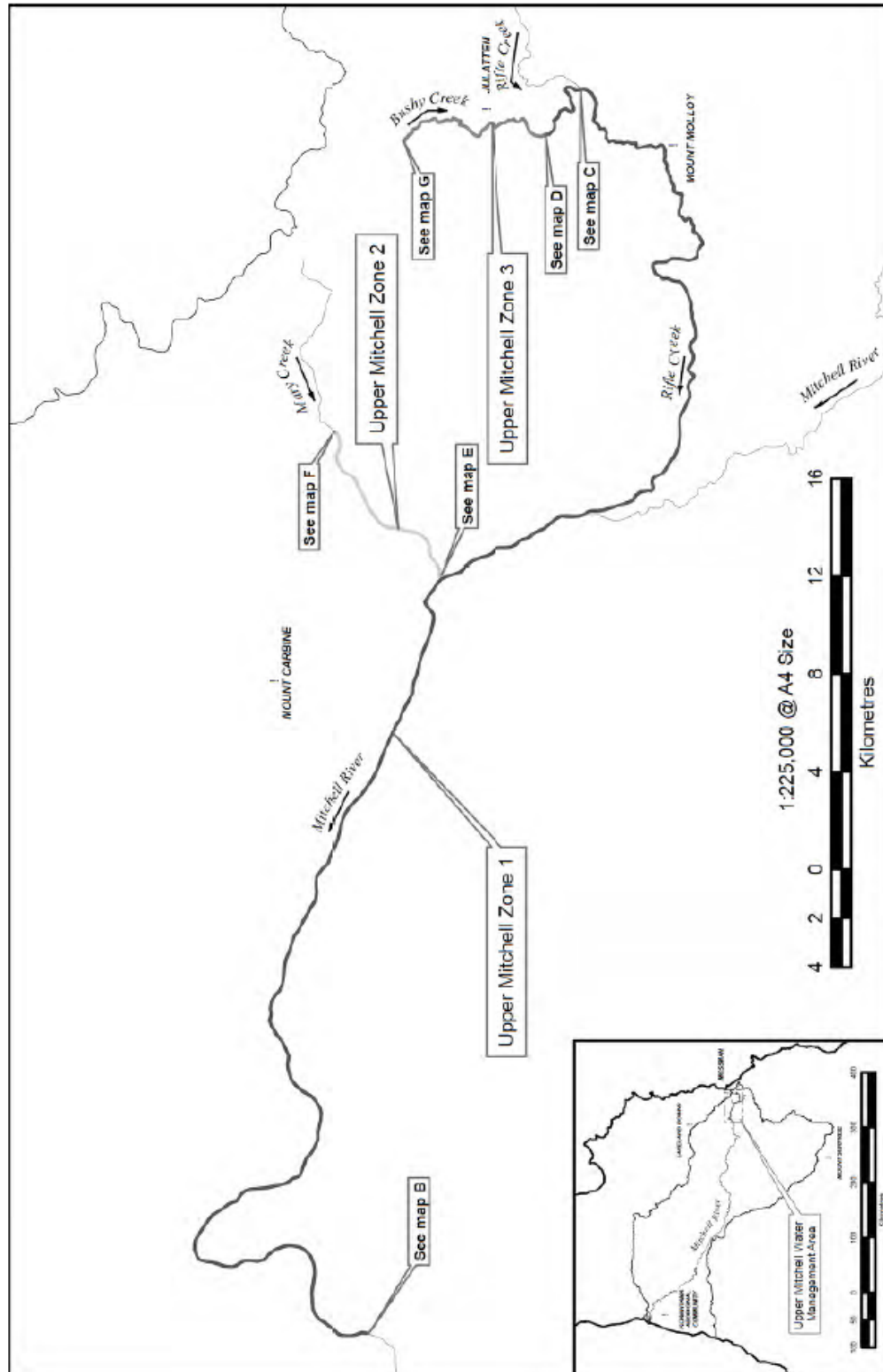
section 4



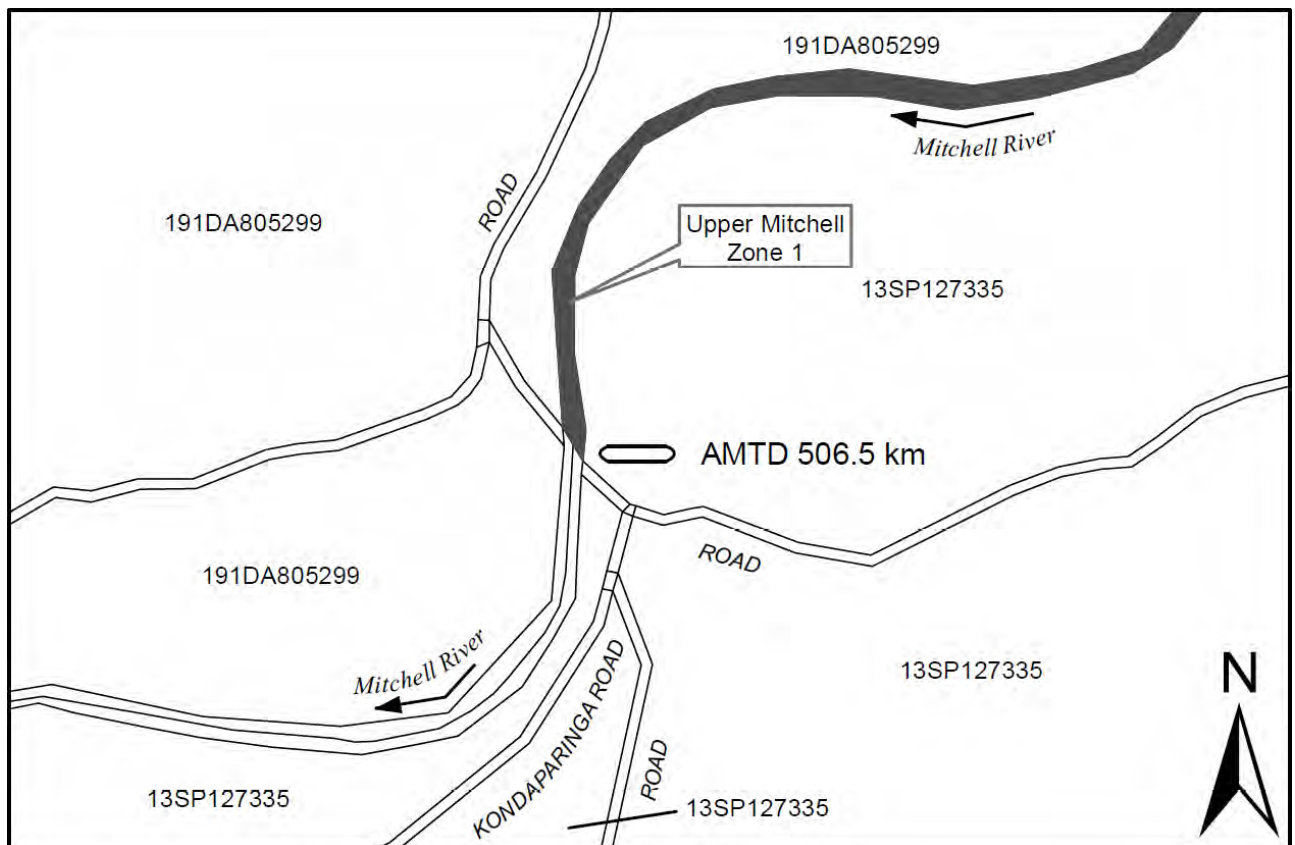
# Attachment 2 Seasonal water assignment zones

section 22

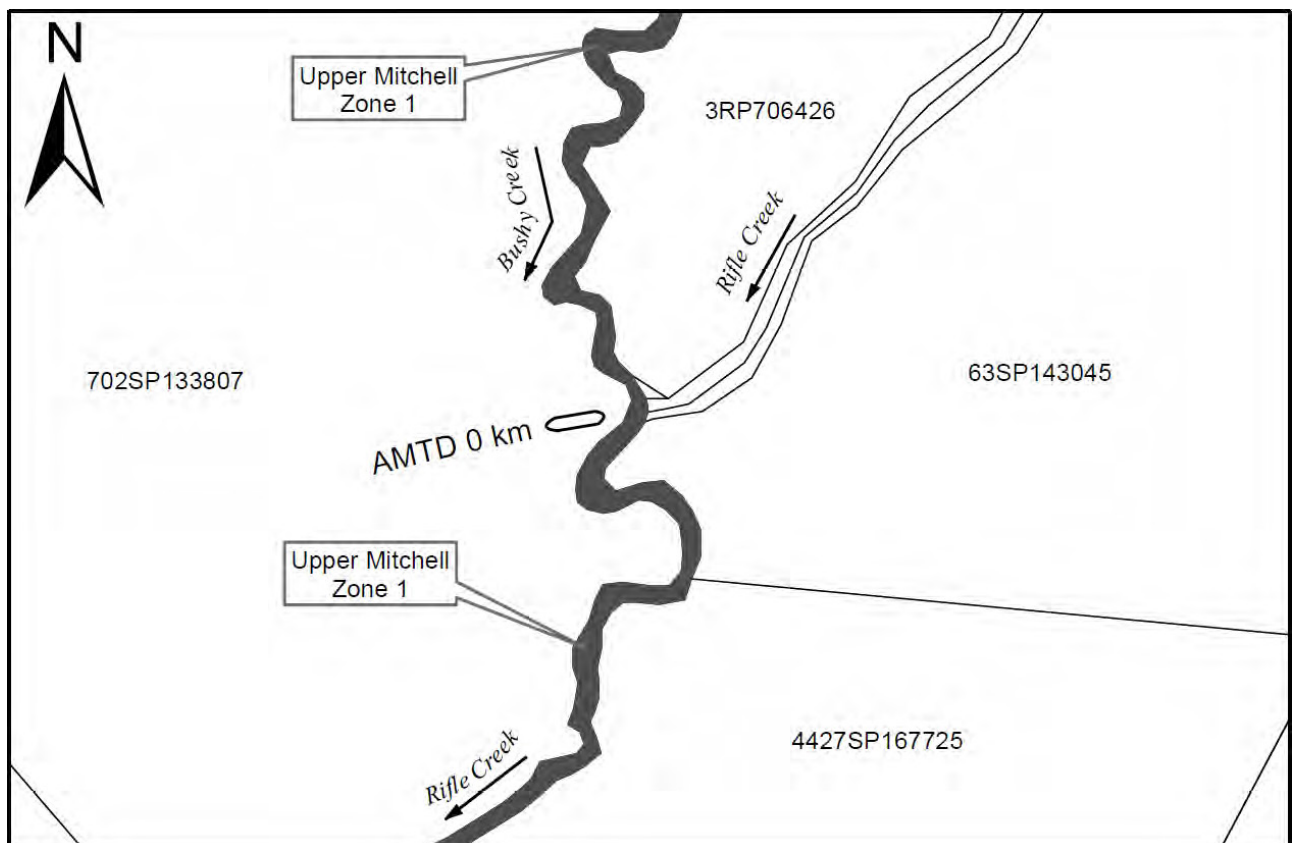
Map A – Main map for seasonal water assignment zones 1, 2 and 3



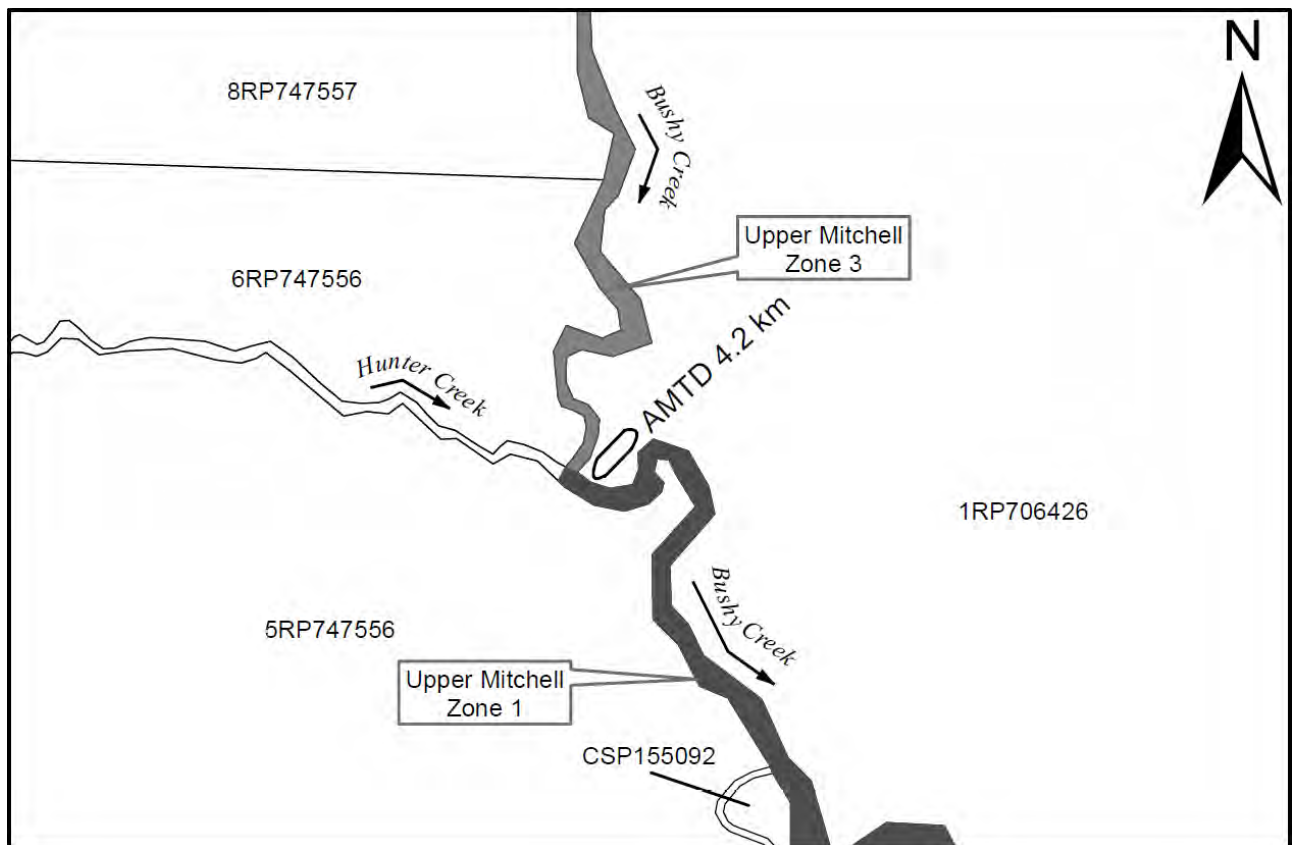
**Map B – Downstream of seasonal water assignment zone 1**



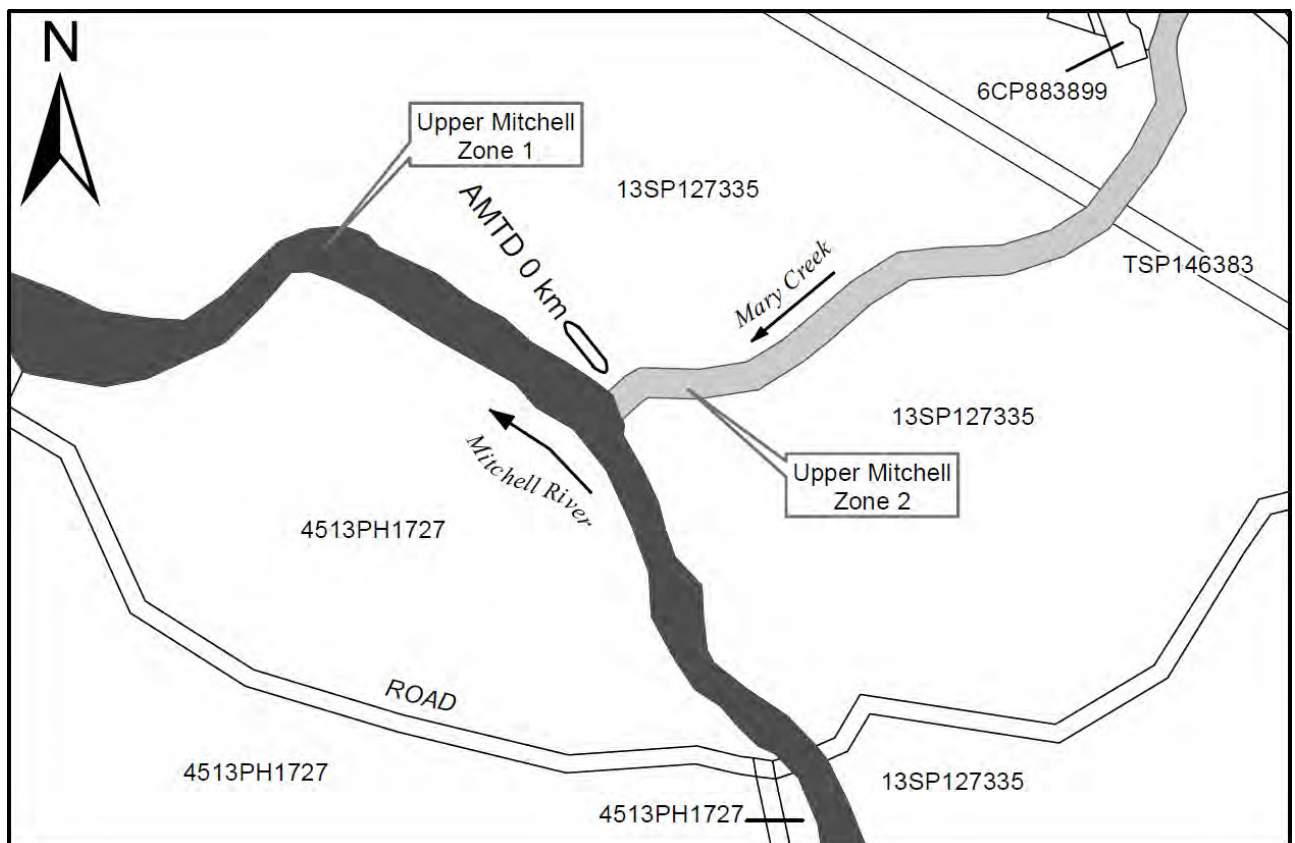
**Map C – Seasonal water assignment zone 1**



**Map D – Boundary between seasonal water assignment zones 1 and 3**

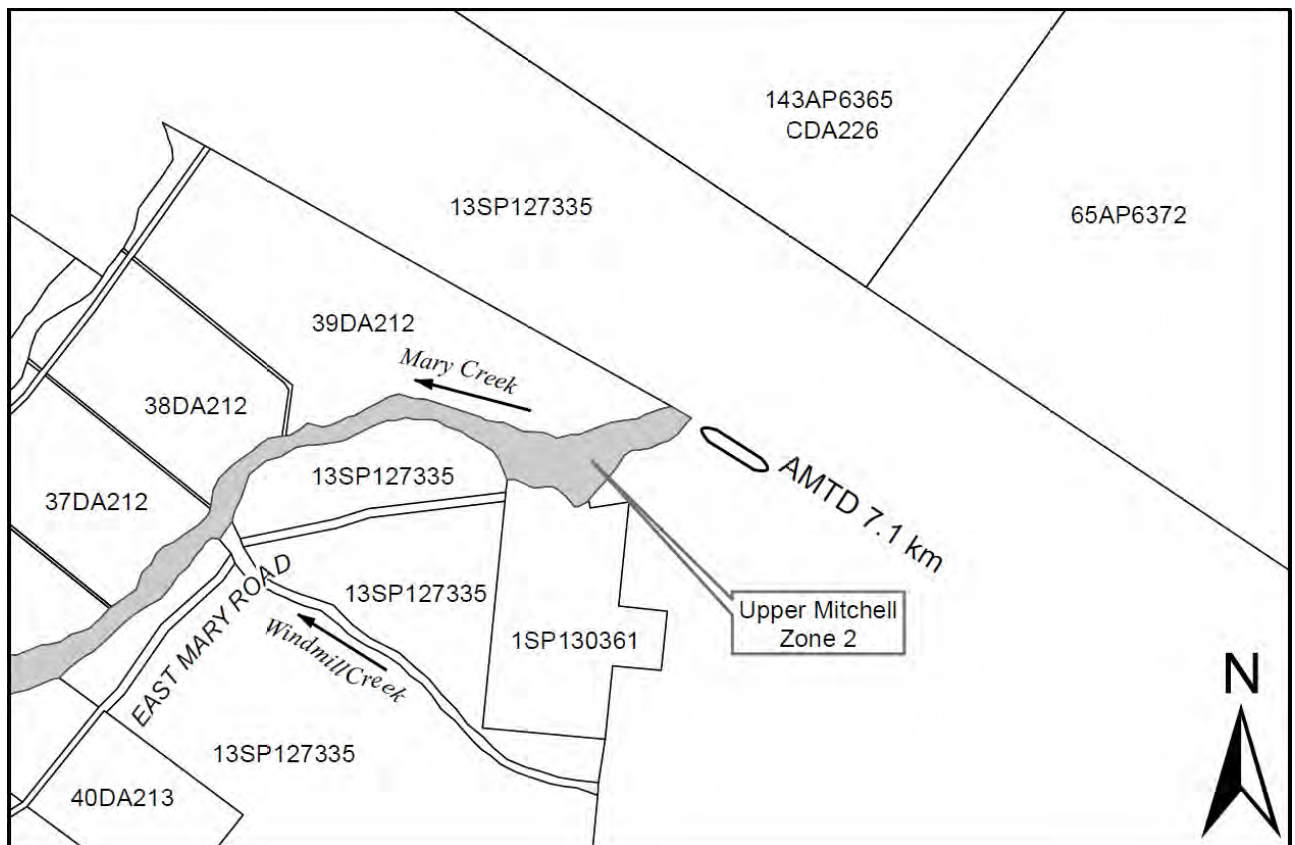


**Map E – Boundary between seasonal water assignment zones 1 and 2**





**Map F — Upstream limit of seasonal water assignment zone 2**



**Map G — Upstream limit of seasonal water assignment zone 3**

