



Queensland  
Government

Department of Regional Development,  
Manufacturing and Water



# Wet Tropics

Water Management Protocol

**3 May 2023**

### **Acknowledgement of Country**

The Department of Regional Development, Manufacturing and Water respectfully acknowledges the Traditional Custodians of Country. We recognise the ongoing spiritual and cultural connection Aboriginal peoples and Torres Strait Islander peoples have with land, water, sea and sky. We pay our deep respects to their Elders past and present, support future leaders, and acknowledge First Nations peoples' right to self-determination.

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# Chapter 1 Preliminary

## 1 Short title

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

## 2 Commencement of the water management protocol

This protocol commenced on 3 May 2023.

## 3 Purpose of the protocol

This protocol implements the Water Plan (Wet Tropics) 2013.

## 4 Interpretation of words in this protocol

The dictionary in attachment 1 defines particular words used in this protocol.

## 5 Plan area

This protocol applies to the plan area as shown in schedule 1 of the Water Plan (Wet Tropics) 2013.

## 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 or lake;
  - (b) water in springs not connected to water to which the Water Plan (Great Artesian Basin and Other Regional Aquifers) 2017 applies; and
- (2) This protocol also applies to underground water other than water to which the Water Plan (Great Artesian Basin and Other Regional Aquifers) 2017 applies.

## 7 Zones

- (1) Each zone<sup>1</sup>, shown on the maps in the Water Plan (Wet Tropics) 2013 Attachment 3 parts 1-2, is a zone for this protocol.
- (2) For surface water each zone includes:
  - (a) each part of a watercourse, lake or spring that lies within the zone; and
  - (b) those sections of tributaries and anabranches where there is access to flow or pondage from a watercourse or lake within the zone.

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<sup>1</sup> The boundaries held in digital electronic form may be inspected at any of the department’s offices or on <https://qldglobe.information.qld.gov.au/>

# **Chapter 2 Unallocated water**

## **Part 1      Conditions for public auction, tender, fixed price sale or grant for a particular purpose—Water Regulation 2016**

### **8      Criteria associated with a process for releasing unallocated water stated in Part 2, Division 2 of the Water Regulation 2016**

- (1) This section applies to the chief executive in preparing and implementing a process to release unallocated water in accordance with chapter 5, part 1, division 3 of the Water Plan (Wet Tropics) 2013.
- (2) In preparing and implementing the process, the chief executive is to consider the following criteria—
  - (a) the availability of water in the plan area for its proposed purpose;
  - (b) the efficiency of existing and proposed water use practices;
  - (c) the availability of an alternative water supply for the purpose for which the water is required; and
  - (d) the impact the proposed taking of, or interfering with, the water may have on—
    - (i) existing authorised water users in the plan area;
    - (ii) groundwater and surface water interactions;
    - (iii) extent of the seawater intrusion front in coastal areas; and
    - (iv) the receiving waters of the Great Barrier Reef and inshore reefs.
- (3) Subsection (2) does not limit the matters the chief executive may consider.

### **9      Requirement for information about land suitability**

- (1) This section applies to a person bidding at an auction or making a tender for unallocated water where the chief executive requires further information for considering any impacts from the proposed taking of water under section 8(1) (d) above.
- (2) Before the chief executive accepts a bid or tender as the successful bid or tender for unallocated water, the chief executive may require additional information that demonstrates the potential suitability of the land for irrigation, where the water is proposed to be used for irrigation.
- (3) 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;
  - (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;
  - (e) the physical, chemical and biological attributes of the soil; and
  - (f) any downstream impacts for the receiving waters of the Great Barrier Reef and inshore reefs.

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

### **10           Releasing of unallocated water from the strategic reserve in Mulgrave–Russell subcatchment area B**

- (1) This section applies to the chief executive in releasing unallocated water to the Cairns Regional Council—
  - (a) from the strategic reserve for Mulgrave–Russell subcatchment area B for State purposes for up to 15 000 ML; and
  - (b) under a process stated under division 2 of the Water Regulation 2016.

### **11           Granting a water licence associated with releasing water from the high flow reserve**

- (1) This section applies to the chief executive in releasing unallocated water from a high flow reserve.
- (2) The chief executive must include a pass flow condition on a water licence granted from a high flow reserve.

# Chapter 3 Water allocations

## Part 1 Water sharing rules generally

### 12 Application of part 1

This part contains general provisions which apply to all water allocations in a water management area.

### 13 Taking water under a water allocation

- (1) This section applies to all water allocations located within a water management area.
- (2) The volume of water taken under a water allocation in a calendar day must not exceed—
  - (a) for water allocations located within a zone mentioned in table 1, column 1, the DVL<sub>Notified</sub>; or
  - (b) for all other water allocations, the daily volumetric limit.
- (3) The total volume of water taken under an allocation in a water year must not exceed the annual volumetric limit for the allocation.
- (4) For subsection (2)(a), the DVL<sub>Notified</sub> must be calculated using the following formula—

$$\text{DVL}_{\text{Notified}} = \frac{\text{DVL} \times \text{DVL}\%}{100}$$

Where—

DVL<sub>Notified</sub> = The adjusted volume of water permitted to be taken in a day under a water allocation

DVL = The volume of water permitted to be taken in a day under a water allocation

DVL% = The percentage of the daily volumetric limit which may be taken in a day as determined by the chief executive in accordance with table 1.

## Part 2 Water sharing rules—Mulgrave, Lower Johnstone and Lower Herbert water management areas

### 14 Application of part 2

This part sets out the water sharing rules which apply to all water allocations and seasonal water assignment notices to take unsupplemented water located in the Mulgrave, Lower Johnstone and Lower Herbert water management areas.

### 15 Determining the daily volumetric limit percentage

- (1) The chief executive must determine the daily volumetric limit percentage for a water allocation located in a zone mentioned in table 1, column 1—
  - (a) for a water allocation belonging to water allocation group A, the daily volumetric limit percentage is stated in column 5 when the average daily stream flow recorded at the gauging station stated in column 2, is the volume stated in column 3 for—
    - (i) ten (10) consecutive days if the average daily stream flow will result in a reduction of the daily volumetric limit percentage; or
    - (ii) twenty one (21) consecutive days if—
      - (A) the daily volumetric limit percentage is less than 100%; and
      - (B) the average daily stream flow will result in an increase of the daily volumetric limit percentage;

- (b) for a water allocation belonging to water allocation group B, the daily volumetric limit percentage is stated in column 5 when the average daily stream flow recorded at the gauging station stated in column 2, is the volume stated in column 4 for—
- ten (10) consecutive days if the average daily stream flow will result in a reduction of the daily volumetric limit percentage; or
  - twenty one (21) consecutive days if—
    - the daily volumetric limit percentage is less than 100%; and
    - the average daily stream flow will result in an increase of the daily volumetric limit percentage;
- (2) For this section, **average daily streamflow** means the average of total daily streamflow over the stated number of consecutive days under subsections (1)(a) and (1)(b).

**Table 1 Average daily streamflow for determining the daily volumetric limit percentage (DVL%)**

| Column 1   | Column 2               | Column 3  | Column 4  | Column 5  |
|--|------------------------|---|---|---|
| <b>Zone</b>  | <b>Gauging station</b> | <b>Average daily streamflow for Water Allocation Group Class A (ML/day)</b> | <b>Average daily streamflow for Water Allocation Group Class B (ML/day)</b> | <b>Daily volumetric limit percentage (DVL%)</b> |
| Mulgrave Zone 1A<br>Mulgrave Zone 1B               | Peets Bridge - 111007A | N/A   | Greater than 220  | 100   |
|  |                        | N/A   | Less than or equal to 220   | 70  |
|  |                        | N/A   | Less than or equal to 190   | 30  |
|  |                        | N/A   | Less than or equal to 160   | 0   |
| Johnstone Zone 1A                                  | Tung Oil - 112004A     | Greater than 300  | Greater than 400  | 100   |
|  |                        | Less than or equal to 300   | Less than or equal to 400   | 70  |
|  |                        | Less than or equal to 225   | Less than or equal to 350   | 30  |
|  |                        | Less than or equal to 200   | Less than or equal to 300   | 0   |
| Berner Zone 1B<br>Fisher Zone 1C<br>Rankin Zone 1D | Nerada - 112002A       | N/A   | Greater than 8  | 100   |
|  |                        | N/A   | Less than or equal to 8   | 70  |
|  |                        | N/A   | Less than or equal to 6   | 30  |
|  |                        | N/A   | Less than or equal to 3   | 0   |
| Herbert Zone 1A                                    | Ingham - 116001F       | Greater than 100  | Greater than 130  | 100   |
|  |                        | Less than or equal to 100   | Less than or equal to 130   | 70  |
|  |                        | Less than or equal to 70  | Less than or equal to 100   | 30  |
|  |                        | N/A   | Less than or equal to 80  | 0   |

## **16      Notification**

- (1) The chief executive must notify water allocation holders about a change to the daily volumetric limit percentage.
- (2) The notification provided under subsection (1) must—
  - (a) state the DVL%;
  - (b) be given within 2 business days of the change, and
  - (c) take effect from the day following the day of the notification.

# **Part 3      Dealing with water allocations**

## **Division 1    Permitted subdivisions and amalgamations**

### **17      Subdivision and amalgamation**

- (1) Subdivision of a water allocation is permitted where—
  - (a) the new water allocations state the same water allocation group and location as the allocation that is being subdivided;
  - (b) the sums of the nominal volumes, annual volumetric limits and daily volumetric limits of the new water allocations are equal to the nominal volume, annual volumetric limit and daily volumetric limit of the allocation that is being subdivided; and
  - (c) the nominal volume and annual volumetric limit of each of the new water allocations are in the same proportions as the nominal volume and annual volumetric limit of the allocation that is being subdivided.
- (2) Amalgamation of water allocations is permitted where—
  - (a) the allocations being amalgamated state the same water allocation group and location; and
  - (b) the nominal volume, annual volumetric limit and daily volumetric limit for the new water allocation is equal to the sum of the nominal volumes, annual volumetric limits and daily volumetric limits of the allocations being amalgamated.

## **Division 2    Water allocation change rules**

### **18      Purpose**

A change to the purpose of a water allocation is permitted where the change results in a purpose of 'any' or 'rural'.

### **19      Location**

A change to the location for the taking of water under a water allocation is permitted where—

- (a) the water allocation belongs to water allocation group A or B;
- (b) the location is a zone within the same water management area; and
- (c) the change would not result in a total annual volumetric limit in the zone that is greater than the maximum annual volumetric limit for that zone stated in table 2.

**Table 2 Maximum total annual volumetric limits of water allocations by water management area and zone**

| Water management area | Zone              | Maximum annual volumetric limit (ML) |
|-----------------------|-------------------|--------------------------------------|
| Mulgrave              | Mulgrave Zone 1A  | 39,000                               |
|                       | Mulgrave Zone 1B  | 5,000                                |
| Lower Johnstone       | Johnstone Zone 1A | 19,500                               |
|                       | Berner Zone 1B    | 1,800                                |
|                       | Fisher Zone 1C    | 1,700                                |
|                       | Rankin Zone 1D    | 2,499                                |
| Liverpool Creek       | Liverpool Zone 3A | 6,200                                |
|                       | Cowley Zone 3B    | 1,000                                |
|                       | Liverpool Zone 3C | 3,500                                |
| Tully                 | Tully Zone 1A     | 20,000                               |
|                       | Tully Zone 1B     | 21,677                               |
|                       | Banyan Zone 1C    | 15,398                               |
|                       | Jarra Zone 1D     | 6,600                                |
|                       | Davidson Zone 1E  | 5,200                                |
|                       | Echo Zone 1F      | 4,800                                |

### **Division 3 Prohibited changes**

#### **20 Prohibited changes to water allocations**

A change to the water allocation group is prohibited.

### **Division 4 Assessed changes**

#### **21 Daily volumetric limit**

The holder of a water allocation may apply to the chief executive under section 159 of the Water Act 2000 to change the daily volumetric limit where—

- (a) the daily volumetric limit does not result in a volume that is greater than the daily volumetric limit specified in schedule 10 of the Water Plan (Wet Tropics) 2013, having regard to the pump size for the authorised works associated with the water allocation at the day of commencement of the plan; and
- (b) the chief executive is satisfied that increasing the daily volumetric limit to the extent described in (a) for a water allocation will not adversely impact other authorised users in the zone.

### **Division 5 Other changes**

#### **22 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 chapter may be made in accordance with section 72 of the Water Regulation 2016.

## **Part 4           Seasonal water assignment rules**

### **23           Seasonal water assignment rules—section 59 Water Regulation 2016**

The chief executive may approve a seasonal assignment of all or part of a water allocation only if—

- (a) the seasonal water assignment volume does not exceed the remaining volume of water that may be taken under the water allocation in the water year;
- (b) the daily volumetric limit to be applied to the seasonal water assignment does not exceed the daily volumetric limit stated on the water allocation being seasonally assigned;
- (c) for a trade between zones mentioned in table 2, the total annual volumetric limit in a zone subject to the seasonal assignment is not greater than the maximum annual volumetric limit in that zone as specified in table 2.

# Chapter 4 Water licences

## Part 1 Water sharing rules generally

### 24 Application of part 1

This part contains general provisions which apply to all surface water licences in the plan area.

### 25 Taking water under a water licence

- (1) The volume of water taken under a water licence in a calendar day must not exceed—
  - (a) for water licences mentioned under section 27(1), the DVL<sub>Notified</sub>; or
  - (b) for all other water licences, the daily volumetric limit.
- (2) The total combined volume of water taken under all water licences from Mandalee Waterhole in a calendar day must not exceed the daily volume specified in table 4.
- (3) The total volume of water taken under a water licence in a water year must not exceed the nominal entitlement for the water licence.
- (4) For subsection (1)(a), the DVL<sub>Notified</sub> must be calculated using the following formula—

$$\text{DVL}_{\text{Notified}} = \frac{\text{DVL} \times \text{DVL}\%}{100}$$

Where—

DVL<sub>Notified</sub> = The volume of water permitted to be taken in a day under a water licence

DVL = The daily volumetric limit stated on the water licence

DVL% = The percentage of the daily volumetric limit which may be taken in a day as determined by the chief executive in accordance with section 27.

## Part 2 Water sharing rules for particular water licences

### 26 Application of part 2

This part sets out the water sharing rules which apply to all water licences and seasonal water assignment notices to take unsupplemented water from a location stated in sections 27 and 29.

### 27 Determining the daily volumetric limit percentage

- (1) In accordance with table 3, the chief executive must apply the relevant restriction type stated in column 4 for water licences located on a watercourse, lake or spring mentioned in column 1, when the streamflow or average daily streamflow measured at the assessment point in column 2 is equal to or less than the streamflow in column 3.
- (2) For water licences subject to a restriction type 1, the daily volumetric limit percentage is 0%.
- (3) For water licences subject to a restriction type 2, the chief executive must determine an appropriate daily volumetric limit percentage which is less than 100% having regard for—
  - (a) daily stream flows;
  - (b) the extent to which water is being taken under authorisations in the subcatchment area;
  - (c) all other water licences or seasonal water assignments located on a watercourse or tributary mentioned in table 3, column 1, which will be subject to the revised daily volumetric limit percentage; and

- (d) any relevant information provided by water users taking water from a location on a watercourse or tributary mentioned in table 3, column 1.
- (4) For this section, ***average daily streamflow*** means the average of total daily streamflow over the stated number of consecutive days under column 3.

**Table 3 Streamflow for determining the daily volumetric limit percentage (DVL%)**

| Column 1  | Column 2                                | Column 3  | Column 4         |
|---|---|---|------------------|
| Watercourse   | Assessment point                        | Streamflow  | Restriction type |
| Behana Creek and tributaries in subcatchment area B of the Mulgrave catchment   | AMTD 3.4 km                             | Streamflow is equal to or less than 26.0ML/day for at least 5 consecutive days              | 1                |
| Theresa Creek and tributaries in subcatchment area A of the Johnstone catchment                                       | AMTD 15.3km                             | Streamflow is equal to or less than 1.0ML/day for at least 5 consecutive days               | 1                |
| The Millstream and tributaries in subcatchment area A of the Herbert catchment  | The Millstream @ Archer Creek - 116013A | Average daily streamflow is equal to or less than 30ML/day for at least 10 consecutive days | 2                |
| Herbert River between AMTD 272.2 km and its confluence with the Wild River in subcatchment B of the Herbert catchment | The Millstream @ Archer Creek - 116013A | Average daily streamflow is equal to or less than 30ML/day for at least 10 consecutive days | 2                |
| The Stone River and tributaries in subcatchment area C of the Herbert catchment                                       | Stone River @ Running Creek - 116017A   | Average daily streamflow is equal to or less than 7ML/day for at least 10 consecutive days  | 2                |

## 28 Notification

- (1) The chief executive must notify water licence holders about a change to the daily volumetric limit percentage.
- (2) The notification provided under subsection (1) must—
  - (a) state the DVL%;
  - (b) be given within 2 business days of the change, and
  - (c) take effect from the day following the day of the notification.

## 29 Limitation on taking water from Mandalee Waterhole

- (1) This section applies to water licences which authorise the take of water from Mandalee Waterhole on the Herbert River between AMTD 266.4 km and AMTD 272.2 km.
- (2) The total combined volume of water taken under all water licences in a calendar day must not exceed the daily volume mentioned in table 4, column 1, when the water level in Mandalee Waterhole is within the range of the levels stated in table 4, column 2.

**Table 4 Limitations on taking water from Mandalee Waterhole**

| Column 1          | Column 2         |
|-------------------|------------------|
| Daily volume (ML) | Height (mAHD)    |
| 19                | 611.9 to > 611.7 |
| 13                | 611.7 to > 611.4 |
| 7                 | 611.4 to > 611.2 |
| 0                 | 611.2 or less    |

## Part 3 Water licence dealings

### 30 Definitions for part 3

For this chapter—

- (a) original water licence means a water licence proposed to be transferred or seasonally assigned;
- (b) proposed water licence means the water licence, water licences or seasonal water assignment notice that would be granted to give effect to the proposal to transfer or seasonally assign all or part of the original water licence.

### Division 1 Water licence transfers and seasonal water assignments

#### 31 Application of division 1

This division applies to an application made under—

- (a) section 126 of the *Water Act 2000* to transfer all or part of a water licence; or
- (b) section 127 of the *Water Act 2000* to seasonally assign all or part of a water licence.

#### 32 Application to permanently transfer or seasonally assign a surface water licence

- (1) The chief executive may approve an application to permanently transfer or seasonally assign part or all of a water licence where—
  - (a) the location where water is to be taken under the proposed water licence is within the same subcatchment area as the original water licence;
  - (b) the daily volumetric limit to be applied to the proposed water licence does not exceed the daily volumetric limit stated on the water licence being transferred or seasonally assigned;
  - (c) the volume of water able to be taken in a water year under the original water licence is reduced by a volume equal to the volume of water being transferred or seasonally assigned; and
  - (d) the chief executive is satisfied that water is available for taking under the proposed water licence without adversely impacting on existing authorised users.
- (2) If the location where the water licence is being seasonally assigned is a location mentioned in section 27 and has a daily volumetric limit percentage (DVL%) of less than 100%, the DVL<sub>Notified</sub> must be calculated for the daily volumetric limit for part or all of the water licence being seasonally assigned.

### 33 Application to permanently transfer or seasonally assign a groundwater licence

- (1) The chief executive may approve an application to permanently transfer or seasonally assign part or all of a groundwater licence where—
- (a) the location of the original water licence and proposed water licence are located in a zone mentioned in table 5, column 2; and
  - (b) the total of the nominal entitlements for groundwater licences in the zone where the volume is being transferred or seasonally assigned does not exceed the total annual nominal entitlement for that zone as specified in table 5, column 3; and
  - (c) the volume of water able to be taken in a water year under the original water licence is reduced by a volume equal to the volume of water being transferred or seasonally assigned; and
  - (d) the proposed water licence or volume being seasonally assigned is not taken from a water bore that is within 400 metres of another existing authorised bore, unless—
    - (i) the transferee is the owner of the existing authorised bore; or
    - (ii) the owner of the existing authorised bore gives written consent to the transferee to take transferred water from a bore that is within 400 metres of the existing authorised bore; or
    - (iii) the chief executive is satisfied that the transferee can demonstrate that taking the transferred volume will not adversely impact on any existing authorised bore owner's ability to access water.
- (2) Despite subsection (1)(b), the chief executive may approve an application for a seasonal water assignment from one zone to another zone if the locations for the water licence and the proposed seasonal assignment are on contiguous parcels of land.
- (3) Despite subsection (1), a permanent transfer must be refused if the chief executive is satisfied there is an unacceptable risk of contamination to existing bores from seawater intrusion.

**Table 5 Maximum total nominal entitlements of groundwater licences by groundwater management area and zone**

| Column 1                    | Column 2                 | Column 3                         |
|-----------------------------|--------------------------|----------------------------------|
| Groundwater management area | Zone                     | Total annual nominal entitlement |
| Mulgrave-Russell            | Mulgrave-Russell Zone 1A | 2,957                            |
|                             | Mulgrave-Russell Zone 1B | 15,570                           |
|                             | Mulgrave-Russell Zone 1C | 51                               |
|                             | Mulgrave-Russell Zone 1D | 7,000                            |
| Mossman                     | Mossman Zone 1A          | 215                              |
|                             | Mossman Zone 1B          | 347                              |
|                             | Mossman Zone 1C          | 1,000                            |
|                             | Mossman Zone 1D          | 881                              |

# Chapter 5 Monitoring and reporting

## 34 Water and natural ecosystem monitoring

- (1) The chief executive must measure or collect and keep publicly available, records of—
  - (a) water quantity;
  - (b) water taken;
  - (c) groundwater levels;
  - (d) nominal volume of water permanently traded and seasonally assigned,
  - (e) the number of permanent trades and seasonal assignments, and
  - (f) prices for water allocations sold.
- (2) The chief executive must measure or collect and keep publicly available, records of—
  - (a) future consumptive demands for water;
  - (b) the construction of new bores; and
  - (c) ecological assets that are linked to ecological outcomes of the Water Plan (Wet Tropics) 2013.
- (3) The chief executive may use information collected to support water resource assessment and reporting.

## 35 Assessment and reporting

The chief executive must make ongoing assessments of whether the trends in the data measured, collected, and recorded under section 34 of this protocol indicate that outcomes specified in the Water Plan (Wet Tropics) 2013 are being achieved.

# Attachment 1 Dictionary

| Term                                  | Definition   |
|---------------------------------------|--|
| Adopted Middle Thread Distance (AMTD) | The distance in kilometres, measured along the middle of the watercourse, that a specific point in the watercourse is from— (a) the watercourse's mouth; or (b) if the watercourse is not a main watercourse—the watercourse's confluence with its main watercourse.   |
| daily volumetric limit percentage     | The daily volume of water permitted to be taken under a water licence  |
| location                              | For a water allocation, means— (a) the zone from which water under the water allocation can be taken; or (b) an AMTD within a zone, from which water under the water allocation can be taken. For a water licence, means the section of the watercourse, lake, spring or aquifer abutting or contained by the land described on the water licence at which water may be taken. For a water licence to take overland flow water, means land described on the water licence at which water may be taken. |
| megalitre (ML)                        | One million litres.  |
| subcatchment                          | See section 6 of the Water Plan (Wet Tropics) 2013   |
| total annual volumetric limit         | Total annual volumetric limit for a zone is the total annual volume of all water entitlements— (a) for the zone; and (b) for a water allocation, for which a certificate has been issued under the <i>Water Act 2000</i> .   |
| ponded area                           | Area of inundation at full supply level of a storage.  |
| water user                            | The holder of a valid water entitlement.   |
| water year                            | The water year is the 12-month period from 1 July in one year to 30 June in the following year.  |

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