

# **Release of unallocated water held in general reserve in the Gulf Water Plan area – Cloncurry and Gilbert rivers**

## **Fixed price process**

### **Terms of Sale**

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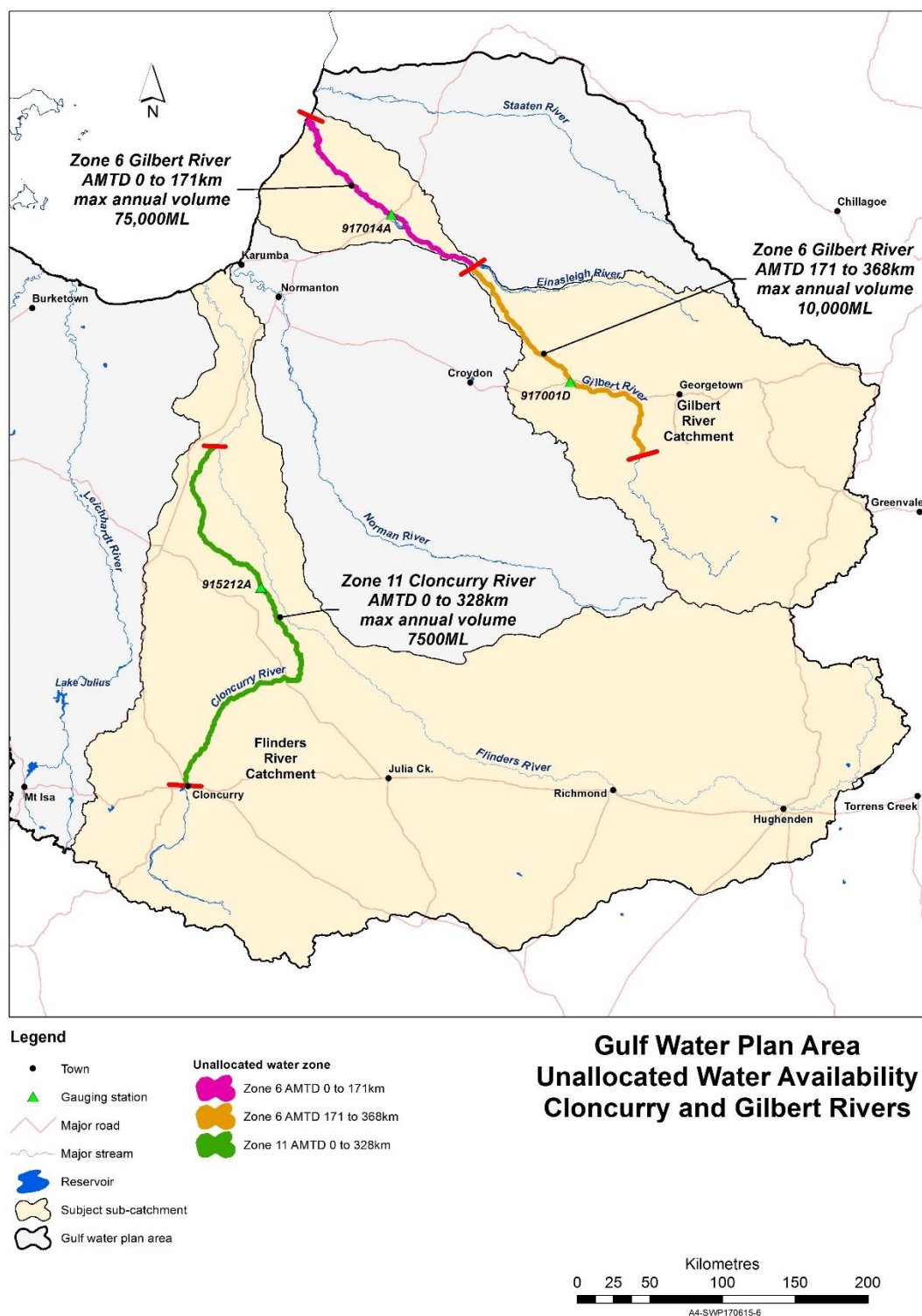
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# 1 Fixed price sale of general reserve unallocated water

The Department of Natural Resources and Mines (DNRM) invites applications for general reserve unallocated water totalling 92,500 megalitres (ML) from the Cloncurry and Gilbert river catchments as prescribed under the Water Plan (Gulf) 2007 (Gulf Water Plan). Figure 1 shows the volumes and location of water being made available.

Figure 1: Water availability for fixed price release



## **2 Important information—a summary**

This section provides a summary of important information potential applicants should consider before deciding whether to apply for water under this Terms of Sale. Information on each of these points is outlined further in this Terms of Sale.

### **Who may apply**

- section 3 sets out eligibility requirements for applying for water being made available under this Terms of Sale
- ineligible or non-conforming applications may not be considered and may be rejected.

### **Water products**

- only watercourse water from the main stream of the Cloncurry and Gilbert Rivers is being made available
- water is being made available in lots specified in ML
- lot sizes, and total number of lots available in each area, are defined in section 4
- part lots are not available
- applicants may apply for up to 3 lots, depending on payment method (see section 5)
- number of lots available will depend on water available at date of application.

### **Fixed price**

- water is being made available through fixed price sale method (see section 5)
- two payment methods are available—up front full payment and annualised payment
- applications will be assessed in the order they are received
- failure to make a properly made application may result in the application being rejected
- if an applicant decides to re-submit with additional or modified information, it will be considered a new application.

### **Payment method and licence type**

- the elements of licences granted via the two payment options will be different as outlined below (see section 5)
  - long term licences –
    - will expire on 30 June 2111
    - purchase price must be made upfront in one payment
    - licence will be granted upon full payment of purchase price
    - licence may be permanently or seasonally relocated in accordance with the Gulf Resource Operations Plan
  - twenty year licences –
    - will expire twenty years from the date granted
    - purchase price can be made in twenty annualised payments
    - licence will be granted upon payment of first annualised payment
    - it is not intended that these licences be seasonally or permanently relocated.
- Twenty year licence holders may apply for a long term licence after five years. See section 15 for requirements.

### **Demonstrated intention to take water**

- applicants must demonstrate genuine intent to commence taking water within three years from the date a licence is granted
- applications that do not demonstrate intention to take water within three years will not be considered
- licences will be conditioned (see schedule 1) so that after three years from the date granted the licence holder must demonstrate that they have taken at least 50% of the nominal entitlement stated on the licence in a single water year, or have the ability to take the full nominal entitlement stated on the licence (i.e. have infrastructure in place that is capable of taking the water)
- a breach of conditions, regarding commencement of the taking of water within three years, may result in DNRM taking compliance action which may result in cancellation of the licence.

### **Licence conditions**

- sample licences, including conditions, can be found in schedule 1.

### **Evaluation criteria**

- applications must address the evaluation criteria outlined in schedule 2
- failure to fully address the evaluation criteria may result in an application not being considered and rejected.

### **Application form**

- applications must be submitted online
- failure to complete all sections of the form may result in an application not being considered and rejected (see section 9).

## **3 Eligibility and restrictions**

Applications will only be considered from an owner of land on which the water will be used. The *Water Act 2000* (Water Act) defines various land tenures that allow a person to be considered as an owner of land.

Water licences will only be granted from unallocated water reserves to successful applicants if the proposal is consistent with the Gulf Water Plan outcomes and objectives.

Applications will not be accepted under this process for a purpose in which you would be eligible to apply for water from the strategic reserve under section 34 of the Gulf Water Plan.

Applications will not be accepted for water for an activity requiring authorisation under any of the following:

- *Geothermal Energy Act 2010*
- *Greenhouse Gas Storage Act 2009*
- *Mineral Resource Act 1989*
- *Petroleum Act 1923*
- *Petroleum and Gas (Production and Safety) Act 2004*

## 4 Water availability, type and product specification

### 4.1 Water availability

The general reserve volumes to be made available are shown in Table 1.

**Table 1: Water availability**

Catchment	Sub-catchment	Volume (ML)	Product available
Flinders	Cloncurry River	7500	Watercourse water only
Gilbert	Gilbert River	85,000	

### 4.2 Water product specification

#### 4.2.3 Product 1—Cloncurry River

Up to 7500 ML is available for watercourse water in Cloncurry River. Licences granted for the product specified in Table 2 will be subject to daily volumetric limit and flow conditions determined by the chief executive having regard for applicant requirements, downstream water users and environmental needs.

**Table 2: Product 1 limits and conditions**

Geographical area (ROP WMA zones)	Maximum annual volume available (ML)	Lots available	Maximum Daily volume available	Flow threshold (ML/day)
Gulf ROP WMA Zone 11 Cloncurry River between AMTD 0 and 328	7500	Total of 5 lots of 1500 ML  Number of lots available will be subject to the volume remaining at time of application	up to a maximum of 6% of the annual volume	taking water will be permitted when the flow in the Cloncurry River at Canobie (GS915212A) exceeds 4 000 ML per day

#### 4.2.4 Product 2—Gilbert River

Up to 85,000 ML is available as watercourse water in the Gilbert River. Licences granted for the product specified in Table 3 will be subject to daily volumetric limit and flow conditions determined by the chief executive having regard for applicant requirements, downstream water users and environmental needs.

**Table 3: Product 2 limits and conditions**

Geographical area	Maximum annual volume available (ML)	Lots available	Maximum Daily volume available	Flow threshold (ML/day)
Gulf ROP WMA Zone 6 Gilbert River between AMTD 0 and 171km	75,000	Total of 15 lots of 5000 ML Number of lots available will be subject to the volume remaining at time of application	up to a maximum of 4% of the annual volume	taking water will be permitted when the flow in the Gilbert River at Burke Development Road (GS917014A) exceeds 15,100 ML per day
Gulf ROP WMA Zone 6 Gilbert River between AMTD 171km and 368km	10,000	Total of 10 lots of 1000 ML Number of lots available will be subject to the volume remaining at time of application		taking water will be permitted when the flow in the Gilbert River at Rockfields (GS917001D) exceeds 2,592 ML per day

## 5 Price and licence type

Two methods of payment are being offered. The method of payment will determine the maximum number of lots that can be purchased, the expiry date for each licence type, and whether the licence may be relocated, as shown in Table 4. An annual water licence fee will be applied each year to a water licence, as per Schedule 12 of the Water Regulation 2016. Schedule 4 shows worked examples of purchase price per lot size for both up front and annualised payments.

**Table 4: Price and payment options**

Payment method	Cost per ML	Maximum lots that can be purchased	Expiry date	Conditions
Payment in full	Once off upfront of \$125 per ML.	3	30 June 2111	<ul style="list-style-type: none"> <li>licences may be relocatable on a seasonal or permanent basis.</li> </ul>
Annualised payment plan	\$6.25 per ML (+ CPI) & annual administration costs) per year for 20 years	1 in any 12 month period, up to a maximum of 3 lots	20 years from date of grant	<ul style="list-style-type: none"> <li>the authority to take water under the licence will depend on payments being made under the payment plan</li> <li>it is not intended that these licences be seasonally or permanently relocated.</li> </ul>



## 6 Licence conditions

Under section 118 of the Water Act, a water licence is subject to the conditions the chief executive (or their authorised delegate) may impose.

If your application is successful, the draft licence **enclosed** with a letter of offer will include the **conditions of licence** that apply to your application.

Examples licences that may be granted can be found in Schedule 1.

All licences granted may have conditions about the following:

- annual water licence fee applied each year, as per schedule 12 of the Water Regulation 2016
- licence will expire on the date stated on the licence face
- a daily volumetric limit
- flow threshold, linked to a DNRM streaming gauging station, for taking the water
- requirement for a measuring device (with telemetry capabilities) approved by the chief executive to be installed and working to measure the volume of water taken
- the take of water, or ability to take water, authorised under the licence must commence within three years of the date of grant
- the licensee must, at the request of the chief executive, demonstrate adherence to the licence and its conditions
- the licence may be cancelled by the chief executive, if water is not taken as authorised in accordance within defined timeframes, or by breach of licence condition(s)
- no money is payable or refundable by the DNRM or State Government on the cancellation, surrender or expiry of the licence.

For licences granted under an annualised payment plan additional conditions regarding the below may apply:

- annual payments details
- licence may be cancelled by the chief executive, if the licensee defaults on annualised payment.

## 7 Planning your application

**Independent advice:** You should consider obtaining your own independent advice for your particular circumstances in planning and preparing your application.

**Pre-lodgement information:** If you have a query concerning this process you may contact DNRM identifying your query and any further information you require. DNRM will consider your request and respond in writing. Contact details are provided in section 7.

**Associated approvals:** You are responsible for obtaining any approval, consent, notification or agreement required for your proposal and you should commence the process to obtain them at the earliest opportunity. DNRM reserves the right at its sole discretion to reject any application where relevant consents, notifications, approvals or agreements have not been sought or obtained.

**No reliance on information or compensation:** You are responsible for making your own investigation and assessment about all matters relevant to this application process, the Terms of Sale, the accuracy of all information and documents provided by DNRM and all other matters relevant to your application. DNRM is not liable to pay any compensation to any applicant in relation to their application or the release process in any circumstances, for any reason.

## 8 Completing your application

You must complete and submit your application in conformity with the following requirements before your application will be assessed against the evaluation criteria.

**Online application form:** The online application form is available at [www.dnrm.qld.gov.au](http://www.dnrm.qld.gov.au). You must complete all relevant information fields in the fixed price application form in full.

**Location of water take:** Your application must nominate at least one location of take for the water you apply for.

**Description of land:** Your application must specify the lot and plan numbers for the land on which the water is to be used. This is the land to which the proposed licence would attach.

**Existing works permit numbers:** Where the proposed take of water is from existing works, you must state in your application the relevant permit number for the existing works.

**Addressing the evaluation criteria:** You must address all of the evaluation criteria specified in **Schedule 2**, by providing sufficient supporting information in writing for each criteria—in the format specified in Schedule 2—for your application to be assessed.

**Signing formalities:** All applicants (including each owner of land to which a water licence would apply if granted) must be identified on the online form.

Where an agent is acting on behalf of a corporation, written proof that they are authorised to submit on behalf of the corporation must be provided.

This could include a scanned letter stating that the agent is authorised by the corporation to act on its behalf in accordance with section 127 of the *Corporations Act 2001 (Cth)* that is:

- have the documents signed by two directors of the company  
or
- a director of the company and a company secretary  
or
- for a proprietary company that has a sole director who is also the sole company secretary—that director.

Agents signing for an applicant must provide a certified copy of the power of attorney with the application.

### **Non-conforming applications**

Failure to meet all of the above requirements means your application is non-conforming. DNRM will, depending on the extent and nature of the non-conformance, not assess your application, request further information or require you to submit a new application.

## 9 Assessment of applications

**Receipt of applications:** Applications will be time stamped as they are received and acknowledgement of receipt will be provided.

**Assessment order:** Applications will be assessed in the order they are received.

**Failure to provide sufficient information or non-conforming applications:** If you fail to provide sufficient information to address any of the evaluation criteria in Schedule 2, or if your application is deemed non-conforming, your application will not be assessed.

**Resubmitting an application:** If you choose to re-submit your application to address evaluation criteria to conform with section 5 of these Terms of Sale your order of assessment will not be retained and your re-submitted application will be time stamped and assessed in the order that it was re-submitted.

**Evaluation criteria:** Your application and supporting information will be assessed by DNRM against the evaluation criteria in accordance with these Terms of Sale. The time period for assessment will be as DNRM determines.

## 10 DNRM contact details

For further information regarding this fixed price process please contact the Department on the details below:

**Attention:** Water Licencing Ayr Office

**Phone:** 4763 0750

**Email:** [WaterInfoNorth@dnrm.qld.gov.au](mailto:WaterInfoNorth@dnrm.qld.gov.au)

## 11 Lodgement of applications

**Submissions will be accepted online from the 28 August 2017. Only applications lodged online will be accepted.**

Submission can be made online at [www.dnrm.qld.gov.au](http://www.dnrm.qld.gov.au).

## 12 Assessment notification

Where your application is:

- successful, DNRM will notify you in writing (email) with an offer of a volume of water in accordance with section 13.
- unsuccessful, DNRM will notify you in writing (email).

## 13 Offer of a volume of water

If your application is successful a letter of offer to you will:

- include the volume of water in ML per annum being offered
- enclose a draft licence including the conditions of licence that will apply if you accept the offer
- stipulate the purchase price (and deposit) you must pay by the due date to accept the licence, or stipulate the annualised payment plan
- have enclosed, an acceptance form for you to complete and return if you accept the volume and licence as offered.

## 14 Payment and acceptance of offer

To accept the offer of a licence you **must**:

- **sign and return the acceptance form by the due date** stated in our letter of offer:
  - for a long term licence pay the balance of the purchase price within 30 business days from the date stated in the letter of offer
  - for a 20 year licence agree to the annualised payment plan terms, and pay the first annual payment within 30 business days.

**Purchase price:** means the price per ML multiplied by the volume in ML offered.

**Grant of licence:** Once DNRM receives your acceptance form and payment in full by the due date you will be granted a licence. DNRM will post the licence to the address included in your online application form.

**Cessation of offer:** If the purchase price is not paid in full by the stipulated date referred to above in the letter of offer to you, DNRM shall notify you that your payment was not received and that the letter of offer has been rescinded. Any deposit paid will be non-refundable.

**Failure to meet annualised payments:** DNRM may cancel a licence if defaults of annual payments occur.

## 15 Option to apply for a long term licence

If the holder of a 20 year licence wishes to surrender this product to transition to a new long term licence, they may apply (in writing) after five years (from grant of the licence) subject to the following requirements:

- has fully complied with and demonstrated adherence to the Terms of Sale.
- demonstrated adherence to the conditions on the surrendered licence.

Additional or new Terms of Sale and licence conditions may apply. No further take of water, daily volumetric or nominal entitlement limit other than as set out in the surrendered licence shall be granted.

If the chief executive approves the application and offers a long term licence, the applicant must:

- sign and return the licence acceptance form;

- pay the full purchase price per ML; and
- surrender their current 20 year licence (prior to the grant of the new licence).

By the due dates stated in the letter of offer.

No money is payable or refundable by DNRM or State Government on the surrender of the 20 year licence.

## 16 General terms of sale

**Changes to the process:** If the application process is cancelled, or the date for submissions is extended, or some or all of the total volume of water or water types available under this process is withdrawn, DNRM must publish further details stating the changes being made to the process.

**Release and indemnity:** By planning, making enquiries in relation to or submitting an application, all applicants agree to unconditionally release and indemnify the State of Queensland, DNRM, its officers, agents and representatives from and against all actions, claims, proceedings or demands and in respect of any loss, death, injury, illness or damage (whether personal or property, and whether special, direct, indirect or consequential, including consequential financial loss) arising from or in connection with these Terms of Sale and the release process, including (without limitation) any related publication or announcement.

The State of Queensland, DNRM, its officers, agents and representatives will not in any circumstances (including for negligence) be liable for any loss of revenue, loss of profit, loss of anticipated savings or business, loss of opportunity (including opportunity to enter into or complete arrangements with third parties), loss of data or goodwill, loss of reputation or any indirect or consequential loss whether arising in contract, tort (including negligence) or otherwise, in connection with these Terms of Sale or the release process.

**No warranties:** You are responsible for making your own investigation and assessment about all matters relevant to this process, the Terms of Sale, the accuracy of all information and documents provided by DNRM and all other matters relevant to your application. DNRM is not liable to pay any compensation to any applicant in relation to their application or this process in any circumstances, for any reason. DNRM provides no warranty about the quality or availability of water which may be obtained by you as a result of this application process. You accept the risk as to quality and quantity of water that may be made available to you.

**Documents:** DNRM is under no obligation to return your application and will not return application documents at any point in the process. It is recommended that the applicant keep a copy of their application for their own records.

**Subject to offer of licence:** No rights of access to water will be deemed to have been granted until a water licence has been offered by DNRM, and accepted and paid for by you in accordance with these Terms of Sale.

**Costs and expenses:** You must meet all costs incurred in participating in this process, planning and making your application and any associated approvals.

**Jurisdiction:** These Terms of Sale are governed by the laws and the courts of Queensland.

**Public information:** DNRM may make publicly available information about the application received, and the volume awarded to the successful applicant.

**Right to information:** Information contained in an application may be subject to third party disclosure under the *Right to Information Act 2009*.

**Personal information consent:** By submitting the online application form you permit DNRM to access or use your personal information in your application for the purpose of this process.

**No fetter:** Nothing in these Terms of Sale will fetter, act as an estoppel or as an agreement about the exercise of discretion or the making of a decision or subordinate legislation under any law by the State of Queensland, DNRM, its officers, employees, agents or representatives.

**Applicant claims:** An applicant will not make any claim against DNRM or the State of Queensland in connection with a decision by DNRM to exercise or not to exercise any of its rights in relation to the release process.

**DNRM discretion:** Other than as expressly provided for in these Terms of Sale, DNRM reserves the right to make any changes to these Terms of Sale in its absolute discretion by notifying applicants by publication on the department's website. Without limitation, DNRM may:

- add or change terms or requirements including as a result of changes to legislation;
- reject any or all applications;
- amend the evaluation criteria stipulated in these Terms of Sale;
- exercise discretion in evaluating any subjective evaluation criteria;
- change the terms and conditions applicable to the licensing process, including the terms of any proposed water licence; or
- cancel the process.

## 17 Definitions

**Application** means your application for a water type made by submitting an online Application Form with your supporting information addressing the evaluation criteria.

**Evaluation criteria** means the criteria in Schedule 2.

**Price** means the price per ML as provided in these Terms of Sale.

**Sample licence** means the sample licence in Schedule 1.

**Terms of Sale** means this document inclusive of Schedules 1–3.

**Fixed Price Application Form** means the online application found at [www.dnrm.qld.gov.au](http://www.dnrm.qld.gov.au)

## 18 Links

Water Plan (Gulf) 2007

Gulf Resource Operations Plan 2010

## Schedule 1 – Sample water licences

### Sample licence watercourse water only

### Upfront payment

#### WATER LICENCE

#### *Water Act 2000*

<b>Reference</b>	606777	<b>Expiry Date</b>	30/06/2111
<b>Issue Date</b>	06/07/17		
<b>Licensee</b>	JOHN SMITH		
<b>Authorised Activity</b>	The taking of watercourse water from the Cloncurry River with the point of take on or adjacent to Lot 1 on RP111111.		
<b>Authorised Purpose</b>	Any		
<b>Description of Land</b>	Attached to the land described as Lot 1 on RP111111.		
<b>Nominal Entitlement</b>	3 000 Megalitres		
<b>Maximum Instantaneous Extraction Rate</b>	2 500 Litres per Second		

This water licence is subject to the conditions endorsed hereon or attached hereto.

Under the *Planning Act 2016* a development permit may be required for operational works to take or interfere with the water described in this licence. The licensee must ensure that the relevant development approvals have been obtained prior to installing or constructing new or additional operational works.

**Given at ### this SIXTH day of JULY 2017.**

Chief Executive delegate  
Department of Natural Resources and Mines

# Sample only



***Water Licence: 606777***

***Expiry Date: 30/06/2111***

**Conditions: Schedule A**

**2.47**

The taking of water is only authorised when the flow of water in the Cloncurry River at Canobie (GS915212A) exceeds 4 000 ML per day.

**2.69**

The daily volumetric limit that may be taken under this licence is 180 megalitres.

**4.39**

Water must not be taken under this authorisation unless a measuring device of a type approved by the chief executive to measure the volume of water taken is installed and in working order.

**Conditions: Schedule B**

1. Any transfer of water under this entitlement must be done in accordance with the group B water transfer rules stated in the Gulf Resource Operations Plan.
2. In addition to Schedule A condition 4.39 the measuring device must have telemetry capabilities which enable remote access to water use data.
3. The licensee must pay the annual licence fees prescribed under the Water Regulation 2016.
4. The take of water authorised under this licence must commence within 3 years of the issue date.
5. Water must continue to be taken, in accordance with the specifications and conditions of this water licence, during the currency of this licence.
6. It is the licensees' responsibility to monitor and obtain flow data for the relevant Gauge Station, defined in Schedule A condition 2.47, by accessing the online Departmental water monitoring information portal.
7. On or before the third anniversary of the issue date, the licensee must notify the department in writing:
  - a. That at least 50% of the nominal entitlement stated on this licence has been taken in a single water year; or
  - b. That works have been installed that are capable of taking the full nominal entitlement stated on this licence, including photographic evidence of the works;
  - c. If and when the flow threshold in Schedule A condition 2.47 has been exceeded, as demonstrated by the relevant Gauge Station flow data (obtained in accordance with Schedule B condition 5); and

- d. If the flow threshold has been exceeded, that the licensee has commenced the take of water under the licence, including pumping records correlating to relevant Gauge Station flow data (together with subsection b, referred to as **the ongoing take**).
- 8. Unless otherwise notified by the chief executive, upon compliance with condition 5 and every 5 years for the remainder of the term of the licence the licensee must notify the department in writing on or before the anniversary of the issue date of the ongoing take for the previous 5 years.
- 9. If the chief executive has notified the licensee of a different timeframe than set out in Schedule B condition 6, the licensee must notify the department in writing of the ongoing take in accordance with that notice.
- 10. This licence may be cancelled by the chief executive, in accordance with relevant legislation, if water is not taken as authorised, if water is not taken in accordance within defined timeframes, or if there has been a breach of the licence conditions(s).
- 11. This licence will expire on the date stated on this licence face.
- 12. No money is payable or refundable by the Department or State on the cancellation, surrender, forfeiture or expiry of this licence and the State may otherwise deal with the water defined by this licence.

**Sample licence watercourse water only**  
**Annualised payment plan**  
**WATER LICENCE**  
***Water Act 2000***

<b>Reference</b>	606777		
<b>Issue Date</b>	06/07/2017	<b>Expiry Date</b>	30/06/2037
<b>Licensee</b>	JOHN SMITH		
<b>Authorised Activity</b>	The taking of watercourse water from the Gilbert River with the point of take on or adjacent to Lot 1 on RP111111.		
<b>Authorised Purpose</b>	Any		
<b>Description of Land</b>	Attached to the land described as Lot 1 on RP111111.		
<b>Nominal Entitlement</b>	10 000 Megalitres		
<b>Maximum Instantaneous Extraction Rate</b>	5 600 Litres per Second		

This water licence is subject to the conditions endorsed hereon or attached hereto.

Under the *Planning Act 2016* a development permit may be required for operational works to take or interfere with the water described in this licence. The licensee must ensure that the relevant development approvals have been obtained prior to installing or constructing new or additional operational works.

**Given at ### this SIXTH day of JULY 2017.**

Delegate of the Chief Executive  
**Department of Natural Resources and Mines**

**Sample only**

***Water Licence: 606777***

***Expiry Date: 30/06/2037***

**Conditions: Schedule A**

**2.47**

The taking of water is only authorised when the flow of water in the Gilbert River at Burke Development Road (GS917014A) exceeds 15,100 ML per day.

**2.69**

The daily volumetric limit that may be taken under this licence is 400 megalitres.

**4.39**

Water must not be taken under this authorisation unless a measuring device of a type approved by the chief executive to measure the volume of water taken is installed.

**Conditions: Schedule B**

1. In addition to Schedule A condition 4.39 the measuring device must have telemetry capabilities which enable remote access to water use data.
2. The licensee must:
  - a. Pay the annual licence fees prescribed under the Water Regulation 2016;
  - b. Pay the purchase price for the licence in annual instalments with the first payment being made before the licence is granted and subsequent payments made annually on or before the anniversary date of the issue of the licence.
3. This licence will expire on the date stated on this licence face, in accordance with the twenty year annual payment plan.
4. The take of water authorised under this licence must commence within 3 years of the issue date.
5. Water must continue to be taken, in accordance with the specifications and conditions of this water licence, during the currency of this licence.
6. It is the licensees' responsibility to monitor and obtain flow data for the relevant Gauge Station, defined in Schedule A condition 2.47, by accessing the online Departmental water monitoring information portal.
7. On or before the third anniversary of the issue date, the licensee must notify the department in writing:
  - a. That at least 50% of the nominal entitlement stated on this licence has been taken in a single water year; or
  - b. That works have been installed that are capable of taking the full nominal entitlement stated on this licence, including photographic evidence of the works;

- c. If and when the flow threshold in Schedule A condition 2.47 has been exceeded, as demonstrated by the relevant Gauge Station flow data (obtained in accordance with Schedule B condition 6); and
  - d. If the flow threshold has been exceeded, that the licensee has commenced the take of water under the licence, including pumping records correlating to relevant Gauge Station flow data (together with subsection b, referred to as **the ongoing take**).
- 8. Unless otherwise notified by the chief executive, upon compliance with condition 5 and every 5 years for the remainder of the term of the licence the licensee must notify the department in writing on or before the anniversary of the issue date of the ongoing take for the previous 5 years.
- 9. If the chief executive has notified the licensee of a different timeframe than set out in Schedule B condition 6, the licensee must notify the department in writing of the ongoing take in accordance with that notice.
- .
- 10. This licence may be cancelled by the chief executive, in accordance with relevant legislation, if the licensee defaults on annualised payment, if water is not taken as authorised, if water is not taken in accordance within defined timeframes, or if there has been a breach of the licence conditions(s).
- 11. No money is payable or refundable by the Department or State on the cancellation, surrender, forfeiture or expiry of this licence and the State may otherwise deal with the water defined by this licence.
- 12. Any application for the transfer of water under this licence is subject to the group B water transfer rules stated in the *Gulf Resource Operations Plan*.
- 13. In order for the department to assess any transfer application the licensee must provide current results from the prescribed assessment computer program simulation for the simulation period, as specified in the *Water Plan (Gulf) 2007*. Results must be obtained by paying for this service as provided by the Department of Science, Information Technology and Innovation, however the provision of these results does not guarantee that a transfer application will be approved.

## Schedule 2 – Evaluation criteria—to be addressed in the following format:

Criteria	Head of power	What it means	Key issues which the application needs to address
<p>1: Land suitability:</p> <ul style="list-style-type: none"> <li>There is land available which contains vegetation to which the <i>Vegetation Management Act 1999</i> does not apply; an exemption applies; a development approval has been issued for clearing or an application has been made for a determination that the proposed clearing is for a relevant purpose.</li> <li>Ecological assets and high value environmental features will not be adversely affected under the proposed development.</li> <li>The topography, including the slope of the land, is suitable for irrigation.</li> <li>Known cultural heritage sites will not be adversely effected under the proposed development.</li> <li>The attributes of the soil are suitable for irrigation, including potential salinity, sodicity and drainage concerns can be managed.</li> </ul>	Gulf ROP section 31	These requirements are intended to reduce the likelihood of degradation occurring to land or water resources or that sensitive sites will be protected.	<p>To address these criteria, the application should include a map showing the land available that complies with the matters mentioned in section 31(2) of the Gulf ROP, including identification of:</p> <ul style="list-style-type: none"> <li>the land available contains vegetation to which the <i>Vegetation Management Act 1999</i> does not apply;</li> <li>an exemption under the <i>Planning Act 2016</i> (Planning Act) exists;</li> <li>development approval for clearing has been issued or application has been made for a section 22A determination that the proposed clearing of vegetation is for a relevant purpose under the <i>Vegetation Management Act 1999</i></li> <li>ecological assets and high value environmental features</li> <li>topographic features, including the slope of the land</li> <li>known cultural heritage sites</li> <li>attributes of the soil, including texture and areas of potential salinity, sodicity and drainage concerns.</li> </ul> <p>Describe and show on the map known cultural heritage sites that may be impacted by the development and how such impacts will be mitigated. To determine any sites, visit:</p> <ul style="list-style-type: none"> <li>Cultural Heritage Database (<a href="https://www.datsip.qld.gov.au/">https://www.datsip.qld.gov.au/</a>)</li> <li>Queensland Heritage Register (<a href="http://www.qld.gov.au/environment/land/heritage">www.qld.gov.au/environment/land/heritage</a>)</li> </ul> <p>The map should also identify the location of the proposed water resource development and existing water resource development relative to the above land suitability features.</p> <p>The application should provide a statement that identifies the area in hectares that is potentially suitable and available for irrigation and supported by the map requested under these criteria.</p>

Criteria	Head of power	What it means	Key issues which the application needs to address
2. The purpose for which the water is required.	Gulf Water Plan Section 30 (1)(a)	The application provides a clear proposal for the volume of water required and its use	To address this criterion, the application should describe what the water is to be used for (e.g. intend to irrigate 100 hectares of fodder crops).
3. The efficiency of existing and proposed water use practices.	Gulf Water Plan Section 30 (1)(b)	The application describes how current and proposed water use is not wasteful so that water is not allocated to inefficient uses	<p>To address this criterion in relation to the efficiency of existing water use practices for you who hold existing water entitlements, the application should:</p> <ul style="list-style-type: none"> <li>• identify the area in hectares per annum that has previously been irrigated and an estimate of the volume of water used (e.g. 800 megalitres to irrigate 100 hectares of crop)</li> <li>• describe the irrigation method used</li> <li>• identify any water use efficiency measures that are already in place (e.g. existing water storage is split into cells to minimise storage evaporation losses, irrigation scheduling).</li> </ul> <p>To address this criterion in relation to the efficiency of proposed water use practices, the application should:</p> <ul style="list-style-type: none"> <li>• identify the area in hectares proposed for irrigation per annum relative to the volume of water being bid for (e.g. 800 megalitres to irrigate 100 hectares of crop)</li> <li>• describe the irrigation method intended to be used</li> <li>• describe any methods to be used to determine crop water requirements, e.g. scheduling tools</li> <li>• for surface irrigation identify furrow lengths and any tailwater recycling proposals</li> <li>• describe any measures intended to minimise storage and distribution losses including evaporation and/or leakage losses.</li> </ul>

Criteria	Head of power	What it means	Key issues which the application needs to address
<p>4. An intention to use water, including:</p> <ul style="list-style-type: none"> <li>the land tenure type and purpose does not prevent irrigation, or the legislation governing the tenure provides for a change in the tenure. type. or purpose that would allow the land to be irrigated</li> <li>a map outlining the proponent's development plan, including the location and specific details of the infrastructure for taking and storing water commence taking water within 3 years of licence grant of licence</li> </ul>	Gulf Water Plan Section 30(1) (b).	This ensures that anyone who submits an application for unallocated water has the intention of making use of the resource. It aims to ensure that landowners are not granted water licences that will never been used.	<p>To address this criterion, the application should include:</p> <ul style="list-style-type: none"> <li>a map outlining the proponent's development plan, including the location, size and construction details of the infrastructure for taking and storing water</li> <li>identify the tenure type of land relating to the proposed development</li> <li>the proposed timeframe for development</li> <li>a topographic map showing location of proposed overland flow storage and catchment area.</li> <li>a property plan or business plan outlining how you will ensure commencement of the taking of water, or ability to take water including necessary infrastructure, within three years of being granted a licence.</li> </ul>
<p>5. The effects on Indigenous cultural values or benefits to the social and economic wellbeing of local Indigenous communities.</p>	Gulf ROP section 35	There is an opportunity for applicants to identify whether there are any benefits of the proposal for Indigenous communities in the area.	<p>To address this criterion the application should:</p> <ul style="list-style-type: none"> <li>identify any known local Indigenous values associated with the water source being applied for (linked to cultural heritage searches conducted for evaluation criteria 1)</li> <li>identify whether the proposed development is intended to provide benefits to the social and economic wellbeing of local Indigenous communities (this may involve consultation with local Indigenous groups or relevant representative bodies).</li> </ul>



Criteria	Head of power	What it means	Key issues which the application needs to address
<p>6. If the proposal includes works that will interfere with water, that the interference will not adversely affect:</p> <ul style="list-style-type: none"> <li>• water quality</li> <li>• the natural movement of sediment</li> <li>• the bed and banks of a watercourse or lake</li> <li>• the inundation of habitats</li> <li>• the movement of fish and other aquatic animals</li> <li>• the recreation and aesthetic values of the plan area</li> <li>• cultural values including for example, cultural values of local Aboriginal or Torres Strait Islander communities.</li> </ul>	Gulf Water Plan Section 23	<p>This criterion ensures that if an instream weir is required to support the development, the proposal considers ways to minimise the impacts on downstream values (e.g. the works have outlet valves or a culvert to allow flows to pass through the infrastructure if required).</p>	<p>Applications should only address this criterion if their water resource development proposal involves interfering with the flow of water in a watercourse lake or spring (e.g. an instream weir is proposed).</p> <p>In addressing this criterion the application should include a detailed description identifying any adverse effects associated with the proposed interference, including any proposals to mitigate those effects.</p>

### **Explanatory notes—addressing evaluation criteria**

- If the water is to be used for irrigation, the volume of water you specify in your application must be reasonable for the amount of land that is available to be irrigated. The volume must not exceed the calculated volume when the area to be irrigated is multiplied by a maximum of 12 ML/Ha. The volume of any existing water entitlements held by you will also be considered.
- You must submit a map outlining the various components of any proposed development and a timeframe for implementation. Where possible, you should also provide evidence of commitments to existing developments or expansions of an activity relating to the use of the water.
- You may find that the maps required under one or more evaluation criteria can be packaged into one map if this does not compromise the level of detail required to sufficiently address the information requirements of the criteria.

### **Demonstrated intention to use the water (not merely trade or increase land value).**

You must provide information as part of your application to demonstrate your intention to use the water.

### **Associated approvals in relation to your application**

To enable the water to be granted and used for its intended purpose, landowners may also require other associated approvals. Some of these approvals will be required prior to submitting an application, while others can run parallel to the water application process or be applied for after a water licence has been granted. To guide applicants the following provides an outline of some of the associated approvals that may be required and when they must be obtained:

- (i) if required, the following evidence is required to be included with application documents:
  - a. if changes to land tenure are required to allow the proposed development to occur—evidence of the changes
  - b. if changes to land ownership are required to ensure they are consistent with the “owner of land” defined in section 203 of the *Water Act 2000*—evidence of the changes
  - c. if the applicant is acting on behalf of the land owner—evidence of power of attorney, company documents etc.
- (ii) if required, the application process for these requirements can proceed in parallel with the application process (submit copies of application with application documents):
  - a. seeking a section 22A determination under the Vegetation Management Act 1999 that land clearing associated with the proposed irrigation development is for a relevant purpose.
- (iii) after a water licence has been granted the following approvals can be applied for:
  - a. development permits under the Planning Act required for works to take or interfere with water in the Gulf Water Plan area
  - b. development approval under the Planning Act for clearing vegetation
  - c. land access approvals to support the proposed development (e.g. permit to occupy for pipeline).

## Schedule 3: Worked examples of price by lot size

### Lot size 5000 ML

Payment in full

$$\$125 \times 5000 \text{ ML} = \$625\,000$$

Annualised payment year 1

$$\$125 \div 20 \text{ years} = \$6.25 \text{ per ML}$$

$$\$6.25 \times 5000 \text{ ML} + \$121.60 = \$31\,371.60$$

### Lot size 1500 ML

Payment in full

$$\$125 \times 1500 \text{ ML} = \$187\,500$$

Annualised payment year 1

$$\$125 \div 20 \text{ years} = \$6.25 \text{ per ML}$$

$$\$6.25 \times 1500 \text{ ML} + \$121.60 = \$9496.60$$

### Lot size 1000 ML

Payment in full

$$\$125 \times 1000 \text{ ML} = \$125\,000$$

Annualised payment year 1

$$\$125 \div 20 \text{ years} = \$6.25 \text{ per ML}$$

$$\$6.25 \times 1000 \text{ ML} + \$121.60 = \$6371.60$$

Note: For the annualised payment plan option, from year 2 to year 20 a CPI figure (currently 2.1%) will be applied to the price per ML and the administration charge (currently \$121.60) will increase with annual fee changes.