

Water Plan (Gulf) 2007

Sale of general reserve unallocated water

Tender assessment report

April 2017

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Summary

This report summarises the tender process that was undertaken for the release of unallocated water from the general reserve identified in the Water Plan (Gulf) 2007.¹

In late 2015 the Queensland Government called for water tenders in Gulf catchments where 264 550 megalitres (ML) of unallocated water was made available for irrigated agriculture. In December 2016 the Department of Natural Resources and Mines notified all successful and unsuccessful applicants on the outcome of their tenders.

Eligible tenderers in the Flinders, Norman, Nicholson, Gregory and Leichhardt catchments could bid for water at a minimum purchase price of \$45 per ML.

The terms of sale accompanied the release of unallocated water and included the necessary information for completing and submitting a tender. This included eligibility and conformance requirements as well as evaluation criteria that needed to be addressed by tenderers.

The closing date for tenders was 29 January 2016.

Thirty eight tenders were received across three of the five catchments. Bid prices ranged from \$45.01 to \$200.00 per ML.

The chief executive's delegate made offers to successful tenderers who conformed to the terms of sale and met the evaluation criteria,² provided there was water available after assessing tenders in order of bid price for the same water product.

Nine tenderers were offered water licences. Eight accepted offers and one declined. A total of 100 000 ML was allocated from the Flinders, Gregory and Leichhardt catchments. No tenders were received for the Norman and Nicholson catchments. A summary of the successful tenders, including which offers were accepted or declined, is provided in Table 1.

Table 1– Summary of successful tenders

Catchment or subcatchment area	Water Product	Bid price per ML (\$)	Volume offered (ML)	Offer outcome
Gregory River subcatchment area (B)(2)	general reserve	54.00	2500	Accepted
Lower Leichhardt subcatchment area (C)(4)	general reserve	45.50	5000	Accepted
Flinders River catchment area (E)	Product 1 Reach 1	112.00	20 000	Declined
		100.00	6000	Accepted
		100.00	12 000	Accepted
	Product 1 Reach 2	55.00	4 500	Accepted
	Product 1 Reach 4	125.00	12 500	Accepted
	Product 2 Reach 3	105.00	50 000	Accepted
	Product 2 Reach 4	105.00	7500	Accepted

¹ From the commencement of the *Water Reform and Other Legislation Amendment Act 2014* on 6 December 2016, the Water Resource (Gulf) Plan 2007 continues in force as a 'water plan' (see section 1256(1) of the *Water Act 2000*).

² The Director-General of the Department of Natural Resources and Mines is the chief executive.



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1 Introduction

This report summarises the process for evaluating tenders for the release of unallocated water in the Flinders, Norman, Nicholson, Gregory and Leichhardt catchments of Northwest Queensland.

1.1 Amendments to the *Water Act 2000*

Before this tender process could be completed, amendments to the *Water Act 2000* (Water Act) commenced on 6 December 2016. As a result, references to provisions of the Water Act in the 'Release of unallocated water in the Gulf Water Resource Plan area—Flinders, Norman, Nicholson, Gregory and Leichhardt catchments: terms of sale' document (terms of sale document) are now out of date.

Under section 1256 of the amended Water Act, water resource plans are continued as water plans and the Water Resource (Gulf) Plan 2007 is now the Water Plan (Gulf) 2007. This means any reference in the terms of sale to the Water Resource (Gulf) Plan 2007 or Gulf WRP is a reference to the Water Plan (Gulf) 2007. The section numbers within the contents of this plan remain unchanged.

The Gulf WRP and the Gulf Resource Operations Plan (ROP) are referenced in this Tender Assessment Report as the Gulf water plan or plans.

For more information about the amendments to the Water Act visit www.dnrm.qld.gov.au/water/catchments-planning/water-reform

2 Background

On 6 February 2014 The Office of Northern Australia released the Flinders and Gilbert Agricultural Resource Assessment, which provided an evaluation of the feasibility, economic viability and sustainability of water resource development in the Flinders and Gilbert River catchments.

In response to the findings of this report, a targeted review of the Gulf water plans commenced. The targeted review included further technical assessments undertaken by the Commonwealth Scientific and Industrial Research Organisation (CSIRO) and the former Department of Science, Information Technology, Innovation and the Arts to support the development of draft amended plans.

The water plans were amended in August 2015 providing new volumes of general unallocated water reserves and Indigenous reserves in the Flinders and Gilbert River catchments along with the ability to seasonally or permanently transfer licences granted from these reserves. These new reserve volumes were determined in consideration of and seeking a balance between water for agricultural development and minimising the impacts on existing water users, commercial fisheries in the Gulf of Carpentaria and key ecological processes and environmental assets.

There has been strong demand for water entitlements to support new and expanded agricultural development in the region. This demand was demonstrated through the previous 2013 unallocated water tender process, submissions received during the targeted review of the Gulf water plans and consultation with local councils, stakeholder groups and landholders in the Flinders, Norman, Nicholson, Gregory and Leichhardt catchments.



On 6 November 2015 the Queensland Government announced the release of unallocated water and called for water tenders in the Flinders, Norman, Nicholson, Gregory and Leichhardt catchments to support sustainable agriculture development in Gulf communities. A map of the catchment areas is provided at Appendix 1.

3 Process for release of unallocated water

The Water Act provides for a water plan to include a process for granting, reserving or otherwise dealing with unallocated water.³ A regulation made under the Water Act may also state a process for granting or otherwise dealing with unallocated water.

The Gulf water plan states the process for dealing with unallocated water in accordance with the requirements prescribed in part 2, division 2, subdivision 2 of the Water Regulation 2016 (water regulation).⁴

The water regulation allows for unallocated water to be released through public auction, tender, fixed price or grant for a particular purpose. The demand analysis that was undertaken supported a competitive process for the release of unallocated water from the general reserves of the Gulf water plan, through either a public auction or tender.

The Gulf water plans detail the criteria that must be considered by the chief executive when deciding an application for unallocated water.

4 Tender process

A tender process was considered to be the most cost-effective way for the Department of Natural Resources and Mines (the department) to administer a fair and equitable process for multiple proponents, allowing consideration of all proposals on their merits against each other at the one time.

5 Public notification

To accompany the announcement about the release of unallocated water, the department published a notice of sale of unallocated water on the department's website. A copy of this notice is provided in Appendix 2.

In accordance with section 5B of the Water Regulation 2002 (now section 17 of the Water Regulation 2016), the department also published a notice in the North West Star and North Queensland Register

³ From the commencement of the Water Reform and Other Legislation Amendment Act 2014 (WROLA Act) on the 6 December 2016 the *Water Act 2000* provides for a water plan, water management protocol and water regulation to include a process for granting, reserving or otherwise dealing with unallocated water.

⁴ The Water Regulation 2016 replaced the Water Regulation 2002 on 6 December 2016. Subdivision 2, division 2, part 2 of the Water Regulation 2016 sets out substantially identical provisions to Part 2, Division 1C of the Water Regulation 2002, which was in force prior to 6 December 2016.

on 6 November 2015 announcing the chief executive's intention to sell unallocated water. A copy of this notice is provided in Appendix 3.

6 Tender terms of sale

The department, in consultation with key stakeholders across the Gulf plan area, prepared the terms of sale document to support the release of unallocated water. The terms of sale document was made available on the department's website and provided information to assist interested parties with preparing and submitting tenders. This included mapping requirements, eligibility requirements and restrictions, bid price reserve, conforming tender requirements, and guidance for completing and lodging a tender, amongst other things.

The department also held information sessions at Hughenden, Richmond and Julia Creek in late 2015 to explain the terms of sale, evaluation criteria and eligibility requirements, as well as provide resource material and assistance with understanding obligations to potential tenderers.

6.1 Additional information

Additional information was placed on the department's website following enquiries received seeking clarification on the terms of sale document. This 'Pre-lodgement information – 8 December 2015' (Appendix 4) explained and clarified the wording associated with the water products specified in the terms of sale document.

6.2 Water product specification

General reserve volumes made available in the Flinders River (Catchment area E) were specified as two products (Product 1 and Product 2) based on different flow thresholds for accessing water. These flow thresholds were determined, considering:

- the legislated need to comply with environmental objectives stated in the Gulf water plan
- that the use of water granted through the release process would not impact on existing entitlement holder's access to water
- that, as far as possible, Product 2 performance is comparable between reaches.

For each product, water was made available in specific geographical areas further defined by volumetric limits and flow thresholds. The volumes made available by reach for each product are summarised in Table 2. The terms of sale product specifications are provided in Appendix 5.

Table 2 – Summary of Flinders River water products ^a

Water Product	Geographical area	Maximum annual volume available (ML)
Product 1– total		55 000
Product 1	Reach 1 Flinders River and tributaries from top of the catchment to Richmond gauging station	25 000
	Reach 2 Flinders River and tributaries from Richmond gauging station to confluence with the Cloncurry River	10 000

Water Product	Geographical area	Maximum annual volume available (ML)
	Reach 3 Cloncurry River and tributaries from the top of the catchment to the confluence with the Flinders River	7500
	Reach 4 Flinders River and tributaries from the confluence with the Cloncurry River to the mouth of the Flinders River.	12 500
Product 2– total		184 650
Product 2	Reach 2 Flinders River and tributaries from Richmond gauging station to confluence with the Cloncurry River	70 000
	Reach 3 Cloncurry River and tributaries from the top of the catchment to the confluence with the Flinders River	50 000
	Reach 4 Flinders River and tributaries from the confluence with the Cloncurry River to the mouth of the Flinders River.	184 650
	Catchment-wide Capture of overland flow water – that is water flowing over land not associated with a watercourse or a spring.	20 000

Notes:

^aFull details of the water products offered in the Flinders River catchment area are provided in Appendix 5.

7 Evaluation criteria

The terms of sale document detailed the evaluation criteria, which tenderers were required to address. All tenders were assessed against evaluation criteria (Appendix 6). The terms of sale included an explanation as to what the criteria meant and key issues that needed to be addressed.

8 Approach to tender assessment

The tender assessment involved a Process Leadership Team, Tender Assessment Team and Specialist Advisors. The Process Leadership Team provided guidance and oversight of the tender process, while the Tender Assessment Team assessed tenders against the evaluation criteria. Specialist Advisors provided specific technical advice as required.

9 Probity advice

An external probity advisor was engaged to provide specialist advice during the assessment process. Those directly involved in the assessment of tenders received an induction from the probity advisor on the principles of probity prior to the assessment of tenders. Any concerns about maintaining the integrity of the evaluation process or related issues were raised with the probity advisor when necessary.

All officers involved in the assessment process were required to identify any potential conflicts of interest prior to reviewing the tenders. No conflicts of interest were identified.

10 Opening of tenders

Tenders were required to be lodged no later than 5pm Friday 29 January 2016, via post, in person or email to Gulfwatertender@dnrm.qld.gov.au.

All tenders were opened by the Process Manager in the presence of a Commissioner for Declarations on Tuesday 9 February 2016.

Information recorded during the opening of tenders included the date received, reference number assigned to each tender,⁵ number of pages per tender document, names of tenderers, bid price per ML, bid volume range, catchment area and water product for each tender.

Table 3 identifies the general reserve volumes made available and the number of tenders received for each catchment area and water product.

Table 3 – Available general reserves of unallocated water and number of tenders received

Catchment or subcatchment area	Water Product	Available general reserve volume (ML)	Number of tenders
Nicholson River subcatchment area (B) (1)	general reserve	4 400	0
Gregory River subcatchment area (B) (2)	general reserve	2 500	3
Lower Leichhardt subcatchment area (C) (4)	general reserve	15 000	1
Flinders River catchment area (E)	Product 1	55 000	21^a
	➤ Reach 1	25 000	7
	➤ Reach 2	10 000	6 ^a
	➤ Reach 3	7500	2
	➤ Reach 4	12 500	6 ^a
	Product 2	184 650	12^b
	➤ Reach 2	70 000 ^c	5 ^b
	➤ Reach 3	50 000 ^c	2 ^b
	➤ Reach 4	184 650 ^c	3 ^b
	➤ Catchment-wide	20 000 ^c	3
Norman River catchment area (F)	general reserve	3 000	0

Notes:

^a Includes 7 tenders (3 in Reach 2 and 4 in Reach 4) which did not specify if seeking either Product 1 or 2. As Product 1 is a higher performing product they were considered against Product 1 first, and if unsuccessful then considered against Product 2. These tenders have only been counted against Product 1 in this table.

^b Includes three tenders (one in each of Reach 2, Reach 3 and Reach 4) that include multiple bids. These tenders have different bid prices for a specified volume range that add to the maximum volume being sought for the proposed project.

^c The available general reserve volume for each reach (geographical area) does not add up to the total available for Product 2. The actual volume of general reserve unallocated water available across all geographical areas is no greater than 184 650 ML, with available water for each reach depending on the results of higher ranked tenders in any of the geographical areas for Product 2.

⁵ Each emailed tender was assigned a number in the order it was received and stored electronically. Tenders that were posted or hand delivered were assigned a number following on from email tenders received prior to the closing date. The posted and hand delivered tenders were electronically scanned and stored in the same location as the emailed tenders.

11 Eligibility and conformance assessment

11.1 Eligibility

The terms of sale document stated eligibility requirements, that is the:

- tenderer is the owner of land—as defined in section 203 of the Water Act—within the catchment areas⁶
- water is not to be used for a purpose which would be eligible to apply for water from the Strategic Reserve of unallocated water under section 34 of the Gulf water plan⁷
- water is not to be used for an activity requiring authorisation under the *Geothermal Energy Act 2010*, *Greenhouse Gas Storage Act 2009*, *Mineral Resource Act 1989*, *Petroleum Act 1923*, or *Petroleum and Gas (Production and Safety) Act 2004*.

All tenders were deemed eligible to be considered for water from the available general reserves of unallocated water from the Flinders, Norman, Nicholson, Gregory and Leichhardt catchments.

The terms of sale document also stated that water licences would only be granted from unallocated water reserves to successful tenderers if the proposals were consistent with the outcomes and objectives of the Gulf water plan.

11.2 Conforming tenders

The Process Manager and Technical Leader assessed each tender against the conforming tender requirements, namely:

- tender received by closing date
- bid price above the minimum price
- tenderers are the owner of land to which a water licence would apply, if granted
- all tenderers signed and dated tender application form, and if a corporation or attorney, form has been executed appropriately, with any necessary certified copies of documents included
- all relevant fields in the tender application form completed
- tender documents included an evaluation criteria statement.

Twenty-three tenderers failed initially to provide a fully conforming tender.

Many failed to complete isolated parts of the tender application form correctly – see Table 4 for details.

⁶ Note: From the commencement of the Water Reform and Other Legislation Amendment Act 2014 (WROLA Act) the provisions relating to owner of land are now in section 104 of the Water Act 2000.

⁷ From the commencement of the Water Reform and Other Legislation Amendment Act 2014 on 6 December 2016, the Water Resource (Gulf) Plan 2007 continues in force as a ‘water plan’ (see section 1256(1) of the Water Act).

One tender was received after the close of tenders and one tenderer realised an error and sent a correction after the close date, but prior to the Process Manager and Commissioner of Declarations opening tenders.

One tenderer failed to provide information against the evaluation criteria.

In considering the extent of non-conformance, the Process Leadership Team decided to continue assessing 22 of the 23 tenders and provide an opportunity to rectify minor non-conformance issues documented in Table 4 at the same time clarifying information about evaluation criteria would be sought. The tenderer who failed to provide information against the evaluation criteria was deemed non-conforming because no further assessment could be undertaken.

Table 4 – Summary of information missing or incorrect on the Tender Application Form.

Missing or incorrect information	Number of tenders
Part A – Applicant details – incorrect details or incorrect completion of this section	4
Part B – Proposed water entitlement - incorrect completion based on water type	1
Part B – Tender volume – information supplied inconsistent with tender or terms of sale	4
Part B – Water Type – selected more than one water product; or none selected; or inconsistent with information elsewhere on the form	3
Part C – Location of take - latitude or longitude information not supplied or inaccurate	13
Part C – Location of take – land parcel description not correct or missing	4
Part D – incorrect signing or missing date or witness details and signature missing	4

12 Assessment against evaluation criteria

Eligible tenders for each water product were ordered by bid price (highest to lowest ranking). Assessment of tenders was undertaken in bid price order and where the minimum tender volume being sought was less than or equal to the residual volume of available unallocated water reserve.

Members of the Tender Assessment Team conducted independent preliminary assessments of a tender’s statements addressing the evaluation criteria. The Tender Assessment Team then moderated as a group, identifying where further clarification of information would be required to complete assessment against the evaluation criteria.⁸

The assessment process revealed that many tenders did not meet the land suitability criteria. These criteria are necessary to reduce the likelihood of degradation occurring to land or water resources and to protect sensitive sites.

⁸ Section 10 of the terms of Sale states that “the department may request additional information to assist in tender assessment”. This provision does not allow tenders to be varied to the extent that new information is provided that may advantage one tenderer over another.



13 Requests for further information

Further information or clarification of information was requested for 16 tenders. These requests allowed for the department to clarify information contained in the tenders, however they did not allow tenderers to vary aspects of their tenders.

Four tenderers were also asked to confirm information to meet the conforming tender requirements as described in section 11.2.

Two clarification requests sought revised bids as conforming tenders that met the evaluation criteria were equally ranked by bid price but there was insufficient unallocated reserve to satisfy both tenders.

Requests for clarifying information related to water use efficiency; impacts on bed and banks and natural processes of a watercourse or lake; location and details of infrastructure for taking and storing water; and suitability of land for irrigated agriculture. Most tenderers who received requests for information responded within the timeframe provided.

14 Deciding successful tenders

After assessments, 8 successful and 29 unsuccessful tenderers were recommended to the chief executive's delegate.

Six unsuccessful tenderers were outranked by bid price and there was insufficient residual volume of water available after offers made to higher ranked successful tenderers.

Twenty-three unsuccessful tenderers failed to address the evaluation criteria.

15 Offers to tenderers

Successful tenderers were each offered a water licence in October 2016. One tenderer declined an offer of 20 000 ML, allowing consideration of next in line tenders for the same water product. This included making an additional offer of 1 000 ML to a successful tenderer who had originally been offered water less than the maximum volume sought in their tender.

Next in line tenders were then assessed and one additional tender seeking 12 000 ML was deemed successful. This next in line successful tenderer was also offered a water licence.

Letter of offers included draft water licences associated with each tender, an acceptance form, consent to release information form, and invoices for paying the deposit and balance of payment for each offer.

Most tenderers chose not to consent to the release of information about their tenders.



16 Granting water licences

Following receipt of payment, water licences were granted. Licensees were sent a copy of the water licence with a cover letter and decision notice.

The total amount paid for water licences was \$10 010 000 of which the department retains eight per cent (or \$800 800).

The remainder of the money received from the sale of this unallocated water is held by Queensland Treasury and Trade. Successful bids ranged from \$45.50 to \$125.00 per ML. Unsuccessful bids were from \$45.01 - \$200.00 per ML.

A total of 100 000 ML was allocated from the Flinders, Gregory and Leichhardt catchments. A summary of offers and outcomes for each tender received for these catchments and water product available under the terms of sale is provided in Table 5.

Table 5 – Summary of offers and outcomes for each tender ranked in order of bid price for each water product

Nicholson River subcatchment area (B) (1)

Rank	Bid price per ML (\$)	Minimum - Maximum bid volume (ML)	Available reserve (ML) ^a	Outcome
		No tenders	4400	
Residual			4400	

Gregory River subcatchment area (B) (2)

Rank	Bid price per ML (\$)	Minimum - Maximum bid volume (ML)	Available reserve (ML) ^a	Outcome
1	54.00	2000 – 4400	2500	Successful tender—water licence for 2500 ML granted
2	52.00	2000 – 2500	0	Tender withdrawn by tenderer
3	48.00	700 – 2500	0	Unsuccessful tender—no available reserve to meet bid volume
Residual			0	

Lower Leichhardt subcatchment area (C) (4)

Rank	Bid price per ML (\$)	Minimum - Maximum bid volume (ML)	Available reserve (ML) ^a	Outcome
1	45.50	3000 – 5000	15 000	Successful tender—water licence for 5000 ML granted
Residual			10 000	

Flinders River catchment area (E) – Product 1, Reach 1^b

Rank	Bid price per ML (\$)	Minimum - Maximum bid volume (ML)	Available reserve (ML) ^a	Outcome
1	200.00	40 – 40	25 000	Unsuccessful tender— have not met evaluation criteria
2	112.00	5000 – 20 000	25 000	Successful tender—declined 20 000 ML water licence offered
3	100.00	500 – 6000	25 000	Successful tender—water licence for 6000 ML granted.
4	100.00	500 – 12 000	19 000	Successful tender—water licence for 12 000 ML granted
5	76.00	5000 – 5000	7000	Unsuccessful tender—have not met evaluation criteria
6	72.50	2160 – 2580	7000	Unsuccessful tender— have not met evaluation criteria
7	56.00	4000 – 5280	7000	Unsuccessful tender— have not met evaluation criteria
Residual			7000	

Flinders River catchment area (E) – Product 1, Reach 2^b

Rank	Bid price per ML (\$)	Minimum - Maximum bid volume (ML)	Available reserve (ML) ^a	Outcome
1	125.00	10 000 – 10 000	10 000	Unsuccessful tender— have not met evaluation criteria
2	76.00	10 000 – 10 000	10 000	Unsuccessful tender— have not met evaluation criteria
3	55.10	2500 – 10 000	10 000	Unsuccessful tender— have not met evaluation criteria
4	55.00	1200 – 4500	10 000	Successful tender—water licence for 4500 ML granted
5	47.90	2000 – 10 000	5500	Unsuccessful tender— have not met evaluation criteria
6	45.10	1500 – 1800	5500	Unsuccessful tender— have not met evaluation criteria
Residual			5500	

Flinders River catchment area (E) – Product 1, Reach 3^b

Rank	Bid price per ML (\$)	Minimum - Maximum bid volume (ML)	Available reserve (ML) ^a	Outcome
1	125.00	7500 – 7500	7500	Unsuccessful tender— have not met evaluation criteria
2	55.10	2500 – 7500	7500	Unsuccessful tender— have not met evaluation criteria
Residual			7500	

Flinders River catchment area (E) – Product 1, Reach 4^b

Rank	Bid price per ML (\$)	Minimum - Maximum bid volume (ML)	Available reserve (ML) ^a	Outcome
1	125.00	12 500 – 12 500	12 500	Successful tender—water licence for 12 500 ML granted
2	55.10	5000 – 12 500	0	Unsuccessful tender—no available reserve to meet bid volume
3 ^c	47.00	2500 – 3000	0	Unsuccessful tender—no available reserve to meet bid volume
4 ^c	45.01	10 000 – 10 000	0	Unsuccessful tender—no available reserve to meet bid volume
5 ^c	45.01	10 000 – 10 000	0	Unsuccessful tender—no available reserve to meet bid volume
	55.20	2000 – 5000	0	Unsuccessful tender—not conforming to terms of sale
Residual			0	

Flinders River catchment area (E) – Product 2^d

Rank	Bid price per ML (\$)	Geographical Area ^a	Minimum - Maximum bid volume (ML)	Available reserve (ML) ^a	Outcome
1	105.00	Reach 2	50 000 – 70 000	70 000	Unsuccessful tender— have not met evaluation criteria
2	105.00	Reach 3	50 000 – 50 000	50 000	Successful tender—water licence for 50 000 ML granted
3	105.00	Reach 4	7500 – 44 650	134 650	Successful tender—water licence for 7500 ML granted
4	101.00	Catchment – wide	20 000 – 20 000	20 000	Unsuccessful tender— have not met evaluation criteria
5	76.00	Reach 2	8000 – 8000	70 000	Unsuccessful tender— have not met evaluation criteria
6	75.00	Reach 2	28 000 – 28 000	70 000	Unsuccessful tender— have not met evaluation criteria
7	58.40	Reach 4	5000 – 15 000	127 150	Unsuccessful tender— have not met evaluation criteria
8	55.02	Reach 2	25 000 – 70 000 (Bid 1: 5000 – 10 000)	70 000	Unsuccessful tender— have not met evaluation criteria
9	54.60	Reach 3	20 000 – 40 000 (Bid 1: 5000 – 10 000)	0	Unsuccessful tender—no available reserve to meet bid volume
10	53.42	Reach 2	25 000 – 70 000 (Bid 2: 5000 – 10 000)	70 000	Unsuccessful tender— have not met evaluation criteria
11	52.90	Reach 3	20 000 – 40 000 (Bid 2: 5000 – 10 000)	0	Unsuccessful tender—no available reserve to meet bid volume
12	52.62	Reach 2	25 000 – 70 000 (Bid 3: 5000 – 10 000)	70 000	Unsuccessful tender— have not met evaluation criteria
13	52.15	Reach 4	45 000 – 115 200 (Bid 1: 7500 – 10 000)	127 150	Unsuccessful tender— have not met evaluation criteria
14	51.30	Reach 4	45 000 – 115 200 (Bid 2: 7500 – 10 000)	127 150	Unsuccessful tender— have not met evaluation criteria
15	51.20	Reach 3	20 000 – 40 000 (Bid 3: 5000 – 10 000)	0	Unsuccessful tender—no available reserve to meet bid volume
16	51.00	Catchment-wide	9000 – 15 000	20 000	Unsuccessful tender— have not met evaluation criteria
16	51.00	Reach 2	34 000 – 70 000	70 000	Unsuccessful tender— have not met evaluation criteria

Rank	Bid price per ML (\$)	Geographical Area ^a	Minimum - Maximum bid volume (ML)	Available reserve (ML) ^a	Outcome
18	50.45	Reach 4	45 000 – 115 200 (Bid 3: 10 000 – 25 000)	127 150	Unsuccessful tender— have not met evaluation criteria
19	50.22	Reach 2	25 000 – 70 000 (Bid 4: 5000 – 10 000)	70 000	Unsuccessful tender— have not met evaluation criteria
20	50.00	Catchment-wide	8000 – 10 000	20 000	Unsuccessful tender— have not met evaluation criteria
21	49.60	Reach 4	45 000 – 115 200 (Bid 4: 10 000 – 35 000)	127 150	Unsuccessful tender— have not met evaluation criteria
22	49.50	Reach 3	20 000 – 40 000 (Bid 4: 5000 – 10 000)	0	Unsuccessful tender—no available reserve to meet bid volume
23	48.75	Reach 4	45 000 – 115 200 (Bid 5: 10 000 – 35 000)	127 150	Unsuccessful tender— have not met evaluation criteria
24	48.62	Reach 2	25 000 – 70 000 (Bid 5: 5000 – 10 000)	70 000	Unsuccessful tender— have not met evaluation criteria
25	47.00	Reach 4	2500 – 3000	127 150	Unsuccessful tender— have not met evaluation criteria
26	45.01	Reach 4	10 000 – 10 000	127 150	Unsuccessful tender— have not met evaluation criteria
26	45.01	Reach 4	10 000 – 10 000	127 150	Unsuccessful tender— have not met evaluation criteria
Residual – Product 2 (all geographic areas)				127 150	
Residual – Reach 2				70 000	
Residual – Reach 3				0	
Residual – Reach 4				127 150	
Residual – Catchment-wide				20 000	

Norman River catchment area (F)

Rank	Bid price per ML (\$)	Minimum - Maximum bid volume (ML)	Available reserve (ML) ^a	Outcome
		No tenders	3000	
Residual			3000	

Notes:

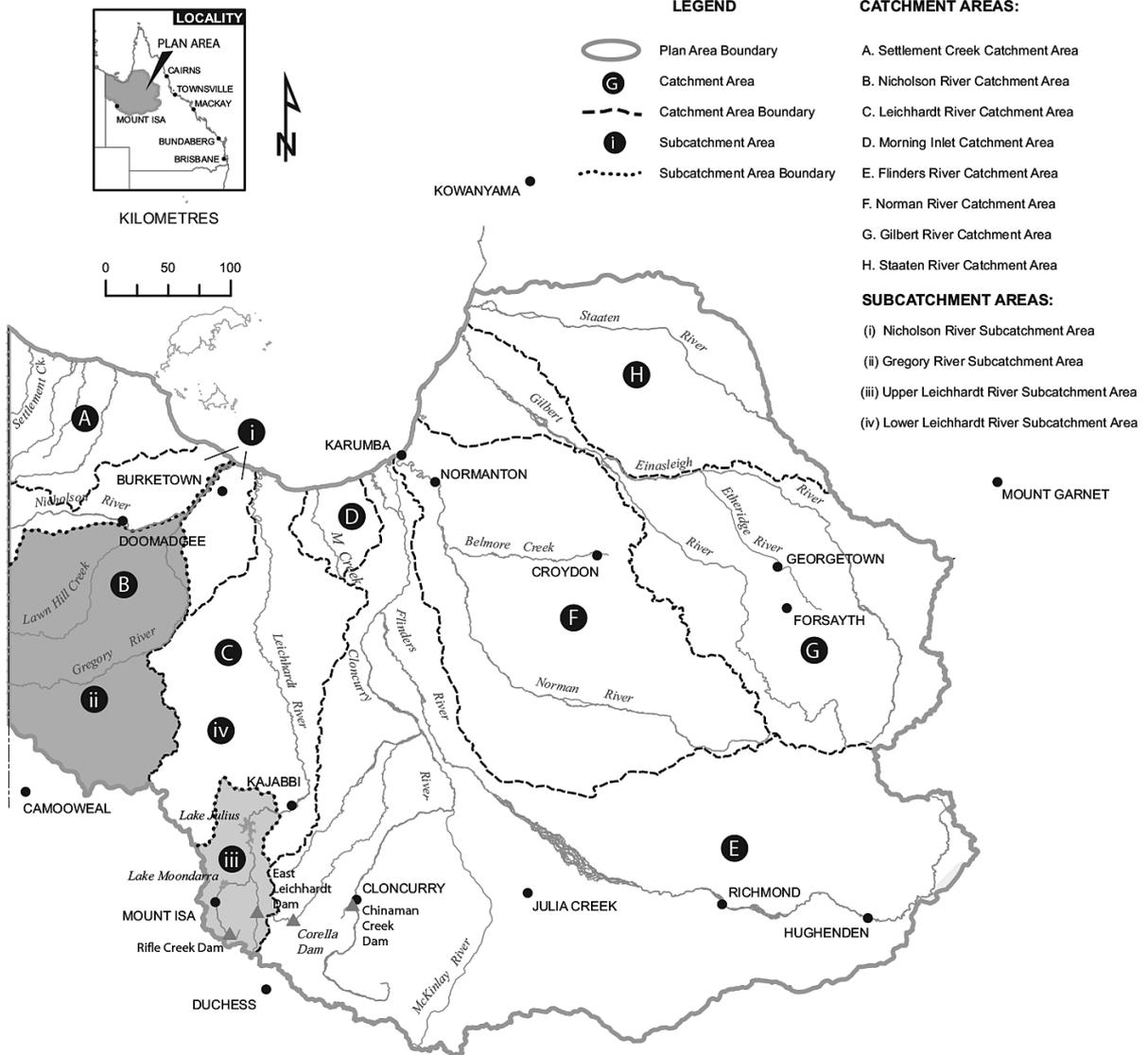
^a Available reserve (ML) refers to the volume of unallocated general reserve water available when assessing the tender in order of rank. For the first ranked tender in each water product the available reserve equals the unallocated general reserve volumes made available through the terms of sale. For subsequent ranked tenders the available volume accounts for higher ranked successful tenders. The Residual available reserve volume is the volume of unallocated general reserve that remains after assessing all tenders received. This water remains as unallocated general reserve water until a future process allows for releasing this water.

^b Product 1 specifies four geographical areas (Reach 1 to 4) with a maximum annual volume available for each area. The total volume available in these four geographical areas adds up to the total available under Product 1. Hence, tenders have been ranked separately for each geographical area.

^c Tender did not specify either Product 1 or 2 general reserve water from the Flinders catchment. These tenders were first considered against Product 1 as this product had lower flow thresholds and hence presented a more reliable product than Product 2 water. As there was no available reserve volume for considering these tenders against Product 1 then these tenders were considered against Product 2 general reserve unallocated water. In ranking Product 2 tenders by bid price the tenders that did not specify product were ranked as 25, 26 and 26 as detailed in the table.

^d Product 2 specifies four geographical areas with a maximum annual volume available for each area. The sum of the maximum annual volume available for each of the four geographical areas is greater than the total volume available for Product 2. Hence, the actual volume of general reserve unallocated water available across all geographical areas is no greater than 184 650 ML, with available water for each reach depending on the results of higher ranked tenders in any of the geographical areas. Tenders could not be ranked individually for each geographical area as was possible for Product 1.

Appendix 1: Gulf water plan catchment areas and subcatchment areas





Appendix 2: Public notice (website)

Public Notice of sale of unallocated water

1. Purpose

Notice is hereby given under section 5B of the Water Regulation 2002 that the Chief Executive for the Department of Natural Resources and Mines (the department) intends to sell unallocated water under the Water Resource (Gulf) Plan 2007.

2. Volume and location of water available

A total of up to 264,550 megalitres of general reserve unallocated water is being made available by tender from particular catchment areas as set out in the Terms of Sale. This water will be made available from within the Flinders, Gregory, Leichhardt, Norman and Nicholson river catchments. Unallocated general reserve water in the Gilbert River catchment will not be available through this particular tender.

3. Purpose of water and entitlement

Tender eligibility requirements and restrictions on the purpose for which water is being made available are set out in the Terms of Sale. Water being made available through this tender process will be granted to successful tenderers as water licences.

4. Inspection of the Terms of Sale

Copies of the 'Release of Unallocated Water in the Gulf—Terms of Sale' can be inspected or downloaded at www.dnrm.qld.gov.au.

5. Close of tenders

Those wanting to take part in the tender must respond to the evaluation criteria, complete and send the Tender Application Form to the department via email or by registered post. All forms are included in the Terms of Sale which may be downloaded from the Unallocated Water page at www.dnrm.qld.gov.au.

Tenders must:

1. be received no later than 5pm Friday 29 January 2016
2. include the Tender Application Form and response to evaluation criteria
3. be emailed to Gulfwatertender@dnrm.qld.gov.au
4. be sent by registered post in a labelled and sealed envelope to the below address:

Private and Confidential
Tender for Water in the Gulf
Chief Executive
Attention: Coordinator, Water Planning
Department of Natural Resources and Mines
PO Box 156
MAREEBA QLD 4880

6. Public information sessions

The department will host public information sessions to provide information about this tender process. Information about these sessions can be found on the Gulf water resource planning page at www.dnrm.qld.gov.au.



7. Addenda

The department may amend the information in this public notice prior to the close of tenders. If an amendment is required, an amended notice will be published on www.dnrm.qld.gov.au.

8. Enquiries

Further enquiries should be directed to:

Water Planning Manager
Department of Natural Resources and Mines
Phone: 1800 697 805
Email: Gulfwatertender@dnrm.qld.gov.au

Dated this 6 day of November 2015

Darren Moor
Executive Director, Central Region, Natural Resources
Department of Natural Resources and Mines



Appendix 3: Public notice (newspaper)

Appendix 4: Pre-lodgement information

Release of unallocated water in the Gulf Water Resource Plan area-Flinders, Norman, Nicholson, Gregory and Leichhardt catchments

Pre-lodgement information – 8 December 2015

Enquiry: Rationale for adoption of flow thresholds for Product 2

Enquiry asks for the scientific rationale for the flow thresholds specified in Product 2 and how these relate to access conditions of existing water entitlements.

Response:

The unallocated water volumes being made available and the conditions under which the water is available as specified in the Terms of Sale document have been arrived at considering:

- the legislated need to comply with environmental objectives stated in the *Water Resource (Gulf) Plan 2007 (WRP)*
- that the use of water granted through the release of unallocated water does not impact on existing entitlement holder's access to water
- that, as far as possible, 'product 2' performance is comparable between reaches, as tenders for all product 2 will be considered together

Generally when new entitlements are offered/granted, they will have access conditions that are at higher thresholds than existing entitlements so as to minimise the impact on existing entitlements as well as meeting other WRP outcomes. Holding an existing licence with a lower flow threshold (or even no flow threshold) does not mean that a new licence granted for additional water under the release of unallocated water will have the same or similar access to water as an existing licence.

Enquiry: Clarify the intent of the wording of Product 2

Enquiry seeks to clarify the intent of the wording of flow threshold in Table 3 where it says

'Despite this, each time the flow exceeds 30 000ML per day in the period 1 January to 31 March, taking water may only commence after the first peak flow passes the gauge, Taking water may then continue until the flow falls below 30 000 ML/day.'

Does this condition only apply to the first peak in the period 1 January to 31 March and not to subsequent peaks during this period?

Response:

The flow threshold for the 1 January to 31 March period specified for water Product 2 in the Flinders River Reaches 2, 3 and 4 applies each time the flow goes from below to above the stated threshold during the period. Each time the flow goes above the stated threshold after 1 January is referred to as the first peak flow. Water cannot be taken until the first peak flow has passed the gauge. This is



determined by a constant downward trend as seen in gauging station flow data. If daily flow volumes fluctuate but stay above the flow threshold, pumping may continue after the first peak has passed until such time as the daily flow volume goes below the flow threshold.

Enquiry: Reference points in the “Geographical area” column in tables 2 and 3

Enquiry seeks the location and/or meaning of the reference points:

- AMTD 820
- AMTD 328
- AMTD 0

Response:

AMTD refers to the Adopted Middle Thread Distance which is a distance, in kilometres, measured along the middle of a watercourse from either the watercourse mouth or the watercourse’s confluence with its main watercourse.

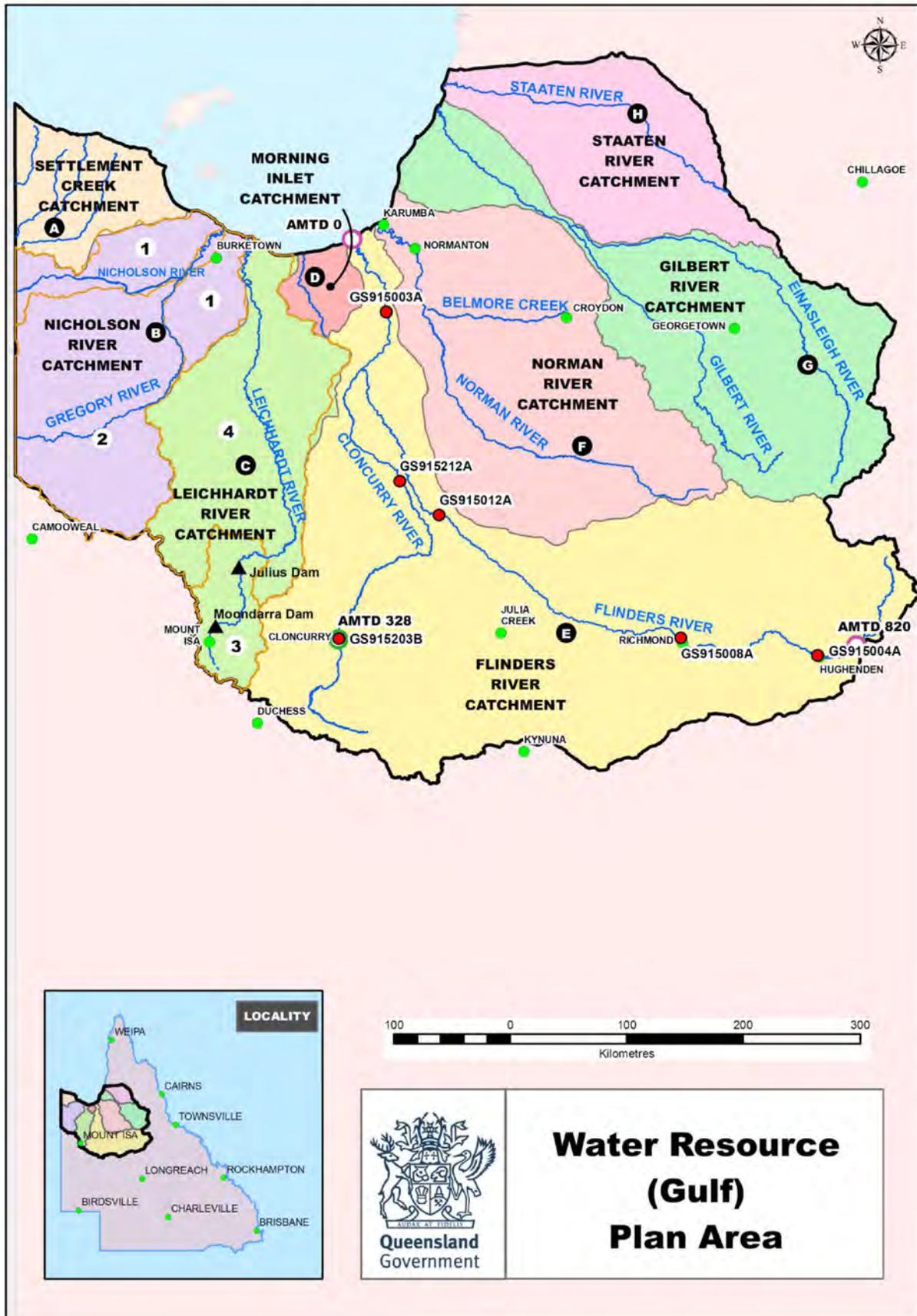
For the AMTD locations listed in the enquiry these relate to:

- AMTD 820 – the top of the Flinders River catchment
- AMTD 328 – the top of the Cloncurry River catchment
- AMTD 0 – the mouth of the Flinders River

Other AMTDs mentioned in Table 2 and 3 relate to:

- AMTD 620.2 – at the Richmond gauging station (GS915008A)

Figure 1: Geographic areas in the Gulf



Appendix 5: Water product specification as provided in the terms of sale

General reserve—catchment areas B, C and F

Up to 24 900 ML is available for all water types in catchment areas B, C and F.

Licences granted from the general reserves for water types **WC** and **WO** in catchment areas B, C and F will be subject to a daily volumetric limit and flow conditions determined by the chief executive having regard for tenderer requirements, downstream water users and environmental needs.⁹

General reserve—catchment area E (Flinders River)

Product 1

A total of 55 000 ML is available in accordance with Table 2.

Table 2 – Product 1: Limits and Conditions

Geographical area	Water type	Maximum annual volume available (ML)	Maximum Daily volume available	Flow Threshold ML/Day
Reach 1 Flinders River at AMTD 620.2 (Richmond GS915008A) to 820 and tributaries discharging to this reach	WC WO	25 000	up to a maximum of 12% of the annual volume tendered for or offered	taking water will be permitted when the flow in the Flinders River at Richmond (GS915008A) exceeds 1 500 ML per day
Reach 2 Flinders River from the confluence with the Cloncurry River to AMTD 620.2 (Richmond GS915008A) and tributaries discharging to this reach	WC WO	10 000	up to a maximum of 10% of the annual volume tendered for or offered	taking water will be permitted when the flow in the Flinders River at Etta Plains (GS915012A) exceeds 2 500 ML per day
Reach 3 Cloncurry River from the confluence with the Flinders River to AMTD 328 and tributaries discharging to this reach	WC WO	7 500	up to a maximum of 6% of the annual volume tendered for or offered 500	taking water will be permitted when the flow in the Cloncurry River at Canobie (GS915212A) exceeds 4 000 ML per day
Reach 4 Flinders River from AMTD 0 to the confluence with the Cloncurry River and tributaries discharging to this reach	WC WO	12 500	up to a maximum of 4% of the annual volume tendered for or offered	taking water will be permitted when the flow in the Flinders River at Walkers Bend (GS915003A) exceeds 10 000 ML per day

⁹ Water types codes refer to: **WC** – water in a watercourse lake or spring; **OF** – overland flow water; **WO** – combination of watercourse water and overland flow water where the water types are hydrologically connected.

Product 2

Up to 184 650 ML is available in the Flinders catchment in accordance with Table 3.

Table 3 – Product 2: Limits and Conditions

Geographical area	Water Type	Maximum annual volume available (ML)	Daily volume available (ML)	Flow Threshold ML/Day
Reach 2 Flinders River from the confluence with the Cloncurry River to AMTD 620.2(Richmond GS915008A) and tributaries discharging to this reach	WC WO	70 000	up to a maximum of 14% of the annual volume tendered for or offered	Taking water is only permitted when the flow in the Flinders River at Etta Plains GS915012A exceeds 10 000ML per day. Despite this, each time the flow exceeds 10 000 ML per day in the period 1 January to 31 March, taking water may only commence after the first peak flow passes the gauge. Taking water may then continue until the flow falls below 10 000 ML per day.
Reach 3 Cloncurry River from the confluence with the Flinders River to AMTD 328 and tributaries discharging to this reach	WC WO	50 000	up to a maximum of 14% of the annual volume tendered for or offered	Taking water is only permitted when the flow in the Cloncurry River at Canobie GS915212A exceeds 10 000 ML per day. Despite this, each time the flow exceeds 10 000 ML per day in the period 1 January to 31 March, taking water may only commence after the first peak flow passes the gauge. Taking water may then continue until the flow falls below 10 000 ML/day.
Reach 4 Flinders River from AMTD 0 to the confluence with the Cloncurry River and tributaries discharging to this reach	WC WO	184 650	up to a maximum of 12% of the annual volume tendered for or offered	Taking water is only permitted when the flow in the Flinders River at Walkers Bend GS915003A exceeds 30 000 ML per day. Despite this, each time the flow exceeds 30 000 ML per day in the period 1 January to 31 March, taking water may only commence after the first peak flow passes the gauge. Taking water may then continue until the flow falls below 30 000 ML/day.
Catchment-wide Not associated with a reach or tributary discharging to a reach mentioned in table 2 or 3	OF	20 000	N/A	the maximum annual volume must equal the capacity of the proposed overland flow storage/s for taking water Licences granted for overland flow must include conditions determined by the chief executive having regard for tenderer requirements, downstream water users and environmental needs

Appendix 6: Tender evaluation criteria as provided in the terms of sale

Criteria	Head of power ^a	What it means	Key issues which the tender needs to address
The purpose for which the water is required	Gulf WRP Section 30 (1)(a)	The Tender provides a clear proposal for the volume of water required and its use	To address this criterion, the Tender should describe what the water is to be used for (e.g. intend to irrigate 100 hectares of fodder crops).
The efficiency of existing and proposed water use practices	Gulf WRP Section 30 (1)(b)	The Tender 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 Tender should:</p> <ul style="list-style-type: none"> • 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) • describe the irrigation method used • 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) <p>To address this criterion in relation to the efficiency of proposed water use practices, the Tender should:</p> <ul style="list-style-type: none"> • 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) • describe the irrigation method intended to be used • describe any methods to be used to determine crop water requirements, e.g. scheduling tools • for surface irrigation identify furrow lengths and any tailwater recycling proposals. • describe any measures intended to minimise storage and distribution losses including evaporation and/or leakage losses.

Criteria	Head of power ^a	What it means	Key issues which the tender needs to address
The availability of an alternative water supply for the purpose for which the water is required	Gulf WRP Section 30(1)(d)	The Tender describes whether alternative means are available to meet proposed water demands without the need for the unallocated water (e.g. sufficient entitlement is available to meet a proportion of their demand).	To address this criterion the Tender should describe whether there are alternative water supplies available on the land to which the Tender applies and identify the opportunities to make use of those supplies (e.g. through the relocation rules established under the Gulf ROP for accessing water held under existing water licences).
<p>If the proposal includes works that will interfere with water, that the interference will not adversely affect:</p> <ul style="list-style-type: none"> • water quality • the natural movement of sediment • the bed and banks of a watercourse or lake • the inundation of habitats • the movement of fish and other aquatic animals • the recreation and aesthetic values of the plan area • cultural values including for example, cultural values of local Aboriginal or Torres Strait Islander communities. 	Gulf WRP Section 23	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>Tenders 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 Tender should include a detailed description identifying any adverse effects associated with the proposed interference, including any proposals to mitigate those effects.</p>
An intention to use water, including:	Gulf WRP Section 30(1)(b).	This ensures that anyone who submits a tender for unallocated water has the	<p>To address this criterion, the Tender should include:</p> <ul style="list-style-type: none"> • a map outlining the proponent's development plan, including the location, size and construction details of the infrastructure for taking and storing water

Criteria	Head of power ^a	What it means	Key issues which the tender needs to address
<ul style="list-style-type: none"> 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 a map outlining the proponent's development plan, including the location and specific details of the infrastructure for taking and storing water the proposed timeframe for development 		intention of making use of the resource. It aims to ensure that landowners are not granted water licences that will never be used.	<ul style="list-style-type: none"> identify the tenure type of land relating to the proposed development the proposed timeframe for development. a topographic map showing location of proposed overland flow storage and catchment area.
The effects on indigenous cultural values or benefits to the social and economic wellbeing of local indigenous communities.	Gulf ROP section 35	There is an opportunity for tenderers to identify whether there are any benefits of the proposal for indigenous communities in the area.	<p>To address this criterion the Tender should:</p> <ul style="list-style-type: none"> identify any known local indigenous values associated with the water source being tendered for (this may involve consultation with local indigenous groups or relevant representative bodies) identify whether the proposed development is intended to provide benefits to the social and economic wellbeing of local indigenous communities.
<ul style="list-style-type: none"> 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 	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 Tender 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"> the land available contains vegetation to which the <i>Vegetation Management Act 1999</i> does not apply; an exemption under Schedule 24 of the Sustainable Planning Regulation 2009 exists; 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>

Criteria	Head of power ^a	What it means	Key issues which the tender needs to address
<p>determination that the proposed clearing is for a relevant purpose.</p> <ul style="list-style-type: none"> Ecological assets and high value environmental features will not be adversely affected under the proposed development. The topography, including the slope of the land, is suitable for irrigation Known cultural heritage sites will not be adversely affected under the proposed development The attributes of the soil are suitable for irrigation, including potential salinity, sodicity and drainage concerns can be managed 			<ul style="list-style-type: none"> ecological assets and high value environmental features topographic features, including the slope of the land known cultural heritage sites attributes of the soil, including texture and areas of potential salinity, sodicity and drainage concerns. <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"> Cultural Heritage Database (https://www.datsip.qld.gov.au/) Queensland Heritage Register (www.qld.gov.au/environment/land/heritage) <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 Tender 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>
<p>Explanatory Notes - Addressing Evaluation Criteria</p> <ul style="list-style-type: none"> If the water is to be used for irrigation, the volume of water you specify in your tender 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. <p>Demonstrated intention to use the water (not merely trade or increase land value).</p> <p>You must provide information as part of your tender to demonstrate your intention to use the water.</p>			

Associated approvals in relation to your tender,

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 a tender, while others can run parallel to the water tender process or be applied for after a water licence has been granted. To guide tenderers 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 tender 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*^b - evidence of the changes.
 - c. If the tenderer 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 tender process (submit copies of application with tender 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 *Sustainable Planning Act 2009* required for works to take or interfere with water in the Gulf WRP area
 - b. development approval under the *Sustainable Planning Act 2009* for clearing vegetation
 - c. land access approvals to support the proposed development (e.g. permit to occupy for pipeline)

Evidence of Hydrological connectivity for water product WO

Your supporting evidence for water type WO may include the following:

- topographic maps showing ;
 - (i) direction of flow or flow paths from the land on which the overland flow is intended to be captured into the watercourse or tributary from which water is also intended to be taken;
 - (ii) points in the watercourse at which the river has typically broken its banks to become overland flow water;
- photographic evidence of:
 - (i) the watercourse breaking its banks or flood waters moving overland towards the watercourse;
 - (ii) overbank flow landscape features such as natural levees; (iii) the watercourse and overland flow areas inundated by the same body of flood water.

Notes:

^a From the commencement of the *Water Reform and Other Legislation Amendment Act 2014* on 6 December 2016, the Water Resource (Gulf) Plan 2007 continues in force as a ‘water plan’ (see section 1256(1) of the Water Act). Hence the head of power references to the Gulf WRP are also head of power references in the Gulf WP.



^b From the commencement of the *Water Reform and Other Legislation Amendment Act 2014* (WROLA Act) the provisions relating to owner of land are now in section 104 of the *Water Act 2000*.

