

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

Terms of Sale



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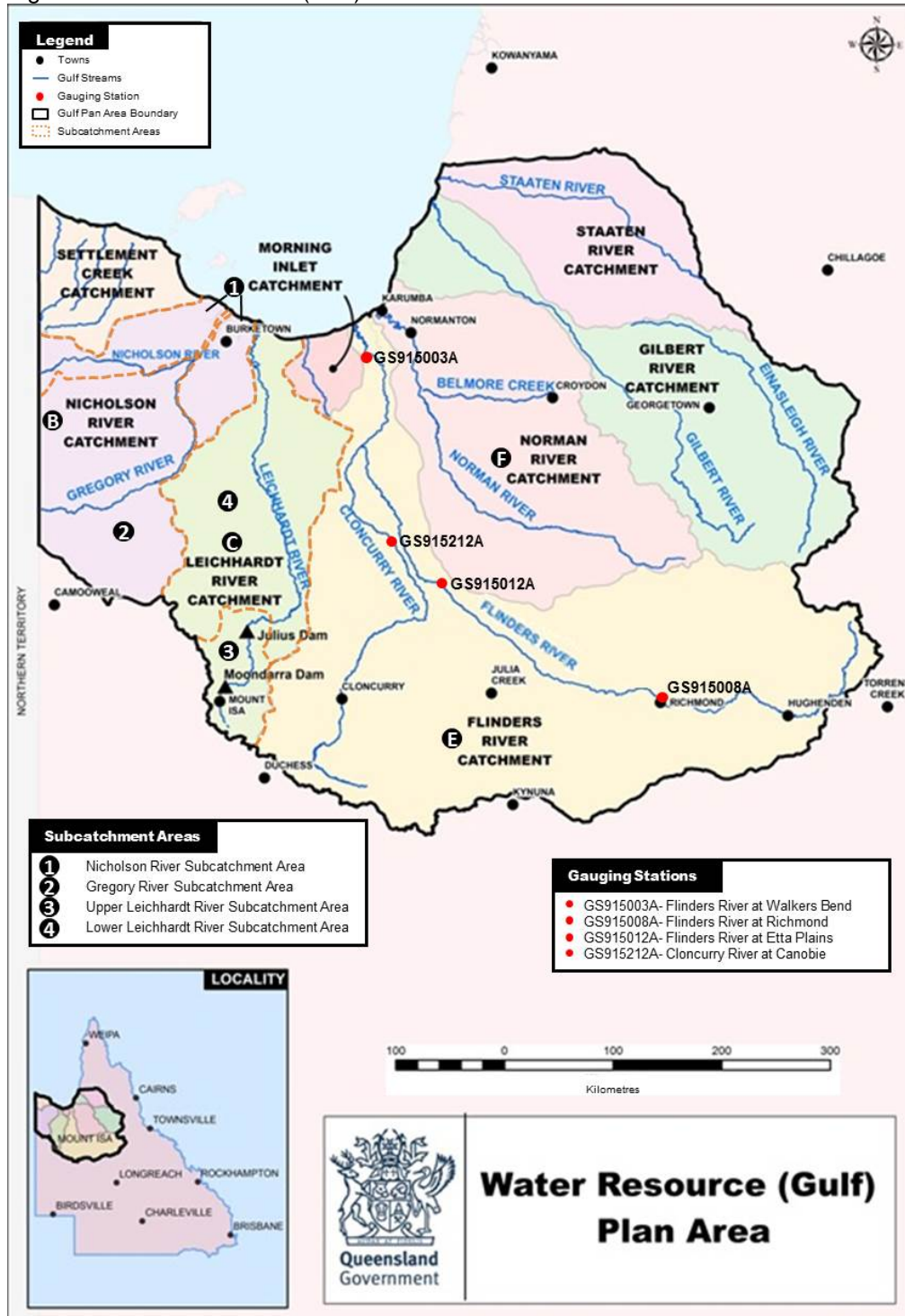
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1. Tender for general reserve unallocated water

The Department of Natural Resources and Mines (DNRM) invites tenders for general reserve totalling 264 550 megalitres (ML) of unallocated water in catchment areas B, C, E and F (see Figure 1) as prescribed under the Water Resource (Gulf) Plan 2007 (Gulf WRP).

Figure 1 – Water Resource (Gulf) Plan Area



2. Eligibility and restrictions

A tender will only be considered if the tenderer is an owner of land within the catchment areas. Section 203 of the *Water Act 2000* (Water Act) defines various land tenures that allow a person to be considered an owner of land.

Water licences will only be granted from unallocated water reserves to successful tenderers if the proposals are consistent with the Gulf Water Resource Plan outcomes and objectives.

Tenders will not be accepted under this process for water for a purpose for which you would be eligible to apply for water from the Strategic Reserve under section 34 of the Gulf WRP.

Tenders 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*.

3. Water availability, type and product specification

Water availability

The general reserve volumes to be made available for tender in each catchment and subcatchment area are shown in Table 1.

Table 1 – Water availability

Catchment	Subcatchment	Volume Megalitres (ML)
Nicholson River catchment area (B)	Nicholson River subcatchment area (B)(1)	4 400
	Gregory River subcatchment area (B)(2)	2 500
Leichhardt River catchment area (C)	Lower Leichhardt subcatchment (C)(4)	15 000
Flinders River catchment area (E)	Not Applicable	239 650
Norman River catchment area (F)	Not Applicable	3 000

Water type

Tenders may be made for the following water types:

WC	Water in a watercourse, lake or a spring (other than water in springs connected to artesian or subartesian water in the plan area under the Water Resource (Gulf) Plan 2007 (Gulf WRP).
OF	Overland flow water, other than water in springs connected to artesian or

	subartesian water in the plan area under the Gulf WRP.
WO	A combination of watercourse water and overland flow water where the water types are hydrologically connected.

Successful tenderers will be offered one or more water licences for the water types specified. If offers are accepted, water licences will be granted under section 212 of the Water Act.

Water product specification

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.

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	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

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

4. Closing date for receipt of tenders

The closing date for tenders is 5 pm on 29 January 2016.

5. Price

Minimum price: The minimum price per ML for the general reserve is \$45.



Bid price: The **bid price** must be above the **minimum price** for it to proceed to assessment against the Evaluation Criteria.

Conforming tenders will be ranked in order of bid price for each Water Product and assessed against the Evaluation Criteria in order of bid price until the available water is exhausted. It is recommended that tenderers include their best bid price in their tender.

6. Planning your tender

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

Pre-lodgement information: If you have a query concerning this tender process you may contact DNRM by email identifying your query and any further information you require. DNRM will consider your request and respond by email.

To ensure fairness and equity to all tenderers, DNRM may make our response to your query publicly available.

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.

Tenders made under the previous release process: All tenders **must** complete the Tender Application Form in Schedule 3 and submit supporting information addressing the Evaluation Criteria. If you intend to resubmit information provided in the previous tender you are strongly recommended to check the relevance of that information against the current terms of sale.

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

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 the department, and accepted and paid for by you in accordance with section 13 of these Terms of Sale.

7. Completing a tender

Tender Application Form: You must complete in full and sign the Tender Application Form.

Tender volume: You must specify a minimum and maximum volume range. By stating a minimum and maximum volume range you are agreeing that, if your tender is successful and you are offered a volume of water within your specified range, that volume would be acceptable to you.

The maximum tender volume specified must not be greater than the volume calculated by multiplying the irrigation area for your proposal by 12 ML/Ha.

The maximum tender volume must not exceed the maximum volume available for the catchment or subcatchment mentioned in table 1, or for the river reaches and water products mentioned in table 2 and/or table 3

Location of take for a water product: Your tender must nominate the location of take¹ for each water product you tender for. If you wish to nominate more than one location of take for a water product you must complete Part C of the Tender Application Form for each location of take you wish to nominate.

Multiple tenders: If you propose to tender for more than 1 water product as described in Section 2 of these Terms of Sale, you must complete a separate Tender Application Form for each water product.

If you submit multiple Tender Application Forms for different water products that would supply the same land parcel or enterprise, you may submit one package of supporting documentation addressing the Evaluation Criteria for the water products nominated.

If you are seeking water products for more than one separate property or enterprise then separate tenders must be made, including tender application forms and supporting information addressing Evaluation Criteria.

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

Addressing the Evaluation Criteria: You must address all of the Evaluation Criteria in Schedule 2 and provide relevant supporting information (in writing) for your tender to be assessed.

A proforma is provided in Schedule 5 to assist you in addressing the Evaluation Criteria and submitting your tender. You are encouraged to use the proforma.

8. Conforming tender requirements

You must complete and submit your tender in conformity with the following requirements before your tender will be assessed against the Evaluation Criteria.

Closing date: DNRM must receive your tender in writing either by email or registered post by the Closing Date.

Bid price²: The bid price in your tender must be above the minimum price set for the catchment, subcatchment or reach where water is being made available.

Owner of land: You must be an owner of land as defined in section 203 of the Water Act.

Signing formalities: All tenderers (including each owner of land to which a water licence would apply if granted) must sign and date the Tender Application Form.

A corporation may affix its common seal prescribed by its articles of association or otherwise have the Tender Application Form executed in accordance with section 127 of the *Corporations Act 2001 (Cth)*.

A corporation must forward with its tender a copy of its certificate of incorporation.

¹ The **location of take** for a water licence is the property description from which water is taken i.e. lot on plan. The location may also be described as adjacent to a lot on plan.

² **Your bid price** is the price per megalitre (ML) of water you tender for the particular water product.

Attorneys signing for an applicant must provide a certified copy of the power of attorney with the tender.

Tender Application Form requirements: You must complete all information fields in the Tender Application Form including catchment area, subcatchment and reach (where applicable), minimum and maximum volume tendered for, water product, water type and bid price.

Evaluation Criteria: Statements addressing the Evaluation Criteria must be included in your tender.

Non-conforming tenders

Failure to meet all of the above requirements means your tender is non-conforming.

DNRM may, depending on the extent and nature of the non-conformance, decide not to assess your tender, request further information or require you to submit an amended tender.

9. Lodgement of tenders

Email address for submitting your tender: Submit your tender by email to Gulfwatertender@dnrm.qld.gov.au.

Postal address for submitting your tender: Submit your tender by post to:

Private and Confidential
Gulf Water Tender
Chief Executive
Attention: Patrick Huber
Department of Natural Resources and Mines
PO Box 156
Mareeba QLD 4880

Amending a tender: If you wish to make changes to your tender you must notify DNRM in writing (by emailing Gulfwatertender@dnrm.qld.gov.au) before 5 pm on 29 January 2016. You must state the grounds for your requested amendments. If DNRM approves your request you will be notified by email.

DNRM may require you to resubmit your tender as an '**Amended tender**', in which case you must write the words 'Amended tender' and resubmit a Tender Application Form. You must resubmit your amended Tender Application Form in writing by either email to Gulfwatertender@dnrm.qld.gov.au or registered post on or before the due date advised by DNRM.

Withdrawing a tender: You may withdraw your tender by notifying DNRM in writing (by emailing Gulfwatertender@dnrm.qld.gov.au). Upon receipt of your notification by DNRM your tender will cease.

10. Assessment of tenders

Bid price ranking: Each conforming tender (see section 8) for a particular water product will be ranked in order of bid price.

Evaluation Criteria: Tenders for a particular water product will be assessed against the Evaluation Criteria³ in order of bid price ranking.

Tenders with the same bid price: Where there are two or more conforming tenders for a particular water product with an equal bid price DNRM may ask these tenderers to submit a revised bid price.

Volume availability: Tenders for a particular water product will be assessed in order of bid price ranking and conformance with Evaluation Criteria until the available water in the relevant sub catchment, reach or product type is exhausted. At this point, no further tenders for that water will be assessed.

Request for further information: DNRM may seek further information from you that is required in order to assess your Tender. DNRM will request further information in writing and will specify a time by which you must submit the information in writing by either to Gulfwatertender@dnrm.qld.gov.au or registered post.

Assessment notification:

- Where your tender is successful DNRM will notify you in writing via email with an offer of a volume of water;
- Where your tender is not successful DNRM will notify you in writing via email after offers have been completed.

11. Offer of a volume of water

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

- include the volume of water in ML /annum being offered;
- enclose a draft licence for one or more of the water types specified in Section 3 and include the conditions of licence that will apply if you accept the offer;
- enclose an Acceptance Form for you to complete and return if you accept the volume and licence as offered; and
- stipulate the purchase price (and deposit) you must pay by the due date to accept the licence.

12. Licence conditions

The draft licence **enclosed** with the letter of offer will include **the conditions of licence** that apply to your tender.

Under the Water Act, a licence is subject to the conditions the chief executive may impose, which may include (without limitation) requiring the licensee to:

- take the water authorised to be taken under the licence;
- commence taking or interfering with water authorised under the licence within a stated time;
- develop infrastructure and other works for the activities under the licence in accordance with specified timeframes; and

³ The evaluation criteria in Schedule 4 are a result of section 30(2) of the *Water Resource (Gulf) Plan 2007*.

- carry out and report on a stated monitoring program.

An offer of licence may include the purpose of water take, maximum rate, daily volumetric limit, nominal entitlement, and flow conditions. **Overland flow water conditions** may provide for maximum stored volume, annual volumetric limit flow, and storage and take restrictions from catchments supplying overland flow water.

All licences **will** include conditions that protect existing water rights and the Gulf's environmental, cultural, tourism and fisheries value.

Flow threshold conditions: A licence to take water from a watercourse will include conditions that permit taking water above a threshold and prohibit water being taken below a certain flow threshold. There may also be other conditions to ensure compliance with WRP objectives and alignment with outcomes.

Flow conditions relating to water licences granted will be consistent with the water product specification details from the general reserve for the catchment, subcatchment or reach mentioned in Section 3 of the Terms of Sale.

Sample (indicative) licence (Schedule 1): The sample licences in Schedule 1 provide an indication of the conditions that may be included, which is not intended to be exhaustive.

13. 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;
- **pay a non-refundable deposit** equal to eight (8) per cent of the **purchase price** within **10 business days** from the date stated in the letter of offer; **and**
- pay the **balance of the purchase price** within **20 business days** from the date stated in the letter of offer.

Purchase price: means the bid price per megalitre multiplied by the volume in megalitres 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 Tender Application Form.

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

Cancellation of licence: For a licence attaching to land that does not adjoin a watercourse or spring, you must within 40 business days after receiving the licence, register the relevant instrument of lease or easement at the Titles Office under the *Land Title Act 1994* (see sections 64 and 65 of the Land Title Act). Failure to do so within the prescribed time may result in cancellation of your licence.

14. General terms of sale

Changes to the process: If the tender process is cancelled, or the date for submissions is extended, or some or all of the total volume of water or water products available under this process is withdrawn, DNRM must only do so prior to the Closing Date for tenders and provide a public notice stating the changes being made to the process.

Disclaimer / no warranties: DNRM makes no warranty about the quality or availability of water which may be obtained by you as a result of this tender process. You accept the risk as to quality and quantity of water that may be made available to you. DNRM accepts no legal responsibility for your loss or damage from DNRM or your actions and decisions under this process.

Release and Indemnity: By planning, making enquiries in relation to or submitting a tender, all tenderers agree to unconditionally:

- (a) release; and
- (b) 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 tender 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 tender process.

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

Costs and expenses: You must meet all costs incurred in participating in this process, planning and making your tender and any associated approvals, consents, notifications or agreements.

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

Inspection of Terms of Sale – These Terms of Sale are made available on the department's website and for inspection at DNRM head office at 61 Mary Street Brisbane and DNRM regional office at 28 Peters St, Mareeba.

Process updates: DNRM may publish further information regarding updates to the tender process at www.dnrm.qld.gov.au/gulfwrp.

Public information: DNRM may make publicly available information about the number of tenders received, and the volume awarded to each successful tenderer after the completion of the tender process. DNRM may also release the names of successful tenderers but only if the tenderer agrees to the release of this information.

Right to Information: Information contained in a tender may be subject to third party disclosure under the *Right to Information Act 2009*.

Tender confidentiality: You must not publicise your tender or proposed tender prior to, during or following the completion of the tender process. You may only disclose (or otherwise as required by law) tender information to your independent advisers for the purposes of your tender.

No collusion: You must not collude, offer an incentive, attempt to influence or engage in anti-competitive conduct or otherwise attempt to influence, any person who is involved in the tender assessment or any other aspect of the tender process.

Personal information consent: By signing the Tender Application Form you permit DNRM to access or use your personal information in your tender submission, for the purpose of this tender 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.

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 tenderers by publication on the department's website. Without limitation, DNRM may:

- (a) add or change terms or requirements;
- (b) amend dates including extending the Closing Date or time;
- (c) consider or reject a tender received after the Closing Date or time;
- (d) accept non-conforming tenders, alternative or innovative tenders in part or multiple tenders;
- (e) reject any or all tenders;
- (f) amend the Evaluation Criteria stipulated in these Terms of Sale;
- (g) exercise discretion in evaluating any subjective Evaluation Criteria;
- (h) negotiate with one or more tenderers and allow any tenderer to vary its tender;
- (i) interview, negotiate or hold discussions with any tenderer or prospective tenderer on any matter contained (or proposed to be contained) in a tender to the exclusion of others;
- (j) request some or all tenderers to provide references and additional information, or make themselves available for panel interviews;
- (k) change the terms and conditions applicable to the tender and licensing process, including the terms of any proposed water licence; or
- (l) cancel the tender process.

A tenderer 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 tender process.

15. Definitions

Application means your application for a water product made by submitting a Tender Application Form with your supporting information addressing the Evaluation Criteria.

Tender checklist means the checklist in Schedule 4.

Evaluation Criteria means the criteria in Schedule 2.

Minimum price means the minimum price per ML as provided in these Terms of Sale.

Minimum maximum volume range means the volume range being tendered for expressed in whole numbers. For example, a tenderer may want to tender for 300ML of water but would be willing to accept an offer of a lesser volume provided it is more than 100ML. In this case the tender would specify a minimum maximum volume range of 100ML to 300ML.

Sample licence means the licence in Schedule 1.

Terms of Sale means this document inclusive of Schedules 1–5.

Tender Application Form means the form in Schedule 3.

Water product means a volume of water available in each of the subcatchments and reaches, and associated pumping rules, as described in section 3 of these Terms of Sale.

Water type means any one of the three (3) water types listed on section 3 of these Terms of Sale.

16.DNRM contact details

Attention: Shannon Dempster

Water Planning Manager

Water Services, North Region

Department of Natural Resources and Mines

Phone: 1800 697805

Email: Gulfwatertender@dnrm.qld.gov.au

17.Links

Water Resource (Gulf) Plan 2007 <https://www.legislation.qld.gov.au/OQPChome.htm>

Gulf Resource Operations Plan 2010 <https://www.dnrm.qld.gov.au/water/catchments-planning/catchments/gulf>

Salinity Management: Search for 'soils and land resources' & 'managing salinity' at www.dnrm.qld.gov.au

Cultural heritage duty of care - www.datsima.qld.gov.au

Waterway barriers and fish movement: www.daff.qld.gov.au

Referable dams and failure impact assessments: Search for 'dam safety' at www.dnrm.qld.gov.au

Schedule 1—Sample water licences

Product 1

Watercourse water only - Reach 1

WATER LICENCE

Water Act 2000

Reference	606777	Expiry Date	30/06/2111
Licensee	JOHN SMITH		
Authorised Activity	The taking of watercourse water from the Flinders River with the point of take on or adjacent to Lot 1 on RP11111.		
Authorised Purpose	Rural		
Description of Land	Attached to the land described as Lot 1 on RP11111.		
Nominal Entitlement	10 000 Megalitres		
Maximum Instantaneous Extraction Rate	13 888 Litres per Second		

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

Under the *Sustainable Planning Act 2009* 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 Mareeba this SIXTH day of JULY 2015.

DG Name Here

Director-General

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 Flinders River at GS915008A at Richmond exceeds 1500 megalitres per day.

2.69

The daily volumetric limit that may be taken under this licence is 1200 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. 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.

Sample only

Product 2

Watercourse water and overland flow under one licence—Reach 2

WATER LICENCE

Water Act 2000

Reference	606786	Expiry Date	30/06/2111
Licensee	WENDY BROWN		
Authorised Activity	The taking of watercourse water from the Flinders River with the point of take on or adjacent to Lot 2 on RP22222. This water licence also authorises the taking of overland flow water taken on land described as Lot 2 on RP22222.		
Authorised Purpose	Rural		
Description of Land	Attached to the land described as Lot 2 on RP22222.		
Nominal Entitlement	10 000 Megalitres		
Maximum Instantaneous Extraction Rate	16 203 Litres per Second		

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

Under the *Sustainable Planning Act 2009* 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 Mareeba this SIXTH day of JULY 2015.

DG Name Here

Director-General

Department of Natural Resources and Mines

Sample only

Water Licence: 606786
Expiry Date: 30/06/2111

Conditions: Schedule A

2.47

The taking of water is only authorised when the flow of water in the Flinders River at GS915012A at Etta Plains exceeds 10 000 megalitres per day.

2.69

The daily volumetric limit that may be taken under this licence is 1400 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. Water taken from the Flinders River under this authorisation may be held conjunctively in the associated storage with overland flow water taken under this authority.
2. The licensee must install and maintain works to control the volume of overland flow water taken under this authority.
3. Despite condition 2.47, each time the 10 000 ML per day threshold is reached 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 flows fall below 10 000 ML per day.
4. 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.

Sample only



Product 2

For taking overland flow water only

WATER LICENCE

Water Act 2000

Reference	606791	Expiry Date	30/06/2111
Licensee	JOHN BROWN & WENDY BROWN		
Authorised Activity	The taking of overland flow water from the Flinders River catchment on land described as Lot 3 on RP33333.		
Authorised Purpose	Rural		
Description of Land	Attached to the land described as Lot 3 on RP33333.		
Nominal Entitlement	20 000 Megalitres		

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

Under the *Sustainable Planning Act 2009* 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 Mareeba this SIXTH day of JULY 2015.

DG Name Here

Director-General

Department of Natural Resources and Mines

Sample only



Water Licence: 606791
Expiry Date: 30/06/2111

Conditions: Schedule A

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. Water taken under the authority of this licence must only be stored on the land described as Lot 3 on RP33333 using works with a maximum stored volume of no more than 20 000 megalitres.
2. 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.

Sample only

Schedule 2—Evaluation Criteria

Criteria	Head of power	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.



<p>The availability of an alternative water supply for the purpose for which the water is required</p>	<p>Gulf WRP Section 30(1)(d)</p>	<p>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).</p>	<p>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>
<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. 	<p>Gulf WRP Section 23</p>	<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>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>
<p>An intention to use water, including:</p> <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 	<p>Gulf WRP Section 30(1)(b).</p>	<p>This ensures that anyone who submits a tender 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>	<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 • Identify the tenure type of land relating to the proposed development • the proposed timeframe for development.



<p>change in the tenure type or purpose that would allow the land to be irrigated</p> <ul style="list-style-type: none"> • 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 			<ul style="list-style-type: none"> • A topographic map showing location of proposed overland flow storage and catchment area.
<p>The effects on indigenous cultural values or benefits to the social and economic wellbeing of local indigenous communities.</p>	<p>Gulf ROP section 35</p>	<p>There is an opportunity for tenderers to identify whether there are any benefits of the proposal for indigenous communities in the area.</p>	<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 Vegetation Management Act 1999 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. • Ecological assets and 	<p>Gulf ROP section 31</p>	<p>These requirements are intended to reduce the likelihood of degradation occurring to land or water resources or that sensitive sites will be protected.</p>	<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 Vegetation Management Act 1999 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> • ecological assets and high value environmental features



<p>high value environmental features will not be adversely affected under the proposed development.</p> <ul style="list-style-type: none"> • The topography, including the slope of the land, is suitable for irrigation • Known cultural heritage sites will not be adversely effected 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"> • 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/) • <u>Queensland Heritage Register</u> (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>
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Explanatory Notes - Addressing Evaluation Criteria

- 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 its 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 tender to demonstrate your intention to use the water.

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* - 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.