

## 6.5. TERMS OF GRANT - RELEASE OF UNALLOCATED WATER FROM STRATEGIC RESERVE & WATER SECURITY PROGRAM

**REPORT AUTHOR** Janice Wilson, Managing Director & Principal Engineer,  
Double Black Diamond Solutions

**MANAGER** Claudia Brassard

**DEPARTMENT** Water and Wastewater

### RECOMMENDATION

**That Council:**

1. **Endorses the application for strategic unallocated water for State purposes as prescribed under the Water Plan (Wet Tropics) 2013 (Wet Tropics Water Plan);**
2. **Delegates authority to the Chief Executive Officer under Section 257 of the *Local Government Act 2009* to administer all matters in relation to the above, to seek the water licence in accordance with the Terms of Grant and declare the information and attachments contained in the application to be true and correct as required in Schedule 2 of the draft Terms of Grant.**

### EXECUTIVE SUMMARY

The Department of Regional Development, Manufacturing and Water (DRDMW) invites Douglas Shire Council (DSC) to lodge an application for 2,000 ML (per annum) of strategic unallocated water from the Mossman Catchment to provide an alternate source of water to feed the Mossman River Intake. This critical project establishes a more reliable and resilient water source in response to the impact of Tropical Cyclone Jasper and is in alignment with the Water Supply Security Strategy and Implementation Plan. A Council Resolution is required to support the application for this strategic unallocated water.

### BACKGROUND

The Department of Regional Development, Manufacturing and Water (DRDMW) invites Douglas Shire Council (DSC) to lodge an application for strategic unallocated water for State purposes as prescribed under the Water Plan (Wet Tropics) 2013 (Wet Tropics Water Plan). The unallocated water is being released from the Mossman Catchment, principally to provide an alternate source of water for all towns and communities serviced by the Mossman distribution system and, to supplement the supply for the Whyanbeel distribution system.

The total volume of strategic unallocated water from the Mossman catchment is 2,000 ML per annum at a price of \$0 (zero) per megalitre (ML). The water allocation within this catchment is the source water for the Mossman River Intake, a critical project to establish a more reliable and resilient water source in response to the impact of Tropical Cyclone Jasper. This project forms part of the Water Supply Security Strategy & Implementation Plan. The water licence is on the critical path for the Mossman River Intake. Without this, the alternative intake project cannot proceed as the Council does not have authority to take this water for the town water supply. Council previously endorsed the grant funding application for the Mossman River Intake on 9 April 2024 (refer Appendix A).

The draft Terms of Grant outline the process for an application (and supporting information) to be made and assessed under the *Water Act 2000* (the Water Act). A Council Resolution is required to support the application for this strategic unallocated water.

A letter from Council to the Department of Regional Development, Manufacturing and Water (DRDMW) dated 23 October 2023 requested an application (refer Appendix B) and the draft Terms of Grant (Appendix C) from the DRDMW were issued to Council on 16 February 2024. The Council has until 17 February 2025 to apply for this water licence.

## COMMENTS

The Key Terms of Grant (refer Appendix C) include the following:

1. A water licence will only be granted from unallocated water reserves if the application is consistent with the Wet Tropics Water Plan outcomes and objectives.
2. Any licence granted under this process may state any, or all of the following:
  - a. the water taken under the authority of this water licence can only be used for the purpose of town water supply;
  - b. the requirement for a measuring device (with telemetry capabilities) approved by the chief executive to be installed and to measure the volume of water taken;
  - c. the licence cannot be converted to a water allocation nor can it be traded or transferred to another person or entity;
  - d. the licensee must undertake and report on a stated monitoring program.

Council has undertaken pre-lodgement meetings with the DRDMW on 22 February 2024 and informally in the following months since to discuss specific requirements for addressing evaluation criteria.

Council has sought independent advice from subject matter experts regarding flow-related ecology, catchment modelling, cultural heritage and Traditional Owner engagement. Tourism-related stakeholders have been engaged with and the Tourism Port Douglas Daintree (TPDD) have issued a letter of support for the project (refer Appendix D).

Additionally, under section 68 of the Environment Protection and Biodiversity Conservation Act 1999 (EPBC Act), the project is not a controlled action. This means that the proposed action does not require further assessment and approval under the EPBC Act before it can proceed.

The assessment criteria for the Terms of Grant are listed in Schedule 3 (refer Appendix C).

## PROPOSAL

That Council:

1. Endorses the application for strategic unallocated water for State purposes as prescribed under the Water Plan (Wet Tropics) 2013 (Wet Tropics Water Plan);
2. Delegates authority to the Chief Executive Officer under Section 257 of the Local Government Act 2009 to administer all matters in relation to the above, to seek the water licence in accordance with the Terms of Grant and declare the information and

attachments contained in the application to be true and correct as required in Schedule 2 of the draft Terms of Grant.

## FINANCIAL/RESOURCE IMPLICATIONS

Nil.

## RISK MANAGEMENT IMPLICATIONS

Risks associated with not endorsing this report include a reduced level of service for the water supply for the community and possible long term water restrictions. The water licence is on the critical path for the Mossman River Intake project and any delays to the application could impact delays to the project delivery.

## SUSTAINABILITY IMPLICATIONS

**Economic:** The Mossman Water Intake project is a significant investment in Water Infrastructure, necessary to facilitate water source that supports future growth and disaster resilience in the Shire.

**Environmental:** The Mossman Water Intake project will facilitate water security for Douglas Shire. The project will comply with environmental and industry standards. Assessments as per the draft Terms of Grant were undertaken in accordance with Water Plan (Wet Tropics) 2013 (Wet Tropics Water Plan).

**Social:** Safe secure water supply is integral to community and businesses.

## CORPORATE/OPERATIONAL PLAN, POLICY REFERENCE

This report has been prepared in accordance with the following:

### Corporate Plan 2019-2024 Initiatives:

#### Theme 2 - Fostering Sustainable Economic Growth

A robust economy is at the heart of a thriving community and enables investment in environmental protection. While our remoteness is a key attribute, it also presents challenges for attracting new business and investment. We must also meet the challenges of fierce competition in the tourism sector. Council will partner with industry to build, diversify and promote the Douglas economy. Council will design and deliver infrastructure, strategies and services that support the local economy and businesses.

**Goal 1 - We will build appropriate infrastructure and deliver services that connect and support businesses.**

#### Theme 3 - Leading Environmental Stewardship

Our visitors and residents deeply value the unparalleled environment in which we live. We recognise our responsibility in protecting and preserving our natural world for generations to come. We understand the strong link between the environment and the economy: they are interdependent. Douglas Shire will be at the forefront of environmental protection by developing strategies, setting policies, and working with all stakeholders to become the envy of and to inspire locations across Australia and the World.

**Goal 1** - *We will protect our sensitive environment and plan for the impact of climate change.*

**Goal 3** - *We will continue to build water infrastructure so that the Douglas Shire may enjoy water security and water quality.*

### **Operational Plan 2023-2024 Actions:**

Legislative requirement.

Mossman River intake - Part of the Douglas Shire water security strategy. Progress the intake as a matter of urgency to avoid Rex Creek water licence exceedance by 2025/26.

### **COUNCIL'S ROLE**

Council can play a number of different roles in certain circumstances and it is important to be clear about which role is appropriate for a specific purpose or circumstance. The implementation of actions will be a collective effort and Council's involvement will vary from information only through to full responsibility for delivery.

The following areas outline where Council has a clear responsibility to act:

<b>Builder/Owner</b>	Council makes a significant investment every year in the infrastructure that underpins the Shire through its capital works program. Council will manage its assets with appropriate frameworks and deliver its projects through robust project management.
<b>Regulator</b>	Council has a number of statutory obligations detailed in numerous regulations and legislative Acts. Council also makes local laws to ensure that the Shire is well governed. In fulfilling its role as regulator, Council will utilise an outcomes based approach that balances the needs of the community with social and natural justice.

### **CONSULTATION**

**Internal:** Water and Wastewater Team, Infrastructure Team, Planning Team, Procurement Team, Community Development Team.

**External:** Refer Appendix D (Letter of Support from Tourism of Port Douglas and Daintree), Appendix E (Stakeholder Engagement Report), Appendix F (Stakeholder Engagement Report Addendum) and Appendix G (Cultural Heritage Report)

Department of Regional Development, Manufacturing and Water

Australian Government Department of Climate Change, Energy, the Environment and Water (administrator for the EPBC Act and successful application)

National Water Grid Authority (Australian Government Department of Climate Change, Energy, the Environment and Water)

## **COMMUNITY ENGAGEMENT**

Utilising the IAP2 Spectrum, Council engaged with the community via fact sheets, websites, information sessions about the Mossman River Intake project about the project details, why it is needed and to inform of any impacts (if any) are expected during construction and operation. Engagement session occurred with the broader community and Traditional Owners.

It is noted that engagement with stakeholders is a requirement of the draft Terms of Grant when applying for a water licence. Additional information about this community engagement are available in Appendix D through Appendix G.

## **ATTACHMENTS**

1. Appendix C - draft Terms of Grant TWS Mossman for DSC [**6.5.1** - 19 pages]





# Terms of Grant

Release of unallocated water from Strategic Reserve under the  
Water Plan (Wet Tropics) 2013 – Town water supply for Douglas  
Shire Council

**Version DRAFT 16 February 2024**

### Acknowledgement of Traditional Owners

We respectfully acknowledge the Aboriginal and Torres Strait Islander peoples as the Traditional Owners and Custodians of this Country – the lands and seas on which we meet, live, learn, work and play. We acknowledge those of the past, the Ancestors whose strength has nurtured this land and its people, and we recognise their connection to land, sea and community. We pay our respects to them, their culture and to their Elders past and present.

This publication has been compiled by Unallocated Water and Water Projects, North Region, Department of Regional Development, Manufacturing and Water.

© State of Queensland, 2024

The Queensland Government supports and encourages the dissemination and exchange of its information. The copyright in this publication is licensed under a Creative Commons Attribution 4.0 International (CC BY 4.0) licence.



Under this licence you are free, without having to seek our permission, to use this publication in accordance with the licence terms. You must keep intact the copyright notice and attribute the State of Queensland as the source of the publication.

Note: Some content in this publication may have different licence terms as indicated.

For more information on this licence, visit <https://creativecommons.org/licenses/by/4.0/>.

The information contained herein is subject to change without notice. The Queensland Government shall not be liable for technical or other errors or omissions contained herein. The reader/user accepts all risks and responsibility for losses, damages, costs and other consequences resulting directly or indirectly from using this information.

### Interpreter statement:

The Queensland Government is committed to providing accessible services to Queenslanders from all culturally and linguistically diverse backgrounds. If you have difficulty in understanding this document, you can contact us within Australia on 13QGOV (13 74 68) and we will arrange an interpreter to effectively communicate the report to you.



# Contents

<b>1. Application for strategic reserve unallocated water</b>	<b>2</b>
<b>2. Eligibility and restrictions</b>	<b>2</b>
<b>3. Water availability, type and product specification</b>	<b>2</b>
<b>4. Price</b>	<b>2</b>
<b>5. Water Licence</b>	<b>2</b>
<b>6. Planning an application</b>	<b>3</b>
<b>7. Completing an application</b>	<b>3</b>
<b>8. Lodgement of an application</b>	<b>4</b>
<b>9. Assessment</b>	<b>4</b>
<b>10. DRDMW contact details</b>	<b>5</b>
<b>11. Notification of offer or rejection</b>	<b>5</b>
<b>12. Acceptance of offer</b>	<b>5</b>
<b>13. Grant of a water licence</b>	<b>5</b>
<b>14. General Terms of Grant</b>	<b>5</b>
<b>15. Definitions</b>	<b>7</b>
<b>Schedule 1 - Sample water licence</b>	<b>8</b>
<b>Schedule 2 – Application form</b>	<b>10</b>
<b>Schedule 3 - Evaluation criteria—to be addressed in an application</b>	<b>13</b>

## Tables

<b>Table 1 – Total volume of strategic reserve in Mossman catchment in Wet Tropics Water Plan</b>	<b>2</b>
---	----------



# 1. Application for strategic reserve unallocated water

The Department of Regional Development, Manufacturing and Water (DRDMW) invites Douglas Shire Council (DSC) to lodge an application for strategic unallocated water for State purposes as prescribed under the Water Plan (Wet Tropics) 2013 (Wet Tropics Water Plan). This document (Terms of Grant) outlines the process for an application (and supporting information) to be made and assessed under the *Water Act 2000* (the Water Act). The unallocated water is being released from the Mossman Catchment, principally to provide an alternate source of water for all towns and communities serviced by the Mossman distribution system and to supplement the supply for the Whyanbeel distribution system.

## 2. Eligibility and restrictions

DSC is eligible to make an application for a water licence against this Terms of Grant for town water supply. No other person or entity is eligible.

DSC, as a local government, is a prescribed entity under the Water Act and is eligible to hold a water licence under the Water Act.

DSC must submit evidence of a council resolution to accept the Terms of Grant.

A water licence will only be granted from unallocated water reserves if the application is consistent with the Wet Tropics Water Plan outcomes and objectives.

## 3. Water availability, type and product specification

The volume of strategic reserve for state purposes that can be released in the Mossman catchment area is shown in Table 1.

Table 1 – Total volume of strategic reserve in Mossman Catchment in Wet Tropics Water Plan

Catchment	Total volume of strategic unallocated water for State purposes (ML)
Mossman	2000

## 4. Price

The price for unallocated water under this release is \$0 (zero) per ML.

## 5. Water Licence

Under section 54 of the Water Plan, a water licence to take water from a watercourse, lake or spring in the plan area must state the following elements:

- one of the following purposes for which the water may be taken under the licence – “rural” or “any”;

- the daily volumetric limit;
- the nominal entitlement;
- the conditions, if any, including requirements for flow conditions and conditions for storing water taken under the licence.

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

Any licence granted under this process may state any or all of the following:

- the water taken under the authority of this water licence can only be used for the purpose of town water supply;
- the requirement for a measuring device (with telemetry capabilities) approved by the chief executive to be installed and working to measure the volume of water taken;
- the licence cannot be converted to a water allocation nor can it be traded or transferred to another person or entity;
- the licensee must undertake and report on a stated monitoring program.

A sample licence that may be granted under this process can be found in Schedule 1.

## 6. Planning an application

**Independent advice:** DSC should consider obtaining independent advice for particular circumstances in planning and preparing an application, including advice on the presence and suitability of the water source from which water is proposed to be taken.

**Pre-lodgement information:** DRDMW acknowledges previous pre-lodgement meetings with DSC and correspondence including provision of information to demonstrate DSC's water requirements. It is strongly recommended that DSC or its agent request a pre-lodgement meeting to discuss specific requirements for addressing evaluation criteria if they require further clarity. A request for a pre-lodgement meeting should be made to the contact nominated in Section 9.

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

## 7. Completing an application

An application must conform to the following requirements before it will be assessed against the evaluation criteria.

**Application form:** The application form (Schedule 2) for accessing water identified in the Terms of Grant must be completed by DSC.

**Closing Date:** The closing date for making an application is 5pm on 17 February 2025. DSC may make an application at its convenience provided this process remains active. DRDMW must give DSC 30 business days notice if it decides to cancel the Terms of Grant rendering the water unavailable.

**Volume:** DSC must specify the minimum and maximum volume required. By stating a minimum and maximum volume range DSC is agreeing that, if its application is successful and it is offered a volume of water within the specified range, the volume would be acceptable to DSC. If a volume range is not applicable, please enter the required volume as both minimum and maximum volumes in the Application Form (Schedule 2).

**Location of water take:** DSC must nominate the location of take from the Mossman Catchment. The location is to be in longitudinal and latitudinal coordinates using the Geocentric Datum of Australia 2020 (GDA2020).

**Addressing the evaluation criteria:** DSC must address all of the evaluation criteria specified in Schedule 3, by providing sufficient supporting information in writing for all criteria.

**Signing formalities:** An authorised signatory of DSC must sign the completed application form.

**Non-conforming application:** Failure to meet all of the above requirements means an application is non-conforming. DRDMW will, depending on the extent and nature of the non-conformance, request further information or require a new application.

## 8. Lodgement of an application

An application will be accepted from DSC or its agent by emailing [UAW.North@rdmw.qld.gov.au](mailto:UAW.North@rdmw.qld.gov.au). The subject heading should state: **Douglas Shire Council Strategic Reserve Application**.

If files containing supporting information are too large to attach via email, please request an alternative application method by emailing the same email address.

**Withdrawing an application:** DSC may withdraw its application by notifying DRDMW in writing, providing an indication of whether interest in water under this Terms of Grant remains, whether it intends to make a future application for the water, and the approximate timing of any future application. Upon receipt of withdrawal notification, DRDMW may decide to leave the process open to allow for a new application to be made by DSC at a later date or close the process and withdraw the Terms of Grant.

**Amending an application:** Until the finalisation of DRDMW's assessment of the application under section 10 of this Terms of Grant, DSC may amend its application by contacting DRDMW (via email [UAW.North@rdmw.qld.gov.au](mailto:UAW.North@rdmw.qld.gov.au)) and must state the grounds for the requested amendment/s. DRDMW will consider the changes and notify DSC of its decision whether or not to accept the amendment/s to the application.

## 9. Assessment

**Receipt of application:** DRDMW will acknowledge receipt of application and provide conformance advice to DSC within 15 business days from the date the application is received.

**Failure to provide sufficient information or non-conforming application:** DRDMW may request additional information before determining eligibility or completing the assessment. If additional information formally requested by the chief executive's delegate is not provided, the application will be deemed non-conforming.

**Supplying additional information:** DSC may request a meeting with DRDMW to discuss additional information requirements to address deficiencies. Additional information may be submitted as an addendum to the original application. DRDMW reserves the right to limit the number of times DSC may be able to submit additional information to the original application, before rejecting the application.

**Evaluation:** The application with supporting information will be assessed by DRDMW in accordance with this Terms of Grant, including assessment against the criteria in Schedule 3. The time period for assessment will depend on the extent and complexity of issues and any requirement for one or more additional information requests.

## 10. DRDMW contact details

If DSC or its agent is wishing to seek advice about its obligations and application requirements, please contact the department:

**Attention:** Sandra Grinter

**Phone:** 1800 822 100

**Email:** [UAW.North@rdmw.qld.gov.au](mailto:UAW.North@rdmw.qld.gov.au)

## 11. Notification of offer or rejection

**Offer (successful applicant):** If the application is assessed as successful under this Terms of Grant, a water licence offer will be made in writing by email to DSC.

The Water Licence offer will include:

- a letter of offer stating the volume of water in megalitres per annum being offered
- a draft licence with conditions that will apply if DSC accepts the offer, and
- an acceptance form to complete and return if DSC accepts the licence as offered.

**Amending a water licence offer:** DRDMW may rescind and issue an amended water licence offer if an error is made in any of the documents that make up the contents of the water licence offer.

**Rejected application:** If, following assessment in accordance with section 9, the application is deemed to be non-conforming or unsuccessful under this Terms of Grant it will be rejected. Notification of rejection will be given in writing by email stating the reasons why an offer for a water licence has not been made.

**Decisions are final:** The decision to offer a water licence or to notify of rejection is final and not negotiable. If DSC is not satisfied with a decision, a new application may be made, provided the closing date for completing an application as detailed in section 7 of this Terms of Grant has not passed.

## 12. Acceptance of offer

To accept the offer of a licence DSC **must** complete and return the acceptance form to DRDMW by email to [UAW.North@rdmw.qld.gov.au](mailto:UAW.North@rdmw.qld.gov.au) by the due date stated in the letter of offer.

## 13. Grant of a water licence

Once DRDMW receives the acceptance form, a water licence consistent with the draft provided in the Water Licence offer will be granted. DRDMW will send the water licence via email to DSC.

## 14. General Terms of Grant

**Changes to the process:** If the process is cancelled, or the closing date is extended, or some or all of the total volume of water available under this process is withdrawn, DRDMW must advise DSC in writing (via email) stating the changes being made to the process.

**Release and indemnity:** By planning, making enquiries in relation to or making an application, DSC agree to unconditionally release and indemnify the State of Queensland, DRDMW, 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 the Terms of Grant and the release process, including (without limitation) any related publication or announcement. The State of Queensland, DRDMW, 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 the Terms of Grant or the release process.

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

**Documents:** It is recommended that DSC keep a copy of its application, additional and supporting information provided for its own records.

**Subject to offer of licence:** No rights of access to water will be deemed to have been granted until a water licence has been offered by DRDMW, and accepted by DSC in accordance with the Terms of Grant.

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

**Jurisdiction:** The Terms of Grant is governed by the laws and the courts of Queensland.

**Public information:** DRDMW may make publicly available information about the application received, and any volume granted to DSC.

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

**Personal information consent:** By lodging the application form DSC permit DRDMW to access or use information in its application for the purpose of this process.

**No fetter:** Nothing in the Terms of Grant 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, DRDMW, its officers, employees, agents or representatives.

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

**DRDMW discretion:** Other than as expressly provided for in this Terms of Grant, DRDMW reserves the right to make any changes to this Terms of Grant in its absolute discretion by notifying DSC in writing (email). Without limitation, DRDMW may:

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

## 15. Definitions

**Agent** is a person who is authorised to act on behalf of the applicant, including a consultant or employee, provided the applicant provides written advice nominating the agent to act on its behalf. The agent is not able to sign the application form, unless they have Power of Attorney over the applicant's affairs.

**Application** means making application against this Terms of Grant for acquiring a water licence; including the form and supporting information addressing the evaluation criteria.

**Application Form** means the form for making an application attached in Schedule 2.

**Closing date** means the date by which an application must be lodged with DRDMW.

**Evaluation criteria** means the criteria in Schedule 3.

**Nominal entitlement (NE)** means the volume of water authorised to be taken during a water year under a water licence. The total annual take must be less than or equal to the nominal entitlement (ML per water year) on the water licence.

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

**Terms of Grant** means this document inclusive of all schedules.

**Water product** means a volume of water available in the catchment area, as described in **Error! Reference source not found.** of these Terms of Grant.

**Watercourse** as defined in Schedule 4 of the *Water Act 2000*.

# Schedule 1 - Sample water licence

## WATER LICENCE *Water Act 2000*

<b>Reference</b>	654321	<b>Expiry Date</b>	30/06/2111
<b>Licensee</b>	JOHN SMITH		
<b>Authorised Activity</b>	The taking of water from Funnel Creek with the point of take on or adjacent to Lot 1 on RP111111.		
<b>Authorised Purpose</b>	Any		
<b>Nominal Entitlement</b>	XXXX Megalitres		

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

**Given at ### this .....day of .....2024.**

Chief Executive delegate  
**Department of Regional Development, Manufacturing and Water**

# SAMPLE ONLY



**Water Licence: 654321**  
**Expiry Date: 30/06/2111**

**Conditions: Schedule A**

2.69 - The daily volumetric limit that may be taken under this licence is X.X megalitres.

**Conditions: Schedule B**

SPEC01

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

SPEC02

In addition to SPEC01, the measuring device (s) must be capable of allowing remote reading of the device (telemetry capabilities).

SPEC03

The water taken under the authority of this water licence must only be used for the purpose of town water supply.

SPEC04

The water licence must not be permanently transferred or relocated.

SPEC05

The licensee must carry out and report on the following stated monitoring program:

- a) The licensee must provide all records of metered water use for the water year including times and dates of each reading
- b) The licensee must record at least one meter reading annually, taken within 3 days of the 30 June.
- c) The licensee must provide a report of the undertaken monitoring to the chief executive of the department administering this water licence within 30 business days after the end of each water year (30 June).
- d) The licensee must supply a meter reading if directed by the chief executive at any time.

*To Be Determined – one or more conditions to be included for a minimum flow requirement/passing flow/requirement not to cease flow.*

## Schedule 2 – Application form

### Application for unallocated water

#### Information Privacy Notice (Information Privacy Act 2009)

The information being collected in this form will be used by this department for the purpose of processing your application for strategic reserve unallocated water under the authority of Part 2 of the Water Regulation 2016. Your personal information will not be disclosed to any other parties unless authorised or required by law. The information collected will be retained as required by the *Public Records Act 2002* and may be stored in a departmental database. Information on the department's privacy commitment can be found on the department's website.

### Part A – Applicant details

#### Name(s)

Specify the names of the persons seeking unallocated water.

Corporation, trustee or entity name(s)

ACN (if a corporation)

--	--

#### Address

##### Street address

--	--	--

Suburb/Town

State

Postcode

--	--	--

##### Postal address

If your postal address is different from your street address provide the postal details below.

--	--	--

Suburb/Town

State

Postcode

--	--	--

#### Contact details for this application

Provide the full name of one person who will be the contact for this application.

--	--

Phone

Alternative phone

--	--

Email

--

## Part B - Volume of water

### Volume of water

Specify the minimum and maximum annual volume of water in megalitres you are seeking in whole numbers.

Minimum  megalitres                      Maximum  megalitres

## Part C – Source and location of water

### Source of Water

Provide the name of the watercourse, lake or spring from which water will be taken.

Describe the parcel/s of land on or adjoining the place from which the water is to be taken. If water is to be taken from a point within the bed and banks of a watercourse which cannot be properly described in terms of a lot and plan, enter the property description of the nearest adjacent land and tick the 'Adjacent to' (✓) box.

<b>Adjacent to (✓)</b>	<b>Lot</b>	<b>Plan</b>	<b>Adjacent to (✓)</b>	<b>Lot</b>	<b>Plan</b>
<input type="checkbox"/>	<input style="width: 100%;" type="text"/>	<input style="width: 100%;" type="text"/>	<input type="checkbox"/>	<input style="width: 100%;" type="text"/>	<input style="width: 100%;" type="text"/>

To take water from specific point(s) on the nominated land, provide the GPS latitude and longitude (GDA 2020) for the proposed location of take.

Latitude <input style="width: 30px;" type="text"/> <input style="width: 30px;" type="text"/> <input style="width: 30px;" type="text"/> S	Longitude <input style="width: 30px;" type="text"/> <input style="width: 30px;" type="text"/> <input style="width: 30px;" type="text"/> E
Latitude <input style="width: 30px;" type="text"/> <input style="width: 30px;" type="text"/> <input style="width: 30px;" type="text"/> S	Longitude <input style="width: 30px;" type="text"/> <input style="width: 30px;" type="text"/> <input style="width: 30px;" type="text"/> E

## Part D – Eligibility

Eligibility Criteria	DSC response
DSC to provide a resolution confirming the acceptance of the Terms of Grant.	

### Part E – Declaration

If more signature space is required, copy or print a blank copy of this page, complete and attach.

**I/we, the undersigned, declare that:**  
 being representatives of Douglas Shire Council, I/we do hereby seek a water licence in accordance with the Terms of Grant and declare that the information and attachments contained in this application are true and correct.

**Corporation**

Executed for and on behalf of (Corporation)

Organisation (Name)			
By (Name)		By (Name)	
Position		Position	
Signature		Signature	
Date		Date	
Witnessed by		Witnessed by	
Witness signature		Witness signature	
Date		Date	

## Schedule 3 - Evaluation criteria—to be addressed in an application

Criteria	Head of power	Key issues which the application needs to address	What the Department will assess
The availability of water in the plan area for its proposed purpose;	Wet Tropics Water management protocol Section 8(2)(a)	<p>The application must:</p> <ul style="list-style-type: none"> <li>• include a clear proposal including the volume of water required, its security, use and associated costs.</li> <li>• describe what the water is to be used for (e.g. town water supply);</li> <li>• provide a detailed description of the requirement for water including sources, respective volumes and associated costs of designing, constructing and maintenance of infrastructure;</li> <li>• provide supporting information confirming project demand (timing of take, and demand pattern);</li> <li>• provide an understanding of the demand for water, such as population growth projections, industrial and or commercial growth projections and water requirement projections; and,</li> <li>• include any planning studies that are relevant.</li> </ul>	DRDMW will consider whether the proposal and water use purpose is consistent with the Water Plan (Wet Tropics) 2013 and whether the volume is supported by demand information.
The efficiency of existing and proposed water use practices;	Wet Tropics Water management protocol Section 8(2)(b)	<p>The application must:</p> <ul style="list-style-type: none"> <li>• describe the efficiency of any existing water use by: <ul style="list-style-type: none"> <li>• describing how existing water supplies (if any) are used efficiently (e.g. water treatment processes, water demand management processes, water sources tailored to water users, application efficiencies, adoption of best practice guidelines)</li> <li>• identifying any water use efficiency measures that are already in place (e.g. minimise storage leakage/evaporation losses, recycled water initiatives, water conservation and restrictions, metering and monitoring of water usage).</li> </ul> </li> <li>• describe planned water use efficiency practices for the proposed water use activity.</li> <li>• identify the requirement for the requested nominal entitlement to meet the proposed water use activity.</li> <li>• identify a need for a specific (i.e. daily) rate of take to meet the proposed water use activity.</li> </ul>	DRDMW will assess whether the existing and proposed water use practices are efficient, whether water use is comparable to any industry standards and practices and systems are designed to minimise water losses and enable water savings.

Criteria	Head of power	Key issues which the application needs to address	What the Department will assess
The availability of an alternative water supply for the purpose for which the water is required; and	Wet Tropics Water management protocol Section 8(2)(c)	<p>The application must state whether alternative water sources are available to meet their water demands without the need for the unallocated water (e.g. sufficient entitlement is available to meet a proportion of demand).</p> <p>To address this criterion the application must describe whether there are alternative water supplies available and identify the opportunities to make use of those supplies (e.g. through the rules established under the Water Protocol for permanently transferring existing water licences).</p> <p>If other alternative supplies exist, the application should describe the reliability of those sources and how the water under this application is intended to be used in conjunction with the other water sources.</p>	DRDMW will assess the information provided to ensure other water sources have been investigated.
(d) the impact the proposed taking of, or interfering with, the water may have on— (i) existing authorised water users in the plan area;	Wet Tropics Water management protocol Section 8(2)(d)	The application must provide information that demonstrates, using the approved catchment model, all impacts on existing water entitlements.	DRDMW will assess the impact the taking of water may have on existing authorised water users in the plan area.
(ii) groundwater and surface water interactions;	Wet Tropics Water management protocol Section 8(2)(d)	The application to provide information, if available, from any studies carried out to determine any impacts to groundwater and surface water interactions.	DRDMW will assess the impact the taking of water may have on extent of the groundwater and surface water interactions
(iii) extent of the seawater intrusion front in coastal areas; and	Wet Tropics Water management protocol Section 8(2)(d)	The application to provide information, if available, from any studies carried out to determine any impacts to the extent of the seawater intrusion front in coastal areas.	DRDMW will assess the impact the taking of water may have on extent of any seawater intrusion front in coastal areas.
(iv) the receiving waters of the Great Barrier Reef and inshore reefs.	Wet Tropics Water management protocol Section 8(2)(d)	The application must provide information that demonstrates, using the approved catchment model, any impact to flow that may in turn impact the receiving waters of the Great Barrier Reef and inshore reefs.	DRDMW will assess the impact the taking of water may have on the receiving waters of the GBR and inshore reefs.

Criteria	Head of power	Key issues which the application needs to address	What the Department will assess
An economic outcome for water in the water plan is maintenance of flows that support water-related economic activities in the plan area, including, for example, tourism. .	Wet Tropics Water Plan Section 12(f)	The application must provide details of all stakeholder consultation on the proposed project including consultation with the tourism industry and especially businesses operating in the Mossman River near or downstream of the location where water will be taken.	DRDMW will consider any information provided in response to this criterion to assess the risk to maintenance of flows that support water-related economic activities in the plan area including tourism.
The potential impact the proposed taking of water may have on the ecological outcomes stated under section 14 of the Water Plan.	Wet Tropics Water Plan Section 14	<p>The application must provide a detailed description identifying;</p> <ul style="list-style-type: none"> <li>• the amount of flow in the anabranch (where the water will be taken from) throughout the year which may include information from any flow gauging program undertaken to determine reliability of supply;</li> <li>• the impact of the likely pattern of water use throughout the year (and particularly during low flow periods) on water levels and flow in the anabranch;</li> <li>• any potential impacts of water take on in-stream habitats and biota within the anabranch and downstream, considering the likely pattern of water use during low flow periods. Where impacts are identified, propose appropriate mitigation measures such as conditions for the licence including reducing daily volume, proposing a minimum flow requirement, passing flow and/or requirement not to cease flow.</li> </ul>	DRDMW will consider any information provided in response to this criterion to assess the risk to ecological outcomes under the Water Plan (Wet Tropics 2013) and to determine any necessary conditions need to mitigate potential impacts.

#### Explanatory notes—addressing evaluation criteria

- For town water supply, councils are requested to provide plans or policies that include but not limited to demand management plan, water conservation and restriction policies, water recycling plan and drinking water quality plans.
- A map outlining the various components of any proposed development and a timeframe for implementation must be included with an application. Where possible, applicants should also provide evidence of commitments to existing developments or expansions of an activity relating to the use of the water.
- Applicants 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.
- If the application references other reports or publications, an electronic copy of these documents (in pdf format) must be included in the application.



**Associated approvals in relation to application**

To enable the water to be granted and used for its intended purpose, applicants may also require other associated approvals. Some of these approvals will be required prior to making an application, while others can run parallel to this water release process or be applied for after a water licence has been granted. As a guide 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:
  - 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 104 of the *Water Act 2000*—evidence of the changes
  - c. if an agent is acting on behalf of an applicant—evidence of power of attorney, company documents etc.
- (ii) if required, satisfying these requirements can proceed in parallel with this process (DRDMW may advise that copies of applications with application documents may be sufficient to address evaluation criteria):
- (iii) after a water licence has been granted the following approval can be applied for:
  - development permits under the Planning Act required for works to take or interfere with water (not required if the water licence is appropriately conditioned and take of water through existing works).

Department of Regional Development,  
Manufacturing and Water  
GPO Box 2247, Brisbane, Queensland 4001  
13 QGOV (13 74 68)  
[info@rdmw.qld.gov.au](mailto:info@rdmw.qld.gov.au)  
[rdmw.qld.gov.au](http://rdmw.qld.gov.au)



**Queensland**  
Government