

# Lakeland Groundwater Management Area

## Seasonal water assignment rules

**WSS/2013/727**

**Version 1.05**

**05/04/2019**

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## Version History

Version	Date	Comments
1.00	3/09/2013	Draft for approval.
1.01	20/09/2013	Approved by Director General.
1.02	29/06/2016	Updated to new departmental template and updated metering section.
1.03	06/12/2016	Section references updated to be consistent with changes from the Water Reform and Other Legislation Amendment Act 2014.
1.04	18/06/2018	Updated references to the <i>Planning Act 2016</i> (which replaced <i>Sustainable Planning Act 2009</i> ). Update departmental name. Minor amendments.
1.05	05/04/2019	Updated departmental cover page. Minor amendments to include information about faulty meters.

## Approval

Position	Name	Date
Director, Operations Support (Water)	Ian Gordon	05/04/2019

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# 1 Overview

This document defines the seasonal water assignment rules for the Lakeland groundwater management area as prescribed in section 39 of the Water Regulation 2016 (Water Regulation).

Seasonal water assignment rules are the rules prescribed under the Water Regulation for a water licence not managed under a water management protocol. The seasonal water assignment rules describe the arrangements under which the access to water within a water management area is managed.

## 2 Purpose

The purpose of seasonal water assignment rules include:

- clearly articulating arrangements for access to water within a groundwater management area to entitlement holders
- allowing more equitable and sustainable management of water
- providing greater water security to water users
- providing increased opportunity for access to water.

## 3 Description of the groundwater management area

### 3.1 Geographical boundaries

The Lakeland groundwater management area is generally bounded by the McLean Basalt, from approximately Lily Creek in the west, to Butchers Hill in the east, up to the northern end of Hurse Road in the north, and down to The Brothers in the south, as identified in Attachment 1.

### 3.2 Sub-areas

The Lakeland groundwater management area is divided into two sub-areas for management purposes. The sub-areas are managed separately and are assessed independently for determining rules for seasonal water assignments. The sub-areas are described as follows:

- Sub-area 1—Lakeland Urban, encompassing the general town area of Lakeland
- Sub-area 2—Lakeland Rural, surrounding sub-area 1 and extending to the limits of the McLean Basalt within the groundwater management area.

The boundaries for sub-areas 1 and 2 do not necessarily align with property boundaries. If a bore is located within sub-area 1, the seasonal water assignment rules for sub-area 1 apply, regardless of whether the whole property falls within sub-area 1 or not. If a bore is located within sub-area 2, the seasonal water assignment rules for sub-area 2 apply, regardless of whether the whole property falls within sub-area 2 or not.

### 3.3 Water to which the seasonal water assignment rules apply

These seasonal water assignment rules apply to groundwater from the following aquifers contained within the geographical boundary of the Lakeland groundwater management area:

- McLean Basalt
- Hodgkinson Formation.

### **3.4 Plan of the groundwater management area**

A map has been prepared for the Lakeland groundwater management area which shows the extent of the management area. The map (reference CAS3049) is included as Attachment 1<sup>1</sup>.

### **3.5 Water year**

A 'water year' is the accounting period for taking water under the licence. The period may be prescribed under a regulation or stated on the licence.

The water year for the Lakeland groundwater management area is the 12 month period from 1 July to 30 June.

## **4 Nominal entitlement**

'Nominal entitlement' is the volume of water authorised to be taken during a water year, as specified on the water licence.

## **5 Seasonal water assignment**

Water entitlement holders or seasonal water assignment notice holders in the Lakeland groundwater management area may apply for a seasonal water assignment of their entitlement, subject to the seasonal water assignment rules.

'Seasonal water assignment' for a water licence, means the assignment by the holder of a seasonal water assignment notice or a water licence of the benefit under the notice or licence to another person. A seasonal water assignment applies to a water year and for all or part of the water that may be taken under the seasonal water assignment notice or water licence. The maximum that can be assigned by the assignor/seller is the unused portion of the nominal entitlement volume.

Entitlement holders in the Lakeland groundwater management area may make application for seasonal water assignment of their entitlement.

### **5.1 Applications**

An application for a seasonal water assignment may be made by the holder of a water licence or by the holder of a seasonal water assignment notice (assignor/seller) for the water year in which the application is made. The application must:

- be made using the approved form 'Application for a seasonal assignment of a water licence' form (W2F016)
- be supported by sufficient information to enable the chief executive to make a decision

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<sup>1</sup> The attached map is indicative only and is not the legally recognised map of the area under the provisions of the Water Regulation 2016. The area and the exact location of the boundaries of the water management area are held in digital electronic form by the department and may be inspected by the public at the department's Mareeba office.

- include the name and address of the proposed assignee/buyer—and if the proposed assignee/buyer holds a water licence for the Lakeland groundwater management area, include details of their water licence
- include the written consent of the proposed assignee/buyer
- be accompanied by the prescribed fee.

As a seasonal water assignment applies to the current water year only, an application for a seasonal water assignment cannot be made prior to the commencement of the water year for which it is required.

In deciding the application the chief executive must:

- if the application is in accordance with the seasonal assignment rules—approve the application, with or without conditions
- if the application is not in accordance with the seasonal assignment rules—refuse the application
- if the application is approved—as soon as practicable after approving an application give the assignee/buyer a seasonal water assignment notice, with or without conditions for the current water year.

## 5.2 Rules

Particular rules for seasonal water assignment that apply in the Lakeland groundwater management area are:

- a seasonal water assignment is only allowed where the assignee/buyer has approved works installed to take the seasonally assigned water
- a seasonal water assignment is only allowed where the assignor/seller and assignee/buyer both have meters (compliant with departmental meter specifications) installed on the relevant works
- a seasonal water assignment is only allowed:
  - within sub-area 2 (rural)
  - from sub-area 1 (urban) to sub-area 2 (rural)
  - from sub-area 2 (rural) to sub-area 1 (urban) if the purpose is for 'urban' or 'town water supply'
- a seasonal water assignment is not allowed:
  - within sub-area 1 (urban)
  - from sub-area 2 (rural) to sub-area 1 (urban) for purposes other than detailed above to protect town water supply
- the volume of water available to an assignor/seller to be seasonally assigned is the unused portion of the nominal entitlement volume
- the unused portion of a seasonal water assignment may also be seasonally assigned

- if the amount to be assigned is more than the amount available to be assigned, the assignment will be reduced to the volume that is available
- a seasonal water assignment may not be approved if the chief executive considers that the granting of the assignment will result in adverse impacts on the natural environment or other water users
- a seasonal water assignment will not be approved where works are within 400 metres of a spring or an existing water bore on a neighbouring property, or where works are within 200 metres of a property boundary, unless permission is obtained from the neighbour of that property boundary
- the chief executive will consider any past non-compliance of both the assignor/seller and assignee/buyer
- in instances where there is a history of non-compliance, the chief executive may decide to refuse the application for seasonal water assignment.

Approved works are operational works, as defined by the *Planning Act 2016* which are authorised by a development permit, under a self-assessable code or that are exempt development.

### 5.3 Approval

The seasonal water assignment has effect from the date of issue. The seasonal water assignment notice only applies for the remainder of the current water year in which the assignment takes place (i.e. the assignment will expire midnight on 30 June).

If the application for seasonal water assignment is approved, the assignor/seller cannot take the assigned water under the water licence from which it has been assigned. That is, the assignor/seller's nominal entitlement is reduced to account for the volume of water that has been the subject of seasonal water assignment and the assignee/buyer's nominal entitlement is increased by the volume stated in the notice.

Approval of a seasonal water assignment in one water year does not imply that a similar seasonal water assignment will be approved in subsequent years.

**Note:** Applications for seasonal water assignment cannot be made retrospectively to cover excess water use. Any unauthorised water use in excess of the nominal entitlement will result in compliance action being taken under the provisions of the *Water Act 2000* (the Water Act).

### 5.4 Conditions

The seasonal water assignment notice that is granted to the assignee/buyer will be subject to the conditions:

- to which the water licence (from which the water was assigned) is subject
- prescribed under a regulation
- that the chief executive decides to impose for the particular seasonal water assignment notice.

Provisions under the Water Act allow the take of water under a seasonal water assignment notice to be limited.



A seasonal water assignment notice does not attach to land. If the holder of a seasonal water assignment notice sells the land, the new owner of the same land does not automatically acquire the seasonal water assignment notice. However, the holder of a seasonal water assignment notice may apply to re-assign the unused part of the seasonally assigned water to the new owner (or to another land owner in the Lakeland groundwater management area, subject to the seasonal water assignment rules).

## 6 Meter readings

Entitlement holders are required to provide one meter reading to the department at the end of each water year for each approved water meter.

The entitlement holder is also required to provide meter readings—

- with any application for seasonal water assignment
- with any application for water licence transfer
- in the event of the sale of a property
- as requested by the department.

### 6.1 Faulty meters

Water entitlement holders are required to ensure that their meters are operational and report any faults to the department. If a water entitlement holder becomes aware that their meter is faulty, they must:

1. Notify the department in writing within 3 days.
2. Repair or replace the meter within 60 business days of notifying the department. Extensions of time will be considered on a case-by-case basis. Within this 60 day period, users can continue to take water, providing they manually record the water take using the 'water assessment report form'.
3. Once the meter has been repaired or replaced, a validation certificate (completed by an authorised meter validator) along with the completed water use assessment report form are to be submitted to the department.

A faulty meter, as defined in the Water Regulation, is a meter which has one of the following defects:

- cannot be read or cannot record the volume of water taken within acceptable tolerances
- leaks water or air that affects the flow of water through the meter
- does not have a tamper proof seal

### 6.2 Seasonal water assignments

The assignor/seller is required to supply meter readings with any application for a seasonal water assignment.

The process for the water entitlement holder to supply meter readings is detailed on the application form for seasonal water assignment of a water licence.

The assignee/buyer will be required to provide a meter reading under the seasonal water assignment notice, prior to taking water under the seasonal water assignment notice.

### 6.3 Quality check of readings

Meter readings supplied by the water entitlement holder are subject to a quality check to ensure that the supplied meter reading is accurate.

For example, the supplied meter reading must:

- be equal to or more than the previous reading
- correspond with the sequence of meter readings recorded for that meter by the department.

## 7 Responsibilities

### Water entitlement holders

- Must ensure that water is taken in accordance with the conditions of the water licence and is consistent with the water sharing rules
- May apply for a seasonal water assignment in accordance with the seasonal water assignment rules
- Must install, maintain, arrange validation and read water meters, consistent with the requirements outlined in the Water Regulation.

### Department

- Decides an application for a seasonal water assignment in accordance with the seasonal water assignment rules.

## 8 Contact

For enquiries relating to any aspect of water management within the Lakeland groundwater management area, please contact:

**Position:** Licensing Officer, Water Services

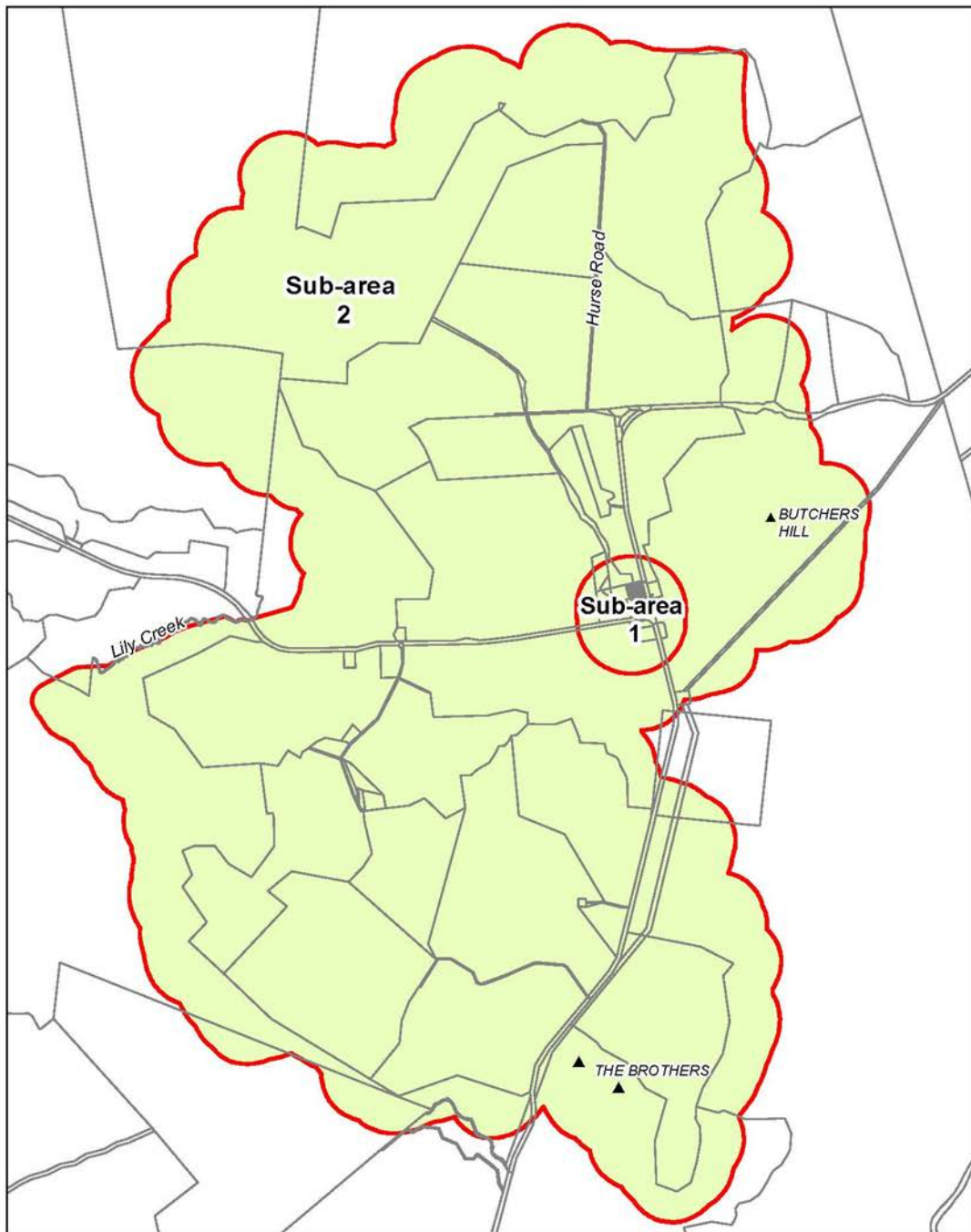
**Street Address:** Block A, 28 Peters Street, Mareeba QLD 4880

**Postal Address:** PO BOX 156, Mareeba QLD 4880

**Telephone:** (07) 4048 4850

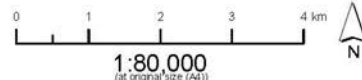
**Email:** [waterinfonorth@dnrme.qld.gov.au](mailto:waterinfonorth@dnrme.qld.gov.au)

# Attachment 1—Lakeland groundwater management area CAS3049



## Lakeland Groundwater Management Area

- Legend**
- Digital Cadastral Data Base (DCDB) Lot on Plan extracted July 2013
  - Lakeland Groundwater Management Area (GMA) including sub-areas



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Horizontal Datum: Geocentric Datum of Australia 1994 (GDA94)

Cadastral data provided with the permission of the Department of Natural Resources, Mines and Energy

Property boundaries shown on this map are provided as a locational aid only. DCDB boundaries do not represent legal cadastral boundaries.

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CAS3049

