

Toowoomba City Basalts Groundwater Management Area

Seasonal water assignment rules

WSS/2013/615

Version 2.01

18/06/2018

This publication has been compiled by Operations Support Water, Department of Natural Resource, Mines and Energy.

© State of Queensland, 2018

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.

Version History

Version	Date	Comments
1.0	29/04/2009	Final.
1.01	13/03/2012	Attach latest version of the water use assessment report form.
1.02	07/03/2014	Updated departmental references. Changed meter malfunction content. Changed policy ID number from WAM/2009/3740 to WSS/2013/615.
2.00	06/12/2016	Section references updated to be consistent with the changes from the Water Reform and Other Legislation Amendment Act 2014. Updated Departmental template.
2.01	18/06/2018	Updated references to the <i>Planning Act 2016</i> (which replaced <i>Sustainable Planning Act 2009</i>). Updated departmental references. Minor amendment.

Approval

Position	Name	Date
Director, Operations Support (Water)	Ian Gordon	18/06/2018

Table of contents

1	Overview.....	1
2	Purpose	1
3	Plan of the water management area	1
4	Water year	1
5	Nominal entitlement	1
6	Seasonal water assignment	2
6.1	Application	2
6.2	Rules	3
6.3	Approval	3
6.4	Conditions.....	4
7	Drilling a bore to access underground water	4
8	Meter readings	4
8.1	Licence holder supplied meter readings	4
9	Installation, maintenance and validation of meters.....	5
10	Contact details.....	5
	Attachment 1 – Toowoomba City Basalts groundwater management area.....	6

1 Overview

This policy defines the seasonal water assignment rules for the Toowoomba City Basalts groundwater management area as prescribed in section 39 of the Water Regulation 2016

Seasonal water assignment rules are prescribed under the Water Regulation for a water licence not managed under a water management protocol.

2 Purpose

The rules detailed below establish a framework for seasonal water assignments. These rules apply to the use of underground water within the groundwater management area.

Seasonal water assignment rules enable landholders to temporarily trade some or all of the available water on a seasonal basis while maintaining the overall level of extraction from the resource.

3 Plan of the water management area

The Toowoomba City Basalts groundwater management area is the former Toowoomba City Local Government Area. The map is included as Attachment 1¹.

The geographical boundaries of the groundwater management area is identified in the map in Attachment 1. This map details the groundwater management area and cadastral boundaries.

The exact location of the groundwater management area boundaries are held in digital electronic form by the Department of Natural Resources, Mines and Energy and may be inspected at the departments Toowoomba office.

4 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 Toowoomba City Basalts groundwater management area is the 12 month period from 1 July to 30 June.

5 Nominal entitlement

'Nominal entitlement' is the volume of water authorised to be taken during a water year under a water licence.

The nominal entitlement is specified on the water licence.

¹ The plan in Attachment 1 is indicative only. The exact location of the boundary of the water management area is held in digital electronic form by the department and may be inspected at the department's Toowoomba office.

6 Seasonal water assignment

The licensee of a water licence in the Toowoomba City Basalts groundwater management area may apply for a seasonal water assignment.

This product is intended for meeting additional short-term water needs. Under this water accounting arrangement, some or all of the annual entitlement available under a water licence or seasonal water assignment notice can be assigned to another person.

There is no limit to the number of assignments of unused water that can be made in any water year. Any unused part of the assigned water can be reassigned to a third party during the remainder of the water year.

Following the approval of the application, the volume assigned to the buyer is deducted from the seller's annual entitlement for the current water year.

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

6.1 Application

An application for a seasonal water assignment may be made by the licensee 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 'Application for seasonal assignment of a water licence' form (W2F016) available on the Business Queensland website
- be supported by sufficient information to enable the chief executive to make a decision
- include the name and address of the proposed assignee/buyer and 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 may not be made prior to the commencement of the water year.

In deciding the application the chief executive must:

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

6.2 Rules

The rules for seasonal water assignments that apply in the Toowoomba City Basalts groundwater management area include the following:

- Seasonal water assignment is allowed only to the holders of current licences to take subartesian water in the Toowoomba City Basalts groundwater management area.
- Water may not be assigned from licences with a stated purpose of 'urban' or 'town water supply'.
- An assignment may be approved only where it can be demonstrated to the satisfaction of the chief executive that the assignee has no other suitable water supply reasonably available and requires the water
 - for safety or hazard reduction purposes associated with the continued use of an existing amenity or facility or
 - to maintain a significant asset or
 - to maintain enterprise to avoid significant hardship, for example economic hardship.
- The licensee must submit a proposal identifying how the application for seasonal water assignment meets the above requirements.
- A seasonal water assignment is not allowed if the chief executive considers that the granting of the assignment will adversely affect other water users, including high priority town water supply, or the environment.

6.3 Approval

The seasonal water assignment has effect from the day the information notice is given to the applicant. The seasonal water assignment notice only applies for the remainder of the current water year in which the application for the assignment is made.

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. This means the assignor's/seller's annual entitlement is reduced to account for the volume of water that has been the subject of seasonal water assignment and the assignee's/buyer's annual entitlement is increased.

The seasonal water assignment notice has the effect of increasing the volume of water authorised to be taken under the assignee's/buyer's licence 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. Subsequent applications for seasonal water assignment, whether in the same or the following water years, will be considered on merit and according to the circumstances at the time the decision on the application is made.

Note: Seasonal water assignments will not be approved to retrospectively cover excess water use. Any excess use is an offence under the *Water Act 2000* (Water Act) and may result in prosecution.

6.4 Conditions

The seasonal water assignment notice that is given to the assignee/buyer is 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 on which assignment water is being used, the new owner of the 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 any other holder of a water licence in the Toowoomba City Basalts groundwater management area).

7 Drilling a bore to access underground water

The drilling of a new bore is required to meet the provisions under the *Planning Act 2016* and the current State Development Assessment Provisions (SDAP). The SDAP can be accessed at website, <https://planning.dsdmip.qld.gov.au/>. Under these provisions, a development permit may be required before a water bore can be drilled.

Water bores in Queensland must be constructed by a licensed water bore driller. The driller's licensing requirements under the Water Act ensure all water bore drillers are properly experienced to drill a water bore.

8 Meter readings

8.1 Licence holder supplied meter readings

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

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

9 Installation, maintenance and validation of meters

The volume of water taken in the groundwater management area is measured using an approved water meter. Water entitlement holders are required to manage the purchase, installation, maintenance and validation of their own water meter(s). The water meter can be purchased and installed by the entitlement holder or by a private company of the holder's choice.

A water validation certificate is required to be completed by an authorised meter validator and submitted to the department by the water entitlement holder. This certificate validates the meter is in accordance with the Queensland interim water meter standard for non-urban metering. The lodgement of this completed certificate verifies that the holder has a metered entitlement with an approved meter installed.

Approved meters are required to be revalidated by a validator in accordance with schedule 11 in the Water Regulation. The water entitlement holder must provide evidence of the revalidation to the department using the validation certificate once the repair/inspection is completed.

If a meter is non-operational, the licensee must complete a 'Water use assessment report' form (W2F095). This will account for water used during the time the meter was malfunctioning or being repaired.

Meter readings supplied by the assignor/seller are subject to an audit to ensure that the supplied meter reading is accurate. For example the supplied meter reading must:

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

10 Contact details

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

Position: Administration Officer, Water Services
Street address: 203 Tor Street, Toowoomba QLD 4350
Postal address: PO Box 318, Toowoomba QLD 4350
Telephone: (07) 4529 1394
Facsimile: (07) 4529 1555
Email: Waterservices.Toowoomba@dnrme.qld.gov.au

Attachment 1 – Toowoomba City Basalts groundwater management area

