Pages 1 through 10 redacted for the following reasons:
- -
Sch3(3)

CTS 17887/13

49-Sch4 - Personal Information

Snr Policy Adviso .OK

Chief of Staff .....1 ..OK

Approved / Not Approved / Noted
Further information required

Minister.....

Dated ....19./8./2013..

To: Andrew Cripps
Minister for Natural Resources and Mines

From: Dan Hunt
Director-General
Natural Resources and Mines

Endorsed: Sue Ryan, Deputy Director-General, Service Delivery 13/8
Lyall Hinrichsen, Executive Director, Water Policy
Andrew Buckley, Executive Director, North Region
Nigel Kelly, Regional Manager, Water Services, North Region

CC: John Skinner DDG PPS

2 August 2013

Lakeland Water Management – Groundwater and Surface Water Proposals

Recommendation

1. It is recommended that the Minister:
   - **endorse** the Department of Natural Resources and Mines' (the department) approach for Lakeland groundwater management as described in **Attachments 1, 2 and 3**, which establishes the area, caps the volume of groundwater and provides for seasonal assignment;
   - **endorse** the department's approach for Lakeland surface water management as described in **Attachment 5 and 6**, recognising that an alternative proposal put forward by Swiss Farms during the community consultation would have resulted in an increased level of regulation and therefore is not considered a viable alternative;
   - **note** the Director-General will write to individual submitters, advising of the decision to implement the surface water and groundwater management proposals and include a copy of the department's consultation reports;
   - **note** the holding of a community meeting to present the final policy position will be held at Lakeland at the end of August 2013;
   - **note** that targeted stakeholder meetings will be conducted if necessary or as requested by stakeholders;
   - **note** Mr David Kempton MP, Assistant Minister for Aboriginal and Torres Strait Islander Affairs and the Member for Cook has been briefed on the department's decision and has indicated his intention to attend the public meeting at Lakeland;
   - **note** that implementation of the proposals will commence once the regulatory amendments are completed at the end of September 2013; and
   - **note** that a water meter notice is required to be issued prior to the groundwater area being listed in the Water Regulation.

Timing

2. Approval of this brief is required urgently to allow North Region officers to finalise arrangements for the community consultation and prepare drafting instructions for amendment of the Water Regulation 2002 this calendar year.

Background

3. The Lakeland water managment proposals intend to reduce the level of regulation in small catchments in the Lakeland area and supports the sustainable management of groundwater resources. The proposals are an alternative to the existing regulatory arrangement, are fit for purpose and will see increased potential for agricultural development at Lakeland.
4. Overall, the implementation of the groundwater and surface water proposals has been met with support from the local community.
5. Approvals and finalisation of the consultation in mid August 2013 will enable the department to progress the required amendments to the Water Regulation 2002, potentially as soon as the scheduled September 2013 amendments.

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Lakeland Groundwater Management

6. The groundwater proposals will:
   a) cap the volume of groundwater that can be allocated in the Lakeland Groundwater Management Area (the LGMA) at the current level of allocation (refer to **Attachments 1 and 2**). The cap will be revised when sufficient data is available to inform an updated groundwater model, and will
   b) provide for the seasonal assignment (temporary water trading) of existing water licences within the LGMA to ensure water that is not being used can be made available for other purposes on a seasonal basis (refer to **Attachments 2 and 3**).
7. Amendments to schedule 4 of the Water Regulation 2002 are required to implement the seasonal water assignment rules. The development of seasonal water assignment rules uses existing statutory instruments under the *Water Act 2000* and Water Regulation 2002 and as such is unlikely to requrire a Regulatory Impact Statement. Advice is currently being sought on this matter.
8. Amendements to schedule 15A of the Water Regulation 2002 will also be required to implement metering requirements in the LGMA. Specific exclusions will be made for stock and domestic water users.
9. The submission period on the groundwater proposal closed on 26 April 2013. One submission was made. While the submission raised many issues, the key issues related to the extent of the water management area and the limited availaibility of data.
10. Two studies of the McLean basalt aquifer at Lakeland support the position that the aquifer is of limited extent and cannot support additional extraction without compromising existing entitlements. Both studies were completed with the best information available at the time. The most recent study was conducted with substantially more data gained from additional bore logs provided to the department and two monitoring bores drilled in 2010.
11. The additional monitoring bores have both been fitted with automated water level loggers. In addition to this, a pluviometer to collect local rainfall data was installed this year. Data collected from this infrastructure will contribute to the next review of groundwater conditions. Several years of data will be required for the review.
12. Seasonal assignment will be restricted to the extent of the productive part of the basalt aquifers. The area conforms to the extent of the basalt formation surrounding Lakeland as mapped by the Geological Survey of Queensland in 1997 and the locations of productive bores that have been located by landowners prospecting for groundwater. Despite more than 20 bores being drilled on nearby occurrences of the McLean Basalt, no additional zones of productive aquifer material have been found. As further data is collected from future drilling activities, the area allowed for seasonal assignment may also be revised as appropriate. Issues raised by submitters have been addressed in more detail in the 'Lakeland Groundwater Management Area, Consultation Report' (refer to **Attachment 4**).

Lakeland Surface Water Managment

13. The surface water proposal will see the declaration of 19 upstream limits (refer to **Attachments 5** and **6**). These declarations will exclude dams and pumps from the current licensing arrangements and facilitate self-management and productive use of water resources in an area of demonstrated agricultural value.
14. Amendments to schedule 8, part 2 of the Water Regulation 2002 are required to implement the upstream limits. These amendments were recognised by the Office of Best Practice Regulation as "not likely to attract significant adverse impacts and therefore, a Regulatory Impact Statement was not required".
15. Given that there is a lack of evidence of any existing negative impacts resulting from the installation of existing infrastructure, it was considered unlikely that the declaration of upstream limits would cause significant impacts on the supply of water to downstream water users. Further, the total area of the Normanby River catchment to be included above declared upstream limits is less than two per cent of the total catchment area. The issues raised by submitters have been addressed in more detail in the 'Lakeland Surface Water Management Proposal, Consultation Report' (refer to **Attachment 7**).
16. The submission period on the surface water proposal closed on 18 June 2013. Six submissions were made by 20 persons (refer to **Attachment 8**). Key issues raised by submitter related to a lack of monitoring and scientific studies, the proposal's transferability, entitlement security, and the effects on downstream water users.

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17. Of notable concern is the submission made by Swiss Farms which generally supports the surface water proposal but requests changes which would result in an increased level of regulation.
18. For example, currently upstream of existing water impoundments, landholders can apply for a water licence to take baseflow or to impound water in a watercourse. Where the feature is not a watercourse, no application is required. Swiss Farms' proposal requires upstream landholders notifying downstream landholders of any development thereby maintaining current notification regulation under the *Water Act 2000* and introducing additional regulation of non-watercourse features not required under the *Water Act 2000*. In this case the options available to the community are to:
    1) maintain the status quo and remain under the current regulatory framework that enables a notification process; or
    2) adopt the proposal as currently specified where no notification will be required.

Attachments

19. **Attachment 1**: Lakeland Groundwater Management Policy.
    Attachment 2: Lakeland Groundwater Management Area – Map.
    Attachment 3: Lakeland Groundwater Management Area Seasonal Water Assignment Rules.
    Attachment 4: Lakeland Groundwater Management Area – Consultation Report.
    Attachment 5: Lakeland Surface Water Management Proposal.
    Attachment 6: Lakeland DRAFT Proposed Upstream Limits – Map.
    Attachment 7: Lakeland Surface Water Management Proposal – Consultation Report.
    Attachment 8: Submissions – Surface Water and Ground Water Combined.

Clearance

20. Does this have a budget or financial impact? **NO**
21. Does this have an impact for Service Delivery or any other area in DNRM? **NO**

Next Steps

22. The department will hold a surface water and groundwater public meeting in Lakeland to inform the community. It is anticipated that this meeting will occur late August 2013.
23. It is expected that implementation of these proposals will commence once the regulatory amendments are completed at the end of September 2013
24. A water meter notice is required to be issued prior to the groundwater area being listed in the Water Regulation. Notices to groundwater entitlement holders will be sent prior to commencement of the regulation amendment.

Dan Hunt

Action Officer: Nigel Kelly
Telephone: 4222 5540

Minister - Natural Resources and Mines

Comments:

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Metadata Table

Title	Lakeland Groundwater Management Policy
Description	This policy is to assist delegates of the chief executive under the *Water Act 2000* in the decision making process for allocating groundwater within the Lakeland Groundwater Management Area.
Keywords	Water; management; Lakeland; groundwater; subartesian water; bore; allocation
Business area name	Water Management
Document type	Policy
Document access	Public
Document format	Digital
Date added to policy register	
Date last modified	5 March 2013
Review/expiry date	Review within five years from implementation date
Policy register no.	
Hardcopy file ref.	
Author	Sasha Smith
Author role	Natural Resource Officer
Reviewed by	Relevant regional officers and officers in Water Management
Group/Region	North Region
Location	Mareeba office
Version no.	1.0

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Version history

Version	Date	Comments
1.0	05/03/2013	Lakeland Groundwater Management Policy – Final draft
1.1		
2.0		

Endorsement/Approval

Name (Title)	Signature	Date
Nigel Kelly, Regional Manager – Water Services		

'Endorsement/Approval' Note: This table is to be used in addition to the approval sections in the paper template. The approving signature on the front of a policy document provides an immediate indication of the status of the document. Final approval should come from the last level of sign-off required in the process.

Purpose

This policy provides the framework for decision making regarding subartesian water within the Lakeland Groundwater Management Area for dealings other than seasonal water assignments and aids in the consistent interpretation and application of legislation.

Rationale

This policy is to provide for the sustainable use of subartesian water and ensure an environmentally sustainable level of extraction of subartesian water is achieved by preventing ~~further~~ deterioration in water security to existing water users and the environment within the Lakeland Groundwater Management Area.

Policy

Overview

The Lakeland Groundwater Management Policy (the Policy) applies to taking subartesian water in the Lakeland Groundwater Management Area (LGMA) and development permits for works that take subartesian water. The Policy applies to groundwater from the McLean Basalt and Hodgkinson Formation aquifers within the geographical boundary of the LGMA. The Policy will define the availability of water and provide a framework for managing that water.

The provisions relating to subartesian water entitlements in this policy do not apply to water users that take water for only stock and or domestic purposes. Persons who take water for those purposes will not require an entitlement or a development permit (as stated in the *Water Regulation 2002* for the Cook subartesian area).

The Policy should be read in conjunction with the Seasonal Water Assignment Rules for the LGMA.

Attachment 1 contains a reproduction of the LGMA map that shows the extent of the management area.

Subartesian water

Applications for new entitlement

Applications in sub-areas 1 to 2

As sub-areas 1 to 2 are considered fully allocated , all applications for new or increased subartesian entitlements should be refused (unless they meet the requirements for exempt applications).

Applications for seasonal water assignments or water permits can still be made.

Exempt applications

An application for a new water licence under section 206 of the Water Act 2000 (the Act) for the taking of subartesian water might be granted in a subartesian area where a person once had a licence, but has failed to renew (s220 of the Act), reinstate (s221 of the Act), or replace (s229 of the Act) an entitlement, provided the applicant can demonstrate that:

- the works associated with the expired water licence were installed at the time the water licence expired;
- there is an established history (within the previous three years) of authorised water use associated with the expired water licence; and

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- the amount of water applied for is no more than the amount of water held under the previous entitlement.

The volume of water granted under the new licence should be no greater than the previous entitlement, and previous restrictive conditions should also apply. An officer may apply further conditions on the new licence if it is appropriate in the circumstances, or reduce the volume to be granted as the application will be dealt with as a new application.

Dealings with existing subartesian entitlements

When dealing with applications regarding existing entitlements (i.e. renewals s220, reinstatements s221, amendments s216A & 216 (other than to increase the entitlement), amalgamations s224, subdivisions s225, and replacements s229) the department may consider potential impacts on the aquifer/s and potential impacts on existing entitlement holders in deciding whether to allow the relevant application.

For example, the department may consider impacts such as:

- water quality issues; and
- interference between bores.

These applications should also be decided consistent with the current relevant work practices.

If the amendment, replacement, subdivision or amalgamation of an entitlement has the potential to change the location from which water is taken, the application should be examined for the above impacts.

Development Permits

New Bores

Properly made applications for development permits associated with seasonal water assignments or associated with existing water licences or water permits will be accepted and assessed in accordance with the *Sustainable Planning Act 2009* and the *Water Act 2000*.

To protect the interests of existing licence holders, separation conditions may be specified on development permits to ensure equitable sharing of the subartesian resource.

Replacement Bores

Development permits can be issued upon application for the replacement of existing bores, with conditions:

- the new bore must be located within ten metres of the original bore;
- the new bore must be constructed on the same land as the original bore; and
- the new bore must be constructed no deeper than the original bore.

The licensee must be informed that the original bore must be decommissioned to the standards specified in the current edition of the *Minimum Construction Requirements for Water Bores in Australia* (or other relevant legislated standard), within thirty days of equipping the new bore.

Explanatory Notes

Identifying the LGMA

The LGMA is generally bounded by the McLean Basalt, from approximately Lily Creek in the west, to Butchers Hill in the east, to the northern end of Hurse Road in the north, and The Brothers in the south, as identified in Attachment 1. The LGMA is divided into two sub-areas for management purposes. These sub-areas are also identified in Attachment 1.

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Water within the LGMA to which this policy applies includes water from both the McLean Basalt and Hodgkinson Formation aquifers.

Note: The attached map is indicative only and is not the legally recognised map of the area under the provisions of the Water Regulation 2002. 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.

How to apply the policy

To manage the LGMA water resources, this Policy will be applied in most instances. However, decisions under the *Water Act 2000* remain the discretion of the delegated decision maker.

In making most decisions regarding entitlements (e.g. amendments, subdivisions, amalgamations, etc), the *Water Act 2000* requires the decision maker to consider all the criteria in s210 of the Act, including departmental policies 'for the sustainable management of water in the area to which the application relates'* and policies for 'regional aquifer systems'*, such as this Policy. It is envisaged that the chief executive would only be satisfied that a decision should be made if it is in accordance with this Policy.

Similarly, when making decisions about development permits associated with water entitlements, decision makers are required to assess the development application against the purposes of the *Water Act 2000***. The Act's purposes in relation to entitlements for taking or interfering with water are to advance sustainable management and efficient use of water, that is, to ensure an environmentally sustainable level of extraction.

Where a decision maker makes a decision outside of this Policy, reasons for that departure should be thoroughly documented.

** See section 210(1)(g) and (h) of the Act.*
*** See section 966(2) of the Act.*

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Other rules affecting the LGMA

Policy to be read in conjunction

The Policy operates in conjunction with other rules regulating declared subartesian areas, surface entitlements and associated development permits. Therefore this Policy must be read in conjunction with relevant sections of the:

- *Water Act 2000*
- *Water Regulation 2002*
- *Sustainable Planning Act 2009*
- *Sustainable Planning Regulation 2009*
- Seasonal Water Assignment Rules for the Lakeland Groundwater Management Area
- Any other policies, strategies or work practices applicable to the area

Should there be any inconsistency between (a) the legislation and the seasonal water assignment rules, and (b) this Policy – the legislation and the seasonal water assignment rules shall prevail.

Rationale for the policy

No new entitlements for sub-areas 1 to 2

Groundwater resources for the area are fully allocated.

Two investigations have been undertaken of the groundwater availability within the LGMA. The AGE report (2006) stated that the study area had a potential recharge of 2000 ML. Allocated entitlements as at 11 February 2013 are 2410 ML from the basalt, leaving a deficit of 410 ML. An investigation completed in 2013 (DNRM, 2013) found that the basalt aquifers in the study area were near or at their sustainable yield. Table 1 contains data taken from the DNRM report (2013) and shows that for both the northern and southern sectors, based on the working storage volumes, the aquifers are unable to support further extraction.

Table 1: Yield and allocation estimates - DNRM, 2013

	Extractable water*	Recharged extractable storage	Discharge	Evapo-transpiration	Allocated Entitlement^	Stock and Domestic Use	Remaining Yield	Aquifer Condition
Northern Sector McLean Basalt	4115 ML	3150 ML	1332 ML	21 ML	2242 ML	24 ML	-469 ML	Over Allocated
Southern Sector McLean Basalt	1084 ML	1084# ML	1112 ML	20 ML	173 ML	6 ML	-227 ML	Over Allocated
LGMA Overall	5199 ML	4234 ML	2444 ML	41 ML	2415 ML	30 ML	-696 ML	Over Allocated

* Excludes water held in saturated storage that is unable to be extracted.

Recharge is limited to the extractable water volume.

^ Data from the department's Water Management System for the McLean Basalt and Hodgkinson Formation within the LGMA correct as at 11/02/2013

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The McLean Basalt aquifers within the LGMA are assessed to be allocated at levels beyond those which the area as a whole can sustain. Any further allocation from the McLean Basalt would not be sustainable and will adversely affect existing entitlement reliability (DNRM, 2013).

Hydraulic connectivity between the basement aquifers and lower basalt aquifer layers is seen to be present in some of the bore logs (DNRM, 2013). The fractures within the Hodgkinson Formation are capable of receiving leakage from the overlying basalt aquifer where hydraulic connectivity and hydraulic gradients exist (DNRM, 2013). Recharge from the Hodgkinson Formation to the overlying/adjacent basalt units may also occur where connectivity of aquifer units and hydraulic gradients are present (DNRM, 2013). It is likely that there is limited opportunity for further development of the Hodgkinson Formation aquifer sequence within the LGMA as it is a low yielding aquifer and any additional allocation of water from the Formation would likely reduce the security and reliability of current water licences (DNRM, 2013).

Policy Review

It is anticipated that this Policy will be reviewed within five years of implementation, or sooner if sufficient additional information has been collected and analysed to provide additional understanding of the subartesian system in the LGMA.

Minor changes (e.g. for workability, format, or to correct minor errors) may be made to this Policy without consultation.

Major changes to this Policy should be subject to assessment and consultation.

This Policy will remain in force until reviewed, or replaced by a Water Resource Plan.

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

Facsimile: (07) 4092 2366

Responsibilities

Water entitlement holders within the Lakeland Groundwater Management Area:

- must ensure that water is taken in accordance with the conditions of the water licence and the seasonal water assignment rules.

The department must:

- decide applications in accordance with the *Water Act 2000*, this Policy, the seasonal water assignment rules and any other relevant policies or strategies that apply.

Definitions

Aquifer: Means a geological formation, group of formations, or part of a formation capable of transmitting and yielding quantities of water.

Bore: Means a subartesian water bore and may include a shaft, well, gallery, spear or excavation, and any works constructed in connection with the shaft, well, gallery, spear or excavation, that taps an aquifer and the water does not flow and has never flowed naturally to the surface.

Remaining Yield: The volume of water in megalitres (ML) either surplus (+) or deficit (-) to the allocable yield once losses and current entitlement volumes have been subtracted.

References

Australasian Groundwater & Environmental Consultants Pty Ltd, 2006, 'Review of Groundwater Resources Associated with the Lakeland Downs Basalt', June 2006.

Department of Natural Resources and Mines, 2013, 'Lakeland Groundwater Review'. February 2013.

National Uniform Drillers Licensing Committee 2011, 2012, 'Minimum Construction Requirements for Water Bores in Australia Third Edition', February 2012.

Legislation

Water Act 2000

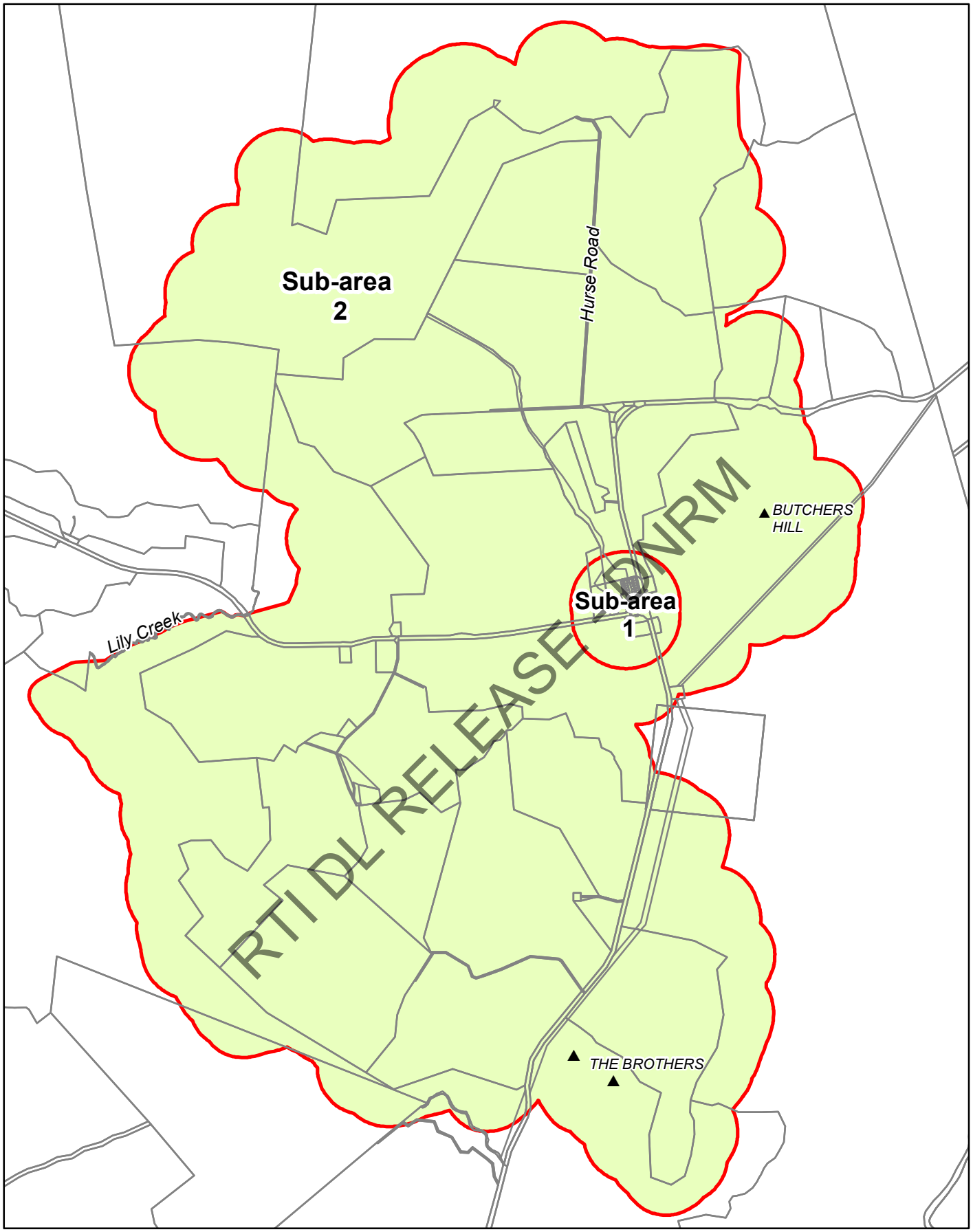
Water Regulation 2002

Sustainable Planning Act 2009

Attachment

Attachment 1– Lakeland Groundwater Management Area APXXXXXX

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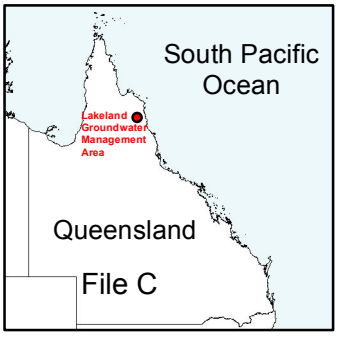


Lakeland
Groundwater Management Area

For Ministerial Approval

Legend

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



0 1 2 3 4 km

1:80,000
(at original size (A4))

N

Disclaimer:
While every care is taken to ensure the accuracy of this product, the Department of Natural Resources and Mines makes no representations or warranties about its accuracy, reliability,completeness or suitability for any particular purpose and disclaims all responsibility and all liability (including without limitation, liability in negligence) for all expenses, losses, damages (including indirect or consequential damage) and costs which you might incur as a result of the product being inaccurate or incomplete in any way and for any reason.

Horizontal Datum: Geocentric Datum of Australia 1994 (GDA94)

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

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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Queensland Government

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Metadata Table

Title	Lakeland Groundwater Management Area Seasonal Water Assignment Rules
Description	This policy is to assist delegates of the chief executive under the *Water Act 2000* in the decision making process for seasonal water assignment applications in the Lakeland Groundwater Management Area.
Keywords	Water; management; Lakeland; seasonal water assignment; rules; groundwater; subartesian water; bore
Business area name	Water Management
Document type	Policy
Document access	Public
Document format	Digital
Date added to policy register	
Date last modified	5 March 2013
Review/expiry date	Review within five years from implementation date
Policy register no.	
Hardcopy file ref.	
Author	Sasha Smith
Author role	Natural Resource Officer
Reviewed by	Relevant regional officers and officers in Water Management
Group/Region	North Region
Location	Mareeba office
Version no.	1.0

RTI DL RELEASE - DNRM

Version history

Version	Date	Comments
1.0	05/03/2013	Lakeland Groundwater Management Area Seasonal Water Assignment Rules – Final draft
1.1		
2.0		

Endorsement/Approval

Name (Title)	Signature	Date
Nigel Kelly, Regional Manager – Water Services		

'Endorsement/Approval' Note: This table is to be used in addition to the approval sections in the paper template. The approving signature on the front of a policy document provides an immediate indication of the status of the document. Final approval should come from the last level of sign-off required in the process.

Policy

Overview

This policy defines the seasonal water assignment rules for the Lakeland Groundwater Management Area as prescribed in section 15 of the Water Regulation 2002 (Water Regulation).

Seasonal water assignment rules

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

Purpose of seasonal water assignment rules

Seasonal water assignment rules allow seasonal water assignments within a groundwater management area. They ensure that arrangements for access to water within a Groundwater Management Area are clearly articulated to entitlement holders. They allow for more sustainable and equitable management of water, may provide greater water security to water users, and provide an increased opportunity for access to water.

Description of the groundwater management area

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.

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 – encompasses the general town area of Lakeland;
- Sub-area 2 – Lakeland Rural – surrounds sub-area 1, extending to the limits of the McLean Basalt within the groundwater management area.

For the purposes of this policy, the sub-area to which a water licence or seasonal water assignment relates is determined by the location/s of the bore/s within the property that are used for the taking of water under that entitlement.

Water to which the seasonal water assignment rules apply

The Lakeland Groundwater Management Area 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

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 APXXXXX) is included as Attachment 1.

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Note: The attached map is indicative only and is not the legally recognised map of the area under the provisions of the Water Regulation 2002. 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.

Water year

The water year for the Lakeland Groundwater Management Area is the twelve month period from 1 July to 30 June.

The 'water year' for a water licence, means the accounting period prescribed under a regulation for the licence, or until a period is prescribed as above—the accounting period stated in the licence for taking water under the licence.

Nominal entitlement

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

Seasonal water assignment: overview

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.

Seasonal water assignment application

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
- 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 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:

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- 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
- give the applicant an information notice as soon as practicable after deciding 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.

Seasonal water assignment 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 might 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.

Comment [SS1]: Review this? Did we decide y to maintain this as something that is not allowed…

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- 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 not to allow the application for seasonal water assignment.

Seasonal water assignment approval

The seasonal water assignment has effect from the day the information notice is given to the applicant (assignor/seller). 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 may result in prosecution under the provisions of the *Water Act 2000*.

Seasonal water assignment: 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.

Sections 25, 243 and 244 of the *Water Act 2000* apply to a seasonal water assignment notice. These provisions allow for limiting the take of water under a seasonal water assignment notice and the surrender or cancellation of a seasonal water assignment notice.

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).

Water charges

Refer to the Water Regulation for details about how water charges are calculated.

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Meter readings

Departmental meter readings

The take of water from bores for all purposes other than stock or domestic (for example, purposes such as irrigation, commercial and urban) is required to be metered.

Water meters will be read a minimum of once per water year usually at or about 30 June.

As it is not feasible to read all the meters in a management area on the last day of the water year, the meter readings will normally be taken within a 10-day window, for example, five days before and five days after that day. This meter reading will be deemed to be the final meter reading for the end of the water year for accounting purposes.

Water entitlement holder supplied meter readings

The water entitlement holder may provide an alternative acceptable meter reading to the department's final meter reading. This meter reading should be provided to the department within 10 business days of the end of the water year. In exceptional circumstances, a meter reading provided by a water entitlement holder may be accepted up to 12 months after the end of the water year.

If a water entitlement holder wishes to provide the department with an exact final meter reading for the end of the water year, she/he may submit this information:

- within 10 business days of the end of the water year—in writing, to the contact listed in the Contact section

or

- after 10 business days (but within 12 months) of the end of the water year—in a statutory declaration to the contact listed in the Contact section. Supporting evidence (such as a diary or meter book) must accompany the statutory declaration. The water entitlement holder must also provide a reason for not submitting the reading within the 10 business days following the end of the year.

Information that is required to accompany the meter reading includes:

- date of reading
- water licence number reference
- works reference
- meter serial number.

It is the water entitlement holder’s responsibility to provide meter reading information in the event of the sale of a property. It can be arranged for the department to read the water meter if the water entitlement holder is unable to supply meter readings. A charge will be levied for these readings and details of the charges are described in schedule 16 of the Water Regulation.

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

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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.

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:

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

Meter malfunction

Meter malfunctioning or breakdown must be reported to the department as soon as possible. During the period between reporting the incident and the repair/replacement of the meter, the water entitlement holder must complete form W2F095 Water use assessment report to account for water use during this time. A W2F095 Water use assessment report is included as Attachment 2 and is also available from your local departmental office.

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

Facsimile: (07) 4092 2366

Responsibilities

Water entitlement holders within the Lakeland Groundwater Management Area:

- must ensure that water is taken in accordance with the conditions of the water licence and is consistent with the seasonal water assignment rules
- may apply for a seasonal water assignment in accordance with the seasonal water assignment rules.

The department must:

- decide the application in accordance with the seasonal water assignment rules and any other relevant policies or strategies that apply.

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Definitions

Approved Works: Operational works, as defined by the *Sustainable Planning Act 2009,* which are authorised by a development permit or under a self-assessable code.

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Legislation

Water Act 2000

Water Regulation 2002

Attachments

Attachment 1 Lakeland Groundwater Management Area APXXXXXX

Attachment 2 W2F095 Water use assessment report <http://www.derm.qld.gov.au/water/management/forms/specificforms.html#w2f095>

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Lakeland Groundwater Management Area

Consultation Report

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Introduction

A water management area means –

(a) An area of the State declared under a regulation to be a water management area; or

(b) An area identified in a water resource plan or a resource operations plan as a water management area.

Water Management areas exist across the State of Queensland. There are currently 12 declared under the *Water Regulation 2002* and over 40 identified under water resource plans or resource operations plans.

The proposed groundwater management area will be declared under the *Water Regulation 2002*. A groundwater management area provides for the sustainable, economic, and equitable management of the state's groundwater resources. To achieve this, seasonal water assignment rules and/or water sharing rules in conjunction with management policies define the availability of water, provide security for existing water users, and ensure more flexible and improved productive use of the resource.

History of the water management area development process

In 2006, the Australasian Groundwater & Environmental Consultants (AGE) released the report '*Groundwater Resources Associated with the Lakeland Downs Basalt'*. This report recommended an interim groundwater allocation from the basalt aquifer of 2000 megalitres. More than 2000 megalitres had already been allocated from the aquifer by the time the report was released. Advice provided by the department from this date was that the aquifer was fully allocated.

In addition, the report also recommended the department install a groundwater monitoring bore, equipped with a data logger. In 2010, the department installed two monitoring bores, one with a data logger. In 2012 a data logger was installed on the second monitoring bore.

Due to the growing agricultural development in the Lakeland area there is a subsequent growing demand for the limited available water resources. Applications totalling 2385 megalitres from the Hodgkinson Formation (underlying the McLean Basalt) were received by the department in 2012.

In July 2012, the department formed a project team to address the groundwater issues at Lakeland and to facilitate a positive outcome. A comprehensive and peer reviewed technical report of the groundwater resources in Lakeland was undertaken by the department in 2012 and was completed in early 2013. As a result of this report, the groundwater resources are considered over, at or near the sustainable level of extraction.

The draft groundwater management area, draft groundwater management policy and draft seasonal water assignment rules were released on 13 March 2013. A public information session was held on this date at Lakeland to discuss the proposed management of the area and the outcomes of the technical review. Public comment on the draft documents was invited until 26 April 2013. Only one submission was received by the department.

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Key milestones for developing the water management area

Milestone	Timeframe
Pre-planning phase Review of current information and options	Early 2012
Draft development phase Main water users advised through ministerial correspondence seasonal water assignment rules would be developed	July 2012
Departmental Project Team established	July 2012
Departmental Project Team meetings	July 2012 – March 2013
Technical assessment Groundwater review	July 2012 – February 2013
Public review phase Public notice of proposal to prepare water management area, seasonal water assignment rules and groundwater management policy	March 2013
Draft map of area and draft documents released – submissions invited.	March 2013
Consultation with stakeholders and the community	March 2013
Submissions closed	April 2013
Submissions assessed	April 2013 - May 2013
Final public meeting	Tentatively proposed for 2 September 2013.
Finalisation phase Groundwater management area, related policies finalized and approved and the *Water Regulation 2002* amended	Tentatively proposed for late 2013 – early 2014

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Links with other planning initiatives

National Water Initiative

In 2004, the Council of Australian Governments, of which Queensland is a member, agreed to a National Water Initiative. Building on the 1994 national water reform framework, the initiative aims to:

- promote economically efficient and sustainable use of water resources, notably by introducing water trading, where practicable, to allow water to move to high-value or best-benefit uses
- improve security and certainty for water users to support confident forward planning through clearly defined entitlements that specify a volumetric limit and likelihood of supply
- ensure adequate water is retained in the system to maintain healthy ecosystems
- engage with stakeholders in progressing the water reform program
- promote national accounting standards through introducing meters to support monitoring and reporting frameworks.

These goals are implemented through the *Water Act 2000* and its subordinate legislation.

Copies of the Seasonal Water Assignment Rules and Groundwater Management Policy

The final groundwater management area, groundwater management policy and seasonal water assignment rules once approved will be accessible at the department's website <www.dnrm.qld.gov.au>.

Alternatively, the final documents will be available to be obtained in person at the Mareeba Office, 28 Peters Street, Mareeba 4880.

Background and Scope

Purpose of this report

This report summarises the involvement of relevant stakeholders during the development and review of the Draft Lakeland Groundwater Management Area, Seasonal Water Assignment Rules, and Groundwater Management Policy for subartesian water. It also describes the communication strategy for the implementation of the approved policy. Additionally, this report summarises the issues raised during consultation and how these issues were dealt with.

In reviewing the management area and associated policies, various interest groups provided valuable input through:

- Feedback from the departmental project team
- Public information session
- Formal submissions received following release of the draft policies.

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Business Objectives

- Develop a Lakeland Groundwater Management Area, Seasonal Water Assignment Rules, and a Water Management Policy for the Lakeland Water Management Area (LWMA) that is consistent with the provisions of the *Water Act 2000,* relevant to current and future circumstances of the area and which has general support.
- Seek community input and ownership via the release of draft documents and encourage submissions on the draft policies.

Communication Objectives

- Notify stakeholders and the general community that the draft policies had been developed and that the Department of Natural Resources and Mines (the department) encouraged public comment / community feedback on the draft policies;
- Provide relevant and timely information to interested parties in order to promote understanding of the key issues and assist them in making submissions on the draft policies; and,
- Notify stakeholders and the general community that the department, after consideration of submissions received on the draft documents, has released the Lakeland Water Management Area Seasonal Water Assignment Rules and Lakeland Water Management Policies.

Communication Environment

During the consultation process it became apparent that there is general support within the community for the Lakeland Water Management Area Seasonal Water Assignment Rules and Lakeland Groundwater Management Policy. It needs to be acknowledged that some specific issues have been raised by stakeholders. These issues will need to be addressed as part of the Seasonal Water Assignment Rules and Water Management Policy implementation process and on-going consultation. The issues include:

- The introduction of Seasonal Water Assignments (SWA) as a positive outcome. This was identified as a key strategy to maximise the productive and sustainable use of the resource. This will be progressed in order to introduce SWA for the 2013-2014 water year.
- Potential concerns regarding rejection of the majority of outstanding applications, a number of which had been in the system for some time.
- Potential concerns regarding water charges.
- Potential concerns regarding limited available data.

Project Team

A project team was established to review the technical information available on groundwater in the Lakeland Groundwater Management Area and develop seasonal water assignment rules and a management policy based on the results of that review and current knowledge of water resources and management in the area. The project team was formed largely from departmental employees in the North Region (see Appendix A).

Internal and External Stakeholders (in no particular order)

- Premier of Queensland
- Deputy Premier of Queensland
- Minister for Natural Resources and Mines of Queensland
- Member for Cook
- Local government
- Primary producers
- Licence holders
- Landholders
- Traditional owners
- Conservation groups
- Commerce and development organisations
- Community groups and individuals
- Recreation and tourism groups
- Other government agencies
- DNRM Executives – Director General, Deputy Director General Service Delivery, Executive Director Service Delivery North Region
- Regional Manager Water Services
- Managers – Water Services
- Regional Staff – Water Services, DNRM Service Centres and other Business Groups

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Primary Stakeholders within Management Area

It has been estimated that there are approximately 14 businesses within the management area (approximately 10 farming enterprises and 4 other local businesses) and a community population of 132 people*.

*Note: The population estimation is based on the following:
The 2011 Census QuickStats for Lakeland Qld (Code SSC30931) is likely to be an overestimation of the affected population at 227 people (as the area is significantly larger than proposed water management area). Within the proposed water management area, it is expected there are significantly less people. The population number was based on the approximate number of dwellings within the management area, multiplied by the average household size for SSC30931.

Key Messages

The draft policies:

- Provide a framework for the sustainable allocation and management of groundwater resources of the Lakeland Groundwater Management Area.
- Provide water security and the preservation of existing groundwater entitlements.
- Establish guidelines for assessing applications for new subartesian water entitlements within the Lakeland Groundwater Management Area.
- Establish guidelines for assessing applications regarding existing subartesian water entitlements within the Lakeland Groundwater Management Area.
- Provide for seasonal water assignment of subartesian water to ensure productive use and to meet future demands from industry, population and agriculture growth by facilitating the movement of water from low value to high value uses.
- Provide for healthy natural water systems and prevent further impacts on the environmental water needs of local ecosystems, including natural waterholes and springs, by capping subartesian water entitlements at current levels because the resource, as a whole, is fully committed.

In Addition:

- Careful consideration has been given during the development of the draft policies in order to secure long term water resources for today and the future.
- Community support is important in successful water resource management; therefore the department encouraged comment and submissions on the draft policies.

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Overview of General Communication and Consultation with Stakeholders

Timeframe	Milestone
June 2006 - Present	Following completion of the report "*Review of the groundwater resources associated with the Lakeland Downs Basalt"* by AGE in 2006 - any potential applicants or enquires regarding the taking of groundwater from McLean Basalt within the study area were advised the aquifer/s fully allocated.
May 2012	Various one on one meetings between departmental officers and some of the main water users in Lakeland. Stakeholders were advised: • Groundwater applications likely to be refused • Basalt aquifer is fully allocated • Additional allocations from the Hodgkinson Formation below the McLean Basalt would potentially be at the expense of existing entitlement holders and the environment
May 2012	Various one on one meetings between departmental officers and concerned community members. Concerns raised due to overuse of groundwater: • Reduced spring flow • Consequences for downstream stock water users • Negative effects on town water supply bores
July 2012	Some of the main water users advised through Ministerial correspondence that seasonal water assignment rules were being developed for the area.
August 2012	Letters sent to current applicants for groundwater within area advising: • A technical review is being completed by the department on groundwater resources at Lakeland as part of developing a water management area at Lakeland • Reiterated the applications were likely to be refused. • Copies of the 2006 AGE report were provided.
February 2013	Departmental report – "Lakeland Groundwater Review" completed.
March 2013	All licensees sent letters depicting proposed management changes, inviting submissions, and providing the date and the location of public information session.
March 2013	Public Notice published advising of public information session and inviting submissions.
March 2013	Public Information Session – draft seasonal water assignment rules, draft map, and draft water management policy released. Summary of technical review provided. Submissions invited.
April 2013	Submission period closed.
April 2013	All submissions acknowledged by the department.
September 2013	Public Information Session – Outcomes of Consultation
2013/2014	Expected that all licensees will be sent a letter advising rules had been implemented in the Water Regulation 2002 & a copy of

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	approved/published documents.
2013/2014	Expected a public notice will be published advising implementation of rules.

Consultation and Submissions

A total of **1** properly made submission was received in relation to the draft policies and the proposed water management area. Additionally, verbal feedback was provided, and a newspaper article was published highlighting concerns of some landholders. The department reviewed and analysed all feedback received.

This section summarises key issues raised throughout the consultation process, relevant background information relating to each issue, the relevant policy provisions, and how the issues were addressed in finalising the policies.

Support for the Policies

The public meeting held on 13 March 2013 was attended by not less than 30 people, the majority of which were landholders who would be affected by the proposed management changes. There was general support for the introduction of groundwater management and rules. As the department has been offering advice since 2006 that no more groundwater could be allocated, the policies were generally expected by most members of the community. Following the meeting, feedback provided indicated support that some form of management policy and rules were needed for Lakeland.

Water Charges

Following the public meeting, a newspaper article was published in the Cooktown Local News on 28 March 2013. This article highlighted the concerns of landholders in the area regarding the introduction of water charges.

Neither the Lakeland Groundwater Management Policy nor the Lakeland Groundwater Management Area Seasonal Water Assignment Rules propose the introduction of water charges.

Annual licence fees have been in effect since 2009. The only additional charges incurred will be the meter reading fee. This fee is listed in Schedule 16 of the *Water Regulation 2002.* The total charge to an entitlement holder will be dependent on the number of meters the entitlement holder requires and the frequency in which the department reads the meters in the area. All meters will be read at least once annually.

The entitlement holder will be responsible for purchasing, installing and maintenance of their water meter/s in line with the department's metering policy. The entitlement holder will also be required to have a certified meter validator certify that the meter has been installed correctly and then validated every five years.

Additionally, there may be agreements for payment for the use of the water between assignors and assignees. This will be at the discretion of the assignor and assignee and not influenced or directed by the Department.

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The Management Area

Concerns have been raised regarding the extent of the management area. The management area conforms to the major identified basalt outcrop in the Lakeland area. The basalt to the west of Lily Creek, east of Butchers Hill or North of Blackburn Dam has not been found to provide any appreciable water supply. The management area applies to a discrete unit that is of limited extent. The rules and policy apply to the aquifers within this unit that have been identified to be at risk (i.e. that are over-allocated). As further data is collected, the area may be revised.

Concerns with Seasonal Water Assignment Rules

A number of concerns were raised regarding certain aspects of the Seasonal Water Assignment Rules. Some of these concerns are addressed below:

Seasonal Water Assignment Conditions
Conditions which may apply to a Seasonal Water Assignment Notice will generally be application specific and are at the discretion of the decision maker. Conditions on each water licence are 'licence specific'. The conditions on the water licence from which water is assigned will apply to the Seasonal Water Assignment Notice. It is not appropriate to list all possible conditions and additionally, the decision maker may develop a new condition at any time relevant for a specific Seasonal Water Assignment Notice. This is consistent across the State. Any applicant of a seasonal water assignment is provided with the option to undertake internal review of the decision in addition to standard appeal rights under the *Judicial Review Act 1991* if they are dissatisfied with the conditions.

Consideration of Social Wellbeing of the Township and Adverse Impacts to Employment
There are rules within the document to protect the town water supply and domestic use within the township through the provision of sub-areas and the sub-area specific rules. It should be noted that sub-area 1 was specifically drawn around the township to protect these water uses. The temporary trading of water through seasonal assignments will increase the flexibility of water users to manage their water entitlements and potentially enable land holders to utilize more cropping land – this should result in a positive impact to employment and the social wellbeing of the community. It is unlikely that the temporary trade of water (note a seasonal water assignment expires at the end of a water year) will adversely affect social wellbeing or employment.

Past Compliance Addressed Through Seasonal Water Assignment Notice Conditions
It is the discretion of the decision maker whether to refuse an application based on non-compliance. There are similar provisions under section 210 of the *Water Act 2000* when deciding an application for a water licence. This provision is also included in other Seasonal Water Assignment Rules around the State. If an applicant has a demonstrated history of non-compliance with their entitlements and or conditions on those entitlements, enforcing additional conditions on a seasonal water assignment is unlikely to result in compliance.

Set Approved Timeframes for Processing Seasonal Water Assignment Applications
The Department's timeframe for unsupplemented seasonal water assignment applications is currently 5 business days. This service standard timeframe has been agreed to by the Council of Australian Governments. The agreement between The Commonwealth of Australia and the State of Queensland that states these timeframes can be found here:
http://www.environment.gov.au/water/publications/action/agreements/qld-bilateral-

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agreement.html. The Department reports on its' performance against these processing timeframes which is available on the Department's website here: http://www.nrm.qld.gov.au/water/trading/service_standards.html.

Wording of Water Charges Section of the Rules
There is a work practice on developing Water Sharing Rules (including seasonal water assignments) that the Department must follow to ensure consistency across the State. This includes a template which describes the preferred wording for each section, such as the 'Water Charges' section. As water charges are subject to annual changes whereas seasonal water assignment rules are reviewed periodically it is appropriate to refer to the document where the charges are set, the *Water Regulation 2002*.

Definition of 'Approved Works'
A definition of approved works has been included in the Seasonal Water Assignment Rules for clarity.

Limited Available Data

The submission and other feedback received predominantly focused on the belief that limited concrete data was used and that the policy and rules were based on assumptions. The AGE 2006 report and the DNRM 2013 technical review contain the best data and information available at the time each report was written.

Some of the specific concerns raised regarding the data are addressed below:

Concrete Data
Since 2006, significantly more information has been made available to the department. The best available information has been used when developing the Seasonal Water Assignment Rules and Groundwater Management Area Policy. Additional measures have been implemented by the Department to facilitate the collection of additional data, such as the installation of automatic data loggers in the departmental monitoring bores. The Groundwater Management Area and the associated policies are anticipated to be reviewed within five years of implementation or sooner and this data is expected to be available by that time.

New Bore Data
Bores drilled in early to mid-2013 were west of Lily Creek and did not find significant water in the McLean Basalt. Water was located in the Hodgkinson Formation only. As there were no GPS coordinates provided with these bores, the strata information is not useful until the locations are validated. It is expected that this bore data and any new additional bore data will be considered during the next review.

Rainfall Data
The rainfall data available for Lakeland Downs Station from the Bureau of Meteorology is not available for an extended period, and has missing valid observations during the available data period. A pluviometer has been recently installed on the departmental monitoring bore on Dawson Road. This will provide rainfall data that is more specific for Lakeland. A sufficient period of data needs to be available for use at the time of review to gain some understanding or to compare the data to the BoM stations available near Lakeland.

Council Data
Monitoring data was obtained for the town bores from Cook Shire Council; however the bore with the extended water level data did not access the McLean Basalt. Water was

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located in the surface alluvium/colluvium for this bore and the only strata encountered were alluvium/colluvium and Hodgkinson Formation. The information from this bore was used to obtain an indication of general hydrological trend/s and water quality. The other four bores did not have any stratigraphy information available to verify what aquifer they accessed or which, if any, of the basalt units were tapped.

Magnetometer Data
The data from the magnetometer runs was not available to the Department at the time of review. This data may be used to inform further investigations, however as the data was collected for a private client it is not known whether this data will be available to the Department.

Pumping Data
Pump test data was submitted from landholders for a number of bores. This information was considered in the February Review.

Surface Expression, Spring Locations, Groundwater Entering and Exiting Dams
The data used to assess the discharge of groundwater was based on available data, including visual observations by departmental officers, aerial photography from 1951 onwards, topographic and parish maps, and anecdotal evidence. Anecdotal evidence from landholders over a number of years was available to the department regarding the extended flow in a number of watercourses that were independent of rainfall events, indicating groundwater is sustaining their flows. Information submitted in conjunction with recent water licence applications and departmental assessment of these applications has led to a greater amount of data available for certain areas compared to others. An extensive monthly stream gauging program would have to be conducted by the department over at least a year for every watercourse in the area to gather more data. Departmental resources currently do not permit this. Data supplied by community members would be accepted by the Department if the data was collected accurately by a trained person to a standard that is satisfactory to the relevant Departmental Managers. This information would likely be considered during the next review.

Forestry Plantation
The impact of vegetation on groundwater was accounted for in discharge from the aquifer due to evapotranspiration, subject to some assumptions.

AGE 2006 Recommendations
The implementations of the recommendations from the AGE 2006 report have been reliant on available departmental funding. The first recommendation was adopted soon after the report was made available to the department and advice has been provided to landholders since this date that the aquifer is fully allocated. Additionally, there was not as great of a demand for groundwater from 2006 onwards compared to that which has been indicated to the department since 2012. The dramatic increase in applications has indicated to the department that a formalized management policy is required regarding the status of the aquifer. The Department since 2010 has installed two monitoring bores (where the report recommended only one), with automatic data loggers, and a pluviometer which will assist in future resource management.

Review Timeframe
The policy and rules will be reviewed in five years or sooner if sufficient additional information is collected and analysed and there is a demand for an earlier review. Additional data has already been collected by the department through the use of the data loggers with telemetry and the installation of a pluviometer since May 2013.

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Minor Changes and Corrections

Information provided through the consultation process has been considered and incorporated where appropriate.

In amending the policies, several minor corrections and changes were made. Spelling errors and typographical mistakes have also been corrected.

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Consultation Timeline

Phase 1: Draft Policy Public Release; Targeted Explanation and Feedback Process

No.	Communication activity/Key Issues	Target audience	Messages / content	Responsibility	When	Remarks
1a	**Media public notice** Cairns Weekend Post	All stakeholders	• Invitation for submissions • Invitation to public information session	P Siemsen S Smith A Buckley	9/03/2013	
1b	**Mail out to all water licence holders in the LGMA.**	Water users	• Invited to public information session • Draft Map included • Draft policy has been released • Invited to make submissions	P Siemsen S Smith N Austin	7/03/2013	Completed.
1c	**Mail out to rate payers within Lakeland and relevant Community Groups.**	Community	• Invited to public information session • Draft Map included • Draft policy has been released • Invited to make submissions	P Siemsen S Smith N Austin	7/03/2013	Completed.
1d	**Public Information Session**	• Local community • Interested parties	• Public information session (Lakeland Hall and Library). • Advertised in local newspaper. • 2 hour session (from 7:30pm – 9:30pm) • Draft Policies released to encourage discussion and interested parties are invited to make a submission.	Departmental Representatives: P Siemsen G Orr G Herbert A Buckley	13/03/2013	Approximately 30 attendees.
1e	**Public Submissions**		• Capture how community reacted to the draft policy. • Submissions assessed for incorporation into the final policy.	S Smith P Siemsen	Public submission period: 7/03/2013 to 26/04/2013. Submission assessment completed May 2013.	All submitters had their submissions acknowledged in writing.

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Phase 1: Draft Policy Public Release; Targeted Explanation and Feedback Process

No.	Communication activity/Key Issues	Target audience	Messages / content	Responsibility	When	Remarks
1f	**Public Information Session**	• Local community • Interested parties	• Public information session (Lakeland Hall and Library). • Advertised in local newspaper. • 2 hour session (from 7:30pm – 9:30pm) • Results of Submission/Consultation Process.	Departmental Representatives: P Siemsen A Buckley	Tentatively 2 September 2013	
1g	**Meeting of Project Team:** • Finalisation of policies		• Agreed that the draft policies ready for progression.	Project team	8/08/2013	Policy progressed for incorporation into *Water Regulation 2002* finalised.

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Phase 2: Policy Implementation

Communication activity/Key Issues	Target audience	Messages/ content	Responsibility	When	Remarks
Website Documentation up-loaded to web	All stakeholders	• Prepare website with Policies, (link on front page of DNRM website in featured news). • Include email address and phone number to request information.	Policy Officer Communication Services	Prior to release; activated on release date (currently planned for DATE (To be confirmed))	
Media public notices Cairns Weekend Post	• All stakeholders	Groundwater Management Policy and Seasonal Water Assignment Rules have been released. Include where policies can be obtained (DNRM Mareeba Office; Website).	Communications Services G. Jensen P Siemsen S Smith	Policy release DATE (To be confirmed).	NEWSPAPER
Media release/s • Water Management Policy & Seasonal Water Assignment Rules implemented	• Media • Local community • Interested parties	Key messages: Water Management Policy & Seasonal Water Assignment Rules have been released. • Security of entitlements, sustainable management etc. • Include where policy can be obtained	A Buckley N Kelly G. Jensen P Siemsen Communications Services	DATE (To be confirmed).	NEWSPAPER
Mail-out to all water licence holders in the LGMA.	• Water users	• Water Management Policy and Seasonal Water Assignment Rules have been released. • Include where policy can be obtained.	P Siemsen S Smith N Austin	DATE (To be confirmed).	

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Appendix A - Departmental Project Team:

Role/Responsibility	Name	Position
Project Manager	Andrew Buckley	Executive Director – Service Delivery – North Region
	Nigel Kelly	Regional Manager – Water Services
	Gary Jensen	Manager (Water Management)
Project Manager / Technical Advice	Graham Herbert	Manager (Water Monitoring)
Policy Advice	Leanne Barbeler	Director, Water Planning North and Central
	Nikki Watson	Team Leader – Water Policy
	Jon Chapman	Senior Policy Officer
Policy Development / Technical Advice	Peter Siemsen	Leader (Water Management)
	Glynis Orr	Senior Hydrologist
	Amy Becke	Senior Natural Resources Officer
	Tim Gale	Senior Natural Resources Officer
	John Charles	Senior Technical Officer
	Sasha Smith	Natural Resources Officer
	Annette Philippa	Natural Resource Officer

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Metadata Table

Title	**Lakeland Surface Water Management Proposal**
Description	This paper outlines a proposal to reduce the regulatory burden of the take or interference of surface water on landholders in the Lakeland area through the declaration of upstream limits under section 1006 of the *Water Act 2000* and section 54 of the *Water Regulation 2002*.
Keywords	Water; management; Lakeland; surface water; drainage feature; watercourse; upstream limit; self-regulation
Business area name	Water Services
Document type	Proposal
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Group/Region	North Region
Location	
Version no.	1.0

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Version history

Version	Date	Comments
1.0	29/04/2013	Lakeland Surface Water Management Proposal– Final draft
1.1		
2.0		

Endorsement/Approval

Name (Title)	Signature	Date

'Endorsement/Approval' Note: This table is to be used in addition to the approval sections in the paper template. The approving signature on the front of a policy document provides an immediate indication of the status of the document. Final approval should come from the last level of sign-off required in the process.

Purpose

This paper outlines a proposal to declare upstream limits for a number of drainage features in the Lakeland area under section 1006 of the *Water Act 2000* and section 54 of the *Water Regulation 2002.*

Rationale

The proposal will provide for the reduction in regulatory burden on landholders, enable the self-regulation of surface water in the Lakeland area, and ensure the productive use of water in an area of high agricultural value. The proposal is also consistent with the Department of Natural Resources and Mines Strategic Plan 2012 – 2016 and Operational Plan 2012 – 2013.

Proposal

Overview

Currently in the Lakeland area, a water licence is required to take or interfere with water in a watercourse, lake or spring unless otherwise specified under section 20 of the *Water Act 2000*. A development permit is also needed for the operational works that take or interfere with water under a water licence.

The proposal applies to the taking or interfering with surface water and development permits for works that take or interfere with surface water in the Lakeland area. The proposal will apply to certain watercourses and drainage features that are selected based on a number of considerations. Each selected feature will be considered a drainage feature upstream from a certain point through the declaration of upstream limits under section 1006 of the *Water Act 2002* and section 54 of the *Water Regulation 2002*.

The taking or interfering with water from those features as watercourses will not require a water licence under the *Water Act 2002* or a development permit under the *Sustainable Planning Act 2009*. Any interference or take of water from those features will then be considered the take or interference of overland flow water. The take and interference with overland flow water is authorised under section 20(4) and 20(6) of the *Water Act 2000* for any purpose until such time as a water resource plan or similar legislative process is given effect to.

All features located downstream of a declared upstream limit will continue to be managed under the existing regulatory framework.

Attachment 1 contains a draft map of the proposed upstream limits for the selected drainage features.

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Drivers of Proposal

The *Cape York Peninsula Ecological & Infrastructure Framework Report* (Kleinhardt Business Consultants, November 2007) indicates that there is the potential for 5000 hectares of land to be cropped at Lakeland. The majority of this land has already been cleared, and approximately 3000 hectares is currently used for cropping and horticulture. Soils in the area, such as red and yellow ferrosols and yellow and brown dermosols, are suitable for high value agricultural crops including bananas and row crops.

Recently, concerns have been raised by a number of landholders in the area that the existing regulatory framework impedes the ability to access and productively use water which in turn hinders agricultural production and growth.

The Department of Natural Resources and Mines' Strategic Plan 2012 – 2016 aims to increase the productive and sustainable use of land and water resources as well as reduce the volume and complexity of legislation and administrative process. The department's

Operational Plan 2012 – 2013 aims to restore an appropriate balance between agriculture and resource development in regional Queensland. The Queensland Government is also striving to ensure that all regulation is fit for purpose. This proposal will achieve these aims for the area.

Methodology Used to Derive the Proposed Area

The Lakeland area was selected for the proposal based on a number of considerations:

- The location of the area – in the upper reaches of a drainage basin
- Limited available cleared land in the Normanby Basin
- The high agricultural value of the existing cleared land
- The level of agricultural development already established
- Limited number of landholders
- Limited available water
- Small catchment areas of drainage features in the area
- Landholder's concerns

Methodology Used to Select Drainage Features

The features within the Lakeland area proposed for the declaration of upstream limits were selected based on a number of considerations:

- The estimated catchment area of the feature – equal to or less than 20 kilometres squared (with an error of +/- 5%).
- The Strahler Number[2, 3] of the feature – equal to or less than 5 based on 1:100000 drainage data from the department's database. The lowest Strahler Number is 1, indicating a feature with no tributaries, and the highest Strahler Number in the Normanby Basin is 9 at the river mouth of the Normanby River.
- The exclusion of rivers, such as the Laura River, West Normanby River, East Normanby River and the Normanby River.

Note – the above are just considerations and do not construe a steadfast criteria; the features were selected at the discretion of the decision maker.

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Overall Risks to Catchment Water Resources

The considerations used to select the drainage features should limit the overall risks to the Normanby Basin and ensure that regulation is fit for purpose. In the local area, catchments of 20km^2 are highly likely to display characteristics of watercourses and are generally a stream order 5 or greater. Features with catchments greater than 20km^2 and with a Strahler Number greater than 5 are generally excluded to reduce potential risks to the catchment water resources. The major or named rivers in the area have also been excluded given the potential risks to the environment and other water users if they were not regulated.

The Lakeland area is largely developed and as such, the opportunities for development of new infrastructure for purposes other than stock and domestic use are limited. Any further development may lead to a reduction in the reliability of access to water for existing users; however, it is uncertain whether this reduction would be significant for downstream users. The impacts to the end of system flows are likely to be minimal as a result of declaring the upstream limits. It is uncertain whether the proposal will significantly impact the local or broader environment.

The declaration of upstream limits will result in the features upstream of that point being essentially deregulated. The department can provide guidance in the release of water

downstream of impoundments or pumps on the unregulated features; however, any release of water downstream, such as for consumptive uses, would have to be negotiated between neighbouring landholders and formalised if necessary. Compliance with these agreements will be managed at the community level.

There is some risk that the proposed self-regulation could be misused causing conflict between various water users within the Lakeland area. It is also expected that downstream neighbours could be negatively affected. These risks are expected to be either resolvable through community consultation and/or manageable through the provision of departmental guidance material.

Inappropriately increasing surface water related development in some catchments has led to adverse environmental outcomes, however the department does not have any documented evidence of any significant impacts to the environment or ecology from existing infrastructure in Lakeland.

Existing Entitlements and Community Input

Under this proposal, existing infrastructure currently subject to a water licence to take and/or interfere would no longer require a water licence to be held. The proposal will result in reduced regulation of the selected features, which would instead be managed under section 20(4) and 20(6) of the *Water Act 2000*, as the take or interference with overland flow. Currently in the Lakeland area, overland flow take and interference can occur without constraint, and no licences are required to be held. This proposal will provide greater autonomy for water users to manage the use of water in a sustainable manner and to equitably share the available water with downstream users.

While legislative requirements under the *Water Act 2000* such as water licensing, riverine protection permits and quarry provisions will no longer operate in the features upstream of the declared limits, the proposal would not stop the operation of any other regulatory requirements in place under existing legislative frameworks for example, referrable dams.

All existing entitlements upstream of the declared limits will be removed through an administrative process. All applications upstream of the declared limits will no longer be required.

Where there are impoundments on a feature accessed by multiple water licence holders, the licence holders will be asked about their views in relation to retaining their entitlements or becoming self-regulated.

Community consultation and the submission process are intended to provide interested individuals and groups with an opportunity to submit their views on the proposal. From this process, the department will gain important feedback from the community that will be taken under consideration.

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Other Considerations

There is a clear head of power to declare upstream limits of a watercourse under section 1006 of the *Water Act 2000*.

The department's intention is to apply the proposal area-wide and not have an opt in-opt out choice, otherwise there will only be limited reduction in the regulatory burden. The decision around area-wide application, or not at all, will be informed by community feedback.

Explanatory Notes

Identifying the features that will have upstream limits

For the purpose of this proposal, the area in which upstream limits of drainage features are being considered is within the Lakeland area and is associated with potential high value agricultural land, as indicated in Attachment 1.

Water within the area to which this proposal applies includes surface water only.

Note: The attached map is indicative only and is not the legally recognised map of the upstream limits under the provisions of the *Water Regulation 2002*. The locations of the upstream limits are held in digital electronic form by the department and may be inspected by the public at the department's Mareeba office.

How the proposal will be implemented

To manage the surface water resources at Lakeland, this proposal will generally be applied as described above. However, decisions regarding the declaration of upstream limits under the *Water Act 2000* and the *Water Regulation 2002* remain at the discretion of the chief executive administering the *Water Act 2000*, currently the Director-General of the Department of Natural Resources and Mines.

To implement the proposal, an amendment to the *Water Regulation 2002* under section 1006 of the *Water Act 2000* will be progressed to declare upstream limits on each of the designated features.

All water licences upstream of the declared limits will then be surrendered or removed through an administrative process. All water licence applications upstream of the declared limits will be redundant and no new applications will be required. The application fees for applications currently being processed by the department will be refunded following amendment to the *Water Regulation 2002.*

Other rules affecting Surface Water Management

Requirements under any other legislation will continue to apply to all existing or new infrastructure in the area such as (but not limited to):

- *Water Supply (Safety and Reliability) Act 2008*.

Rationale for the proposal

Recent Queensland Government initiatives, including a commitment to reduce unnecessary regulation across government, ensure productive use of water in areas of high agricultural value, and ensure that all regulation is fit for purpose and reflective of the risks to sustainable and productive use of water resources have led to a reconsideration of the need to regulate surface water in certain areas. The focus of water management should be centred on the ability to access and productively use water resources at critical times in crop production, especially during dry periods, in a sustainable manner.

The Lakeland area is located in the upper reaches of Normanby Basin and is characterised by well developed, high value agricultural irrigation practices and some grazing. There is currently no water resource plan or resource operations plan that regulate the use of water in the Lakeland area. Surface water in this area is regulated under the direct provisions of the *Water Act 2000*. Currently, a water licence is required to take or interfere with water in a watercourse, lake or spring. The department utilises a number of statutory and policy documents to determine if a feature is a watercourse lake or spring.

There are a number of impoundments located on drainage features in Lakeland. Often these features, and any water resource development associated with them are largely self-managed and regulation to this extent may not be necessary. The small catchment areas, limited available water and the low number of landholders indicate that self-regulation may be an appropriate management method for the area which is fit for purpose.

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Review of Proposal

If implemented, this proposal will remain in force under the *Water Regulation 2002.* Future regulation of overland flow water via a water resource plan could allow for increased regulation. This may occur if there is unresolvable conflict between water users in the area, or the water resources are not being used sustainably or productively.

Contact

For enquiries relating to the proposal, please contact:

Position: Water Management

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

Postal Address: PO BOX 156, Mareeba QLD 4880

Telephone: (07) 4048 4850

Facsimile: (07) 4092 2366

Responsibilities if Proposal Implemented

Landholders within the Lakeland Area that take or interfere with surface water:

- That require a surface water licence, must ensure that water is taken in accordance with the conditions of that water licence and the legislative requirements of the *Water Act 2000*.
- That do not require a surface water licence, should manage their take or interference with surface water to minimize the impacts to other water users and to maintain environmental flows.

The department must:

- Manage surface water not caught by the proposal through the provisions of the *Water Act 2000*.
- Provide guidance to surface water users that are caught by the proposal to minimize misuse and conflict.
- Utilise legislative mechanisms available under the *Water Act 2000* to increase the level of regulation if there is unresolvable conflict between water users, and/or the water resources are not used sustainably or productively.

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Definitions

Strahler Number: A stream order number derived from the Strahler Methodology which defines stream size based on a hierarchy of tributaries. Refer to the Government Gazette, Number 37 published 2006[2] for an explanation of the methodology.

Watercourse: Refer to section 5 of the *Water Act 2000* and sections 3A – 3AI and Schedule 1AA of the *Water Regulation 2002*.

References

[1]Kleinhardt Business Consultants 2007, *Cape York Peninsula Regional Economic & Infrastructure Framework Report,* November 2007.

[2]State of New South Wales 2006, *Government Gazette*, no 37, schedule 4, pp 1509.

[3]Zhang L, Wang GQ, Dai BX and Li TJ 2007, *Classification and Codification Methods of Stream networks in a River Basin: A review,* Environmental Informatics Archives, volume 5 pp364-372.

Legislation

Water Act 2000

Water Regulation 2002

Sustainable Planning Act 2009

Sustainable Planning Regulation 2009

Water Supply (Safety and Reliability) Act 2008

Attachment

Attachment 1 – Lakeland Proposed Upstream Limits – Draft

Attachment 2 – Details of Existing Water Licences and Applications in the Lakeland Area

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Attachment 2

Table 1: Current Surface Water Licences – Lakeland Area (see map for included area)

Criteria – The catchment area for the licence to interfere is 20km^2 or less (+/- 5%) and the stream order is 5 or less using the Strahler Number methodology.

Regulation – Above the declared limit, streams will be unregulated. Below the declared limit, streams will be regulated.-

Water Licence	Authorisation Type	Volume authorised	Related Dam	Water Name	Accepted Catchment Area	Strahler Number	Proposed Regulation
405419	LII	317 ML	**Blackburn Dam**	UT Ninda Creek	2.73 km^2	4	**Maybe regulated**. Note more than one water entitlement.
405420	LTW	105 ML					
408811	LTW	16 ML					
601918	LII	3300 ML	**Sharprock Dam**	UT Leichhardt Creek	6.14 km^2	5	**Unregulated.** Note area of impoundment crosses boundary of land.
607185	LTW	300 ML					
405417	LII	46 ML	**Figtree Dam**	UT Ninda Creek	0.57 km^2	3	**Unregulated.** Note upstream of a proposed dam. LII 409598 (UT Ninda Ck)
409600	LII	46 ML	**Carpet Snake Dam**	UT Ninda Creek	6.30 km^2	5	**Unregulated.**
19466K	LII	100 ML	**Town Dam**	UT Bullhead Creek (Perfume Gully)	12.83 km^2	1	**Regulated.** Note easement over Perfume Gully; more than one entitlement holder; and dam licence holder is separate to entitlement holder.
601726	LTW	80 ML					
58721K	LII	1415 ML	**Spring Creek Dam**	UT Ninda Creek (Spring Creek)	21.30 km^2	5	**Maybe regulated.** Note catchment area is approx. 20 km^2 and more than one entitlement holder.
404272	LTW	125 ML					
607391	LTW	145 ML					
607392	LTW	470 ML					
607390	LTW	10 ML					
409598	LII	*Proposed* 1500 ML	**Dam on UT Ninda Ck**	UT Ninda Creek	18.60 km^2	5	**Unregulated.** Note proposed dam located downstream of Fig Tree Dam LII 405417
409599	LTW	612 ML					
33725K	LII	6075 ML	**Honey Dam**	Bullhead Creek	50.23 km^2	4	**Regulated.** Note catchment >20 km^2 and more than one entitlement holder.
100993	LTW	500 ML					
607293	LTW	1000 ML					
607294	LTW	2515 ML					
58936K	LII	Licenced 400 ML. Only	**Fifty Mile Dam**	Fifty Mile Creek	4.50 km^2	2	**Unregulated.** Note

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		contains ~30 ML					one existing and two proposed dams upstream of the limit.
607234	LTW	200 ML					
58954K	LII	Proposed 174 ML	**Dam 1 – 50 Mile Creek**	Fifty Mile Creek		1 or 2	**Unregulated.**
58955K	LII	Proposed 95 ML	**Dam 2 – 50 Mile Creek**	Fifty Mile Creek		1 or 2	**Unregulated.**
19468K	LII	90 ML	**Lily Creek Dam**	Lily Creek		3	**Unregulated.**
19472K	LII	68 ML	**Whaleback Dam**	UT Ninda Creek		5	**Unregulated.**
19464K	LII	370 ML	**Homestead Dam**	UT Boggy Creek		1	**Unregulated.**
19467K	LII	317 ML	**One Mile Dam**	One Mile Creek		3	**Unregulated.** Note location is above Honey Dam.
602003	LII	0.4 ML	**One Mile Ck Weir**	One Mile Creek		3	**Unregulated.** Note location is above Honey Dam.
190062	LTW	69 ML	River flow entitlement.	West Normanby River		6+	**Regulated.**
607232	LTW	24 ML	River flow entitlement.	UT Bullhead Creek (Perfume Gully)		2 or 3	**Regulated.** Note location downstream of town dam.
607233	LTW	24 ML	River flow entitlement.	Bullhead Creek		4	**Regulated.** Note location downstream of Perfume Gully confluence.
408668	LTW	40 ML	River flow entitlement.	One Mile Creek		3	**Unregulated.**
59960K	LTW	1280 ML	River flow entitlement.	East Normanby River		6+	**Regulated.**

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Table 2: Current Surface Water Applications – Lakeland Area (see map for included area)

Criteria – The catchment area for the licence to interfere is 20km^2 or less (+/- 5%) and the stream order is 5 of less using the Strahler Number methodology.

Application Number	Authorisation Type	Volume Applied for	Related Dam	Water Name	Catchment Area		Strahler Number	Proposed Regulation
					NAWS	DNRM		
552031	LII	335 ML	Cooktown Road Dam 1	UT Boggy Ck	Between 3.99 km^2 – 4.50 km^2	4.33 km^2	2	**Unregulated**
552337	LTW	250 ML						
552029	LII	655 ML	Cooktown Road Dam 2	UT Leichhardt Ck	2.16 km^2	1.78 km^2	3	**Unregulated**
552028	LTW	400 ML						
546309	LII	1360 ML	Dump Gully Dam	UT Bullhead Ck	Between 4.005 km^2 – 4.457 km^2	4.01 km^2	3	**Unregulated**
546718	LTW	460 ML						
539920	LII	5000 ML	Tableland Creek	Tableland Ck	13.35 km^2	13.35 km^2 Accepted	4	**Unregulated**
539922	LTW	2200 ML						
539919	LTW	3000 ML	Dam location not known Water harvesting application.	East Normanby River		Not Applicable	7	**Regulated**
539918	LTW	3000 ML	Dam location not known Water harvesting application.	West Normanby River		Not Applicable	7	**Regulated**
539913	LTW	2700 ML	Dam location not known Water harvesting application.	East Normanby River		Not Applicable	7	**Regulated**
556050	LTW	1850 ML	Dam location not known Water harvesting application.	Laura River		Not Applicable	5 or 6	**Regulated**

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Table 3: Conditions of current Surface Water Licences – Lakeland Area (see map for included area)

Water Licence	Authorisation Type	Volume authorised	Related Dam	Water Name	Conditions on Licence	Conditions on DP of LII
405419	LII	317 ML	**Blackburn Dam**	UT Ninda Creek	SPEC01 When there is a flow in the watercourse into the storage sufficient downstream flow must be maintained to meet downstream requirements.	2-3.002A 2-3.003A 2-3.004A (See attachment "Old Standard DP Conditions") 2-3.005A 2-3.006A
405420	LTW	105 ML			N/A	
408811	LTW	16 ML			1.01 The licensee must notify the chief executive of any new or additional works through which water under this water licence is to be taken, prior to taking the water from these new or additional works. The notification must be given in writing and if the new or additional works require development approval, this notification must include details of the relevant development permit(s). 1.10 A water year shall be from 1 July to 30 June. 1.80 Water that is taken under the authority of this water licence must only be water that is impounded under the authority of water licence 405419. 6.21 The chief executive shall accept no responsibility whatsoever for the quality of water which is taken or interfered with under the authority of this water licence.	
601918	LII	3300 ML	**Sharprock Dam**	UT Leichhardt Creek	3.16 If there is flow from the watercourse into the impoundment authorised under this water licence, water must be allowed to pass downstream of the impoundment at a rate equal to the rate at which water is entering the impoundment or at a rate of 2.4 megalitres per day (28 litres per second), whichever is the lesser amount.	SPEC01 Outlet works of either a through-pipe or a siphon pipe must be installed through or over the dam wall and capable of discharging not less than 2.7 Megalitres per day (31.25 litres per second). SPEC02 The outlet valve must be fitted with a geared gate valve. SPEC03 The outlet works must have a screen permanently fitted to the inlet of the pipe to prevent the entrapment and or death of instream fauna.
607185	LTW	300 ML			Standard 1.15, 1.81 & 4.39 (See attachment "Relevant Schedule A Conditions") 2.17 The taking of water under this authorisation is prohibited when the water level in Sharprock Dam is lower than 500 millimetres above the obvert (top inside) of the inlet of the outlet works.	
405417	LII	46 ML	**Figtree Dam**	UT Ninda Creek	SPEC01 When there is a flow in the watercourse into the storage sufficient downstream flow must be maintained to meet downstream requirements.	2-3.002A 2-3.003A 2-3.004A 2-3.005A 2-3.006A
409600	LII	46 ML	**Carpet Snake Dam**	UT Ninda Creek	3.13 When directed by the chief executive, the water licence holder must install and maintain to the satisfaction of the chief executive, approved flow measuring devices for the purpose of measuring flows entering and leaving the impoundment. 3.14 Water impounded by this water licence must not, without the written approval of that person being first obtained, cause the submergence of the property or works of any person other than the licensee. SPEC01 When there is a flow in the watercourse into the storage sufficient downstream flow must be maintained to meet downstream requirements.	2-3.002A 2-3.003A 2-3.004A 2-3.005A 2-3.006A
19466K	LII	100 ML	**Town Dam**	UT Bullhead Creek (Perfume Gully)	SPEC01 When there is a flow in the watercourse into the storage sufficient downstream flow must be maintained to meet downstream requirements.	2-3.002A 2-3.003A 2-3.004A 2-3.005A 2-3.006A
601726	LTW	80 ML			Standard 1.15 SPEC01 The authorisation must not be exercised when the impoundment volume of the storage authorised by Water Licence 19466K is 25 megalitres or less.	

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<table>
<tr><td>58721K</td><td>LII</td><td>1415 ML</td><td rowspan="4">Spring Creek Dam</td><td rowspan="4">UT Ninda Creek

(Spring Creek)</td><td>SPEC01
A through-pipe with a nominal diameter not less 300 millimetres must be installed through or around the wall of the dam that creates the impoundment authorised by this licence to allow water to be conveyed downstream of the dam.
SPEC02
The outlet pipe required by Schedule B Condition 'SPEC01' must be fitted with a geared gate valve.
SPEC03
The gate valve required by Schedule B Condition 'SPEC02' must be maintained in a properly functioning state.
SPEC04
Water must be allowed to pass downstream of the dam that creates the impoundment authorised by this licence at a rate equal to the unrestricted capacity of the through-pipe required by Schedule B Condition 'SPEC01' or at the rate that water is entering the impoundment at the material time, whichever is the lesser.
SPEC05
The chief executive's representative may, at any time, lock the gate valve required by Schedule B Condition 'SPEC02' to regulate the volume of water conveyed downstream of the dam embankment that creates the impoundment authorised by this licence.</td><td>D015

The permittee must, to the satisfaction of the chief executive of the Department of Natural Resources and Water, and at the permittee's own expense, maintain the bed and banks of the watercourse adjacent to the permitted works.

D045

Prior to abandoning the works authorised by this permit, the permittee must modify or remove the works in the manner directed by the chief executive of the Department of Natural Resources and Water.</td></tr>
<tr><td>404272</td><td>LTW</td><td>125 ML</td><td>Standard 1.15

SPEC01
Water taken under the authority of this water licence must only be water that has been impounded under the authority of Water Licence 58721K.
SPEC02
Water taken under the authority of this water licence must only be water that has been released from the impoundment authorised by Water Licence 58721K.
SPEC03
At all times, if there is a flow in the watercourse into the impoundment authorised by Water Licence 58721K, water must be allowed to pass downstream of the activity location (pump site) of this water licence at a rate equal or greater to the rate at which water is entering the impoundment.</td><td></td></tr>
<tr><td>607391</td><td>LTW</td><td>145 ML</td><td>Standard 1.15</td><td></td></tr>
<tr><td>607392</td><td>LTW</td><td>470 ML</td><td>Standard 1.15</td><td></td></tr>
<tr><td>607390</td><td>LTW</td><td>10 ML</td><td>Standard 1.15</td><td></td></tr>
<tr><td>409598</td><td>LII</td><td>Proposed
1500 ML</td><td>Dam on UT Ninda Ck</td><td>UT Ninda Creek</td><td>SPEC01
When there is a flow in the watercourse into the storage sufficient downstream flow must be maintained to meet downstream requirements.
SPEC02
A through pipe with a nominal diameter not less than 240 mm must be installed through or around the wall of the dam that creates the impoundment authorised by this licence.
SPEC03
Water must be allowed to pass downstream of this impoundment at a rate equal to the unrestricted capacity of the through pipe required by SPEC02 or at the rate that water is entering the impoundment, whichever is the lesser.</td><td>No DP.</td></tr>
<tr><td>409599</td><td>LTW</td><td>612 ML</td><td>Standard 1.15 & 1.81</td><td></td></tr>
<tr><td>33725K</td><td>LII</td><td>6075 ML</td><td rowspan="3">Honey Dam</td><td rowspan="3">Bullhead Creek</td><td>SPEC01

If there is flow from Bullhead Creek or One Mile Creek into the impoundment of Honey Dam authorised by this water licence, water must be allowed to pass downstream of the impoundment at the following rates:
<table><tr><th>Storage height of Honey Dam impoundment in metres below full supply level:</th><th>Minimum required release (litres per</th></tr><tr><td>between 0.0 (full supply) and 1.0</td><td>10</td></tr><tr><td>between 1.01 and 3.0</td><td>6.5</td></tr><tr><td>between 3.01 and 5.0</td><td>3.0</td></tr><tr><td>greater than 5 metres</td><td>2.0</td></tr></table></td><td>2-3.002A

2-3.003A

2-3.004A

2-3.005A

2-3.006A

SPEC01
As of July 1 1994 the dam has a low hazard rating with respect to potential destruction of downstream life and property, and is therefore exempted from provisions of the Water Resources Act relating to referable dams.
SPEC02
The Department reserves the right to revoke that exemption should so circumstances warrant.
SPEC03
Notwithstanding the above exemption Section 5.5 of the Water Resources Act 1989 applies.
SPEC04
Any alterations, repairs of maintenance to the dam is subject to the Licensing provisions of the Water Resources Act 1989.
SPEC05
The work may not be abandoned or removed except under the authority of a Licence issued in accordance with the Water Resources</td></tr>
<tr><td>100993</td><td>LTW</td><td>500 ML</td><td>Standard 1.15</td></tr>
<tr><td>607293</td><td>LTW</td><td>1000 ML</td><td>Standard 1.15, 1.81 & 4.39

2.17

The taking of water under this authorisation is prohibited when the water level in Honey Dam is lower than 500 millimetres above the obvert (top inside) of the inlet of the outlet works.</td></tr>
<tr><td>607294</td><td>LTW</td><td>2515 ML</td><td>Standard 1.15, 1.81 & 4.39</td></tr>
</table>

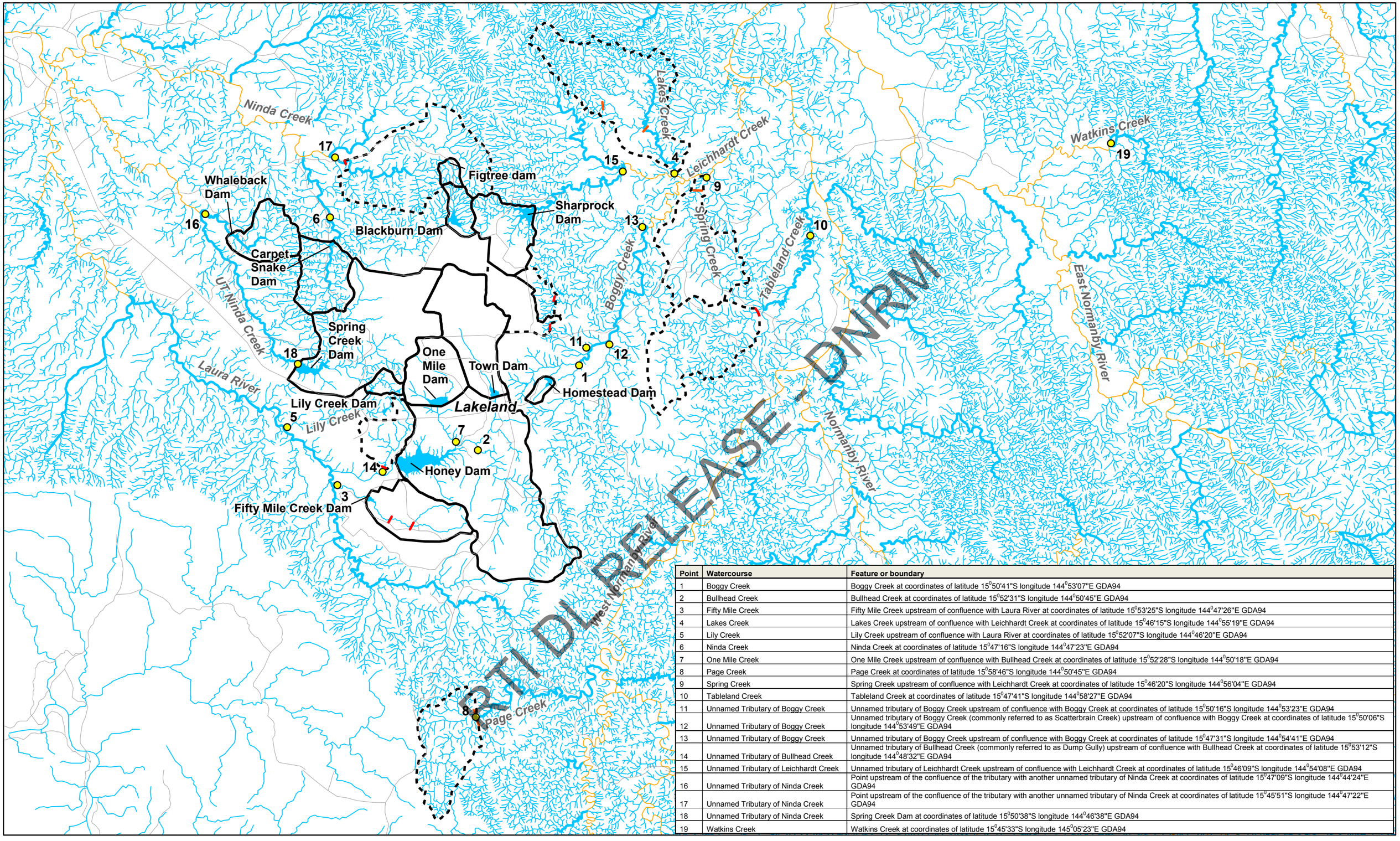
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						Act 1989. New DP required!
58936K	LII	Licenced 400 ML. Only contains ~30 ML	**Fifty Mile Dam**	Fifty Mile Creek	SPEC01 When there is a flow in the watercourse into the storage sufficient downstream flow must be maintained to meet downstream requirements.	2-3.001A 2-3.002A 2-3.003A 2-3.004A SPEC01 The works authorised by this licence are subject to the provisions of the Water Resources Act 1989 relating to referable dams and the licensee shall comply with any directions of the Chief Executive issued in accordance with these provisions. SPEC02 The works authorised by this licence include a 575 metre long dam with a storage capacity of 400 ML and a maximum height of 9.5 metres. SPEC03 Upon completion of construction of the works the licence shall furnish to the Chief Executive, certification that the works have been constructed in accordance with the Department of Natural Resources, Farm Water Supplies Services' Specification Section B - Earth Dam. SPEC04 The licensee shall furnish a surveillance report on the condition of the dam in accordance with Departmental guidelines at the following times:- A. at the time of each application for licence renewal, and B. at any time if alarming or unusual conditions are observed.
607234	LTW	200 ML			Standard 1.15, 1.81 & 4.39 SPEC01 The maximum volume of water that may be taken under this authorisation during any calendar month is 50 megalitres.	
58954K	LII	Proposed 174 ML	**Dam 1 – 50 Mile Creek**	Fifty Mile Creek	SPEC01 When there is a flow in the watercourse into the storage sufficient downstream flow must be maintained to meet downstream requirements.	DP expired 31/08/2002
58955K	LII	Proposed 95 ML	**Dam 2 – 50 Mile Creek**	Fifty Mile Creek	SPEC01 When there is a flow in the watercourse into the storage sufficient downstream flow must be maintained to meet downstream requirements.	DP expired 31/08/2002
19468K	LII	90 ML	**Lily Creek Dam**	Lily Creek	SPEC01 When there is a flow in the watercourse into the storage sufficient downstream flow must be maintained to meet downstream requirements.	2-3.002A 2-3.003A 2-3.004A 2-3.005A 2-3.006A
19472K	LII	68 ML	**Whalebac k Dam**	UT Ninda Creek	3.13 When directed by the chief executive, the water licence holder must install and maintain to the satisfaction of the chief executive, approved flow measuring devices for the purpose of measuring flows entering and leaving the impoundment. 3.14 Water impounded by this water licence must not, without the written approval of that person being first obtained, cause the submergence of the property or works of any person other than the licensee. SPEC01 When there is a flow in the watercourse into the storage sufficient downstream flow must be maintained to meet downstream requirements.	2-3.002A 2-3.003A 2-3.004A 2-3.005A 2-3.006A
19464K	LII	370 ML	**Homestea d Dam**	UT Boggy Creek	SPEC01 When there is a flow in the watercourse into the storage sufficient downstream flow must be maintained to meet downstream requirements.	2-3.002A 2-3.003A 2-3.004A 2-3.005A 2-3.006A
19467K	LII	317 ML	**One Mile Dam**	One Mile Creek	SPEC01 When there is a flow in the watercourse into the storage sufficient downstream flow must be maintained to meet downstream requirements.	1-1.40 During the currency of the licence, the licensee must maintain to the satisfaction of the chief executive works constructed in accordance with the licence and must carry out any work or make any alteration

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						deemed necessary by the chief executive for the protection or proper maintenance of the works. 1-2.10 The licensee must at the licensee's cost maintain to the satisfaction of the chief executive, the bed and banks of the watercourse adjacent to the works with respect to which the licence is issued. 1-5.10 The works with respect to which the licence is issued must not, without the written approval of that person being first obtained, cause the submergence of the property or works of any person other than the licensee.
602003	LII	0.4 ML	**One Mile Ck Weir**	One Mile Creek	3.16 If there is flow from the watercourse into the impoundment authorised under this water licence, water must be allowed to pass downstream of the impoundment at a rate equal to the rate at which water is entering the impoundment or at a rate equal to the unrestricted capacity of the outlet pipe, whichever is the lesser, or at a rate determined by the chief executive. SPEC01 A through pipe with a nominal inside diameter of not less than 75 mm must be installed through or around the wall of the dam that creates the impoundment authorised by this licence.	SPEC01 A through pipe must be installed through the base of the impoundment wall which is not less than 75mm inside diameter.
190062	LTW	69 ML	N/A	West Normanby River	Standard 1.15 SPEC01 The taking of water must not cause the premature cessation of streamflow immediately downstream of the pump site. SPEC02 The taking of water from a waterhole is prohibited at all times when there is no surface flow into or out of the waterhole.	N/A
607232	LTW	24 ML	N/A	UT Bullhead Creek (Perfume Gully)	Standard 1.15 & 4.39 2.69 The daily volumetric limit that may be taken under this licence is 0.2 megalitres. SPEC01 The monthly volumetric limit that may be taken under this licence is 4 megalitres.	N/A
607233	LTW	24 ML	N/A	Bullhead Creek	Standard 1.15 & 4.39 2.69 The daily volumetric limit that may be taken under this licence is 0.2 megalitres. SPEC01 The monthly volumetric limit that may be taken under this licence is 4 megalitres.	N/A
408668	LTW	40 ML	N/A	One Mile Creek	Standard 1.15	N/A
59960K	LTW	1280 ML	N/A	East Normanby River	Standard 1.15 SPEC01 Water may only be taken under this licence between the months of January and August inclusive SPEC02 The taking of water under this licence is prohibited whenever the pumping rate exceeds streamflow and results in the premature cessation of the flow in the watercourse.	N/A

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Point	Watercourse	Feature or boundary
1	Boggy Creek	Boggy Creek at coordinates of latitude 15°50'41"S longitude 144°53'07"E GDA94
2	Bullhead Creek	Bullhead Creek at coordinates of latitude 15°52'31"S longitude 144°50'45"E GDA94
3	Fifty Mile Creek	Fifty Mile Creek upstream of confluence with Laura River at coordinates of latitude 15°53'25"S longitude 144°47'26"E GDA94
4	Lakes Creek	Lakes Creek upstream of confluence with Leichhardt Creek at coordinates of latitude 15°46'15"S longitude 144°55'19"E GDA94
5	Lily Creek	Lily Creek upstream of confluence with Laura River at coordinates of latitude 15°52'07"S longitude 144°46'20"E GDA94
6	Ninda Creek	Ninda Creek at coordinates of latitude 15°47'16"S longitude 144°47'23"E GDA94
7	One Mile Creek	One Mile Creek upstream of confluence with Bullhead Creek at coordinates of latitude 15°52'28"S longitude 144°50'18"E GDA94
8	Page Creek	Page Creek at coordinates of latitude 15°58'46"S longitude 144°50'45"E GDA94
9	Spring Creek	Spring Creek upstream of confluence with Leichhardt Creek at coordinates of latitude 15°46'20"S longitude 144°56'04"E GDA94
10	Tableland Creek	Tableland Creek at coordinates of latitude 15°47'41"S longitude 144°58'27"E GDA94
11	Unnamed Tributary of Boggy Creek	Unnamed tributary of Boggy Creek upstream of confluence with Boggy Creek at coordinates of latitude 15°50'16"S longitude 144°53'23"E GDA94
12	Unnamed Tributary of Boggy Creek	Unnamed tributary of Boggy Creek (commonly referred to as Scatterbrain Creek) upstream of confluence with Boggy Creek at coordinates of latitude 15°50'06"S longitude 144°53'49"E GDA94
13	Unnamed Tributary of Boggy Creek	Unnamed tributary of Boggy Creek upstream of confluence with Boggy Creek at coordinates of latitude 15°47'31"S longitude 144°54'41"E GDA94
14	Unnamed Tributary of Bullhead Creek	Unnamed tributary of Bullhead Creek (commonly referred to as Dump Gully) upstream of confluence with Bullhead Creek at coordinates of latitude 15°53'12"S longitude 144°48'32"E GDA94
15	Unnamed Tributary of Leichhardt Creek	Unnamed tributary of Leichhardt Creek upstream of confluence with Leichhardt Creek at coordinates of latitude 15°46'09"S longitude 144°54'08"E GDA94
16	Unnamed Tributary of Ninda Creek	Point upstream of the confluence of the tributary with another unnamed tributary of Ninda Creek at coordinates of latitude 15°47'09"S longitude 144°44'24"E GDA94
17	Unnamed Tributary of Ninda Creek	Point upstream of the confluence of the tributary with another unnamed tributary of Ninda Creek at coordinates of latitude 15°45'51"S longitude 144°47'22"E GDA94
18	Unnamed Tributary of Ninda Creek	Spring Creek Dam at coordinates of latitude 15°50'38"S longitude 144°46'38"E GDA94
19	Watkins Creek	Watkins Creek at coordinates of latitude 15°45'33"S longitude 145°05'23"E GDA94

Legend

- Declared Upstream Limit
- Stream order 1-4
- Stream order 5
- Stream order 6+
- Road
- Proposed dam (approx location)
- Catchment for existing dam
- Catchment for proposed dam

Lakeland - Declared Upstream Limits

For Ministerial Approval

0 1.5 3 6 9 12 Kilometres

Coordinates are in Geographics GDA94

Scale 1:145,000 File C

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Lakeland Surface Water Management Proposal

Consultation Report

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Introduction

An upstream limit of a watercourse means –

- If a regulation under section 1006(1) of the *Water Act 2000* has declared an upstream limit of the watercourse, the upstream limit declared.

- It is the natural or artificial feature or the boundary of a parcel of land, mentioned for a watercourse as stated in the relevant schedule of the Water Regulation 2002.

There are currently 3 upstream limits declared under the Water Regulation 2002 that exist in Queensland.

The Lakeland Surface Water Management Proposal intends to declare 19 new upstream limits under the Water Regulation 2002. This will result in a reduction in regulatory burden on landholders, enable the self-regulation of surface water, and ensure the productive use of water in Lakeland, which is an area of high agricultural value.

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History of the proposal's development process

Surface water in the Lakeland area has been actively regulated since 1969, when the first licence was issued to construct a dam on the Laura River.

Currently, there are a total of 15 213.4 megalitres of surface water licensed to be impounded and a total of 7515 megalitres of surface water licensed to be taken in the general Lakeland area. Additionally, the department is currently processing applications totalling 8560 ML for licences to impound surface water and 11 660 ML for licences to take surface water.

From 2012 and onwards, concerns have been raised by landholders and licensees in the Lakeland area that the existing regulatory framework impedes the ability to access and productively use water which also hinders agricultural production and growth.

Due to the growing agricultural development in the Lakeland area, landholder concerns, and the aims of the Queensland Government to ensure a four pillar economy and reduce regulatory burden, the department developed a proposal to reduce regulatory burden in the Lakeland area.

The Lakeland Surface Water Management Proposal was released on 1 May 2013. A public information session was held on this date at Lakeland to discuss the proposed changes to surface water management in the area. Public comment on the draft documents was invited until 13 June 2013. A total of six submissions were received from 20 interested persons.

Key milestones for developing the proposal

Milestone	Timeframe
Pre-planning phase Review of current information and options	 Early 2013
Draft development phase Departmental Project Team established Departmental Project Team meetings	 Early 2013 Early – Mid 2013

Public review phase Public notice of the proposal	 April 2013
Draft map of the proposed upstream limits and the draft proposal released – submissions invited.	May 2013
Consultation with stakeholders and the community	May 2013
Submissions closed	June 2013
Submissions assessed	June 2013 - July 2013
Final public meeting	Tentatively proposed for 2 September 2013.
Finalisation phase Upstream limits finalised and the *Water Regulation 2002* amended.	Tentatively proposed for late 2013 – early 2014

Links with other initiatives

Department of Natural Resources and Mines Strategic Plan 2012 – 2016

The DNRM Strategic Plan 2012 – 2016 aims to increase the productive and sustainable use of land and water resources as well as reduce the volume and complexity of legislation and administrative process.

These goals are promoted through the proposal for the Lakeland area.

Department of Natural Resources and Mines Operational Plan 2012 – 2013

The DNRM Operational Plan 2012 – 2013 aims to restore an appropriate balance between agriculture and resource developments in regional Queensland.

This goal is also promoted through the proposal for the Lakeland area.

General Government Objectives

- **Planning Reform**
- **Ensure that all regulation is fit for purpose**
- **Grow a four pillar economy by delivering**: investment from exploration and revenue from resources activity; a secure land and water titling system; productive and sustainable land and water resources; a safe and healthy resources industry workforce; and a more productive and innovative resources industry
- **Realise better infrastructure and planning by delivering**: accurate geological survey, spatial and natural resources information; and better information on the real benefits and impacts of natural resources and resources industry activity
- **Revitalise frontline services by delivering**: an effective mine safety and health response capability; and streamlined administrative processes.
- **Lower the cost of living for families by**: creating options for home ownership on Indigenous land; and reducing red tape for landholders.

The proposal for surface water at Lakeland ensures that regulation is fit for purpose by reducing regulation and red tape, promotes a four pillar economy, and streamlines administrative process by reducing undue regulatory burden.

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Copies of the Upstream Limits

The final upstream limits, once approved, will be stated in Schedule 8, Part 2 of the Water Regulation 2002.

The Water Regulation 2002 can be accessed online here:
http://legislation.govnet.qld.gov.au/Acts_SLs/Acts_SL_W.htm

Background and Scope

Purpose of this report

This report summarises the involvement of relevant stakeholders during the development and review of the Lakeland Surface Water Management Proposal. It also describes the communication strategy for the implementation of the proposal. Additionally, this report summarises the issues raised during consultation and how these issues were addressed.

In reviewing the proposal, various interest groups provided valuable input through:

- Feedback from the departmental project team
- Public information session/s
- Verbal feedback to departmental officers
- Formal submissions received following release of the proposal.

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Business Objectives

- That the proposal: reduces regulatory burden on the landholders in Lakeland; ensures regulation is fit for purpose, is within the legislative provisions of the *Water Act 2000,* is relevant to current and future circumstances of the area, and is generally supported by the affected community.
- Seek community input and ownership via the release of draft documents and encourage submissions on the draft proposal.

Communication Objectives

- Notify stakeholders and the general community that the proposal had been developed and that the Department of Natural Resources and Mines (the department) encourages public comment / community feedback on the proposal;
- Provide relevant and timely information to interested parties in order to promote understanding of the key issues and assist them in making submissions; and,
- Notify stakeholders and the general community that the department, after consideration of submissions and finalisation, the outcomes of the proposal, i.e. the upstream limits that have been declared.

Communication Environment

During the consultation process it became apparent that there is general support within the community for the Lakeland Surface Water Management Proposal. It needs to be acknowledged that some specific issues have been raised by stakeholders. These issues will need to be addressed. The issues include:

- The reduction in regulatory burden as a positive outcome. The use of upstream limits was identified as a key strategy to reduce regulatory burden and to maximise the productive use of surface water resources.
- Potential concerns regarding impacts downstream.
- Potential concerns regarding limited available scientific data.
- Potential concerns regarding the impacts on current licence holders.

Project Team

A project team was established to review the information and options available to reduce red tape, promote the productive use of water, and to restore an appropriate balance between agriculture and the natural resource in Lakeland. The project team was formed largely from departmental employees in the North Region (see Appendix A). All properly made submissions were analysed and collated by the project team before being addressed or incorporated into the proposal.

Internal and External Stakeholders (in no particular order)

- Premier of Queensland
- Deputy Premier of Queensland
- Minister for Natural Resources and Mines of Queensland
- Local government
- Primary producers
- Licence holders
- Landholders
- Traditional owners
- Conservation groups
- Commerce and development organisations
- Community groups and individuals
- Recreation and tourism groups
- Other government agencies
- DNRM Executives – Director General, Deputy Director General Service Delivery, Executive Director Service Delivery North Region
- Regional Manager Water Services
- Managers – Water Services
- Regional Staff – Water Services, DNRM Service Centres and other Business Groups

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Key Messages

The proposal:

- Provides for the reduction in regulatory burden on landholders in Lakeland.
- Enables the self-regulation of surface water in Lakeland.
- Ensures productive use of water in an area of high agricultural value.
- Meets current demands from industry, population and agriculture growth by facilitating the maximum potential use of available surface water.

In Addition:

- Community support is important in successful water resource management; therefore the department encouraged comment and submissions on the proposal.

Overview of General Communication and Consultation with Stakeholders

Timeframe	Milestone
2012 - Present	Department & Queensland Government aims to reduce regulatory burden and red tape across Queensland to ensure all regulation is fit for purpose. Concerns raised by landholders at Lakeland that the existing regulatory framework impedes the ability to access and productively use water which hinders agricultural production and growth.
April 2013	Endorsement of proposal by Minister Cripps
April 2013	All licensees sent letters depicting proposed management changes, inviting submissions, and providing the date and the location of public information session.
April 2013	All ratepayers/landholders sent letters depicting proposed management changes, inviting submissions, and providing the date and the location of public information session.
April 2013	Public Notice published advising of public information session and inviting submissions.
May 2013	Public Information Session – proposal released and discussed. Submissions invited.
June 2013	Submission period closed.
June 2013	All submissions acknowledged by the department.
September 2013	Public Information Session – Outcomes of Consultation
2013/2014	Expected that all affected persons will be sent a letter advising implementation of upstream limits in the Water Regulation 2002.

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Consultation and Submissions

A total of **6** separate submissions were received from **20** interested persons in relation to the proposal. Additionally, verbal feedback was also provided. The department reviewed and analysed the feedback received.

This section summarises key issues raised throughout the consultation process, relevant background information relating to each issue, the relevant proposal provisions, and how the issues were addressed in finalising the proposal.

Support for the Proposal

The public meeting held on 1 May 2013 was attended by not less than 34 people, the majority of which were landholders and licensees who would be affected by the proposed management changes. There was general support for the reduction in regulatory burden through the implementation of upstream limits.

In the submissions received, the majority of submitters supported reduced regulation and the intent of the proposal. A number of submitters agreed reduced regulation would allow for more viable irrigated agricultural development and/or would result in good social and economic outcomes.

Additional Upstream Limits

Two submissions suggested additional upstream limits to be included in the proposal. Three locations were suggested by the first submitter and one location was suggested by the second submitter. The submitters indicated that the inclusion of the additional limits would enable the facilitation of a greater level of economic development than is available under the current regulatory framework.

The department has considered each of the additional locations. The catchment area of each feature at the proposed location is less than or equal to 20 square kilometres, the Strahler Number of each feature is equal to or less than 5, and the features are not rivers. On this basis the department proposes to include three additional upstream limits in the proposal which will cover all four proposed locations.

Transferability

Concerns have been raised regarding the transferability of the proposal to other areas around the State.

There are currently already three upstream limits described in the Water Regulation 2002. Upstream of these limits there is no requirements for a water licence or development permit to take or interfere with water.

This proposal has been specifically developed for the Lakeland area. Wider application of the proposal would require further investigation as each application of the proposal would be specific to each local context.

The principles this proposal are based on, that is, to ensure regulation is fit for purpose, to reduce red tape, to promote productive land and water resources and grow a four pillar economy will be transferable to other areas. There are currently already other areas across the State implementing strategies to reduce regulatory burden.

Drainage Diversions

Questions were raised to departmental officers during the public meeting regarding the use of diversion drains to redirect water within a landholder's property.

Diversion drains, provided they are not in a watercourse and do not intercept the groundwater table, are generally designed to capture and redirect overland flow water. Overland Flow water is not currently regulated in the Lakeland area.

The proposal does not change the way diversion drains will be managed. A landholder may currently construct drainage diversions within their property to redirect water and will still be able to do this if the proposal is implemented.

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Mining Operations

Concerns have been raised regarding mining operations. Mining operations are a separate issue to this proposal. This proposal only addresses the reduction of regulatory burden under the *Water Act 2000*. Requirements under any other legislation will continue to apply including (but not limited to):

- *Water Supply (Safety and Reliability) Act 2008*
- *Vegetation Management Act 1999*
- *Aboriginal Cultural Heritage Act 2003*
- *Fisheries Act 1994*
- *Land Act 1994*
- *Mineral Resources Act 1989*
- *Sustainable Planning Act 2009*

Security of Current Surface Water Entitlements

A number of submitters presented concerns regarding the security of existing water licences under the proposal due to the financial investment made by the licensees.

All rights to the use, flow and control of all water in Queensland are vested in the State. The implementation of upstream limits does not alter this.

The proposal is in direct response to landholders and licensees concerns that the level of regulation impedes the ability to access and productively use water.

A water licence is granted based on an intended level of reliability. However, there is no security specified on a water licence. The attribution of security to a water entitlement occurs through the introduction of water allocations to a catchment. Water allocations are introduced only once there is a sufficient level of data available to implement a water resource plan that ensures a reliable and secure supply of water at a certain probability.

Upstream of a number of existing impoundments, there is currently opportunity for any landholder to make an application for a water licence either to take baseflow or to impound water in a watercourse. The proposed changes suggested by 75% of submitters regarding upstream landholders notifying downstream landholders of any development align more with the current legislative framework or increased regulation, rather than under a reduced regulatory framework and are contrary to the objectives of the proposal. Currently, the water licensing process provides existing entitlement holders with the opportunity to comment on new water licence applications. However, the development proposed by upstream landholders may or may not require application for a water licence under the *Water Act 2000*. The options available to the community are:

1) Maintain the status quo and remain under the current regulatory framework that enables a notification process; or
2) Adopt the proposal as currently specified where no notification will be required.

Additionally, upstream of a number of existing impoundments, the features may or may not be watercourses as defined under the *Water Act 2000*. Any landholder can currently construct an impoundment on any feature that is not a watercourse without notifying downstream licence holders. This will not change under the proposal. The suggestion that these upstream landholders must now notify downstream landholders would increase regulatory burden on landholders who were not previously affected.

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The catchment areas of most existing impoundments in Lakeland cover multiple properties including Carpet Snake Dam, Blackburn Dam, Sharprock Dam, the proposed Cooktown Road Dams, Spring Creek Dam, Town Dam, One Mile Dam, Fifty Mile Dam, Lily Creek Dam, the proposed UT Ninda Creek Dam, the proposed Dump Gully Dam, and Honey Dam. There is currently no legislative requirement that prevents upstream landholders installing diversion drains to divert the water from the natural established drainage pattern or installing dams that impound overland flow water. There is no guarantee or associated security that overland flow from rainfall/runoff is delivered to currently authorised impoundments when the catchment area extends beyond the property boundaries of that specific landholder.

The expectations raised by a number of submitters in relation to existing entitlements are beyond the level of regulation currently established under the *Water Act 2000*. The aim of the proposal is to reduce regulatory burden, not increase it. Amending the legislation to permit the proposed changes to protect only existing licence holders would result in an unfair disadvantage to some landholders and would not promote natural justice, equity or equal opportunity.

Potential Effects on Downstream Landholders, Traditional Owners and the Environment

Concerns were raised in two submissions and also verbally at and post the public meeting regarding potential impacts on downstream landholders, Traditional Owners and the environment.

Any change to the natural system results in impacts. The majority of impacts are expected to have already occurred as a result of current infrastructure. Further opportunities for development are likely to be limited.

The upstream limits are proposed on small catchments that are not attributed the same value as larger catchments within the basin. The small size of the proposed area that will be affected by the limits, the limited high value agricultural area, and the limited available cleared land in the Normanby Basin are all issues that must be taken into consideration.

There are no upstream limits proposed on the major rivers in the area. This is likely to allow for flow to be maintained in the rivers as per the current circumstances.

Potential impacts that may or may not occur are balanced by the productive use of water and land resources and the resultant economic and social benefit. It is likely that any potential impacts will be felt most acutely immediately downstream of an upstream limit. Moving progressively downstream, it is expected that potential impacts will be mitigated as additional tributaries and creeks provide additional flows from the rest of the basin. There are likely to be no noticeable changes to the end of system flows at the mouth of the Normanby Basin.

Limited Available Data and Monitoring

Some interested persons put forward concerns regarding the lack of science used to develop the proposal and that the assumption of minimal impacts is unsupported by scientific data or research.

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In recent years, applicants in the Lakeland area have provided reports written by consultants in support of their applications. Additionally, during investigation of applications, the department has conducted stream gauging on various creeks. Information supplied in these reports and additionally gathered information has been considered by the department.

The department does not propose to conduct any additional monitoring in the area as there are expected to be minimal impacts. Monitoring conducted by researchers or natural resource management groups would be considered by the department if and when undertaken. Additionally if new scientific assessment methods or other increased scientific knowledge is presented to the department in the future, the department would consider this information.

Changes and Corrections

Information provided through the consultation process has been considered and incorporated where appropriate, such as the inclusion of additional upstream limits.

Several minor corrections and changes were also made following consultation. Spelling errors and typographical mistakes have also been corrected.

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Consultation Timeline

Phase 1: Draft Proposal Public Release; Targeted Explanation and Feedback Process

No.	Communication activity/Key Issues	Target audience	Messages / content	Responsibility	When	Remarks
1a	**Media public notice** Cairns Weekend Post	All stakeholders	• Invitation for submissions • Invitation to public information session	P Siemsen S Smith A Buckley	24/04/2013	
1b	**Mail out to all water licence holders in proposed area.**	Water users	• Invited to public information session • Invited to make submissions	P Siemsen S Smith N Austin	24/04/2013	
1c	**Mail out to rate payers within Lakeland and relevant Community Groups.**	Community	• Invited to public information session • Invited to make submissions	P Siemsen S Smith N Austin	24/04/2013	
1d	**Public Information Session**	• Local community • Interested parties	• Public information session (Lakeland Hall and Library). • Advertised in local newspaper & notices placed in local businesses. • 2 hour session (from 7:30pm – 9:30pm) • Draft Proposal released to encourage discussion and interested parties are invited to make a submission.	Departmental Representatives: P Siemsen N Kelly A Buckley	1/05/2013	Approximately 34 attendees.
1e	**Public Submissions**		• Capture how community reacted to the proposal. • Submissions assessed for incorporation into the proposal.	S Smith P Siemsen G Jensen N Kelly	Public submission period: 1/05/2013 to 13/06/2013.	All submitters had their submissions acknowledged in writing.

RTI DL RELEASE - DNRM

Phase 1: Draft Proposal Public Release; Targeted Explanation and Feedback Process

No.	Communication activity/Key Issues	Target audience	Messages / content	Responsibility	When	Remarks
1f	**Public Information Session**	• Local community • Interested parties	• Public information session (Lakeland Hall and Library). • Advertised in local newspaper. • 2 hour session (from 7:30pm – 9:30pm) • Results of Submission/Consultation Process.	Departmental Representatives: P Siemsen A Buckley	Tentatively proposed for 2 September 2013	
1g	**Meeting of Project Team:** • Finalisation of proposal and upstream limits		• Agreed that the proposal is ready for progression.	Project team	8/08/2013	Upstream Limits progressed for incorporation into Water Regulation 2002 finalised.

Phase 2: Proposal Implementation

Communication activity/Key Issues	Target audience	Messages/ content	Responsibility	When	Remarks
Mail-out: To all affected persons	• Water users • Landholders	• Upstream limits have been placed in the Water Regulation 2002. • Explain changes to regulatory requirements under the *Water Act 2000* and the responsibility of the landholder/s.	P Siemsen S Smith N Austin	DATE (To be confirmed).	

RTI DL RELEASE - DNRM

Appendix A - Departmental Project Team:

Role/Responsibility	Name	Position
Project Manager	Andrew Buckley	Executive Director – Service Delivery – North Region
	Nigel Kelly	Regional Manager – Water Services
	Gary Jensen	Manager (Water Management)
Policy Advice / Other Advice	Sue Ryan	Deputy Director General, Office of the Deputy Director-General
	Leanne Barbeler	Director, Water Planning North and Central
	Lyall Hinrichsen	Executive Director – Water Policy
	Shannon Dempster	Manager – Water Planning
Proposal Development	Nikki Watson	Team Leader – Water Policy
	Peter Siemsen	Leader (Water Resource Management)
	John Charles	Senior Technical Officer
	Tim Gale	Senior Natural Resource Officer
	Sasha Smith	Natural Resource Officer
	Annette Philippa	Natural Resource Officer

RTI DL RELEASE - DNRM

RTI DL RELEASE - DNRM

Call: 13QGOV (13 74 68)
Visit: www.dnrm.qld.gov.au

Dayes Scheree

From: annette Marriott [redacted]
Sent: Friday, 26 April 2013 11:44 AM
To: Water Info North
Subject: Lakeland Groundwater Submission
Attachments: Groundwater Submission.docx; Signed Doc.pdf

RECEIVED BY DNRM MAREEBA
FILE NO NOR|114864
26 APR 2013
REC DOC #2100656

Good Morning Sasha

Please accept our submission on the Lakeland Groundwater.
Regards

Peter & Annette Marriott

49-Sch4 - Personal Information

RTI DL RELEASE - DNRM

SUBMISSION

2100656

Peter & Annette Marriott

49-Sch4 - Personal Information

26th April 2013

Water Services,

Attention: Sasha Smith

Department of Natural Resources and Mines

P O Box 156,

MAEEBA, QLD, 4880

Dear Ms Smith,

RE: SUBMISSION -LAKELAND GROUNDWATER

Any groundwater report, policy or rules should be for the whole Lakeland cropping area. "Lakeland Groundwater Review (Feb 2013)" does not include the basalt to the west along the Peninsula Development Road.

- Bore information is available from numerous recently drilled bores
- Irrigation is being proposed in the area.
- An existing irrigation dam is receiving spring water which comes from the proposed study area.

DERM has written the "Lakeland Groundwater Review" (Feb 2013)", from their office information only. Public consultation would have given DERM greater details and hence a more accurate report.

- An automatic rain weather station is in place beside Dawson Road. This has been in existence for a number of years. Date available on the internet.
- Cook Shire Council has many years of detailed monitoring of the town water supply bores.
- Hancock Exploration Management Services Pty Ltd flew much of the proposed area with an airborne magnetometer last year.
- Figure 25 – Likely surface expression and spring location. This is extremely inaccurate and does not include many existing springs.
- Sink hole areas that may be recharge points.
- Accurate pumping data.

RTI DL RELEASE - DNRM

Almost every page of the report in its current format contains words such as "it is believed, limited data, assumption, appear, was not undertaken and must be". It is obvious that very little actual concrete data is available to complete the report. The Policy and Rules are based on numerous assumptions.

- "AGE 2006" made three Recommendations. DERM have been extremely slow in implementing these recommendations.
- These recommendations, had they been completed, would have presented accurate information for the report. DERM has known that a Policy and Management Rules were necessary but again have done little to assist the community.
- There are no bores in the North West Area or the South East Area to back up the Report. These areas are included with no available information. Soil type in the North West is, although basalt, vastly different to the red volcanic Lakeland soil. (Grundy & Heiner 1994)
- No public consultation to collect available accurate data.

"Lakeland Groundwater Review" (Feb 2013)" has gone into great depths on pages 44 and 45 to assess the groundwater entering the existing dams and proposed dams of the Inderbitizen families.

- If this information is to be included in the report then it should be for all springs and dams.
- Accuracy of the Perfume Gully flow is debatable as much of the water could have been from dam leakage. Since the lowering of the spillway and pumping from the dam, Perfume Gully does not appear to have a permanent flow.
- Neither Wickhams Swamp or the spring flowing into the proposed Cooktown Road Dam, are permanent water. Prior to the clearing and cropping of Lakeland, a windmill and tank were installed at both places for the watering of cattle during the dry season.
- Sharprock dam is not part of the proposed study area.
- These pages of the report appear to be targeting the Inderbitizen families.
- Any report should be fair and equable to all.

Lakeland has recently been planted into forestry. The forestry trees are planted denser than the original natural vegetation. No information is contained in the "Lakeland Groundwater Review" (Feb 2013)" to account for the changes that may occur to the groundwater as a result of this forestry plantation.

- Forestry plantations cover almost all of the Unit H and Unit M areas of Figure 10 which describes the approximate coverage of the aquifer units.
- The trees have steadily been planted since 2008 so the Department is aware of their existence.

DRAFT – LAKELAND GROUNDWATER MANAGEMENT POLICY

Rational e

- The word "further" should not be included. It implies that the Lakeland Groundwater Management Area is noticeably deteriorated.

Rationale for the Policy

- The rationale for the policy is based upon the two investigations into groundwater at Lakeland. Neither of the reports contains detailed accurate information.

RTI DL RELEASE - DNRM

DRAFT – LAKELAND GROUNDWATER MANAGEMENT AREA SEASONAL WATER ASSIGNMENT RULES

Geographical Boundaries

Any Groundwater rules should apply to the entire Lakeland area.

- The Lakeland Groundwater Review which forms the basis of the Management Policy and the Seasonal Water Assignment Rules (Figure 25) does not include the largest spring coming from the current proposed area. This spring feeds a large irrigation dam.
- Recently numerous bores have been drilled along the Peninsular Development Road in an attempt to find water for irrigation.

Seasonal water assignment application (In deciding the application the chief executive must :)

- The possible "conditions" that may be placed upon an approved application should be contained within the Policy. Assignee/buyers and assignee/sellers are entitled to know the possible conditions prior to application.
- There needs to be a set approved time frame in which the chief executive officer has to reach a decision and notify the assignee/buyer. The Department has, in the past, been known to drag its feet when making decisions regarding water applications. A set time frame is normal for most Government decisions. Eg Integrated Planning Act, Licence renewals.

Seasonal water assignment rules

- There is no definition within the policy for "approved works".
- Adverse impacts to employment and the social wellbeing of the township also needs to be considered within the assignment rules.
- Provided any application is correctly made, past non-compliance should be addressed within the approval conditions.

Water Charges

- At the Lakeland Groundwater Management Area - Public Meeting on Wednesday, 13 March 2013 it was emphasised that there were no discussions on water charges and water charges were not being proposed. Surely this section should state the above instead of "refer to the Water Regulation for details".

It is not denied that Lakeland Groundwater needs some form of management policy and rules however our biggest fear is that the rules, in their current format, will be put into place and no further data collected to address the many short falls contain within the two reports. It is obvious that there need to be some major investigations undertaken to eliminate the many inadequacies contained within the reports.

The Department needs to commit to a specified timeframe, put in place the measures necessary to gain the information, address the Lakeland Groundwater issues as a whole entity and be fair and equable to all concerned.

RTI DL RELEASE - DNRM

49-Sch4 - Personal Information

Peter Marriott

49-Sch4 - Personal Information

49-Sch4 - Personal Information

Annette Marriott

49-Sch4 - Personal Information

RTI DL RELEASE - DNRM

Pages 84 through 85 redacted for the following reasons:
- -
Deferred Access

SUBMISSION

Dayes Scheree

From: Willian Johnson [redacted]
Sent: Sunday, 2 June 2013 10:08 AM
To: Water Info North
Subject: Dam Proposal Bull Hollow Lakeland
Attachments: BullHollowDamProposal.docx; ATT316825.txt

Categories: Mareeba

RECEIVED BY DNRM MAREEBA
FILE NO NOR/120129
- 2 JUN 2013
REC DOC #2147680

RTI DL RELEASE - DNRM

SUBMISSION

DAFF
Mareeba
QLD, 4880

2nd June, 2013

Dear Sir/Madam,

RE: BULLHOLLOW DAM PROPOSAL

I recently attended an information session to discuss the Upstream Limits for the Lakeland Area. After much consideration, I, (Ray Johnson of Mount Gibson Station) wish to make a submission for a dam proposal, working in conjunction with yourselves, of course.

The proposed area is the Bull Hollow parcel of land, which is situated next to the Byerstown Range, just 8kms South of Lakeland Downs.
GPS Points: 15 58 46S144 50 45E (WGS84 Lat/Long) would be the approximation of the dam wall.

Advantages of Bull Hollow Dam:

- Close proximity to Lakeland (8km pipeline approx)
- Bull Hollow from your own reports can holds approx 9 times the capacity of water that the current Honey Dam (which currently serves the region) can hold
- Close access to construction site (dam wall work site)
- Due to altitude it may have the possibility of being gravity fed to the major pipeline into Lakeland
- Will continue to expand as time goes on due to the large catchment area
- At point of proposed dam wall, it is solid rock walls on each side
- At the block wall it is approximately 20metres wide at the base
- Would cause minimum water course problems down stream, as the catchment area has no one up further or downstream further.

RTI DL RELEASE - DNRM

n [redacted] and also Cookshire Council have had informal discussions with me in regards to using this site as a dammed area. Discussions with both were very positive as in terms of support.
I realize that there is a lot involved in this decision making process and that other sites are also being investigated as an option.

If you wish to discuss this with the property owner, please don't hesitate to contact me as I would like to speak further about it with you.

Kind Regards
Ray Johnson

49-Sch4 - Personal Information [redacted]

SUBMISSION

Water Info North

From: Jenni Clark [redacted]
Sent: Wednesday, 12 June 2013 4:41 PM
To: Water Info North
Subject: Submission
Attachments: Submission2DERM_DamienC.docx

RECEIVED BY DNRM MAREEBA
FILE NO NOR/120129
12 JUN 2013
REC DOC 2159945

Hi,
Please find attached the submission from Curr Pastoral Company regarding Proposal to Declare Up-stream Limits in the Lakeland Area as advertised.

Kind Regards,

Jenni Clark

JENNI CLARK
T: 07-4091 4494
F: 07-4091 3779
www.outstationnorth.com.au
PO Box 677 Atherton Qld 4883
training for your future...

outstation north

RTI DL RELEASE - DNRM

SUBMISSION

Curr Pastoral Company
P.O. Box 677
ATHERTON 4883
11th June 2013

RECEIVED BY DNRM MAREEBA
FILE NO.....
12 JUN 2013
REC DOC .....

The Manager
Water Services
Department of Natural Resources and Mines
P.O. Box 156
MAREEBA QLD. 4880

Re: Submission regarding Proposal to Declare Up-stream Limits in the Lakeland Area

Dear Sir,

I, Damien Curr, as Director of Curr Pastoral Company, "Springvale", Lakeland wish to present the following submission on behalf of my company in relation to your Department's proposal to declare up-stream limits on certain drainage features in the Lakeland area.

As you are aware I am currently working with J[redacted] of North Australian Water Strategies to investigate several possible water storage options on "Springvale" to enable irrigated agricultural development to proceed on the large area of cleared land on the property. I concur wholeheartedly with the Department's proposal to de-regulate several of the drainage features that traverse "Springvale".

We have already identified several gully dam-sites and off-stream storage projects and discussed these with you. In addition, we have recently conducted brief inspections and preliminary desk-top assessments of potential dam-sites on three drainage features covered by your current proposal and another three potential dam-sites on smaller drainage features not covered by the proposal. The potential sites are located as per the following:

- Site A – Leichardt Ck. @ 275100 E, 8255150 N, up-stream of DNR&M's proposed Upper Limit #13.
- Site B – North Leichardt Ck. @ 275000 E, 8255600 N, also up-stream of DNR&M's proposed Upper Limit #13.
- Site C – U/T of Boggy Ck. @ 276000 E, 8253000 N, up-stream of DNR&M's proposed Upper Limit #14.
- Site D – Spring Ck. @ 278300 E, 8254600 N, approx. 1 km up-stream of the Boggy Ck. junction.
- Site E – Lakes Ck. (#1), @ 276150 E, 8257150 N, on the eastern side of the Lakes Plain clearing.
- Site F – Lakes Ck. (#2), @ 274400 E, 8258200 N, near the north-west corner of the Lakes Plain clearing.

It is requested that the drainage features on which dam-sites D, E and F are located also be included in the de-regulation proposal. The catchment areas of these three dam-sites are less than 20 km^2; the largest of which is Site E, with an area of approximately 17 km^2.

We feel that inclusion of these drainage features and dam-sites in the over-land flow proposal will allow more viable development of the adjacent areas of cleared, arable land than under the current water management strategy.

Yours faithfully

49-Sch4 - Personal Information

Damien Curr
Director
Curr Pastoral Company

RTI DL RELEASE - DNRM

SUBMISSION

Dayes Scheree

From: [redacted]
Sent: Thursday, 13 June 2013 1:51 PM
To: Water Info North
Subject: Lakeland water management (surface) proposal

Submission from [redacted]
I have doubts about the impact on water users further down the catchment and the health of the river system. I do not support any water harvesting on the pastoral leases as their land use is not for intensive horticulture.
Providing everyone will be given the same opportunityi.e. If I wanted to build a new dam or raise the wall on my existing dams I would be entitled to without consulting any other users then I would support the proposal on freehold land in the Lakeland area.
Yours sincerely

49-Sch4 - Personal Information

Sent from Samsung Mobile

RECEIVED BY DNRM MAREEBA
FILE NO NOR/120129
13 JUN 2013
REC DOC 2160331

RTI DL RELEASE - DNRM

SUBMISSION

Dayes Scheree

From: [redacted]
Sent: Thursday, 13 June 2013 2:01 PM
To: Water Info North
Subject: Lakeland water management proposal

In favour proposal to extent neighbours willing to consider my doubts and expectation . [redacted]

RECEIVED BY DNRM MAREEBA
FILE NO Noel/120129
13 JUN 2013
REC DOC 2160335

RTI DL RELEASE - DNRM

SUBMISSION

Water Services

Department of Natural Resources and Mines

P O Box 156

MAREEBA QLD 4880

RECEIVED BY DNRM MAREEBA

FILE NO .....

13 JUN 2013

REC DOC .....

7-6-13

Dear Sir / Madam

RE: SUBMISSION – LAKELAND SURFACE WATER MANAGEMENT PROPOSAL

RTI DL RELEASE - DNRM

1. Rationale for Proposal

The rationale for the Lakeland Surface Water Management Proposal is sound and we fully support the reduction of regulation for primary producers and landholders. As farmers we face increasing regulation in all aspects of our business.

Lakeland farmers are looking to increase productivity and access to water is the key to any expansion of agriculture in Lakeland. Lakeland farmers have managed existing surface water impoundments effectively over many years and this proposal is an acknowledgment of this and an endorsement of Lakeland farmers as good environmental stewards. As dam owners and users we consider regular overflow events to be important as it ensures our water security and maintains the downstream environmental flows.

The application of this proposal has the potential to increase the productivity of the Lakeland Area and we fully support any measures that help us to achieve this.

2. Security of Existing Entitlement Holders

Any change to the existing system must maintain the security of existing licence holders. Existing license holders have made a significant financial investment in irrigated agriculture, this includes obtaining licences, the construction of impoundments, the installation of irrigation infrastructure and crop plantings. These investments have been made based on existing water licences.

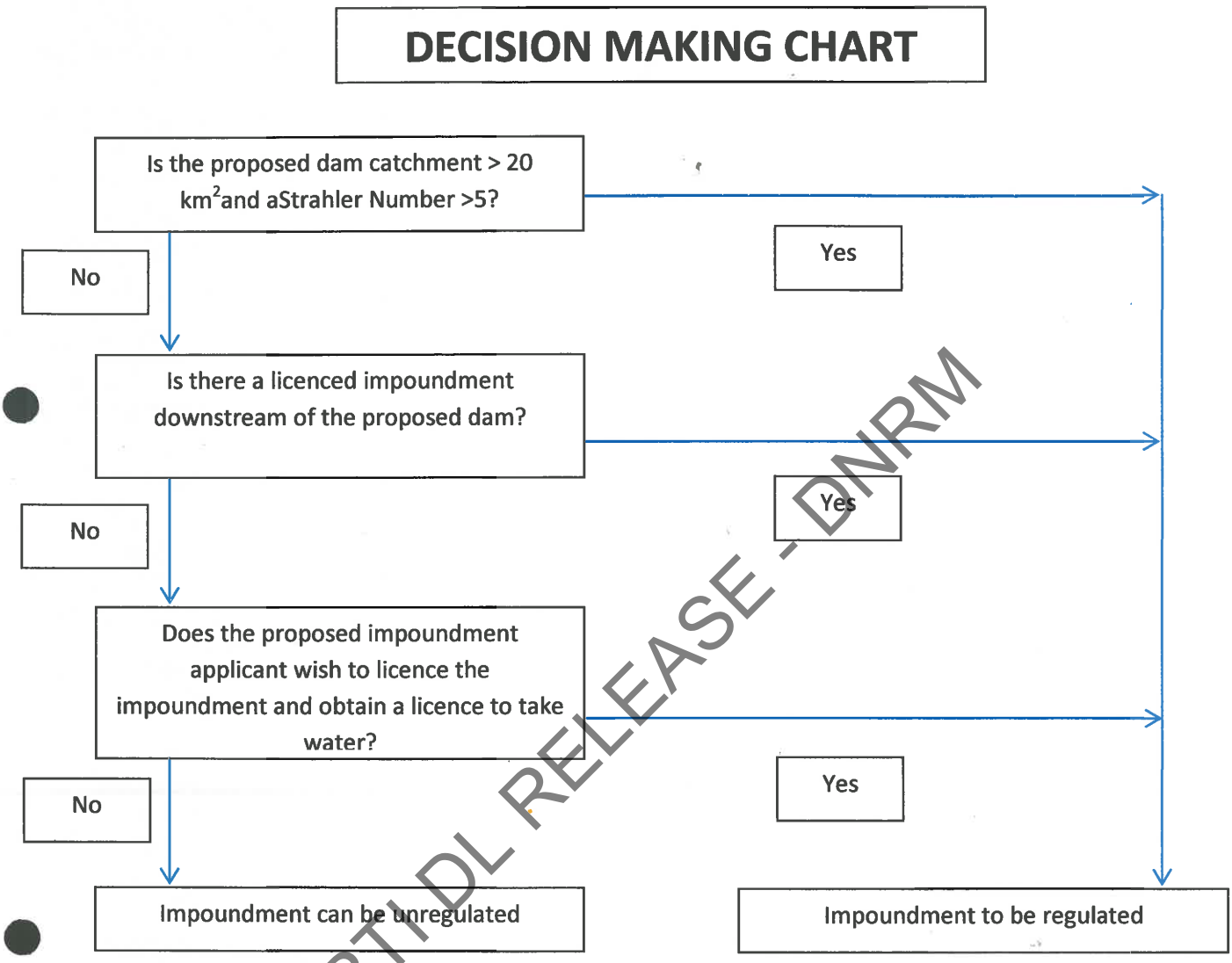
Protecting the security of existing entitlement holders must be the core principle in any change to the system. This can be achieved by using the proposed parameters listed in Table 1.

Table 1 Proposed Parameters for Regulated/Unregulated Watercourses

Guiding Principal	Reason
1. New impoundments and entitlements for the extraction of water from watercourses upstream of licenced impoundments must be regulated.	• Existing entitlement holders need security to their entitlement. Major financial investment in existing infrastructure and agricultural operations.
2. Existing Impoundments upstream of regulated/licenced impoundments must be regulated.	• Water extraction from upstream impoundments impacts on the reliability and security of downstream regulated impoundments. • Existing entitlement holders need security to their entitlement. Major financial investment in existing infrastructure and agricultural operations.
3. Notification of proposed development upstream of a regulated impoundment to be given to downstream licence holders in writing by registered mail.	• Clear communication of upstream development plans on downstream licence holders essential. • Water extraction from upstream impoundments impacts on the reliability and security of downstream regulated impoundments.
4. Responsibility of any party proposing to construct a dam or extract water to check with the Department of Natural Resources if their proposed dam is upstream of a licenced impoundment.	• Catchment yield is finite and needs to be protected • Those parties proposing to impound water upstream from an existing licenced impoundment should be required to demonstrate scientifically the catchment's capacity to reliably supply that water. • Existing entitlement holders need security to their entitlement. Major financial investment in existing infrastructure and agricultural operations.
5. Any partyplanning to construct an unregulated impoundment but wish to protect their asset should have the option to licence their impoundment and obtain a licence to extract water.	• The construction of a dam and associated irrigation infrastructure is costly and security could be desirable.

RTI DL RELEASE - DNRM

Below is a flow chart to assist the decision making process:



RTI DL RELEASE - DNRM

3. Example - Honey Dam

It is proposed that Honey Dam should remain regulated. The entitlement holders from Honey Dam fully support this. They are however concerned by the catchment maps provided and the proposal that upstream of Honey Dam, One Mile Ck and Bullhead creek impoundments would be unregulated. Protecting the security of existing licence holders must be a core principal of any new system.

Figure 1 shows the Total Honey Dam catchment based on the catchment assessment by Northern Australia Water Strategies.One Mile Dam Catchment is a sub-catchment of the Honey Dam Catchment and future development extraction of water from One Mile Dam would have an adverse impact on the existing entitlement holders from Honey Dam.



Figure 1 Honey Dam Catchment Map sourced from NAWS Honey Dam Catchment Assessment Report

RTI DL RELEASED DNRM

4. Irrigated Agriculture at Lakeland

Irrigation has had largely positive impact on Lakeland and the local community. Current horticultural production in the Lakeland Area provides significant employment and economic benefit to the local community and neighbouring centres of Cooktown and Mareeba.

Water is the key to any future expansion of horticulture in Lakeland. Lakeland provides a unique mix of warm, frost free winters with good soil which could grow to be a significant area of out of season fruit and vegetable production.

An increase in water available for irrigation in the Lakeland Area will result in good social and economic outcomes.

5. Summary

- Reducing regulation is encouraged and supported
- Lakeland is a very productive region and increased access to water for irrigation will have many benefits
- Security of existing entitlement holders and existing investment must be maintained

Name: PETER MARRIOTT

Address: 49-Sch4 - Personal Information

Reason for Interest: LAND HOLDER

Signature: 49-Sch4 - Personal Information

Name: ANNETTE MARRIOTT

Address: 49-Sch4 - Personal Information

Reason for Interest: LAND HOLDER

Signature: 49-Sch4 - Personal Information

Name:

Address:

Reason for interest: Owner of currently leased shearing shed

Signature: 49-Sch4

49-Sch4 - Personal Information

Name:

Address:

Reason for interest:

Signature:

Name:

Address:

Reason for interest:

Signature:

Name:

Address:

Reason for interest:

Signature:

RTI DL RELEASE - DNRM

Name:

Address: [redacted]

Reason for Interest: IRRIGATION WATER

Signature: [redacted]

Name:

Address:

Reason for Interest:

Signature:

Name:

Address:

Reason for Interest:

Signature:

Name:

Address:

Reason for Interest:

Signature:

49-Sch4 - Personal Information

RTI DL RELEASE - DNRM

Submitted by:

Peter and Franziska Inderbitzin Swiss Farms [redacted]	49-Sch4 - Personal Information
Martin and Nicole Inderbitzin Kureen Farming [redacted]	
Tom and Trish Inderbitzin Kureen Farming [redacted]	
Paul Inderbitzin Kureen Farming [redacted]	
Martin and Monika Arnold M&M Cropping [redacted]	

Hon Andrew Cripps MP
Minister for Natural Resources and Mines

QUEENSLAND GOVERNMENT

Ref CTS 23348/13

24 OCT 2013

Level 17 QMEC Building
61 Mary Street Brisbane Qld 4000
PO Box 15216 City East
Queensland 4002 Australia
Telephone +61 7 3225 1861
Facsimile +61 7 3224 2491
Email nrm@ministerial.qld.gov.au

49-Sch4 - Personal Information

LAKELAND QLD 4871

Dear [redacted]

Thank you for your letter of 25 September 2013 about the Lakeland surface water management proposal.

I appreciate your keen interest in water allocation and management strategies in the Lakeland area and I am pleased you have taken the opportunity to be involved in consultation with the Department of Natural Resources and Mines (the department) on these issues.

The department is currently implementing groundwater management strategies to prevent further extraction of groundwater beyond the current level of entitlement and that trading is now available to provide opportunities for development without increasing allocations.

Draft proposals for surface water management have been presented to the Lakeland community to address concerns over surface water regulation and the economic impacts to existing water users in this area. This proposal aims to strike a balance to ensure that the needs of the community, agricultural producers and the environment are met, while reducing unnecessary regulatory burden that is impeding existing water users from optimising their businesses.

The designation of upstream limits on watercourses in the Lakeland area retains the requirement for licenses to take and interfere with water below these limits. I am assured by the department that this protects the existing rights of water users below these limits. Access to water above these limits will not be regulated and landholders have the opportunity to construct storages and take water without the requirement of a licence. This will extend to you when the proposal takes effect and would allow you to take water from a source on your land without the need for a licence. This also allows for negotiations between landholders who require access to water, without the department's intervention.

I also note your concerns about changes to land use. The department coordinates a number of assessments including approvals associated with developments such as mining. The allocation and management of water resources under the *Water Act 2000* is the responsibility of the department and mechanisms are in place to ensure that any requirements that must be considered, including the public interest, are comprehensively assessed for all development.

If you have any questions about my advice to you, Mr Peter Siemsen, Leader, Water Management and Use, Department of Natural Resources and Mines will be pleased to assist you and can be contacted on telephone 4048 4864.

Yours sincerely

Andrew Cripps MP
Minister for Natural Resources and Mines

PUBLIC RELEASE - DNRM

25 Sept 2013

49-Sch4 - Personal Information

Andrew Cripps
Minister
Natural Resources and Mines`

Dear Sir

I respectfully request you to take into consideration the concerns I have about the Lakeland Surface Water Management Proposal.

I apologise for the lateness of my letter, 49-Sch4 - Personal Information I did put in a submission and attend some meetings but was unable to attend the 2nd of September meeting.

A number of other landholders have similar issues however I do not speak on their behalf. I address the proposal and the impacts it may have on my property.

The following are my main concerns:

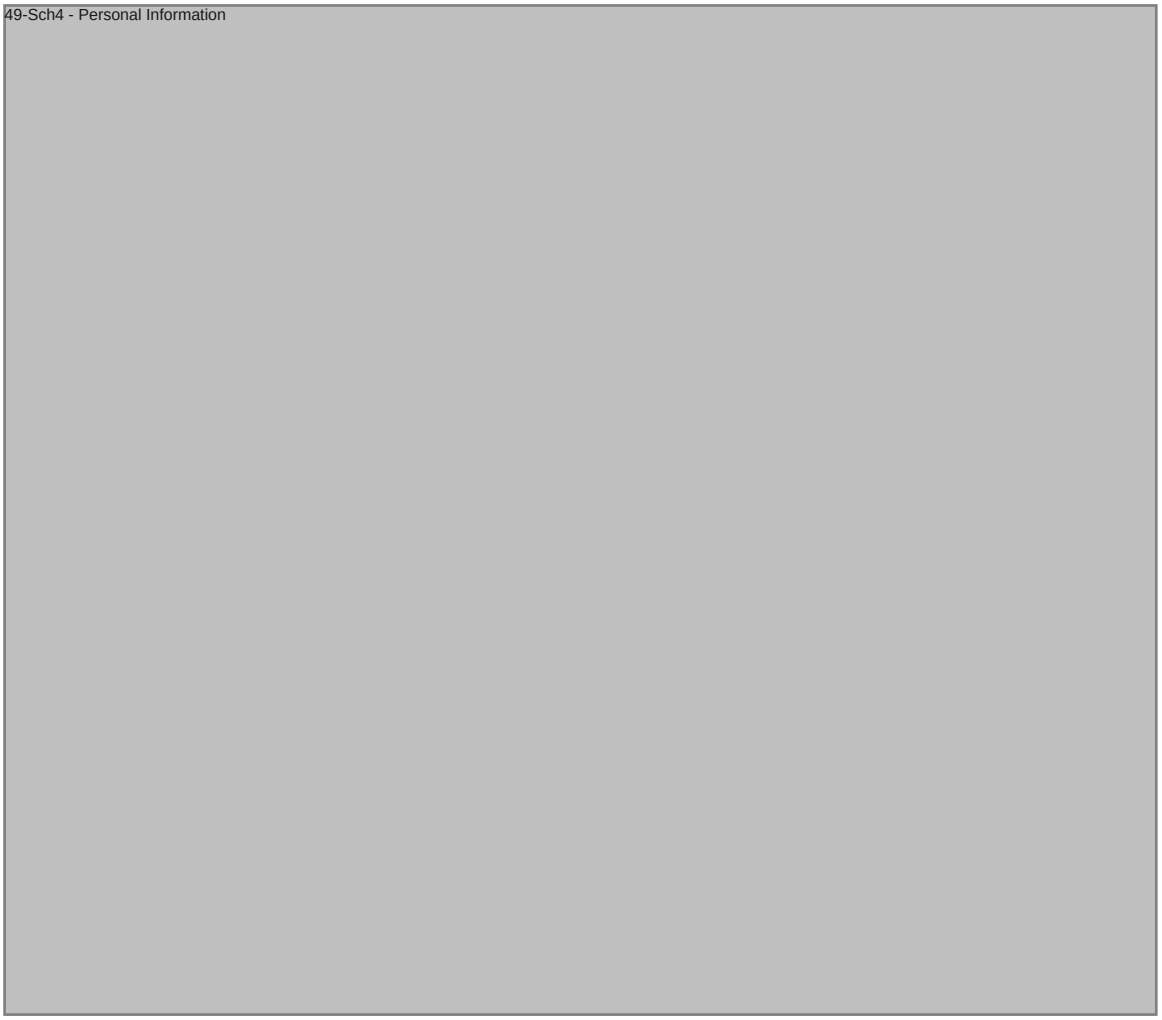
- Lakeland groundwater has been over-allocated;
- Potential for conflict;
- Multi land use + mining;
- No guarantee of reliability and security of water supply;

Please find enclosed more detailed information on these topics.

Yours sincerely

49-Sch4 - Personal Information

Background;



KEY ISSUES

Over-allocation of Lakeland groundwater.

There has been more water allocated than there is water available and this should be taken into consideration.

I understand farmers being frustrated at the precautionary principle being applied and approvals not being given to build dams, however the suspension of all regulations and landholders being allowed to self-assess and self-regulate should be done with extreme caution. The tendency to overuse natural resources when under financial pressure has been heavily documented and is often to the detriment of the natural environment and the farmer.

Potential Conflict.

There is a high likelihood of creating disputes over water 49-Sch4 - Personal Information

49-Sch4 - Personal Information

A large body of water is backed onto my property from this dam wall, if the legislation is changed I could irrigate with this water or potentially sell it to other water users. I am sure that is not the intention of the proposed changes.

I own 49-Sch4 - Personal Information which other neighbours have a water easement to supply domestic and stock water, they could possibly irrigate with or sell this water.

Multi Land Use plus Mining.

The ability to diversify into other land uses is important and any planning needs to reflect this before legislative changes are made.

I think it would be fair to say there is a critical shortage of water in the Lakeland area to supply existing crops and the landscape can't fulfil the demand for further expansion of water storage areas, there is limited scope for suitable sites and the rainfall is highly variable with a distinctive wet season from two months to five months, the rest of the year being extremely dry.

If mining activity were to occur it is my understanding that it would be under another Act and that water storage areas could be built. If there is a dispute over water between farmers and miners whose rights shall prevail? Or shall it simply be whoever is upstream wins?

No guarantee of reliability and security of water supply.

Water allocations are introduced to a catchment only when there is a sufficient level of data available to implement a water resource plan that ensures a reliable and secure supply of water at a certain probability.

If there is not sufficient data for the Department to implement a water resource plan how are farmers going to self-assess and productively and harmoniously use water?

Some farmers are going to invest a lot of money building dams, perhaps they could have been encouraged to jointly work with government departments and investigate crops and management techniques that aren't as heavily reliant on a limited water resource.

CTS No. 23931/13

Snr Policy Advisor [redacted] OK

Chief of Staff ..... OK

Approved / Not Approved / Noted
Further information required

Minister Andrew Cripps

Dated 25/10/2013

To: Andrew Cripps
Minister for Natural Resources and Mines

From: Dr Brett Heyward 15/10
Director-General
Natural Resources and Mines

Endorsed: Sue Ryan, Deputy Director-General, Service Delivery
14/10 Andrew Buckley, Executive Director, North Region

Copy: DDG-PPS **Yes**

11 October 2013

Regulation of upstream limits at Lakeland

Summary and Recommendation

1. It is recommended that the Minister:
   - **note** the following options for dealing with surface water management issues at Lakeland;
   - **consider** the benefits and implications of each option in terms of government priorities; and
   - **decide** the preferred option for managing surface water at Lakeland:
     - option 1: retain current upstream limits as described in Schedule 8, Part 2 of the Water Regulation 2002 (the Regulation); or
     - option 2: amend Schedule 8, Part 2 of the Regulation to remove the upstream limit for Bullhead Creek; or
     - option 3: amend Schedule 8, Part 2 of the Regulation to remove the upstream limits for Bullhead Creek and One Mile Creek.

Timing

2. Consideration of this brief is required by 18 October 2013. Depending on the preferred option, an urgent amendment to Schedule 8, Part 2 of the Regulation may be finalised by 22 November 2013.

Background

3. Previous CTS17887/13 (refer to **Attachment 1**) describes the strategy for managing surface water in the Lakeland area. The policy outcome of implementation is reduced regulation and removal of contestability in the Land Court in all small catchments in the Lakeland area. Through an amendment of the Regulation on 27 September 2013, 19 upstream limits were adopted (refer to **Attachment 2**).
4. These amendments mean that licences for dams and pumps for taking water from features above these limits are not required.
5. Consultation occurred so that stakeholder views could be considered before finalising this management strategy.
6. A formal submission period closed on 13 June 2013 with a number of submissions received.
7. Issues raised by submitters related to monitoring, scientific data, reliability of supply and effects on downstream users. Stakeholders were generally in favour of the strategy, provided it was applied equitably and did not impact on reliability of supply and downstream water users.
8. The majority of stakeholders were in favour of upstream limits being set for most watercourses. However some stakeholders within the community were concerned about the impact of declaring upstream limits for One Mile Creek and Bullhead Creek, which form part of the contributing catchment of Honey Dam, and the subsequent effect of these upstream limits.
9. The Department of Natural Resources and Mines (the department) had equitably applied upstream limits consistently to all watercourses using the following methodology:
   - the estimated catchment area of the feature – equal to or less than approximately 20 square kilometres;

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- the Strahler Number for stream order classification, being equal to or less than five based on a 1:100000 drainage data from the department's database.

10. Application of this methodology has resulted in a number of significant storages no longer requiring licences to interfere with flow because they are located above the upstream limits. This includes an unnamed tributary of Leichhardt Creek where Sharprock Dam a 3000 Megalitre storage exists with a catchment area of 6.1 square kilometres
11. The location of this and other storages means that upstream neighbours have the ability to construct storages on any upstream drainage feature without requiring a licence. Similar scenarios exist for Spring Creek Dam, Blackburn Dam, proposed Cooktown Road Dams 1 and 2 as well as the proposed Dump Gully Dam.
12. Spring Creek Dam, Honey Dam and Blackburn Dam all support multiple water users from each of these storages.
13. These water users in turn provide employment and economic benefits to the Lakeland community.
14. However, Honey Dam is the only storage in the Lakeland area that retains its licence and has upstream limits imposed above its storage. This means that unregulated users may construct storages above these upstream limits and interfere with flow that would otherwise reach the Honey Dam storage.
15. There are three key areas that make up the Honey Dam catchment area:
    - One Mile Creek's catchment area;
    - Bullhead Creek's catchment area; and
    - Perfume Gully's catchment area (includes Town Dam).
16. One Mile Creek's catchment area is approximately 9.5 square kilometres which is less than 20 per cent of the overall catchment area supplying Honey Dam. Approximately six square kilometres of this catchment is above the dam wall.
17. Bullhead Creek's catchment area is 17 square kilometres, which is around 34 per cent of Honey Dam's catchment. Approximately six kilometres of this catchment would not have been regulated prior to the declaration of the upstream limits.
18. Town Dam is the only other storage in the Lakeland area that has retained its licence. However, no upstream limits have been set in this catchment because of encumbrances over the land adjoining Town Dam.
19. The proposed options are presented for managing the Honey Dam catchment:

Option	Pros	Cons
Option 1: retain current upstream limits as described in Schedule 8, Part 2 of the Regulation	No regulatory amendment required; Consistent policy applied Provides development opportunities for landholders above the upstream limits of Honey Dam without having regulatory requirements imposed.	Potential impacts on Honey Dam users if the reliability is compromised by infrastructure development upstream.
Option 2: amend Schedule 8, Part 2 of the Regulation to remove the upstream limit for Bullhead Creek	Protects existing commercial enterprises taking water from Honey Dam. Provides some protection measures for Honey Dam inflows. There are only two minor existing stock dams above the upstream limits in the Bullhead Creek catchment.	Regulatory amendment required. Limits potential for further development to occur above the upstream limits for Bullhead Creek.
Option 3: amend Schedule 8, Part 2 of the Regulation to remove the upstream limits for Bullhead Creek and One Mile Creek	Protects existing commercial enterprises taking water from Honey Dam. Provides some protection measures for Honey Dam inflows.	Regulatory amendment required. Limits potential for further development to occur above the upstream limits for

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		Bullhead Creek and One Mile Creek. One landholder with an existing dam has indicated he would take advantage of the current arrangements, but would be required to apply for a licence in the Honey Dam catchment if upstream limits are removed from One Mile Creek.

Issues in implementing Options 2 and 3

20. The following actions are required if Options 2 or 3 are chosen:
    - Prepare a preliminary impact assessment for consideration by the Office of Best Practice Regulation. This consideration is expected to take at least two weeks from date of submission (early November).
    - Instruct the Office of the Queensland Parliamentary Counsel to prepare an amendment regulation to change Schedule 8, Part 2 of the Regulation, to meet the executive council deadline of 30 October 2013.
    - Progress the amendment regulation for Governor in Council approval and gazettal around the 22 November 2013.
    - Following Governor in Council approval, update the Lakeland upstream limit map referred to in the Regulation.
    - The Director-General to write to all submitters and affected parties to advise of the regulatory change and why the decision was made.
21. There is currently an existing dam above the upstream limits of One Mile Creek. The owners of the land where the dam is located did not have the authority to take water from the storage for irrigation until now. The owner is now able to take water for irrigation without requiring a water licence. This landholder is negotiating with a company seeking access to the land and water to irrigate a sandalwood plantation and has not applied for a water licence in anticipation of the upstream limits. With the removal of the upstream limits, this landholder would be one of the only locals to have to apply for a licence in a catchment of less than 20 square kilometres. The licensing process provides for appeal rights by interested parties. There is a long history of objections against applications to take water in the Honey Dam catchment. If implementing Option 3, the department will write directly to the landholder advising of the requirement to apply for a licence.
22. Any assessment required to satisfy the Office of Best Practice Regulation (OPBR) would be considered after the Minister has decided which option to progress.
23. If OPBR request further information about the regulation amendment this would impact the timeframes mentioned in dot point 20.

Attachments

24. **Attachment 1**: CTS17887/13
    Attachment 2: Map showing declared upstream limits

Clearance

25. Does this have a budget or financial impact? **NO**
26. Does this have an impact for Service Delivery or any other area in DNRM? **YES**
    Mr Lyall Hinrichsen, Executive Director, Water Policy; and Mr Darren Moor, Executive Director, Service Delivery South Region and Water Champion have been consulted and support this brief.

Next Steps

27. The Minister or his office to contact Mr David Kempton MP, Assistant Minister for Aboriginal and Torres Strait Islander Affairs to advise the approach to be taken.

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49-Sch4 - Personal Information

Dr Brett Heyward

Action Officer: Shannon Dempster
Telephone: 4222 5538

Minister - Natural Resources and Mines

Comments: OPTION 3.

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CTS 17887/13

Snr Policy Adviso [49-Sch4 - Personal Information] .OK

Chief of Staff .....[illegible] ..OK

Approved / Not Approved / Noted
Further information required

Minister.....

Dated ....19../8../2013..

To: Andrew Cripps
Minister for Natural Resources and Mines

From: Dan Hunt
Director-General
Natural Resources and Mines

Endorsed: Sue Ryan, Deputy Director-General, Service Delivery 13/8
Lyall Hinrichsen, Executive Director, Water Policy
Andrew Buckley, Executive Director, North Region
Nigel Kelly, Regional Manager, Water Services, North Region

CC: John Skinner DDG PPS

2 August 2013

Lakeland Water Management – Groundwater and Surface Water Proposals

Recommendation

1. It is recommended that the Minister:
   - **endorse** the Department of Natural Resources and Mines' (the department) approach for Lakeland groundwater management as described in **Attachments 1, 2 and 3**, which establishes the area, caps the volume of groundwater and provides for seasonal assignment;
   - **endorse** the department's approach for Lakeland surface water management as described in **Attachment 5 and 6**, recognising that an alternative proposal put forward by Swiss Farms during the community consultation would have resulted in an increased level of regulation and therefore is not considered a viable alternative;
   - **note** the Director-General will write to individual submitters, advising of the decision to implement the surface water and groundwater management proposals and include a copy of the department's consultation reports;
   - **note** the holding of a community meeting to present the final policy position will be held at Lakeland at the end of August 2013;
   - **note** that targeted stakeholder meetings will be conducted if necessary or as requested by stakeholders;
   - **note** Mr David Kempton MP, Assistant Minister for Aboriginal and Torres Strait Islander Affairs and the Member for Cook has been briefed on the department's decision and has indicated his intention to attend the public meeting at Lakeland;
   - **note** that implementation of the proposals will commence once the regulatory amendments are completed at the end of September 2013; and
   - **note** that a water meter notice is required to be issued prior to the groundwater area being listed in the Water Regulation.

Timing

2. Approval of this brief is required urgently to allow North Region officers to finalise arrangements for the community consultation and prepare drafting instructions for amendment of the Water Regulation 2002 this calendar year.

Background

3. The Lakeland water managment proposals intend to reduce the level of regulation in small catchments in the Lakeland area and supports the sustainable management of groundwater resources. The proposals are an alternative to the existing regulatory arrangement, are fit for purpose and will see increased potential for agricultural development at Lakeland.
4. Overall, the implementation of the groundwater and surface water proposals has been met with support from the local community.
5. Approvals and finalisation of the consultation in mid August 2013 will enable the department to progress the required amendments to the Water Regulation 2002, potentially as soon as the scheduled September 2013 amendments.

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Lakeland Groundwater Management

6. The groundwater proposals will:
   a) cap the volume of groundwater that can be allocated in the Lakeland Groundwater Management Area (the LGMA) at the current level of allocation (refer to **Attachments 1 and 2**). The cap will be revised when sufficient data is available to inform an updated groundwater model, and will
   b) provide for the seasonal assignment (temporary water trading) of existing water licences within the LGMA to ensure water that is not being used can be made available for other purposes on a seasonal basis (refer to **Attachments 2 and 3**).
7. Amendments to schedule 4 of the Water Regulation 2002 are required to implement the seasonal water assignment rules. The development of seasonal water assignment rules uses existing statutory instruments under the *Water Act 2000* and Water Regulation 2002 and as such is unlikely to requrire a Regulatory Impact Statement. Advice is currently being sought on this matter.
8. Amendements to schedule 15A of the Water Regulation 2002 will also be required to implement metering requirements in the LGMA. Specific exclusions will be made for stock and domestic water users.
9. The submission period on the groundwater proposal closed on 26 April 2013. One submission was made. While the submission raised many issues, the key issues related to the extent of the water management area and the limited availaibility of data.
10. Two studies of the McLean basalt aquifer at Lakeland support the position that the aquifer is of limited extent and cannot support additional extraction without compromising existing entitlements. Both studies were completed with the best information available at the time. The most recent study was conducted with substantially more data gained from additional bore logs provided to the department and two monitoring bores drilled in 2010.
11. The additional monitoring bores have both been fitted with automated water level loggers. In addition to this, a pluviometer to collect local rainfall data was installed this year. Data collected from this infrastructure will contribute to the next review of groundwater conditions. Several years of data will be required for the review.
12. Seasonal assignment will be restricted to the extent of the productive part of the basalt aquifers. The area conforms to the extent of the basalt formation surrounding Lakeland as mapped by the Geological Survey of Queensland in 1997 and the locations of productive bores that have been located by landowners prospecting for groundwater. Despite more than 20 bores being drilled on nearby occurrences of the McLean Basalt, no additional zones of productive aquifer material have been found. As further data is collected from future drilling activities, the area allowed for seasonal assignment may also be revised as appropriate. Issues raised by submitters have been addressed in more detail in the 'Lakeland Groundwater Management Area, Consultation Report' (refer to **Attachment 4**).

Lakeland Surface Water Managment

13. The surface water proposal will see the declaration of 19 upstream limits (refer to **Attachments 5** and **6**). These declarations will exclude dams and pumps from the current licensing arrangements and facilitate self-management and productive use of water resources in an area of demonstrated agricultural value.
14. Amendments to schedule 8, part 2 of the Water Regulation 2002 are required to implement the upstream limits. These amendments were recognised by the Office of Best Practice Regulation as "not likely to attract significant adverse impacts and therefore, a Regulatory Impact Statement was not required".
15. Given that there is a lack of evidence of any existing negative impacts resulting from the installation of existing infrastructure, it was considered unlikely that the declaration of upstream limits would cause significant impacts on the supply of water to downstream water users. Further, the total area of the Normanby River catchment to be included above declared upstream limits is less than two per cent of the total catchment area. The issues raised by submitters have been addressed in more detail in the 'Lakeland Surface Water Management Proposal, Consultation Report' (refer to **Attachment 7**).
16. The submission period on the surface water proposal closed on 18 June 2013. Six submissions were made by 20 persons (refer to **Attachment 8**). Key issues raised by submitter related to a lack of monitoring and scientific studies, the proposal's transferability, entitlement security, and the effects on downstream water users.

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17. Of notable concern is the submission made by Swiss Farms which generally supports the surface water proposal but requests changes which would result in an increased level of regulation.
18. For example, currently upstream of existing water impoundments, landholders can apply for a water licence to take baseflow or to impound water in a watercourse. Where the feature is not a watercourse, no application is required. Swiss Farms' proposal requires upstream landholders notifying downstream landholders of any development thereby maintaining current notification regulation under the *Water Act 2000* and introducing additional regulation of non-watercourse features not required under the *Water Act 2000*. In this case the options available to the community are to:
    1) maintain the status quo and remain under the current regulatory framework that enables a notification process; or
    2) adopt the proposal as currently specified where no notification will be required.

Attachments

19. **Attachment 1**: Lakeland Groundwater Management Policy.
    Attachment 2: Lakeland Groundwater Management Area – Map.
    Attachment 3: Lakeland Groundwater Management Area Seasonal Water Assignment Rules.
    Attachment 4: Lakeland Groundwater Management Area – Consultation Report.
    Attachment 5: Lakeland Surface Water Management Proposal.
    Attachment 6: Lakeland DRAFT Proposed Upstream Limits – Map.
    Attachment 7: Lakeland Surface Water Management Proposal – Consultation Report.
    Attachment 8: Submissions – Surface Water and Ground Water Combined.

Clearance

20. Does this have a budget or financial impact? **NO**
21. Does this have an impact for Service Delivery or any other area in DNRM? **NO**

Next Steps

22. The department will hold a surface water and groundwater public meeting in Lakeland to inform the community. It is anticipated that this meeting will occur late August 2013.
23. It is expected that implementation of these proposals will commence once the regulatory amendments are completed at the end of September 2013
24. A water meter notice is required to be issued prior to the groundwater area being listed in the Water Regulation. Notices to groundwater entitlement holders will be sent prior to commencement of the regulation amendment.

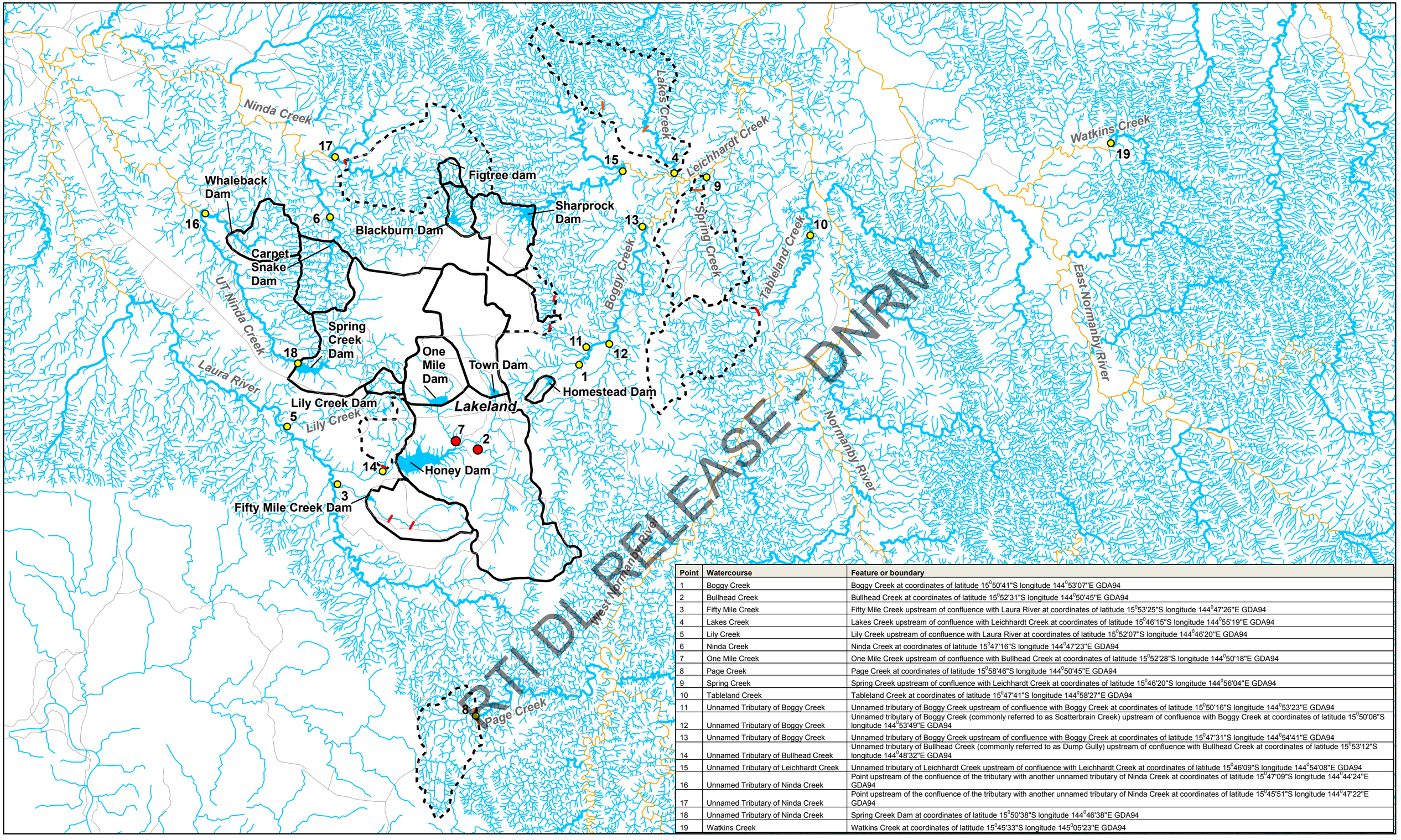
Dan Hunt

Action Officer: Nigel Kelly
Telephone: 4222 5540

Minister - Natural Resources and Mines

Comments:

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Point	Watercourse	Feature or boundary
1	Boggy Creek	Boggy Creek at coordinates of latitude 15°50'41"S longitude 144°53'07"E GDA94
2	Bullhead Creek	Bullhead Creek at coordinates of latitude 15°52'31"S longitude 144°50'45"E GDA94
3	Fifty Mile Creek	Fifty Mile Creek upstream of confluence with Laura River at coordinates of latitude 15°53'25"S longitude 144°47'26"E GDA94
4	Lakes Creek	Lakes Creek upstream of confluence with Leichhardt Creek at coordinates of latitude 15°46'15"S longitude 144°55'19"E GDA94
5	Lily Creek	Lily Creek upstream of confluence with Laura River at coordinates of latitude 15°52'07"S longitude 144°46'20"E GDA94
6	Ninda Creek	Ninda Creek at coordinates of latitude 15°47'16"S longitude 144°47'23"E GDA94
7	One Mile Creek	One Mile Creek upstream of confluence with Bullhead Creek at coordinates of latitude 15°52'28"S longitude 144°50'18"E GDA94
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16	Unnamed Tributary of Ninda Creek	Point upstream of the confluence of the tributary with another unnamed tributary of Ninda Creek at coordinates of latitude 15°47'09"S longitude 144°44'24"E GDA94
17	Unnamed Tributary of Ninda Creek	Point upstream of the confluence of the tributary with another unnamed tributary of Ninda Creek at coordinates of latitude 15°45'51"S longitude 144°47'22"E GDA94
18	Unnamed Tributary of Ninda Creek	Spring Creek Dam at coordinates of latitude 15°50'38"S longitude 144°46'38"E GDA94
19	Watkins Creek	Watkins Creek at coordinates of latitude 15°45'33"S longitude 145°05'23"E GDA94

Legend

- Upstream limit under consideration
- Declared upstream limit
- Stream order 1-4
- Stream order 5
- Stream order 6+
- Road
- Proposed dam (approx location)
- Catchment for existing dam
- Catchment for proposed dam

Lakeland - declared upstream limits under consideration

0 1.5 3 6 9 12 Kilometres

Coordinates are in Geographics GDA94

Scale 1:145,000 File C

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Queensland Government

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NATURAL RESOURCES and MINES
Ministerial Correspondence Action Sheet

MINISTERIAL REFERENCE	DEPT REFERENCE
M15142013	

DATE RECEIVED MINISTER'S OFFICE: 15 OCT 2013

☑ **Response Letter**

- ☐ For reply under Minister's signature
- ☐ For reply under the Assistant Minister's signature
- ☑ For reply under Chief of Staff's signature
- ☐ For reply under the Senior Policy Advisor's signature (Andrew Freeman)
- ☐ For reply under the Policy Advisor's signature (Dan Hall)
- ☐ For departmental response under DG's signature

☐ **Referral Letter**

- ☐ Minister's signature
- ☐ Chief of Staff's signature

Category

Complaint / Compliment / Enquiry / Request / FYI

☐ **Briefing note**

☐ **Dot points**

☐ **FYI / No reply**

☐ **Dept to contact author**

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MINISTER'S OFFICE COMMENTS

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Ainsley Brownlie

From: Tony Jack <Tony.Jack@Santanol.com>
Sent: Tuesday, 15 October 2013 11:07 AM
To: Natural Resources
Cc: Bruce Mattinson (a-Santanol); Peter McKenzie
Subject: Lakeland Water

Dear Minister Cripps,

We have been in discussion with some of the staff at DNRM and were made aware that you may be receptive to our views on the Lakeland Surface Water proposal.

As a group which have recently purchased an agricultural business relying on irrigation at Lakeland we would like to congratulate the government for the implementation of the Declaration Upstream Limits in the region. This change will allow for expansion of many irrigated crops in the region, unlike under the prevailing arrangements which sees water rights being very tightly held by a small group farmers. The expansion is likely to have great benefits for the local and state economy.

We are currently looking to further expand our operations in the region with an estimated initial spend of $6-8 million, creating 10-15 jobs in the first 2 years and then 1 full time position and many seasonal jobs for the 20 year life of the project.

It is imperative to our expansion that the implementation of the Declaration of Upstream Limits goes ahead unchanged.

Yours sincerely

Tony Jack
Managing Director
Santanol Group
Santanol Pty Ltd (ABN 94 115 022 574)
Alpha Santanol Pty Ltd atf Alpha Santanol Trust (ABN 25 283 27[illegible] 184)
Beta Santanol Pty Ltd atf Beta Santanol Trust (ABN 92 521 [illegible] 251)
8 Bolton Street, East Fremantle, WA 6158
T: +61 8 9467 2366, F: +61 8 9467 8297, M: +61 419 [illegible] 78
E: Tony.Jack@Santanol.com

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Hon Andrew Cripps MP
Minister for Natural Resources and Mines

QUEENSLAND GOVERNMENT

- 7 NOV 2013

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61 Mary Street Brisbane Qld 4000
PO Box 15216 City East
Queensland 4002 Australia
Telephone +61 7 3225 1861
Facsimile +61 7 3224 2491
Email nrm@ministerial.qld.gov.au

Ref M15142013
CTS 25301/13

Mr Tony Jack
Managing Director
Santanol Group
8 Bolton Street
EAST FREMANTLE WA 6158

Dear Mr Jack

I refer to your email dated 15 October 2013 addressed to the Honourable Andrew Cripps MP, Minister for Natural Resources and Mines concerning declaration of upstream limits in the Lakeland area. The Minister has asked me to respond on his behalf.

The upstream limits that were declared as part of the surface water strategy for the Lakeland area have been the subject of further investigations following recent representations and further consideration of the security of water entitlements and commercial enterprises in the Bullhead Creek catchment, which includes One Mile Creek. As a result, it has been proposed that the declared upstream limits on Bullhead Creek and One Mile Creek be removed and these streams be managed in accordance with the water licensing provisions in the *Water Act 2000*.

Therefore, landowners wishing to impound and/or take water from Bullhead Creek and One Mile Creek will be required to apply for a licence. The new arrangements require an amendment to the Water Regulation 2002. The Department of Natural Resources and Mines (the department) is advising affected landholders on the progress of the amendment.

The Minister is aware of the additional economic and social benefit that the Santanol Group's proposed expansion would bring to the Lakeland area and the state economy. You are encouraged to contact the department for assistance in preparing an application in advance of the amendments coming into effect.

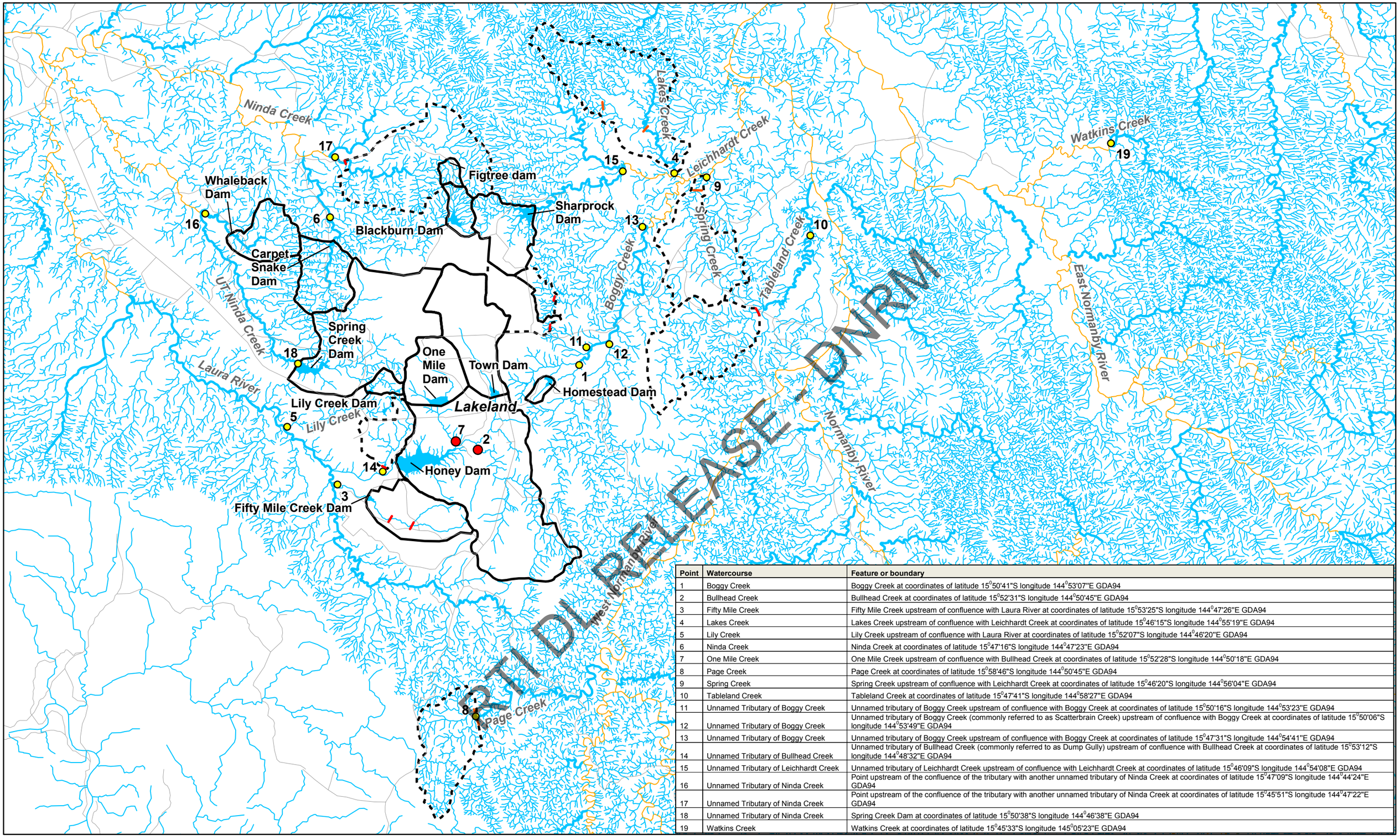
If you have any questions about my advice to you, Mr Nigel Kelly, Regional Manager, Water Services, Department of Natural Resources and Mines will be pleased to assist you and can be contacted on telephone 4222 5540.

Yours sincerely

49-Sch4 - Personal Information

Susan McDonald
Chief of Staff

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Lakeland - declared upstream limits under consideration

0 1.5 3 6 9 12 Kilometres

Coordinates are in Geographics GDA94

Scale 1:145,000 File C

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Queensland Government

To: Dr Brett Heyward
Director-General, Natural Resources and Mines

From: Rachael Cronin
Acting Deputy Director-General
Service Delivery

Approved / Not Approved / Noted
Further information required
Director-General
Dated 20/11/13

Endorsed: Andrew Buckley, Executive Director, Service Delivery

18 November 2013

Letters to stakeholders affected by the declaration of 19 upstream limits in the Lakeland area

Recommendation

1. It is recommended that the Director-General:
   - **endorse** the draft letter (refer **Attachment 1**) to stakeholders affected by the declaration of 19 upstream limits in the Lakeland area (refer **Attachment 2**);
   - **approve** the use of your electronic signature on these letters; and
   - **note** the suggestion at paragraph 4.

Timing

2. Timing of this brief is urgent to ensure affected stakeholders are advised of the recent changes to the upstream limits on Bullhead Creek and One Mile Creek.

Background

3. Background information can be found at the previous briefing note to the Minister (refer **Attachment 3**).
4. It is suggested that the current process of seeking the Director-General's endorsement for draft letters and the approval for the use of an electronic signature through a briefing note could be streamlined to increase efficiency and turnaround times.

Attachments

5. **Attachment 1**: Letter to stakeholders.
   Attachment 2: Details of stakeholders.
   Attachment 3: Previous briefing note to the Minister – CTS 23931/13.

Clearance

6. Does this have a budget or financial impact? **NO**
7. Does this have an impact for Service Delivery or any other area in DNRM? **NO**

Next Steps

8. Once the Director-General approves this briefing note, letters are to be sent to affected stakeholders.

49-Sch4 - Personal Information

Rachael Cronin

Action Officer: Crystal Whittaker
Telephone: 4222 5560

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Director-General - Natural Resources and Mines

Comments:

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Queensland Government

Department of Natural Resources and Mines

Our Ref CTS 27749/13

21 November 2013

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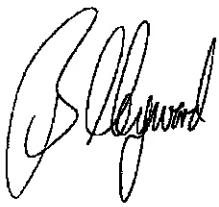
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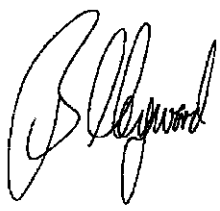
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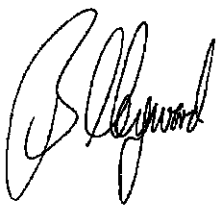
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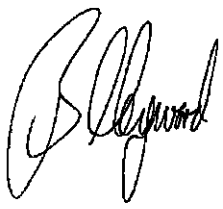
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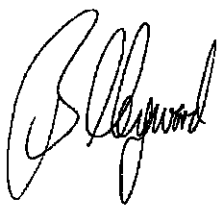
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The upstream limits that were declared as part of the surface water strategy for the Lakeland area have been the subject of further investigations following recent representations. These representations raised concerns about the security of entitlements that would remain in place after the declaration.

As a result, it has been proposed that the declared upstream limits on Bullhead Creek and One Mile Creek will be removed and these watercourses managed in accordance with the existing water licensing provisions in the *Water Act 2000*. Please see the attached map to see which upstream limits are affected.

Landowners wishing to impound and/or take water from Bullhead Creek and One Mile Creek will be required to apply for a water licence/s if they do not already hold an entitlement to the resource. The new arrangements will require an amendment to the Water Regulation 2002. The Department of Natural Resources and Mines will be advising the affected landholders on the progress of the amendment.

If you have any questions, Mr Nigel Kelly, Regional Manager, Water Services, Department of Natural Resources and Mines will be pleased to assist you an can be contacted on telephone 4222 5540.

Yours sincerely

Dr Brett Heyward
Director-General
Natural Resources and Mines

Att

Director-General
Department of Natural Resources and Mines
PO Box 15216
City East
Queensland 4002 Australia
www.dnrm.qld.gov.au

RTI DL RELEASE - DNRM

Queensland Government

Department of
Natural Resources and Mines

Our Ref CTS 27749/13

49-Sch4 - Personal Information

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Queensland Government

Department of
Natural Resources and Mines

Our Ref CTS 27749/13

T Jack
Managing Director Santanol Group
8 Bolton Street
EAST FREMANTLE WA 6158

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Yours sincerely

Dr Brett Heyward
Director-General
Natural Resources and Mines

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PO Box 15216
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Queensland 4002 Australia
www.dnrm.qld.gov.au

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CTS No. 23931/13

Snr Policy Advisor [49-Sch4 - Personal Information] OK

Chief of Staff ..... OK

Approved / Not Approved / Noted
Further information required

Minister Andrew Cripps

Dated 25/10/2013

To: Andrew Cripps
Minister for Natural Resources and Mines

From: Dr Brett Heyward 15/10
Director-General
Natural Resources and Mines

Endorsed: Sue Ryan, Deputy Director-General, Service Delivery
14/10 Andrew Buckley, Executive Director, North Region

Copy: DDG-PPS **Yes**

11 October 2013

Regulation of upstream limits at Lakeland

Summary and Recommendation

1. It is recommended that the Minister:
   - **note** the following options for dealing with surface water management issues at Lakeland;
   - **consider** the benefits and implications of each option in terms of government priorities; and
   - **decide** the preferred option for managing surface water at Lakeland:
     - option 1: retain current upstream limits as described in Schedule 8, Part 2 of the Water Regulation 2002 (the Regulation); or
     - option 2: amend Schedule 8, Part 2 of the Regulation to remove the upstream limit for Bullhead Creek; or
     - option 3: amend Schedule 8, Part 2 of the Regulation to remove the upstream limits for Bullhead Creek and One Mile Creek.

Timing

2. Consideration of this brief is required by 18 October 2013. Depending on the preferred option, an urgent amendment to Schedule 8, Part 2 of the Regulation may be finalised by 22 November 2013.

Background

3. Previous CTS17887/13 (refer to **Attachment 1**) describes the strategy for managing surface water in the Lakeland area. The policy outcome of implementation is reduced regulation and removal of contestability in the Land Court in all small catchments in the Lakeland area. Through an amendment of the Regulation on 27 September 2013, 19 upstream limits were adopted (refer to **Attachment 2**).
4. These amendments mean that licences for dams and pumps for taking water from features above these limits are not required.
5. Consultation occurred so that stakeholder views could be considered before finalising this management strategy.
6. A formal submission period closed on 13 June 2013 with a number of submissions received.
7. Issues raised by submitters related to monitoring, scientific data, reliability of supply and effects on downstream users. Stakeholders were generally in favour of the strategy, provided it was applied equitably and did not impact on reliability of supply and downstream water users.
8. The majority of stakeholders were in favour of upstream limits being set for most watercourses. However some stakeholders within the community were concerned about the impact of declaring upstream limits for One Mile Creek and Bullhead Creek, which form part of the contributing catchment of Honey Dam, and the subsequent effect of these upstream limits.
9. The Department of Natural Resources and Mines (the department) had equitably applied upstream limits consistently to all watercourses using the following methodology:
   - the estimated catchment area of the feature – equal to or less than approximately 20 square kilometres;

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- the Strahler Number for stream order classification, being equal to or less than five based on a 1:100000 drainage data from the department's database.

10. Application of this methodology has resulted in a number of significant storages no longer requiring licences to interfere with flow because they are located above the upstream limits. This includes an unnamed tributary of Leichhardt Creek where Sharprock Dam a 3000 Megalitre storage exists with a catchment area of 6.1 square kilometres
11. The location of this and other storages means that upstream neighbours have the ability to construct storages on any upstream drainage feature without requiring a licence. Similar scenarios exist for Spring Creek Dam, Blackburn Dam, proposed Cooktown Road Dams 1 and 2 as well as the proposed Dump Gully Dam.
12. Spring Creek Dam, Honey Dam and Blackburn Dam all support multiple water users from each of these storages.
13. These water users in turn provide employment and economic benefits to the Lakeland community.
14. However, Honey Dam is the only storage in the Lakeland area that retains its licence and has upstream limits imposed above its storage. This means that unregulated users may construct storages above these upstream limits and interfere with flow that would otherwise reach the Honey Dam storage.
15. There are three key areas that make up the Honey Dam catchment area:
    - One Mile Creek's catchment area;
    - Bullhead Creek's catchment area; and
    - Perfume Gully's catchment area (includes Town Dam).
16. One Mile Creek's catchment area is approximately 9.5 square kilometres which is less than 20 per cent of the overall catchment area supplying Honey Dam. Approximately six square kilometres of this catchment is above the dam wall.
17. Bullhead Creek's catchment area is 17 square kilometres, which is around 34 per cent of Honey Dam's catchment. Approximately six kilometres of this catchment would not have been regulated prior to the declaration of the upstream limits.
18. Town Dam is the only other storage in the Lakeland area that has retained its licence. However, no upstream limits have been set in this catchment because of encumbrances over the land adjoining Town Dam.
19. The proposed options are presented for managing the Honey Dam catchment:

Option	Pros	Cons
Option 1: retain current upstream limits as described in Schedule 8, Part 2 of the Regulation	No regulatory amendment required; Consistent policy applied Provides development opportunities for landholders above the upstream limits of Honey Dam without having regulatory requirements imposed.	Potential impacts on Honey Dam users if the reliability is compromised by infrastructure development upstream.
Option 2: amend Schedule 8, Part 2 of the Regulation to remove the upstream limit for Bullhead Creek	Protects existing commercial enterprises taking water from Honey Dam. Provides some protection measures for Honey Dam inflows. There are only two minor existing stock dams above the upstream limits in the Bullhead Creek catchment.	Regulatory amendment required. Limits potential for further development to occur above the upstream limits for Bullhead Creek.
Option 3: amend Schedule 8, Part 2 of the Regulation to remove the upstream limits for Bullhead Creek and One Mile Creek	Protects existing commercial enterprises taking water from Honey Dam. Provides some protection measures for Honey Dam inflows.	Regulatory amendment required. Limits potential for further development to occur above the upstream limits for

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		Bullhead Creek and One Mile Creek. One landholder with an existing dam has indicated he would take advantage of the current arrangements, but would be required to apply for a licence in the Honey Dam catchment if upstream limits are removed from One Mile Creek.

Issues in implementing Options 2 and 3

20. The following actions are required if Options 2 or 3 are chosen:
    - Prepare a preliminary impact assessment for consideration by the Office of Best Practice Regulation. This consideration is expected to take at least two weeks from date of submission (early November).
    - Instruct the Office of the Queensland Parliamentary Counsel to prepare an amendment regulation to change Schedule 8, Part 2 of the Regulation, to meet the executive council deadline of 30 October 2013.
    - Progress the amendment regulation for Governor in Council approval and gazettal around the 22 November 2013.
    - Following Governor in Council approval, update the Lakeland upstream limit map referred to in the Regulation.
    - The Director-General to write to all submitters and affected parties to advise of the regulatory change and why the decision was made.
21. There is currently an existing dam above the upstream limits of One Mile Creek. The owners of the land where the dam is located did not have the authority to take water from the storage for irrigation until now. The owner is now able to take water for irrigation without requiring a water licence. This landholder is negotiating with a company seeking access to the land and water to irrigate a sandalwood plantation and has not applied for a water licence in anticipation of the upstream limits. With the removal of the upstream limits, this landholder would be one of the only locals to have to apply for a licence in a catchment of less than 20 square kilometres. The licensing process provides for appeal rights by interested parties. There is a long history of objections against applications to take water in the Honey Dam catchment. If implementing Option 3, the department will write directly to the landholder advising of the requirement to apply for a licence.
22. Any assessment required to satisfy the Office of Best Practice Regulation (OPBR) would be considered after the Minister has decided which option to progress.
23. If OPBR request further information about the regulation amendment this would impact the timeframes mentioned in dot point 20.

Attachments

24. **Attachment 1**: CTS17887/13
    Attachment 2: Map showing declared upstream limits

Clearance

25. Does this have a budget or financial impact? **NO**
26. Does this have an impact for Service Delivery or any other area in DNRM? **YES**
    Mr Lyall Hinrichsen, Executive Director, Water Policy; and Mr Darren Moor, Executive Director, Service Delivery South Region and Water Champion have been consulted and support this brief.

Next Steps

27. The Minister or his office to contact Mr David Kempton MP, Assistant Minister for Aboriginal and Torres Strait Islander Affairs to advise the approach to be taken.

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49-Sch4 - Personal Information

Dr Brett Heyward

Action Officer: Shannon Dempster
Telephone: 4222 5538

Minister - Natural Resources and Mines

Comments: OPTION 3.

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Service Delivery
North Region.

NATURAL RESOURCES and MINES
Ministerial Correspondence Action Sheet

MINISTERIAL REFERENCE	DEPT REFERENCE
MO/13/0028	

DATE RECEIVED MINISTER'S OFFICE: 12 NOV 2013

☒ Response Letter

- ☐ For reply under Minister's signature
- ☐ For reply under the Assistant Minister's signature
- ☒ For reply under Chief of Staff's signature
- ☐ For reply under the Senior Policy Advisor's signature (Andrew Freeman)
- ☐ For reply under the Policy Advisor's signature (Dan Hall)
- ☐ For departmental response under DG's signature

☐ Referral Letter

- ☐ Minister's signature
- ☐ Chief of Staff's signature

Category

Complaint / Compliment / Enquiry / Request / FYI

☐ Briefing note

☐ Dot points

☐ FYI / No reply

☐ Dept to contact author

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CTS 27778/13

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13 NOV 2013
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MINISTER'S OFFICE COMMENTS

- Limits have been placed to protect existing water supply from Koney Dam.
- Corro in response needs clarify that application may be made for additional storage.
- Service Centre notified

→ Andrew Buckley

Ainsley Brownlie

From:	Bob Cogger [redacted]
Sent:	Friday, 8 November 2013 9:39 AM
To:	Natural Resources
Cc:	Cook; drjmbarry@bigpond.com
Subject:	Amendments to Water Act 2002
Attachments:	WaterRegs27Sep2013.tif; GoogleOneMilecreek.jpg

Dear Minister Cripps

I am writing to you to seek clarification on a rumour that you may be considering changing the newly enacted provisions
of the Land Surface Water management in the Lakeland area.

I represent the Barry family who own number of properties at Lakeland. We were aware and had representatives at the various
local consultations regarding the Water Regulations 2002.The changes to this Act Provided "Upstream Limits" at two locations
one each on Bull Head creek and one on One mile creek at Lakeland. After a long and exhaustive public consultation, these
changes were gazetted on 27 September 2013.

Subsequent to this and in line with the new criteria, we are now moving forward with a proposal to re-develop our property,
given that we have security of water rights.

We have heard from both your Regional Manager Mr Nigel Kelly and DNRM representative, Mr Peter Siemsen that these
"Upstream limits" have now been or will be excluded. This presently is only hearsay as neither the above have received
written notification.

We urgently need clarification of this as major development capital has already been allocated. Needless to say, if the newly
enacted provisions have already been changed, this change will have a financial effect on us and we would need to consider
our options for compensation.

Please find attached the following documents and references:

- Water Regulation 2002 -- Pages 151 and 152 Part 2 Upstream Limits current as of 27 September 2013
- Google map page detailing the location of the two mentioned Upstream limits

On the attached Google map you will notice the dam described as One Mile dam. This dam is wholly contained on the property
we are planning to develop. Presently water from this dam is only used for cattle and is licensed.

Due to the importance to our planning, it would be much appreciated if this matter could be expedited, with reply by email.

Yours sincerely,
Robert J. Cogger
Group secretary
DJ Pastoral
Member of the Barry Group
07 40444144 or [redacted]
Po Box 2149
Cairns Qld. 4870
49-Sch4 - Personal Information

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RTI- 13-206
File C
189 of 221
RTI DL RELEASE - DNRM

Column 1	Column 2	Column 3
Watercourse	Feature or boundary	Plan
Zahra Creek	The upstream (north-western) head wall of tidal structure located within lot 2 on RP713581 and lot 25 on RP705108 at latitude 17.54349°S longitude 146.00913°E	AP13921

Part 2 Upstream limits

Column 1	Column 2	Column 3
Watercourse	Feature or boundary	Plan
Black Gully	Confluence of Black Gully with Meandu Creek on lot 1 on SP138386	AP13351
Boggy Creek	Boggy Creek at coordinates of latitude 15°50'41"S longitude 144°53'07"E GDA94	CAS3048
Bullhead Creek	Bullhead Creek at coordinates of latitude 15°52'31"S longitude 144°50'45"E GDA94	CAS3048
Dunn Creek	Upstream ponded limit of Magazine Dam at coordinates of 259447 and 7308067 GDA94 Zone 56	700164A4

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Column 1	Column 2	Column 3
Watercourse	**Feature or boundary**	**Plan**
Fifty Mile Creek	Fifty Mile Creek upstream of confluence with Laura River at coordinates of latitude 15°53'25"S longitude 144°47'26"E GDA94	CAS3048
Lakes Creek	Lakes Creek upstream of confluence with Leichhardt Creek at coordinates of latitude 15°46'15"S longitude 144°55'19"E GDA94	CAS3048
Lily Creek	Lily Creek upstream of confluence with Laura River at coordinates of latitude 15°52'07"S longitude 144°46'20"E GDA94	CAS3048
Ninda Creek	Ninda Creek at coordinates of latitude 15°47'16"S longitude 144°47'23"E GDA94	CAS3048
Old Winton Creek	Point where Old Winton Creek intersects the southern boundary of lot 32 on RP908643 at UTM coordinates 653077E and 7397914N GDA94 Zone 55	AP16119
One Mile Creek	One Mile Creek upstream of confluence with Bullhead Creek at coordinates of latitude 15°52'28"S longitude 144°50'18"E GDA94	CAS3048
Page Creek	Page Creek at coordinates of latitude 15°58'46"S longitude 144°50'45"E GDA94	CAS3048

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Queensland Government

Hon Andrew Cripps MP
Minister for Natural Resources and Mines

Ref MO/13/0028
CTS 27778/13

02 DEC 2013

Level 17 QMEC Building
61 Mary Street Brisbane QLD 4000
PO Box 15216 City East
Queensland 4002 Australia
Telephone +61 7 3225 1861
Facsimile +61 7 3224 2491
Email nrm@ministerial.qld.gov.au

Mr Robert J Cogger
Group Secretary
DJ Pastoral
PO Box 2149
CAIRNS QLD 4870

RTI DL RELEASE - DNRM

Dear Mr Cogger

I refer to your email dated 8 November 2013 addressed to the Honourable Andrew Cripps MP, Minister for Natural Resources and Mines, concerning the recently enacted provisions for management of surface water in the Lakeland area. The Minister has asked me to respond on his behalf.

The declared upstream limits were gazetted on 27 September 2013 following extensive stakeholder consultation that resulted in general support for the proposal and concern by some stakeholders about establishing the upstream limits on Bullhead Creek and One Mile Creek. These upstream limits became the subject of supplementary investigation following further representations by irrigators on the security of pre-existing water entitlements and commercial enterprises in the Bullhead Creek catchment, which includes One Mile Creek.

I can confirm that, as a result of that investigation, the declared upstream limits on Bullhead Creek and One Mile Creek will be removed and these streams will be managed in accordance with the water licensing provisions in the *Water Act 2000*. Please be assured that this matter was not taken lightly and that significant effort went into analysing the consequences of this decision.

Once the Water Regulation 2002 is amended, DJ Pastoral will need to apply to the Department of Natural Resources and Mines for a licence to take water from the storage on One Mile Creek. Therefore, your proposed development may still be achievable if a licence to take water is granted. The Queensland Government is a strong supporter of the additional economic and social benefit that the development would bring to the Lakeland area.

The department will be advising affected landholders on the progress of this amendment. For any information on water licence applications, Mr Peter Siemsen from the department's Mareeba office will be able to assist and can be contacted on telephone 4048 4864.

If you have any questions about my advice to you, Mr Nigel Kelly, Regional Manager, Water Services, Department of Natural Resources and Mines will be pleased to assist you and can be contacted on telephone 4222 5540.

Yours sincerely

Susan McDonald
Chief of Staff

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Column 1	Column 2	Column 3
Watercourse	Feature or boundary	Plan
Spring Creek	Spring Creek upstream of confluence with Leichhardt Creek at coordinates of latitude 15°46'20"S longitude 144°56'04"E GDA94	CAS3048
Tableland Creek	Tableland Creek at coordinates of latitude 15°47'41"S longitude 144°58'27"E GDA94	CAS3048
Unnamed tributary of Boggy Creek	Unnamed tributary of Boggy Creek upstream of confluence with Boggy Creek at coordinates of latitude 15°50'16"S longitude 144°53'23"E GDA94	CAS3048
Unnamed tributary of Boggy Creek	Unnamed tributary of Boggy Creek (commonly referred to as Scatterbrain Creek) upstream of confluence with Boggy Creek at coordinates of latitude 15°50'06"S longitude 144°53'49"E GDA94	CAS3048
Unnamed tributary of Boggy Creek	Unnamed tributary of Boggy Creek upstream of confluence with Boggy Creek at coordinates of latitude 15°47'31"S longitude 144°54'41"E GDA94	CAS3048

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Column 1	Column 2	Column 3
Watercourse	**Feature or boundary**	**Plan**
Unnamed tributary of Bullhead Creek	Unnamed tributary of Bullhead Creek (commonly referred to as Dump Gully) upstream of confluence with Bullhead Creek at coordinates of latitude 15°53'12"S longitude 144°48'32"E GDA94	CAS3048
Unnamed tributary of Leichhardt Creek	Unnamed tributary of Leichhardt Creek upstream of confluence with Leichhardt Creek at coordinates of latitude 15°46'09"S longitude 144°54'08"E GDA94	CAS3048
Unnamed tributary of Ninda Creek	Point upstream of the confluence of the tributary with another unnamed tributary of Ninda Creek at coordinates of latitude 15°47'09"S longitude 144°44'24"E GDA94	CAS3048
Unnamed tributary of Ninda Creek	Point upstream of the confluence of the tributary with another unnamed tributary of Ninda Creek at coordinates of latitude 15°45'51"S longitude 144°47'22"E GDA94	CAS3048
Unnamed tributary of Ninda Creek	Spring Creek Dam at coordinates of latitude 15°50'38"S longitude 144°46'38"E GDA94	CAS3048
Watkins Creek	Watkins Creek at coordinates of latitude 15°45'33"S longitude 145°05'23"E GDA94	CAS3048

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~~NRM~~
SD NORTH.

NATURAL RESOURCES and MINES
Ministerial Correspondence Action Sheet

MINISTERIAL REFERENCE	DEPT REFERENCE
M15142013	

DATE RECEIVED MINISTER'S OFFICE: 15 OCT 2013

☑ Response Letter

- ☐ For reply under Minister's signature
- ☐ For reply under the Assistant Minister's signature
- ☑ For reply under Chief of Staff's signature
- ☐ For reply under the Senior Policy Advisor's signature (Andrew Freeman)
- ☐ For reply under the Policy Advisor's signature (Dan Hall)
- ☐ For departmental response under DG's signature

☐ Referral Letter

- ☐ Minister's signature
- ☐ Chief of Staff's signature

Category

Complaint / Compliment / Enquiry / Request / FYI

☐ Briefing note

☐ Dot points

☐ FYI / No reply

☐ Dept to contact author

RECEIVED
18 OCT 2013
DNRM CORRO

25301/13

MINISTER'S OFFICE COMMENTS

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Ainsley Brownlie

From: Tony Jack <Tony.Jack@Santanol.com>
Sent: Tuesday, 15 October 2013 11:07 AM
To: Natural Resources
Cc: Bruce Mattinson (a-Santanol); Peter McKenzie
Subject: Lakeland Water

Dear Minister Cripps,

We have been in discussion with some of the staff at DNRM and were made aware that you may be receptive to our views on the Lakeland Surface Water proposal.

As a group which have recently purchased an agricultural business relying on irrigation at Lakeland we would like to congratulate the government for the implementation of the Declaration Upstream Limits in the region. This change will allow for expansion of many irrigated crops in the region, unlike under the prevailing arrangements which sees water rights being very tightly held by a small group farmers. The expansion is likely to have great benefits for the local and state economy.

We are currently looking to further expand our operations in the region with an estimated initial spend of $6-8 million, creating 10-15 jobs in the first 2 years and then 1 full time position and many seasonal jobs for the 20 year life of the project.

It is imperative to our expansion that the implementation of the Declaration of Upstream Limits goes ahead unchanged.

Yours sincerely

Tony Jack
Managing Director
Santanol Group
Santanol Pty Ltd (ABN 64 118 022 674)
Alpha Santanol Pty Ltd as Alpha Santanol Trust (ABN 20 [illegible])
Beta Santanol Pty Ltd as Beta Santanol Trust (ABN [illegible])
[illegible] Bolton Street, East Fremantle, WA 6158
T: +61 8 9467 2366, F: +61 8 9467 8287, M: +61 [illegible]
E: Tony.Jack@Santanol.com

RTI DL RELEASE - DNRM

Prepared by: Nigel Kelly Title: Regional Manager Bus Area: Water Services, North Region Telephone: 4222 5539 Date Prepared: 30 October 2013	Endorsed by: Andrew Buckley Title: Executive Director Bus Area: Service Delivery – North Region Telephone: 4222 5561 Date: 1 November 2013	Approved by: Rachael Cronin Title: A/Deputy Director General, SD Telephone: 3199 7740 Date Approved:
Date Received in MO:	MO Clearance by:	Date Cleared:

Ref M15142013
CTS 25301/13

letter

Mr Tony Jack
8 Bolton Street
EAST FREMANTLE WA 6158

Dear Mr Jack

I refer to your email dated 15 October 2013 addressed to the Honourable Andrew Cripps MP, Minister for Natural Resources and Mines concerning declaration of upstream limits in the Lakeland area. The Minister has asked me to respond on his behalf.

The declared upstream limits that were declared as part of the surface water strategy for the Lakeland area have been the subject of further investigations following recent representations and further consideration of the security of water entitlements and commercial enterprises in the Bullhead Creek catchment, which includes One Mile Creek. As a result, it has been proposed that the declared upstream limits on Bullhead Creek and One Mile Creek will be removed and these streams will be managed in accordance with the water licensing provisions in the *Water Act 2000*.

Therefore, landowners wishing to impound and/or take water from Bullhead Creek and One Mile Creek will be required to apply for a licence. The new arrangements require an amendment to the Water Regulation 2002. The Department of Natural Resources and Mines (the department) is advising affected landholders on the progress of the amendment.

The Minister is aware of the additional economic and social benefit that the Santanol Group's proposed expansion would bring to the Lakeland area and the state economy. You are encouraged to contact the department for assistance in preparing an application in advance of the amendments coming into effect.

If you have any questions about my advice to you, Mr Nigel Kelly, Regional Manager, Water Services, Department of Natural Resources and Mines will be pleased to assist you and can be contacted on telephone 4222 5540.

Yours sincerely

Susan McDonald
Chief of Staff

RTI-DL RELEASE DNRM

Prepared by: Nigel Kelly Title: Regional Manager Bus Area: Water Services, North Region Telephone: 4222 5539 Date Prepared: 30 October 2013	Endorsed by: Andrew Buckley Title: Executive Director Bus Area: Service Delivery – North Region Telephone: 4222 5561 Date: 1 November 2013	Approved by: Rachael Cronin Title: A/Deputy Director General, SD Telephone: 3199 7740 Date Approved: 3/11/2013
Date Received in MO:	MO Clearance by:	Date Cleared:

Ref M15142013
CTS 25301/13

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Mr Tony Jack
Managing Director
Santanol Group
8 Bolton Street
EAST FREMANTLE WA 6158

Dear Mr Jack

I refer to your email dated 15 October 2013 addressed to the Honourable Andrew Cripps MP, Minister for Natural Resources and Mines concerning declaration of upstream limits in the Lakeland area. The Minister has asked me to respond on his behalf.

The ~~declared~~ upstream limits that were declared as part of the surface water strategy for the Lakeland area have been the subject of further investigations following recent representations and further consideration of the security of water entitlements and commercial enterprises in the Bullhead Creek catchment, which includes One Mile Creek. As a result, it has been proposed that the declared upstream limits on Bullhead Creek and One Mile Creek ~~will~~ be removed and these streams ~~will~~ be managed in accordance with the water licensing provisions in the *Water Act 2000*.

Therefore, landowners wishing to impound and/or take water from Bullhead Creek and One Mile Creek will be required to apply for a licence. The new arrangements require an amendment to the Water Regulation 2002. The Department of Natural Resources and Mines (the department) is advising affected landholders on the progress of the amendment.

The Minister is aware of the additional economic and social benefit that the Santanol Group's proposed expansion would bring to the Lakeland area and the state economy. You are encouraged to contact the department for assistance in preparing an application in advance of the amendments coming into effect.

If you have any questions about my advice to you, Mr Nigel Kelly, Regional Manager, Water Services, Department of Natural Resources and Mines will be pleased to assist you and can be contacted on telephone 4222 5540.

Yours sincerely

RTI DL RELEASE - DNRM

Prepared by: Nigel Kelly Title: Regional Manager Bus Area: Water Services, North Region Telephone: 4222 5539 Date Prepared: 30 October 2013	Endorsed by: Andrew Buckley Title: Executive Director Bus Area: Service Delivery – North Region Telephone: 4222 5561 Date: 1 November 2013	Approved by: Rachael Cronin Title: A/Deputy Director General, SD Telephone: 3199 7740 Date Approved: 3/11/2013
Date Received in MO:	MO Clearance by:	Date Cleared:

Susan McDonald
Chief of Staff

RTI DL RELEASE - DNRM

Hon Andrew Cripps MP
Minister for Natural Resources and Mines

QUEENSLAND GOVERNMENT

- 7 NOV 2013

Level 17 QMEC Building
61 Mary Street Brisbane Qld 4000
PO Box 15216 City East
Queensland 4002 Australia
Telephone +61 7 3225 1861
Facsimile +61 7 3224 2491
Email nrm@ministerial.qld.gov.au

Ref M15142013
CTS 25301/13

COPY

Mr Tony Jack
Managing Director
Santanol Group
8 Bolton Street
EAST FREMANTLE WA 6158

Dear Mr Jack

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49-Sch4 - Personal Information

Susan McDonald
Chief of Staff

RTI-DL RELEASE - DNRM

CTS 27749/13

To: Dr Brett Heyward
Director-General, Natural Resources and Mines

From: Rachael Cronin
Acting Deputy Director-General
Service Delivery

Approved / Not Approved / Noted
Further information required
Director-General
Dated 20/11/13

Endorsed: Andrew Buckley, Executive Director, Service Delivery

18 November 2013

COPY

Letters to stakeholders affected by the declaration of 19 upstream limits in the Lakeland area

Recommendation

1. It is recommended that the Director-General:
   - **endorse** the draft letter (refer **Attachment 1**) to stakeholders affected by the declaration of 19 upstream limits in the Lakeland area (refer **Attachment 2**);
   - **approve** the use of your electronic signature on these letters; and
   - **note** the suggestion at paragraph 4.

Timing

2. Timing of this brief is urgent to ensure affected stakeholders are advised of the recent changes to the upstream limits on Bullhead Creek and One Mile Creek.

Background

3. Background information can be found at the previous briefing note to the Minister (refer **Attachment 3**).
4. It is suggested that the current process of seeking the Director-General's endorsement for draft letters and the approval for the use of an electronic signature through a briefing note could be streamlined to increase efficiency and turnaround times.

Attachments

5. **Attachment 1**: Letter to stakeholders.
   Attachment 2: Details of stakeholders.
   Attachment 3: Previous briefing note to the Minister – CTS 23931/13.

Clearance

6. Does this have a budget or financial impact? **NO**
7. Does this have an impact for Service Delivery or any other area in DNRM? **NO**

Next Steps

8. Once the Director-General approves this briefing note, letters are to be sent to affected stakeholders.

49-Sch4 - Personal Information

Rachael Cronin

Action Officer: Crystal Whittaker
Telephone: 4222 5560

RTI DE RELEASE - DNRM

Director-General - Natural Resources and Mines

Comments:

RTI DL RELEASE - DNRM

CTS 27749/13

To: Dr Brett Heyward
Director-General, Natural Resources and Mines

From: Rachael Cronin
Acting Deputy Director-General
Service Delivery

Approved / Not Approved / Noted
Further information required

.....
Director-General
Dated ...../...../.....

Endorsed: Andrew Buckley, Executive Director, Service Delivery

COPY

18 November 2013

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49-Sch4 - Personal Information

Rachael Cronin

Action Officer: Crystal Whittaker
Telephone: 4222 5560

RTI DE-RELEASE - DNRM

Director-General - Natural Resources and Mines

Comments:

RTI DL RELEASE - DNRM

10/10

Lakeland BN about One Mile/Bullhead

- He is now of the view that → they will be able to take water.
- option 3 → would req LTN app.

- Letter in train

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12/11/2013
Lisa - S

Leanne Bayler + Kate McPherson

Understanding - any appetite

No instruction to pull the reg.

Does the PIA - cover both sides?

Lyall - views this should be included in the PIA.

☆LB - need Gary + Nigel to review an see if it req amendment
- Lyall wants to know if we make it clear of opp. views.
- Nat to advise if we think it should change.
- email or ring Kate/Leanne
if controversial.

Nigel - first thought we hadn't covered what had happened in last couple of days.
- disproportionate
- slope dev.

Nigel - well enough
- OK with.

Only bit he thought we could have . . .

RTIDL RELEASE - DNRM

recently representation from Santanol + DJ Pastoral.

NK + LH – consequences this way are worse than the other.
– would be quite reasonable for seeking compensation.

If there is any thing....?

One Mile Dam – Sasha – in today please

tong Jack – Peter Mckenzie is authorised to act on his behalf.

Clary re Compensation is missing
Does compensation need to go in?
– bring N. yet in – re compensation.
– cored in discussion re legal chat?

R – Can we just send represent. from Regar.

Just Phone them – if they want
Cia N – we know the answer...

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1.1 - 3 representations.

Could say - since drafts, changes come in.

Kate + told - general feeling is all covered. - not necessarily hard/aggrage
+ compensation not covered.
+ PIA is not about "emotion"
+ Can we send Bob's letter separate.

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14/10/2013 ~ 3:45 pm

→ Has gone through, but.

One Mile Dam → Minnie is currently leasing → unsure which could affect the situation.

→ Peter McKenzie → Lakeland Upstreams limits → Represtin:

Don't make any business decisions.

Representation to the Minister? → Dave Nigel's name & number

49-Sch4 - Personal Information

Lot 99/SP106809 Scott

Rocky Creek Zone (Scratch H).

Not Riparian → State land in between his property & creek

Domestic water?

We can't give a licence for domestic uses within Rocky creek area as it would increase the volume taken

Options

* SWA Transfer water licence } RTO DP between your ~~across~~ property & the creek.

Or Domestic bore.

RTI DL RELEASE - DNRM

13th November
Due',

Capt Mgt (Gab).

Carp (1) – Todebuc & Wallumbilla
(2) – Gibe & Eulo.

→

MEES-D
Sandalwood email

Lakeland PIA – Removal of 2 upstream limits from Reg

Minister → scale of proposal (don't tick sight impact box)
Sight impact section
→ Sandal wood plantation.
⊛ employment investments
⊛ financial/economical benefit to community

→ unsure if there are any other proposals that may be effected.

31/10/2013 N+G meeting

PIA → get it sent out. → to Leanne Barbler.

Water Reform →

Isabella DP
lodged 28/10/13
1) RN 45908 (deepening or replacing)

RTI DL RELEASE - DNRM

Lizabeth → 4039 8099.
DSIP

[Red Valley.
3pm.]

↓

Jean → Ayr
Enquiry → creek irrigation.
→ Tina

[Katie
4760 7420.]

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Rich Fam report example
- Event 533680 (amenities) (new-ish template).
~~- Event 515000 (309?)~~
- Event 515822 (irrigation) (old template)

[Peter Mckenzie]

30/8/2013 ~ 2.30pm ish

Talking to Peter Siemsen
Lakeland.

[Time frame]

One Mile Creek. → irrigation meter

Karen → WSS

Van der Vanderside

→ SwA Rules

DG →

Meets Signed bnw →

→ 17887/13

Gary → John

Let Nick know

→ NTF re meeting

Look @ Que Mile Dam & U/S Bulkheads

Roger Timm

49-Sch4 - Personal Information

→ Should

→ Concern → benefit everyone.

No guarantee water every year

→ Not overusing / managing with regards to drought

→ Concern re Peter I building dam & then wanting to regulate them

→ Allocation of resources → Dry Sub tropics.

→ Problems re accessing stuff

→ potential conflict.

→ could access Stowpeak

→ Email Nigel

Signature of last entry

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Whistle transfer
LTW 401980 ✗ 229?

Fiona – Curr keyboard
Peter ✗ Lisa? – D Aut through to Ventura
Nathane

49-Sch4 - Personal Information

[redacted]

→ pdf.

VLS limit map

Landsthattan report. Sept

Peter McKenzie?

How did meeting go?

–Complained issues raised
→ explained what we put forward to public
→ explained LTW process & some of the criteria under WA & i.e existing LTW.

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49-Sch4 - Personal Information

11/11/13

Iain Marsh. RHA

Roads works

Signature of last entry

Matters

Main roads re notification. IRTPA

Leveland

Nigel

One mile Dam through lies

Look

applicants.

Any Stage mention future?

way water into

Corres pondence?

Jeff Nicholson

Nich.

Page 3 of 3

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Shirelle Atherton

SLAMS

- Dashboard enrol
- MM ACT 2000? - Yes, Ms.

Mt Tamer Croydon

OPs?

Woodstock - DOP

38 or 39?

Mt Tamer - D 28/E13

Gulf WRP area

S4.10 and

self assessable.

Need DP for other than SFD

Reg Amendment

(Survey) plot points

Risks/ Implications (40.

1) Leave as is (AM 19)

2) Remove 1 limit - State

3) Remove both limits

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RTI- 13-206

File C

218 of 221

Key messages

- What change is.
- reinstating previous (not increase pre-27/9 style).

C. impacts

- disproportionate impact (one mile cf. others.
- reduced incentive for business to compete.
- potential for imbalanced compliance outcomes.
- maintains current level of development with limited potential for new local dev.

C1. Impacts

- ongoing costs to be met by exist
- open possibility to legal challenge (internal review

B. Impacts

- new infrastructure?.
  - will req LTW.
- existing to be repealed won't be.
- proposals - may be cancelled.
  - already made investments.

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RTI- 13-206

RIS - as the proposed reinstates the previous level of regulation - already in the Act. ∴ a RIS is not recommended.

Yes - reinstating → potential for drawn out legal challange.
- ↑ area known for water related disputes.
→ previous decisions challanged.

Regulatory Review ... no new rules
- reinstates previous.

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File C

219 of 221

RTI- 13-206

File C

220 of 221

Significant impacts?

- [illegible]
  - employment
  - financial
  - on a local scale - may be considered sig.
- unlikely to be negative impact on existing licenced developments.
- Unknown? other proposals.
- will not impact on proposals that are on drainage features.

RTI DI RELEASED DNRM

RTI- 13-206

File C

221 of 221

Consult.

+ letter to all int. parties from original
+ propos come about due to representations (specifically 3 parties)
- minister's decision as no longer fits with priorities
+ given consultation That has....
letter will inform all consulted parties who can make representations in timely manner

RTI DISCLOSURE - DNRM