



Baffle Creek Basin amending moratorium

Moratorium notice

The Minister for Natural Resources and Water (NRW) has issued an amending moratorium notice to include the construction of works that would lead to the additional take of overland flow water within the Baffle Creek Basin moratorium area. The moratorium notice took effect on 16 July 2004 and remains unchanged except for its additional application to the taking of overland flow water.

This information sheet explains how the amending moratorium notice for the Baffle Creek Basin—issued on 27 September 2008—affects overland flow works and the exemptions provided for in the moratorium.

The purpose of the moratorium

The *Water Act 2000* provides for the minister to declare a moratorium on a range of activities—including overland flow water development—during the preparation of a water resource plan. The moratorium ensures that plans are developed from a stable base where all existing uses are properly accounted for, and any risks arising from additional development during the water planning process are minimised.

Works and water to which the amending moratorium applies

The amending moratorium applies to all overland flow water in the Baffle Creek Basin moratorium area. Overland flow water includes:

- water that runs off the land following rainfall before it enters a watercourse;
- floodwater that discharges from a watercourse or lake onto a floodplain (overbank flows); and
- water that rises to the surface naturally from underground.

Specifically, the amending moratorium now extends to the construction of works that would increase the amount of water being taken or that could be taken.

Exemptions for overland flow development

The amending moratorium allows for certain activities to continue with minimal disruption. Landholders will continue to be allowed to build overland flow storages to access water to meet stock and domestic needs in accordance with Section 5 of the *Code for self-assessable development for taking overland flow water*

for stock and domestic purposes and to build storages up to 5 megalitre (ML) capacity for any purpose. There are other exemptions including the construction of overland flow works to satisfy the requirements of an environmental authority issued under the *Environmental Protection Act 1994*.

Existing overland flow works

Works to take overland flow water, which existed before the amending moratorium notice was issued, are allowed to continue to take overland flow water.

Evidence for meeting the started works criteria

If construction on overland flow works captured by the moratorium started before 27 September 2008, these works may be completed provided those constructing the works have evidence that meet the criteria set out in clause 10 of the amending moratorium notice. These works must be completed by 27 March 2009. You should notify the department by 27 October 2008 if you intend to continue the construction of works as specified in clause 10 of the notice.

All of the following criteria must be met and evidence must be provided to the department by 27 October 2008:

Criteria (a)

Evidence that construction of the works has physically started, or if construction has not physically started, a contract has been entered into to start the construction. Construction must be started by 26 November 2008. 'Physically started' means progress on the physical structure of the works. This does not include preparatory activities and works such as site establishment and preparation, site clearing and borrow pit preparation.

Criteria (b)

Evidence that an independently verifiable construction program exists prior to 27 September 2008 for progressive construction towards the completion of the works.

Criteria (c)

Evidence of detailed design plans showing, among other things, the extent of the works.

Criteria (d)

If a permit under the *Local Government Act 1993*, section 940 is required for the works, the permit has been issued.



Criteria (e)

If a development permit is required for the works or for other development associated with the works, the permit has been given.

Frequently asked questions

- Q. How can I determine if my property is in the Baffle Creek Basin moratorium area?**
- A.** Contact the department's Bundaberg office. You will need to advise the Lot/Plan details of your property or your address.
- Q. Can I construct works to take overland flow water for stock and domestic purposes?**
- A.** Yes, in accordance with Section 5 of the *Code for self-assessable development for taking overland flow water for stock and domestic purposes*.
- Q. Can I construct works to take overland flow water for any other purpose?**
- A.** Yes. You can construct works up to a 5 ML storage capacity for any purpose.
- Q. I currently have works to take overland flow water, can I continue to take and use this water?**
- A.** Yes. The moratorium does not affect existing works.
- Q. I have a verbal agreement with an excavation contractor that was made before 27 September 2008. Does that constitute a contract for the purposes of the started works criteria under clause 10 of the moratorium?**
- A.** No. You will need to verify this contract by providing a statutory declaration.
- Q. I have a contract with an excavation contractor to construct an overland flow water storage. The contract was signed before 27 September 2008, but work has not started. Am I allowed to proceed?**
- A.** Your development may be allowed to proceed if it meets the criteria set out in the notice. You should notify the department's Bundaberg office by 27 October 2008 of your intention to continue construction of the works. You may need to provide the department with copies of contracts and other information and a statutory declaration substantiating them. The work will need to be completed by 27 March 2009.

Monitoring by NRW

NRW staff will monitor activities throughout the moratorium area to ensure compliance with the amending moratorium notice.

The department's first priority is to cooperate with landholders to ensure effective and consistent implementation without unnecessary disruption of day-to-day activities.

If breaches are detected or if any documentation is fraudulent, prosecution and substantial penalties may result.

Community support for these important measures is essential if we are to help ensure that water resource availability in the area is secured.

Further information

For further information phone 13 13 04, contact the Bundaberg NRW office, or visit the department's website at <www.nrw.qld.gov.au/wrp/baffle_basin>.

This fact sheet is provided as a guide only. Anyone who may be affected should read the amending moratorium notice in full before commencing or continuing any works. The moratorium notice is available on the NRW website at: <www.nrw.qld.gov.au/wrp/baffle_basin> or at the Bundaberg NRW office, where staff will answer your queries.

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For further information phone 13 13 04