



Wild rivers

Moratorium information for Cape York Peninsula

The Minister for Natural Resources and Water introduced a moratorium on water licence applications and the construction of new works for the taking of or interfering with water in the Cape York Peninsula Area (the Cape). This moratorium was effective from 25 January 2007.

The moratorium places a hold on new water related developments whilst consultation is undertaken in the Cape on possible wild rivers declarations.

The water moratorium is not a wild river declaration.

The water moratorium is not a nomination of any river for wild river status.

This is a guide only. Anyone who may be affected should read the Moratorium Notice in full before commencing or continuing any works

Water affected by the moratorium

The moratorium applies to the following types of water:

- **Surface water:** water in a watercourse, lake or spring including water collected in each weir and dam constructed across a watercourse, lake or spring
- **Overland flow water:** water that runs off land following rainfall, either before it enters a watercourse or lake or after it discharges as floodwater
- **Subartesian water:** water that occurs naturally in, or is introduced artificially into, an aquifer, which if tapped by a bore, would not flow naturally to the surface.

What the water moratorium does

The moratorium places a hold on water licence applications and most other activities that would increase the take of water from:

- watercourses, lakes and springs;

- overland flow; and
- subartesian water.

This includes applications that:

- increase the amount of water that may be taken;
- change the location from which the water may be taken;
- increase the rate at which the water may be taken;
- change the flow conditions under which the water may be taken;
- increase or change the interference with the water; and
- change the purpose for which the water may be taken or interfered with.

The moratorium applies to the construction of works that would lead to more water being taken or to an increase or change in interference with surface, overland flow and subartesian water in the moratorium area.

Stock and domestic

The taking of water for stock and domestic use is not affected by the moratorium. The moratorium also allows for certain activities to continue with minimum disruption, for example, landholders will continue to be able to build infrastructure to take water for stock and domestic needs.

You can continue to take water for stock and domestic purposes.

Water permits

Water permits, such as those used for taking water for road works, are not affected by the moratorium. Applications can still be made and will be dealt with through the usual processes

Water permits can still be obtained under the moratorium, including for roadworks.

Water licence applications

While the moratorium is in effect, the department will not accept new water licence applications that would lead to more water being taken or interfered with. Examples of types of new applications that will not be accepted under the moratorium are applications to:

- build a weir or dam in a river or stream;
- extract, or increase the extraction of water from a river or stream; and
- install a new bore to take or interfere with subartesian water.

The moratorium does not apply to the following activities:

- renewing, reinstating, replacing or transferring a water entitlement or license;
- applying to take water for town water supply (500 megalitres is available to be taken for future needs); and
- applying for water for State projects, mining tenements and petroleum tenures (2000 megalitres is available for these purposes).

Construction of works

A Notification of Started Works form was to be submitted to the department by 30 March 2007 for any construction of works.

Surface water other than overland flow water

Landowners will be able to construct works for:

- taking or interfering with water under a water licence or another authority; or
- taking water for stock or domestic purposes.

All other works for taking or interfering with surface water, for which construction started before 25 January 2007, may be completed provided the proposed works meet the criteria set out in Section 9 and 10 of the moratorium notice. These works must be completed by 30 June 2007.

Overland flow water

The moratorium applies to the construction of works that would lead to more overland flow water being taken or increased interference with overland flow water.

Works that are affected include dams, ring tanks, excavations, diversion banks channels, drains and pump installations used to capture water.

Completed works must not be raised, enlarged, changed or deepened and new works must not be started.

Works for the taking of or interfering with overland flow water for stock or domestic purposes are permitted provided they meet the requirements of the self-assessable code (see section 11 (c) of the notice).

Works for which construction started before 25 January 2007, may be completed provided those constructing the works meet the criteria set out in Section 9 and 10 of the moratorium notice. These works must be completed by 30 June 2007.

Subartesian water

The moratorium also applies to works that would lead to more subartesian water being extracted.

Affected works include new bores, pumps on bores or any other construction that could lead to more water being taken from a subartesian aquifer.

Existing works must not be modified unless for replacement of a bore in accordance with Section 11(e) of the moratorium notice.

Works to take subartesian water, where construction started before 25 January 2007, may be completed provided the person constructing the works can meet the criteria set out in section 9 of the moratorium notice. The works must be completed by 30 June 2007.

Complying with the moratorium

Departmental staff will monitor activities throughout the moratorium area to ensure compliance. However, the department's priority is to cooperate with landholders to ensure effective and consistent implementation of the moratorium, but penalties do exist where breaches are detected or the notification/documentation is fraudulent.

For More Information

The moratorium can be viewed on the NRW website at the wild rivers page or at NRW offices in Cairns and Mareeba. For more information contact NRW's, Mareeba office on ph: (07) 4048 4850 or visit the website www.nrw.qld.gov.au/wildrivers/cape_york