

Public Notice

Cape York Peninsula Amendment Moratorium Notice

1. This is an amending Notice under section 29 of the *Water Act 2000* to amend the Moratorium Notice for the Cape York Peninsula Moratorium Area published on 25 January 2007 and amended on 24 July 2008.
2. This Notice has effect on and from the later of the date of publication or the **10 December 2008**.
3. The purpose of this Notice is to remove the area of the Wenlock Basin from the Cape York Peninsula Moratorium Area.
4. This Notice applies to the Cape York Peninsula Moratorium area.

(Note: For this Notice, the Cape York Peninsula Moratorium Area comprises the Jardine, Ducie, Watson, Holroyd, Coleman, Olive-Pascoe, Jeannie and Jacky Jacky Basins. The Cape York Peninsula Moratorium Area is shown in the map below. The map below is indicative only. The exact location of the Cape York Peninsula Moratorium Area boundaries is held in digital electronic form by the Department of Natural Resources and Water and may be inspected at the departmental offices in Cairns and Mareeba.)

5. This Notice applies, within the Cape York Peninsula Moratorium Area, to—
 - (a) the following water—
 - i) water in a watercourse or lake;
 - ii) water in springs not connected to artesian water or subartesian water connected to artesian water
 - iii) overland flow water; and
 - iv) subartesian water not connected to artesian water,
 - (b) all applications for or about a water licence, whether made before or after the date on which this Notice has effect; and
 - (c) works that would increase the taking of, or interfering with, water.

Note: 'works' means works as defined in schedule 4 of the *Water Act 2000* and includes works that take or interfere with water such as pumps, dams, weirs, ring tanks, embankments, excavations, diversion facilities and subartesian bores.

6. This Notice applies to an application for or about a water licence, if granting the application will have one or more of the following effects on the water referred to in clause 5(a) of this Notice—
 - (a) increase the amount of water that may be taken; or
 - (b) change the location from which the water may be taken; or
 - (c) increase the rate at which the water may be taken; or
 - (d) change the flow conditions under which the water may be taken; or
 - (e) increase or change the interference with the water; or
 - (f) change the purpose for which the water may be taken or interfered with.
7. Applications mentioned in clause 6 of this Notice—
 - (a) accepted before the date stated in clause 2 of this Notice - will not be dealt with while this Notice has effect;
 - (b) made on or from that date stated in clause 2 of this Notice - will not be accepted while this Notice has effect.
8. Clause 7 of this Notice does not apply to an application—
 - (a) to renew, reinstate, replace or transfer a water entitlement under sections 220, 221, 222 or 229 of the *Water Act 2000*;
 - (b) to subdivide a water entitlement under section 225 of the *Water Act 2000* provided that the subdivision would not have an effect detailed in clause 6 (a), (c) or (d) of this Notice.
 - (c) for a water licence under section 206 of the *Water Act 2000* made by a petroleum tenure holder;
 - (d) for a water licence under section 206 of the *Water Act 2000* to take water for the following purposes listed in clause 9 provided that the total additional volume of water taken annually for the Cape York Peninsula Moratorium Area does not exceed—
 - i) for purposes in clause 9(a) to (c) - 1500 megalitres
 - ii) for purposes in clause 9(d)-500 megalitres
9. The following are purposes for clause 8(d) of this Notice -
 - (a) a significant project declared under section 26 of the *State Development and Public Works Organisation Act 1971*; or
 - (b) a mining tenement granted under the *Mineral Resources Act 1989* or any other Act related to mining; or
 - (c) a petroleum tenure under the *Petroleum Act 1923*, or the *Petroleum and Gas (Production and Safety) Act 2004*; or
 - (d) for town water supply.
10. A person must not start the construction of works, or continue to construct works, if it has one of the following effects:
 - (a) increase the amount of water being taken or that could be taken; or
 - (b) change the location from which water is being taken or could be taken; or
 - (c) increase the rate at which water is being taken or could be taken; or
 - (d) increase or change the interference with the water.
11. For works that would have an effect mentioned in clause 10 of this Notice -
 - (a) new works must not be physically started;
 - (b) completed works in existence must not be raised, enlarged, deepened or changed.
12. Clause 11 of this Notice does not apply to works for—
 - (a) taking or interfering with water under a water licence; or
 - (b) taking of water authorised under sections 20(2), 20(3) or 20(5) of the *Water Act 2000*; or
 - (c) taking water for stock or domestic purposes under section 20(4) of the *Water Act 2000*, provided that the works are constructed in accordance with section 5 of the 'Code for Self Assessable Development for Taking Overland Flow Water for Stock and Domestic Purposes' available from www.nrw.qld.gov.au/water/management, or
 - (d) replacing an existing subartesian bore with a subartesian bore provided that—
 - i) replacement subartesian bores are sited within 10 metres of the existing subartesian bore that is being replaced; and
 - ii) the replacement bore is no deeper than the existing subartesian bore; and
 - iii) the existing bore that is replaced is properly decommissioned immediately upon the completion of the construction of the replacement bore; or
 - (e) taking water for town water supply; or
 - (f) taking or interfering with subartesian water or overland flow water by the Department of Main Roads as part of a schedule of works submitted to the Department of Natural Resources and Water; or
 - (g) taking or interfering with overland flow water that is waste from agricultural or industrial processes, provided the storage capacity of the works does not exceed that necessary to meet—
 - i) the requirements of an authority issued under the *Environmental Protection Act 1994*; or
 - ii) published industry best practice environmental guidelines; or
 - (h) an activity:
 - i) authorised, or associated with an activity authorised, under a mining tenement granted pursuant to the *Mineral Resources Act 1989* or any other Act related to mining; or
 - ii) authorised under the *Petroleum Act 1923* or the *Petroleum and Gas (Production and Safety) Act 2004*.
13. A person must not start the construction of works, or continue to construct works, in contravention of this Notice. A contravention of this Notice is an offence under section 26 (6) of the *Water Act 2000* and renders a person liable to a maximum penalty of 1,665 penalty units.

For further information on this Notice, contact the Department of Natural Resources and Water, Mareeba (07) 4048 4850.

Dated this 10th day of December 2008.

Craig Wallace MP

Minister for Natural Resources and Water
And Minister Assisting the Premier in North Queensland



Queensland Government
Natural Resources and Water