

## Moratorium Notice

### Water Act 2000 Section 26 Wet Tropics

1. This is a Moratorium Notice (the Notice) under section 26 of the *Water Act 2000* ('the Act') for the Wet Tropics Area as shown in the map below.

(Note: The map below shown in this Notice is indicative only and is not the legally recognised map of the area under the provisions of the *Water Act 2000*. The map of the area shown and the exact location of the boundaries of the Area is held in digital electronic form by the Department of Environment and Resource Management and may be inspected at the department's Cairns; Mareeba; South Johnstone and Townsville offices.)

2. The Notice has effect on and from 18 January 2010.

3. The purpose of the Notice is to: (a) protect natural ecosystems; (b) protect existing water entitlements and authorisations, by preventing further take and/or interference with surface or underground water.

4. The Notice applies to:

(a) the following water within the Wet Tropics Area:

- (i) water in a watercourse, lake or spring; and
- (ii) underground water;

(b) all applications for or about a water licence to take or interfere with the water to which the Notice applies, if granting the application would have one or more of the following effects on the water:

- (i) increase the amount of water that may be taken;
- (ii) change the location from which water may be taken;
- (iii) increase the rate at which water may be taken;
- (iv) change the flow conditions under which water may be taken;
- (v) increase or change the interference with the water;
- (vi) change the purpose for which the water may be taken or interfered with.

(c) the construction of works to the extent that the works would:

- (i) increase the amount of underground water being taken or that could be taken; or
- (ii) change the location from which underground water is being taken or could be taken; or
- (iii) increase or change the interference with underground water.

5. Applications stated in clause 4(b) of the Notice received:

- (a) before the day the Notice has effect, will not be dealt with; and
- (b) on or after the day the Notice has effect, will not be accepted.

6. Clause 5 of the Notice does not apply to:

- (a) applications to replace a water licence under section 229 of the *Water Act 2000*;
- (b) applications for taking water for stock purposes or domestic purposes;
- (c) applications for a water licence to take or interfere with water for town water supply purposes if the application is made by either a local government or a body corporate that owns and manages land for the benefit of Aboriginal people if it is demonstrated that:
  - (i) the application is intended for meeting current and projected demand for a period not extending beyond 31 December 2015;
  - (ii) there are demand management strategies in place; and
  - (iii) existing water authorisations are utilised efficiently.
- (d) applications for a water licence to take or interfere with water for a significant project declared under section 26 of the *State Development and Public Works Organisation Act 1971*; and
- (e) applications for a water licence to interfere with water stated in clause 4(a)(i) other than by a dam.

7. While the Notice has effect:

- (a) new works must not be physically started; and
- (b) completed works in existence must not be raised, enlarged, deepened or changed; and
- (c) works that have been started must be completed by 28 May 2010;
- (d) a person who is completing the works that have been started must give the chief executive notice about the works by 5:00pm on 12 February 2010; and
- (e) construction of works must stop if notice has not been given under paragraph (d).

8. For clause 7, works are not started unless:

- (a) construction of the works has physically started, or if construction has not physically started, a contract has been entered into to start construction, and construction is started within 60 days after the day the Notice is published; and
- (b) an independently verifiable construction program exists for progressive construction towards completion of the works; and
- (c) detailed design plans exist showing, among other things, the extent of the works.

9. Clause 7 of the Notice does not apply to the following:

- (a) works for taking water for stock purposes or domestic purposes;
- (b) works to take or interfere with water for town water supply purposes if the works are for a local government or a body corporate that owns and manages land for the benefit of Aboriginal people if it is demonstrated that:
  - (i) the works are required to meet current and projected demand for a period not extending beyond 31 December 2015;
  - (ii) there are demand management strategies in place;
  - (iii) existing water authorisations are utilised efficiently.

(c) works for taking or interfering with water for a significant project declared under section 26 of the *State Development and Public Works Organisation Act 1971*.

(d) works for which a development permit authorising the works as operational works for taking or interfering with water has been granted in association with a water licence:
 

- (i) in force on the day the Notice has effect; or
- (ii) granted from an application to which clause 6 of the Notice applies.

(e) works for replacing existing works, provided that:

- (i) the replacement works are constructed within a ten (10) metre radius of the existing works;
- (ii) the replacement works are constructed on the same land as the existing works; and
- (iii) the replacement works are constructed to a depth not exceeding that of the existing works.

10. A person must not construct works, in contravention of clause 7 of the Notice.

[Note: A contravention of clause 7 of the Notice is an offence under section 26(6) of the Act and renders a person liable to a maximum penalty of 1665 penalty units.]

**For Further Information on the Notice, contact  
Department of Environment and Resource  
Management, Mareeba on (07) 4048 4850.**

**Dated this 18th Day of January 2010.**

**Stephen Robertson  
Minister for Natural Resources, Mines and Energy  
and Minister for Trade**

