



Moratorium Information for Whitsunday Water Resource Plan Area

The Minister for Natural Resources, Mines and Water has introduced a moratorium on water licence applications and the construction of works in the Whitsunday Water Resource Plan Area, effective from 20 March 2006.

In support of water resource planning, the moratorium will curtail new water development to help secure the long term sustainability of water resources within the Proserpine River, O'Connell River, Andromache River and Thompson Creek catchments.

More details about the area covered by the moratorium including the proposed plan area, Overland Flow Floodplain Area and Groundwater Moratorium Area, are available from the NRMW office in Mackay.

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.

Restrictions will be placed on the construction of most new works including those that take or interfere with overland flow and subartesian water within these areas.

The moratorium also places a hold on water licence applications and most other activities that would increase water taken from:

- watercourses, lakes and springs within the entire plan area
- overland flow water in the Overland Flow Floodplain Area
- subartesian water in the Groundwater Moratorium Area.

The moratorium applies to licence applications and the construction of works that would lead to more water being taken or to an increase or change in interference with water in the more sensitive parts of the proposed plan area.

These include 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
- change the purpose for which the water may be taken or interfered with.

Under Section 30 of the *Water Act 2000*, applications for the issuing of water permits are not subject to 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 access water to meet stock and domestic needs.

Water licence applications

While the moratorium notice for the plan area is in effect, the department will not accept new water licence applications that would lead to more water being taken or interfered with. The department will not deal with applications that have already been accepted before the moratorium notice took effect.

Currently, licence applications are required for:

- surface water
- subartesian water in the Declared Proserpine Subartesian Area.

Examples of types of new applications that will not be accepted under the moratorium are applications to:

- impound water in a river or stream
- take or interfere with water from a river or stream
- take or interfere with overland flow water in the Overland Flow Floodplain Area
- take or interfere with subartesian water in the Groundwater Moratorium Area.

The moratorium does not apply to the following water licence applications and administrative activities:

- the renewal, reinstatement, replacement or transfer of a water entitlement
- water licence applications by a local government for additional subartesian water for urban water supply
- water licence applications by a local government or statutory body for additional overland flow water or subartesian water, for a public purpose
- any dealings with Interim Water Allocations.

Construction of works

A *Notification of Started Works* form must be submitted to the department by 5 May 2006 for any construction of works described below. This form is available on the department's website at www.nrm.qld.gov.au/wrp/whitsunday or from the Mackay office.

Surface water other than overland flow water

Landowners with an existing entitlement to water will be able to construct works to use the entitlement, if they comply with the criteria in Section 13(a) and (b) of the moratorium.

All other works for taking or interfering with surface water, for which construction started before 20 March 2006, may be completed provided proposed works meet the criteria set out in Section 11 and 12 of the moratorium notice. These works must be completed by 24 July 2006.

Overland flow water in the Overland Flow Floodplain Area

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, within the Overland Flow Floodplain Area.

Works that are affected include dams, ring tanks, excavations and diversion banks used to capture water, channels, drains and pump installations. Under the moratorium, completed works must not be raised, enlarged, changed or deepened and new works must not be started.

Works for which construction started before 20 March 2006, may be completed provided those constructing the works meet the criteria set out in Section 11 and 12 of the moratorium notice. These works must be completed by 24 July 2006.

Subartesian water within the Groundwater Moratorium Area

The moratorium also applies to works that would lead to more subartesian water being extracted from areas within the Groundwater Moratorium Area. Affected works include bores, pumps on bores or any other construction that could lead to water being taken from a subartesian aquifer. The moratorium also states that existing works must not be modified unless for replacement of a bore in accordance with Section 13(e).

Works to take subartesian water, where construction started before 20 March 2006, may be completed provided the person constructing the works can meet the criteria set out in section 11 of the moratorium notice. The works must be completed by 26 June 2006.

Frequently asked questions

- Q:** Can I build a farm dam to capture overland water for stock and domestic purposes in the Overland Flow Floodplain Area?
- A:** Yes, as long as the works are only in the form of a ring tank and are consistent with the Code for Self-assessable Development for Taking Overland Flow Water.
- Q:** How can I determine if my property is in:
- the Whitsunday Plan Area?
 - the Overland Flow Floodplain Area?
 - the Groundwater Moratorium Area?
- A:** Contact the department to find out if your property is within the area covered by the Moratorium. You will need to know the Lot/Plan details or address. The department will be able to inform you if you are within the plan area, Overland Flow Floodplain Area or Groundwater Moratorium Area.
- Q:** I am in an area where a licence has not previously been needed to take subartesian water. Can I construct a subartesian bore for stock and domestic purposes?
- A:** Yes, as long as the water is only used for stock and domestic purposes.
- Q:** I currently have a licence to pump water from the river to irrigate crops. How will the licence be affected if I sell my property while the moratorium is in place?
- A:** The moratorium will not affect transfer of the licence to the new owner. This type of application will continue to be accepted and dealt with during the planning process. Your NRMW office will explain the transfer process.

Q: I have an approval to develop a waterharvesting licence. Can I proceed with the development, which includes pump installation, channels and storage?

A: Yes, provided you comply with section 12 of the moratorium, your storages will not be used to capture overland flow water within the Overland Flow Floodplain Area and so long as the development complies with your licence and development permit specifications.

Q: I have drawings and a contract for a ring tank to store overland flow water. The contract and the plans were signed before 20 March 2006, but work has not started yet. Will I be able to proceed?

A: Your development may be allowed to proceed if it meets the criteria set out in the Notice. You should notify your NRMW office by 5 May 2006 of your intention to continue construction of the works. If necessary, you will need to provide the department with copies of contracts and plans, other information as required and a statutory declaration substantiating them. The work will need to be completed by 24 July 2006.

If you have any more questions about works that are started under the moratorium, please call (07) 4967 0611.

Complying with the moratorium

NRMW staff will monitor activities throughout the plan area to ensure compliance with the moratorium.

The department's first priority is to cooperate with landholders to ensure effective, consistent implementation of the moratorium without unnecessary disruption of farming activities.

However penalties do exist where breaches are detected or documentation is fraudulent.

Community support and compliance is essential if we are to sustainably manage Queensland's valuable natural assets for present and future generations.

For More Information

This is a guide only. Anyone who may be affected should read the Moratorium Notice in full before commencing or continuing any works. It can be viewed on the Whitsunday water resource planning web page or at NRMW offices, where staff will answer your queries.

Contact Department of Natural Resources, Mines and Water, Mackay office on ph: (07) 4967 0974 or visit the Water Resource Planning website <www.nrm.qld.gov.au/wrp/whitsunday>.