

Wet Tropics moratorium

On 18 January 2010, the Minister for Natural Resources, Mines and Energy and Minister for Trade introduced a moratorium on further take or interference with water in a watercourse, lake or spring and underground water in the Wet Tropics area. The moratorium notice also places a hold on the construction of new works that take underground water and changes to existing works that would increase the amount of underground water taken.

This fact sheet explains how the moratorium notice affects water licence applications and works. It also details some of the activities that are exempt from the moratorium.

The Wet Tropics moratorium area

The moratorium area shown on the map includes the Daintree, Mossman, Russell-Mulgrave, Johnstone, Tully, Murray, and Herbert River basins and extends from Wujul-Wujul north of Cape Tribulation to just south of Ingham. It does not include the Crystal Creek and Black River catchments, or the Barron water resource plan area. More details about the moratorium area are available from the department's offices.

The purpose of the moratorium

The *Water Act 2000* provides for the Minister to publish a moratorium notice where this action is needed to protect the security of existing water entitlements or natural ecosystems.

Water use in the Wet Tropics has increased up to ten fold since the 1980s. Signs of overuse are emerging, with streams that once flowed all year round now ceasing to flow. Also some groundwater bores, including those used for town drinking water supply, are now becoming less reliable during the dry season. This use also threatens river ecosystems in the Wet Tropics world heritage area, such as the loss of fish that depend on faster flowing water. Further drawdown of water tables in places like the Herbert and Tully-Murray floodplains threatens broad leaf paperbark swamp forests and remnant habitat for the mahogany glider, the southern cassowary and the Apollo Jewel butterfly.

How will the moratorium apply?

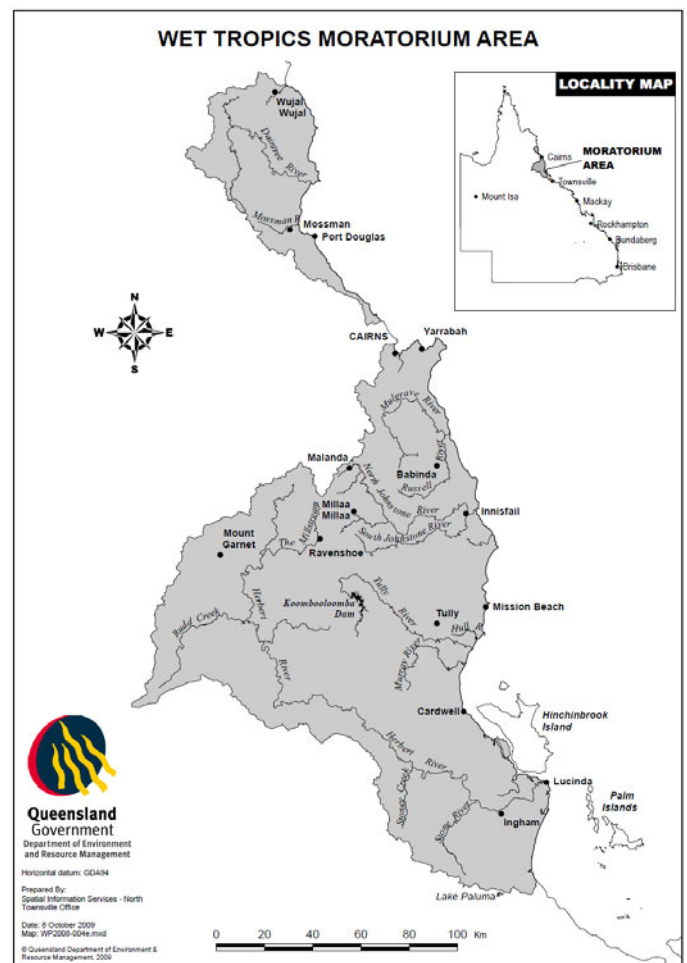
The moratorium applies to licence applications to take or interfere with water in a watercourse, lake or spring and underground water and the construction of works to take

or interfere with underground water that would:

- increase the amount of water taken; or
- change the location from which water is taken; or
- increase the rate at which water is taken; or
- change the flow conditions under which water is taken; or
- increase or change the interference with the water; or
- change the purpose for which the water is taken.

Existing works

Works that take or interfere with underground water that existed before the moratorium notice was published can continue to be used. Moreover, the works may be replaced provided the replacement is a water bore not deeper than the existing bore and is located within a 10 metre radius of the bore being replaced.



Exemptions

The moratorium notice allows for certain activities to continue with minimum disruption. Some of the key exemptions are described below.

Landholders can continue to build works to access water to meet stock or domestic needs.

Applications and works for town water supply may still be considered, as long as a genuine need can be demonstrated in the short term, demand management strategies are in place and existing water resources are being used efficiently. This includes applications from local governments, Wujul Wujul and Yarrabah Aboriginal Shire Councils, and indigenous corporations representing smaller indigenous communities.

An exemption is provided for applications and works associated with the construction, operation or maintenance of public assets and projects of state significance declared under section 26 of the *State Development and Public Works Organisation Act 1971*.

Applications for a water licence to interfere with water in a watercourse for purposes such as flood mitigation or watercourse realignment are exempt, provided the interference does not involve the construction of a dam.

Frequently asked questions

Q: How can I find out if my property is in the Wet Tropics moratorium area?

A: Contact the department. You will need to know the lot/plan details or the address of your property.

Q: Can I still construct a new bore on my property for watering stock or for domestic purposes?

A: Yes.

Q: Can I build a dam on my property for stock watering if it is not on a watercourse?

A: Yes. The moratorium does not apply to works that take overland flow water such as gully dams. However, you should check with the department about whether you need any other authorisations for the proposed storage.

Q: Can I still construct works to take water from a watercourse for stock watering or domestic purposes?

A: Yes, but only if your land is riparian to the watercourse and the water is to be used only for stock watering or domestic use.

Q: Can I apply to build a dam in a watercourse?

A: No. The department cannot accept an application for these types of works in a watercourse.

Q: Can I continue to use the works that I have already installed?

A: Yes. The moratorium notice applies only to the construction of new works and changes to existing works.

Q: Can I replace an existing bore on my property?

A: Yes. The replacement bore must not be drilled deeper than the existing bore and must be within a 10-metre radius and on the same land parcel as the existing bore.

Q: Can I subdivide or amalgamate water licences?

A: In some cases yes. An application to subdivide or amalgamate a water licence may be dealt with despite the moratorium notice provided the granting of the application does not increase the amount of water that may be taken, or change the location and the purpose of take. The rate of take of the licence must also be the same as the original licence/s.

Q: I have started to construct new works to take underground water and I don't have a development permit. Can I complete them?

A: Yes. However, the works must be completed by 28 May 2010, and the person who is completing the construction must notify the chief executive of the department of the works by 12 February 2010.

Q: I have already been issued with a development permit. Can I begin constructing the works?

A: Yes. If you already have a development permit, you can construct the works.

Further information

This fact sheet is a guide only. If you think you may be affected, you should refer to the moratorium notice and check with the department before you start or continue to construct any works.

The moratorium notice is available at departmental offices or on the department's website:
<www.derm.qld.gov.au>.

For more information on the moratorium, contact Department of Environment and Resource Management, Mareeba on 07 4048 4850.

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For general enquiries contact the
Queensland Government call centre 13 13 04
or visit www.derm.qld.gov.au