

Moratorium Notice

Water Act 2000

Water Plan (Condamine and Balonne) 2019
Water Plan (Border Rivers and Moonie) 2019
Water Plan (Warrego, Paroo, Bulloo and Nebine) 2016

1. This is a moratorium notice (Notice) published under section 30 of the *Water Act 2000* (Qld) (the Act) for the following (plan areas):
 - (a) Water Plan (Condamine and Balonne) 2019 area
 - (b) Water Plan (Border Rivers and Moonie) 2019 area, and
 - (c) Water Plan (Warrego, Paroo, Bulloo and Nebine) 2016.

{Note: The map of the area to which this Notice relates and the exact location of the boundaries of the area is held in digital electronic form by the Department of Natural Resources, Mines and Energy and may be inspected at a DNRME office or on the departments website www.business.qld.gov.au/industries/mining-energy-water/water/catchments-planning/water-plan-areas.

2. This Notice has effect on and from 30 August 2019
3. The purpose of this Notice is to:
 - (a) protect existing water entitlements and other authorities under the Act to take or interfere with water, and
 - (b) to protect natural ecosystems.

4. This Notice applies to the construction of new works, or changing of existing works, for the purpose of taking overland flow water that is contaminated agricultural runoff.

{Note 1: Contaminated agricultural run-off is overland flow water that contains or is likely to contain chemicals, nutrients or sediment at concentrations harmful to water quality in receiving waters}.

{Note 2: This moratorium notice does not prevent a person from taking overland flow water, that is contaminated agricultural run-off, to the extent that the taking is necessary to comply with an obligation on the person under the *Environmental Protection Act 1994*; in particular the general environmental duty} (see s101(3) *Water Act 2000*).

{Note 3: Changing of existing works does not include the repair and maintenance of existing lawfully constructed works, to the extent the repair or maintenance does not increase the works ability to take water.}

5. While this Notice has effect:
 - (a) new works mentioned in clause 4 must not be physically started
 - (b) completed works mentioned in clause 4 must not be raised, enlarged, deepened or changed.

{Note 1 – Physically started is defined by section 30(7) of the Act.

{Note 2 - A contravention of this Notice is an offence under section 32 of the Act and may render a person liable for a maximum penalty of 1665 penalty units.}

6. Clause 5 does not apply to works:
 - (a) constructed or modified under a valid development approval issued prior to 30 August 2019 under the *Planning Act 2016*, or
 - (b) where the chief executive is satisfied the proposed works are reasonably and practically required comply with a person's obligations under the *Environmental Protection Act 1994*; in particular the general environmental duty;

7. For the purposes of clause 6(b) prior to any works being undertaken the proponent must provide the department a certified report demonstrating how the proposed **works are reasonable and practically required to meet the proponent's obligations under the *Environmental Protection Act 1994***.

The certified report must have regard to and provide demonstration of the following:

- (a) Alternative measures for the activity the proponent is currently taking, is proposing to take or could take to avoid or minimise the volume of water that becomes contaminated, and
- (b) The nature and extent of the actual harm or potential harm to receiving waters, and
- (c) The sensitivity of the receiving waters would be subject to actual harm or potential harm, and
- (d) The likelihood of the actual harm or potential harm to receiving waters occurring, and
- (e) The likelihood of success of the alternative measures outlined in clause 7(a), to reduce the risk of harm, and
- (f) Demonstrate that the construction and operation of the proposed works would not increase the total volume of Overland Flow Water taken on the property in a water year; above that which was permitted immediately prior to the commencement of this notice.

{Note 1: Certified report means a report produced and certified by a person:

- I. who is a Registered Professional Engineer of Queensland (RPEQ), and
- II. who has relevant farm water supply discipline experience if the proposed development is for agricultural production.}

{Note 2: Information about meeting a person's obligation and duties under the *Environmental Protection Act 1994*; including the general environmental duty can be found at www.environment.des.qld.gov.au/management/planning-guidelines/legislation/general_environmental_duty.html.}

{Note 3: when considering alternative measures under clause 7a; consideration should include current state of technical knowledge for the activity – for example, what is the current best practice for the activity, and obligations under section 13 of the *Chemical Usage (Agricultural and Veterinary) Control Act 1988*.

{Note 4: 'property' includes an amalgamation contiguous parcel of land being managed and operated in conjunction as a single enterprise.}

{Note 5: Compliance with clause 7(f) may include a requirement to release all Contaminated Agricultural Runoff water taken. To ensure obligations under the *Environmental Protection Act 1994* continue to be met; release of water may be done in accordance with the *Code of practice for the release of stored water from privately owned farm storages to receiving waters in the Queensland Murray-Darling Basin*. The code of practice can be found at: www.environment.des.qld.gov.au/assets/documents/regulation/pr-cp-stored-water-release.pdf

8. For further information about this Notice, please contact:

Water Services
Department of Natural Resources and Mines
PO Box 318
Toowoomba QLD 4350
Tel: (07) 4529 1394

Dated this 30 day of August 2019
Dr Anthony Lynham MP
Minister for Natural Resources, Mines and Energy