

MORATORIUM NOTICE

Water Act 2000 Section 30

Tamborine Mountain and Springbrook areas

1. This is a Moratorium Notice (the Notice) made under section 30 of the *Water Act 2000* (Qld) (“the Water Act”) for the Tamborine Mountain and Springbrook areas.
(NB: Maps of the Tamborine Mountain and Springbrook areas can be found on the Department of Natural Resources, Mines and Energy’s website at www.dnrme.qld.gov.au. The maps shown on the department’s website are indicative only and are not the legally recognised map of the areas under the provisions of the Water Act. The exact location of the boundaries of the areas are held in digital electronic form by the department and may be inspected at any of the department’s offices.)
2. The Notice has effect on and from 6 March 2020.
3. The purpose of the Notice is to:
 - (a) protect natural ecosystems; and
 - (b) protect existing water entitlements and other authorisations, by preventing further take and/or interference with underground water.
4. The Notice applies to underground water in the Tamborine Mountain and Springbrook areas.
5. While this notice has effect, to the extent that the construction of works or the changing or replacing of existing works (for the taking or interfering of underground water) would have one or more of the effects listed in clause 5(a)-(e), such works are limited as follows:
 - (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:
 - (i) for works for taking water for agricultural purposes where the proposed irrigable area is equal to or greater than 10 hectares – 5 March 2021; and
 - (ii) for all other works – 30 April 2020; and
 - (d) a person who is completing the works that have been started must give the chief executive notice about the works by:
 - (i) for (c) (i) – 5 February 2021; and
 - (ii) for (c) (ii) – 3 April 2020; and
 - (e) construction of works must stop if notice has not been given under paragraph (d) above.
6. A person must not construct works in contravention of clause 5 of this notice.
[Note: A contravention of clause 5 of this notice is an offence under section 32 of the Water Act and renders a person liable for a maximum penalty of 1665 penalty units.]
7. For **clause 5**, 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 the following timeframe:
 - (i) for (c) (i) – 300 days; and
 - (ii) for (c) (ii) – 60 days after the day the notice has effect; and
 - (b) an independently verifiable construction program exists for progressive construction towards completion of the works; and
 - (c) detailed plans exist showing, among other things, the extent of the works; and
 - (d) if a development permit is required for the works or for other development associated with the works—the permit has been given.
8. **Clause 7** of this Notice does not apply to:
 - (a) works for replacing an existing bore where the replacement bore is located within ten metres of the location of the original bore and taps the same aquifer tapped by the original bore; or
 - (b) works for taking water for stock or domestic purposes under section 101 of the Water Act; or
 - (c) works for taking water for agricultural purposes where the proposed irrigable area is less than 10 hectares; or
 - (d) the construction of works, or the changing or replacing of existing works by a registered service provider under the *Water Supply (Safety and Reliability) Act 2008* for town water supply; or
 - (e) works for taking or interfering with water for a coordinated project declared under section 26 of the *State Development and Public Works Organisation Act 1971*; or
 - (f) works for which a development permit is required where an application has been lodged under the *Planning Act 2016*, prior to the commencement of this notice, but has not yet been decided; or
 - (g) works for which development approval under the *Planning Act 2016* has been given.
9. This Notice (and any subsequent amendments made under section 34 of the Water Act) does not apply to:
 - (a) the issuing of water permits and associated works (see Chapter 2, Part 3, Division 3 Water Act);
 - (b) the construction of authorised works that enable the taking of water under clause (a); or
 - (c) the statutory authorisations to take or interfere with water covered by sections 93 to 99 and sections 101 and 103 of the Water Act.
10. For this notice:
 - (a) ‘works’ means works as defined in schedule 4 of the Water Act and includes works for taking or interfering with the flow of water including bores, dams, weirs, excavations and diversion facilities such as pumps and diversion channels;
 - (b) ‘irrigable area’ means the total area of land that is proposed to be irrigated by water taken by the works.

For further information on the notice, contact the Department of Natural Resources, Mines and Energy on 3330 4361.

Dated this 6th day of March 2020

Dr Anthony Lynham MP
Minister for Natural Resources, Mines and Energy