



# Application to vary effect of moratorium notice

Water Act 2000

## Purpose of the form

For an owner of land who wishes to apply to the Minister administering the *Water Act 2000* for an extension of the day by which works must be completed under a moratorium notice (completion day) thereby varying the effect of the moratorium notice.

NOTE: That the construction of works **must** stop on the date specified in the moratorium notice. You will be advised if your application is granted and whether you can recommence construction.

## Part A Applicant details

Name (Specify the full names(s) of all persons applying for this allocation.)

If the applicant is a corporation, please supply the ACN:

Street address:

Mailing address:

## Contact details

Title:  Mr  Mrs  Ms  Miss  Other (specify)

Full name:

Preferred phone:

Alternative phone:

Facsimile:

Email:

## Part B Description of land

Specify the Lot on Plan numbers for the land on which the works are being completed

Lot	Plan	Lot	Plan

**Privacy statement:** The information being collected in this form will be used by this department for processing your application to vary the effect of a moratorium notice under the authority of section 33 of the *Water Act 2000*. Your personal details will be accessed only by authorised officers within this department and will not be disclosed to any other third party without your consent except where required by law. The information collected will be retained as required by the *Public Records Act 2002* and may be stored in a departmental database. More information on the department's privacy commitment can be found on the department's website at [www.dnrm.qld.gov.au](http://www.dnrm.qld.gov.au).

<b>OFFICE USE ONLY</b>  <<barcode>>	Application ref.	Fee received \$	<b>Office Stamp Only</b>
	Client ref.	Receipt no.	
	Authorisation ref.	Registration Date / / Initials	

### Part C Description of works

Specify the type of works being completed

The development permit number for the works or for other development associated with the works (complete only if a development permit is required for such works).

### Part D Progress of works

How much of the works has been done?

How much will be done by the 'completion day'?

What is required to make the incomplete works complete and functional?

State the date by which the works will be completed?\*

It may be useful for assessing the application to include a letter from the contractor regarding the estimated timeframe for completing the works.\*

### Part E Basis for application

The reason an extension is being sought is because:

- the works are substantially completed but will be unable to be completed by the completion day specified in the moratorium notice (proceed to part F) and / or
- there has been a change in circumstances that will result in the works being unable to be completed by the completion day specified in the moratorium notice. (Provide details below.)

### Part F Attachments

**You must have attached to this application the relevant documentation listed below.**

Clearly label each attachment as numbered below. Tick the box to indicate the document is attached. If you are unable to provide this documentation, your application may be considered not properly made and may be returned to you.

- 1.(a) Evidence that the works were physically started when the moratorium notice was published. (e.g. copy of drill logs, or a statutory declaration from the contractor stating the date that drilling the production bore, earthworks for a dam or preparatory work for pump installation commenced).

**OR**

- (b)(i) Evidence of a contract entered into before the moratorium was published (e.g. copy of written contract, deposit slip for part-payment of contractor, receipt of purchase of materials, statutory declaration by the contractor stating that a verbal contract was entered into).

**and**

- (ii) Evidence that works were physically started within 60 days of the publication of the moratorium notice (e.g. statutory declaration from the contractor stating the date the drilling of a production bore, earthworks for a dam or preparatory work for pump installation commenced).

**Part F Attachments (continued)**

- 2. A detailed design plan showing the location, extent and design of the works  
(e.g. sketch or complete written description, which includes physical dimensions of the proposed works including, for example, diameters of pipes, borehole depths).
- 3. Evidence of the extent to which the works are completed  
(e.g. photographs, statutory declaration from contractor).
- 4. If the works are for taking or interfering with water—an independently verifiable construction program for the completion of the works  
(e.g. a statutory declaration from a contractor outlining the construction program with the program attached, loan documentation from a bank which included a project plan).
- 5. If a permit is required under schedule 3 of the Sustainable Planning Regulation 2009 for a levee bank—a copy of the issued permit.

**Part G Declaration**

Name:

Signature:

Date:     /     /

**Guidelines for  
Application to vary  
effect of moratorium notice**

*Water Act 2000*

**Purpose of the form**

**Overview**

Section 33 of the *Water Act 2000* (Water Act) allows for a landowner to apply for an extension of the day by which they must have completed construction of 'started' works. The purpose of this form is to allow such landowners to apply. Valid applications are assessed against whether:

- (a) there was a change in circumstance beyond the applicant's control which could not have reasonably been foreseen, or
- (b) the applicant's works are substantially complete.

In either case, the approval will still not be given unless the works can be completed within a reasonable time. This is to ensure that the department's water planning processes are not unnecessarily delayed.

**Eligibility**

Before completing the application form, applicants should check their eligibility to apply. In order to apply, a landowner will need to both:

1. be an 'owner' of the land on which the incomplete works are located.  
Details of how to establish whether you are an 'owner' of land for the purposes of this application, are detailed in section 104 of the Water Act..
2. show that they had 'started' the works.  
To establish whether you had 'started' the works, you should check if you can provide all of the evidence requested in Part F of the form. If you are unable to provide of the items in Part F, the department will not consider the works to have been 'started' and you will not be eligible to apply.

If you apply despite being ineligible, your application will be returned to you.

**Where to apply**

If you are eligible to apply (or are unsure of whether you are eligible), you should complete and lodge the application form with your local departmental office.

**Application deadlines**

Note that the application must be made before the completion day specified in the moratorium notice. If you lodge this application on, or after the completion day for 'started' works under the notice, your application will be returned to you without further consideration.

**Part A      Applicant details**

**Applicants must be 'owners'**

Any person or entity who does not 'own' the land on which the partially constructed works are located, cannot apply for an extension to complete the works.

By signing the declaration on the bottom of the form, you will be making a declaration that the information you have provided about your 'ownership' of the land (as well as the other statements on the form) are true and correct.

If you are not an owner of the land, you are not able to apply.

**How to complete other applicant details**

An owner of land can apply on behalf of any of the other owners of the land on which the partially completed works are located. Alternatively each applicant may list their name on the application, however only of the 'owners' need sign the declaration in Part G of the form.

If there are multiple incomplete works on different land parcels, the person applying on behalf of the other 'owners' is only able to apply if that person is also an owner of all of the other parcels of land.

**Part A Applicant details (continued)**

The applicant details must be completed as follows:

**Name**

For one individual, clearly write in upper case the applicant's full name as given names followed by surname.

For example PAUL JOHN SMITH

For two individuals, clearly write the full name of all individuals as given names followed by surname, both persons separated by a semi-colon.

For example PAUL JOHN SMITH; TINA ROSE JONES

For a number of individuals clearly write all the full names as given names followed by surname as a list, the full name of each person should be separated by a semi-colon.

For example PAUL JOHN SMITH; TINA ROSE JONES; GWEN MARY SMITH;  
PETER FREDRICK WATSON; PETER FREDERICK WATSON AS TRUSTEE

Where the applicant is a corporation, write the complete name of the incorporated body and the Australian Company Number (ACN).

For example PAUL JOHN SMITH PTY LTD

For incorporated associations, use the authorising officer's name

For example PAUL AUSTIN ACTING UNDER THE AUTHORITY OF THE  
BUNYA MOUNTAINS BRIDGE SOCIETY INC

For other legal entity names or bodies holding land under trust.

For example THE STATE OF QUEENSLAND (REPRESENTED BY DEPARTMENT OF EDUCATION AND  
TRAINING)

**Mailing address**

Information provided within this section of the form will be used for the service of all official documents and any correspondence relating to the application. Enter the information as you would want it to appear on an envelope addressed to you.

For example UNIT 3  
146 SHORE STREET  
ROCKHAMPTON QLD 4370

**Contact person's details**

Applicants must use this section to provide the department with the details of one nominated contact person. The department will use the information provided for its records concerning the application and for personal or telephone contact about matters relevant to the application.

## Part B Description of land

This part is used to describe the land on which the works are being constructed. All the land parcels which are associated with the development should be used. Land is usually described as a Lot on a Plan and you will find these on the local government rates notice or a valuation notice. Separately list each parcel of land as Lot and Plan.

For example

Lot	Plan
13	RP134507

To be able make a proper application, the applicant must be an owner of the parcel/s of land entered here. An owner of land is defined above in the Applicant Details part of these guidelines.

## Part C Description of works

This part is used to briefly describe the type and nature of the works.

For example 0.5m high earth and rockfill dam, water bore and associated submersible pump.

If the development involves more than one incomplete works over several parcels of land (e.g. multiple works on a single development permit) ensure that the department is able to identify which works are on which parcel of land by indicating the lot and plan (listed in Part B of the form) that each of the works relate to.

## Part D Progress of works

This part is used to briefly describe the progress of the completion of the works:

- the progress of construction to date
- the estimated progress of construction by the completion day specified in the moratorium notice
- what will be required to make the works functional after construction is stopped on the completion day
- how long it will take to make the works functional.

If there are multiple works, ensure that you identify which works are being referred to.

The documents that you supply in Part F will provide evidence for your description of the progress of the works.

It is noted that the department may conduct a site inspection at any time after your application to verify the status of your works.

## Part E Basis for application

This part is used to indicate on which basis you wish to apply for an extension (in some cases it may be both), either

- your works are substantially complete, or
- you had a change in circumstance beyond your control.

### Substantially complete

If the basis of your application is only because your works are substantially complete, no further information is required in this part. The detail you provide in Part D, and the documents supplied in Part F will be used in assessing your application.

### Change in circumstance

If the basis of your application is due to a change in circumstances you must provide details of these circumstances and how they affected your ability to finish the works. The change in circumstance must have been beyond your control. It is noted that this basis is designed to cater for changes in circumstance, not unfortunate circumstances. This change in circumstance must have occurred between the date the moratorium notice was published and the completion day specified in the notice. Therefore, you will need to provide details of when the change in circumstance occurred (e.g. if the change in circumstance relates to ill health, you will need to indicate the change in your health and when it occurred).

If there are multiple works, ensure that you identify which works are being referred to in your statement.

**Part E Basis for application (continued)**

If there are multiple owners applying in relation to the same incomplete works and only one of them suffered a change in circumstance (e.g. change in health), provide some indication in your statement about why the other owners were unable to attend to the completion of works.

It is not a requirement to provide evidence of your change in circumstance, however it may assist in assessing your application. The detail provided in Part D and the documents supplied in Part F will be used in assessing your application.

**Part F Attachments**

This part outlines the attachments that are required to accompany the application. These documents are used to assist in assessing the application.

Make sure all the attachments are labelled so that it is obvious which evidence the documents relate to.

**Part G Declaration**

By signing this declaration, you are:

- confirming that all information provided in the application is, to the best of your knowledge, correct
- signing to say that you are making the application on behalf of the other owners of the land (if there is more than one owner).

**Use of this information (privacy statement)**

The information being collected in this form will be used by this department for processing your application to vary the effect of a moratorium notice under the authority of section 33 of the *Water Act 2000*. Your personal details will be accessed only by authorised officers within this department and will not be disclosed to any other third party without your consent except where required by law. The information collected will be retained as required by the *Public Records Act 2002* and may be stored in a departmental database. Information on the department's privacy commitment can be found on the department's website at [www.dnrm.qld.gov.au](http://www.dnrm.qld.gov.au).

**Lodgement**

Mail/deliver the application form, the fee and attachments to your nearest departmental office. Contact details are available on the department's website at [www.dnrm.qld.gov.au](http://www.dnrm.qld.gov.au).