



Queensland

# **Wild Rivers and Other Legislation Amendment Act 2006**

**Act No. 59 of 2006**





## Queensland

# Wild Rivers and Other Legislation Amendment Act 2006

## Contents

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		Page
<b>Part 1</b>	<b>Preliminary</b>	
1	Short title . . . . .	8
<b>Part 2</b>	<b>Amendment of Wild Rivers Act 2005</b>	
2	Act amended in pt 2 and schedule . . . . .	8
3	Insertion of new pt 1, div 1, hdg . . . . .	8
4	Relocation and renumbering of s 3 . . . . .	8
5	Omission of s 4 (Notes in text) . . . . .	8
6	Renumbering of ss 1–6A . . . . .	9
7	Insertion of new pt 1, div 2, hdg . . . . .	9
8	Insertion of new s 6 . . . . .	9
	6        Meaning of nominated waterway . . . . .	9
9	Amendment of s 10 (Application of moratorium) . . . . .	10
10	Amendment of s 12 (Content of declaration proposal) . . . . .	10
11	Amendment of s 14 (Content of wild river declaration) . . . . .	11
12	Amendment of s 17 (Effect of declaration on activities and taking natural resources) . . . . .	11
13	Insertion of new s 17A . . . . .	12
	17A        Code for IDAS . . . . .	12
14	Amendment of s 31 (Minor amendments of wild river declaration)	12
15	Amendment of s 41 (Classification of wild river area into high preservation area and preservation area) . . . . .	13
16	Amendment of s 42 (Effect of classification on particular development applications) . . . . .	13
17	Amendment of s 43 (Effect of declaration on particular development applications) . . . . .	14
18	Amendment of s 48 (Meaning of specified works) . . . . .	14
19	Amendment of sch 2 (Dictionary) . . . . .	14

<b>Part 3</b>	<b>Amendment of Building Act 1975</b>	
20	Act amended in pt 3 . . . . .	17
21	Insertion of new s 68A . . . . .	17
	68A Statement of reasons for approving alternative solution . . . . .	17
22	Amendment of s 95 (Reminder notice requirement for lapsing) . .	17
23	Amendment of s 228 (Random inspection of buildings for which development approval is given) . . . . .	18
24	Amendment of s 231 (Owner's fire safety record-keeping obligation) . . . . .	18
25	Amendment of s 246 (Apportionment of cost of constructing dividing fence) . . . . .	18
26	Amendment of s 256 (Prosecution of offences) . . . . .	18
27	Insertion of new s 283 . . . . .	18
	283 Existing rainwater tank provisions in planning schemes . . . . .	19
28	Amendment of sch 2 (Dictionary) . . . . .	19
<b>Part 4</b>	<b>Amendment of Coastal Protection and Management Act 1995</b>	
29	Act amended in pt 4 and schedule . . . . .	20
30	Amendment of s 90 (Preparation of plans) . . . . .	20
31	Amendment of s 93 (Approving or refusing to approve plans) . . .	20
32	Amendment of s 96 (Renewing approvals) . . . . .	20
<b>Part 5</b>	<b>Amendment of Environmental Protection Act 1994</b>	
33	Act amended in pt 5 . . . . .	21
34	Amendment of s 41 (Submission) . . . . .	21
35	Amendment of s 73AA (Development applications in relation to wild river areas) . . . . .	21
36	Amendment of s 151 (What is a level 1 mining project and a level 2 mining project) . . . . .	24
37	Amendment of s 162 (Decision about EIS requirement) . . . . .	25
38	Amendment of s 163 (Minister's power to overturn decision about EIS requirement) . . . . .	25
39	Amendment of sch 3 (Dictionary) . . . . .	25
<b>Part 6</b>	<b>Amendment of Forestry Act 1959</b>	
40	Act amended in pt 6 and schedule . . . . .	26
41	Amendment of s 33A (Management in a wild river area) . . . . .	26
42	Amendment of s 44A (Code of practice for getting forest products in wild river areas) . . . . .	27

43	Amendment of s 44B (Getting forest products in wild river areas)	27
<b>Part 7</b>	<b>Amendment of Integrated Planning Act 1997</b>	
44	Act amended in pt 7 and schedule . . . . .	28
45	Amendment of sch 8 (Assessable development and self-assessable development) . . . . .	28
<b>Part 8</b>	<b>Amendment of Mineral Resources Act 1989</b>	
46	Act amended in pt 8 and schedule . . . . .	29
47	Amendment of s 25 (Conditions of prospecting permit) . . . . .	29
48	Amendment of s 81 (Conditions of mining claim) . . . . .	29
49	Amendment of s 141 (Conditions of exploration permit) . . . . .	29
50	Amendment of s 194 (Conditions of mineral development licence)	30
51	Amendment of s 276 (General conditions of mining lease) . . . . .	30
52	Amendment of s 382 (Definitions for pt 10A) . . . . .	30
53	Replacement of ss 383 and 384 . . . . .	31
	383 Grant of mining tenements in wild river areas . . . . .	31
	384 Renewal of mining tenements in wild river areas . . . . .	32
<b>Part 9</b>	<b>Amendment of Valuation of Land Act 1944</b>	
54	Act amended in pt 9 . . . . .	34
55	Amendment of s 2 (Definitions) . . . . .	34
56	Amendment of s 28 (Alteration of valuation in force or to come into force) . . . . .	34
57	Amendment of s 41A (Notice to owners about valuations) . . . . .	35
58	Amendment of s 42 (Owner may object) . . . . .	35
59	Amendment of s 43C (Effect on objection of change in valuation)	35
60	Amendment of s 44 (Late objection) . . . . .	35
61	Amendment of s 46 (Right of new owner to carry on objection or appeal) . . . . .	36
62	Amendment of s 52 (Objections to valuation) . . . . .	36
63	Amendment of s 52A (Late objections to valuation) . . . . .	36
64	Amendment of s 54 (Notice to objector) . . . . .	36
<b>Part 10</b>	<b>Amendment of Vegetation Management Act 1999</b>	
65	Act amended in pt 10 and schedule . . . . .	37
66	Amendment of s 22A (Particular vegetation clearing applications may be assessed) . . . . .	37
<b>Part 11</b>	<b>Amendment of Water Act 2000</b>	
<b>Division 1</b>	<b>Preliminary</b>	
67	Act amended in pt 11 and schedule . . . . .	38

<b>Division 2</b>	<b>Amendments for Wild Rivers Act 2005</b>	
68	Amendment of s 209 (Applications that may be decided without public notice) . . . . .	38
69	Amendment of s 210 (Criteria for deciding application for water licence) . . . . .	38
70	Amendment of s 266 (Applying for permit to destroy vegetation, excavate or place fill in a watercourse, lake or spring) . . . . .	39
71	Amendment of s 268 (Criteria for deciding application for a permit to destroy vegetation, excavate or place fill in a watercourse, lake or spring) . . . . .	39
72	Amendment of s 280 (Applying for allocation of quarry material). . . . .	39
73	Amendment of s 282 (Criteria for deciding application for allocation of quarry material) . . . . .	39
74	Amendment of s 966C (Applications in relation to removal of quarry material in wild river areas) . . . . .	40
<b>Division 3</b>	<b>Amendments about the commission and other matters</b>	
75	Amendment of s 223 (Transferring water licence to other land) . . . . .	41
	223 Other transfer of water licence . . . . .	41
76	Amendment of s 360W (Content of plan) . . . . .	42
77	Insertion of new ch 2A, pt 5, div 3 . . . . .	42
	Division 3 Water efficiency management plans	
	360ZCA Purpose and application of division . . . . .	42
	360ZCB When water efficiency management plan may be required . . . . .	43
	360ZCC Content of water efficiency management plan . . . . .	44
	360ZCD Approving water efficiency management plan . . . . .	44
	360ZCE Complying with water efficiency management plan . . . . .	45
	360ZCF Reporting under water efficiency management plan . . . . .	46
	360ZCG Amending or replacing water efficiency management plan by commission direction . . . . .	46
	360ZCH Amending or replacing water efficiency management plan by water service provider direction . . . . .	47
	360ZCI Amending or replacing water efficiency management plan by request . . . . .	48
	360ZCJ Notice to comply with water efficiency management plan . . . . .	48
	360ZCK Reviewing water efficiency management plans . . . . .	49
78	Amendment of s 360ZD (Restricting water supply) . . . . .	49
79	Amendment of s 360ZE (Notice of commission water restriction must be given) . . . . .	49

80	Amendment of s 388 (Restricting water supply) . . . . .	50
81	Amendment of s 389 (Notice of service provider water restriction must be given) . . . . .	50
82	Insertion of new ch 3, pt 2, div 7 . . . . .	51
	Division 7            Water efficiency management plans	
	399      Purpose and application of division . . . . .	51
	400      When water efficiency management plan may be required . . . . .	51
	401      Content of water efficiency management plan . . . . .	52
	402      Approving water efficiency management plan . . . . .	53
	403      Complying with water efficiency management plan . . . . .	54
	404      Reporting under water efficiency management plan . . . . .	54
	405      Amending or replacing water efficiency management plan by chief executive direction . . . . .	55
	406      Amending or replacing water efficiency management plan by water service provider direction . . . . .	56
	407      Amending or replacing water efficiency management plan by request . . . . .	56
	407A     Notice to comply with water efficiency management plan . . . . .	57
	407B     Reviewing water efficiency management plans . . . . .	57
83	Insertion of new ch 9, pt 5, div 7 . . . . .	57
	Division 7            Transitional provisions for Wild Rivers and Other Legislation Amendment Bill 2006	
	1144     Plans taken to be water efficiency management plans . . . . .	58
	1145     Validation of commission water restrictions . . . . .	58
	1146     Validation of service provider water restrictions . . . . .	59
84	Amendment of sch 4 (Dictionary) . . . . .	59
<b>Part 12</b>	<b>Other amendments of Acts</b>	
85	Amendments in schedule . . . . .	61
<b>Schedule</b>	<b>Consequential and minor amendments</b> . . . . .	62
	Coastal Protection and Management Act 1995 . . . . .	62
	Fisheries Act 1994 . . . . .	62
	Forestry Act 1959 . . . . .	63
	Fossicking Act 1994 . . . . .	64
	Integrated Planning Act 1997 . . . . .	65
	Land Protection (Pest and Stock Route Management) Act 2002 . . . . .	67
	Local Government Act 1993 . . . . .	67

Mineral Resources Act 1989 . . . . .	67
Nature Conservation Act 1992 . . . . .	68
State Development and Public Works Organisation Act 1971 . . .	69
Vegetation Management Act 1999 . . . . .	69
Water Act 2000 . . . . .	69
Wild Rivers Act 2005 . . . . .	71





Queensland

# **Wild Rivers and Other Legislation Amendment Act 2006**

## **Act No. 59 of 2006**

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**An Act to amend the *Wild Rivers Act 2005*, and for other purposes**

**[Assented to 7 December 2006]**

**The Parliament of Queensland enacts—**

## **Part 1 Preliminary**

### **1 Short title**

This Act may be cited as the *Wild Rivers and Other Legislation Amendment Act 2006*.

## **Part 2 Amendment of Wild Rivers Act 2005**

### **2 Act amended in pt 2 and schedule**

This part and the schedule amend the *Wild Rivers Act 2005*.

### **3 Insertion of new pt 1, div 1, hdg**

Before section 1—

*insert—*

### **‘Division 1 Introduction and purpose of Act’.**

### **4 Relocation and renumbering of s 3**

Section 3—

*renumber and relocate*, in part 1, as section 6A.

### **5 Omission of s 4 (Notes in text)**

Section 4—

*omit*.

## 6 Renumbering of ss 1–6A

Sections 1 to 6A—

*renumber* as sections 1 to 5.

## 7 Insertion of new pt 1, div 2, hdg

After section 4, as renumbered—

*insert*—

### ‘Division 2 Interpretation’.

## 8 Insertion of new s 6

Part 1, division 2—

*insert*—

## ‘6 Meaning of *nominated* waterway

‘(1) A *nominated waterway*, for a wild river declaration, is the part of a drainage channel in the preservation area that—

- (a) is between the upstream and downstream limits, described in the wild river declaration, of the drainage channel; and
- (b) extends laterally to the outer banks of the drainage channel.

‘(2) In this section—

*depositional feature* means a deposit of clay, sand or silt that is carried in suspension during high flows and deposited in areas where there is a slow flow of water.

*Examples*—

- mud deposited in cracks in rocks
- sand deposits behind rocks

*drainage channel* means a passageway or depression that can contain flowing water, whether flowing continuously or periodically.

*floodplain* means an area of relatively flat land—

- (a) next to a drainage channel; and

- (b) covered by water when water overflows from the drainage channel.

***outer bank***, of a drainage channel, means—

- (a) if there is a floodplain next to the drainage channel—the place where the top of the bank of the drainage channel meets the floodplain; or
- (b) if there is not a floodplain next to the drainage channel—the place on the bank of the drainage channel marked by a scour mark or depositional feature.

***scour mark*** means—

- (a) a mark made on a bank of a drainage channel by the sweeping action of suspended sediments in water during high flows; or
- (b) a mark that can be identified by weathering stains, or the absence of lichens, on erosion-resistant surfaces of a bank of a drainage channel.

*Example of an erosion-resistant surface—*

rock’.

## **9 Amendment of s 10 (Application of moratorium)**

Section 10(2)(a), after ‘spring,’—

*insert—*

‘or interfering with the flow of water,’.

## **10 Amendment of s 12 (Content of declaration proposal)**

- (1) Section 12(1)—

*insert—*

‘(ga) the location of any proposed nominated waterway in the wild river area;

(gb) the location of any designated urban area;’.

- (2) Section 12(1)(n), ‘and codes’—

*omit, insert—*

‘and a reference to any codes’.

- (3) Section 12(1)(ga) to (r)—

*renumber* as section 12(1)(h) to (t).

## **11 Amendment of s 14 (Content of wild river declaration)**

- (1) Section 14(1)—

*insert—*

‘(ea) the location of any designated urban area;’.

- (2) Section 14(1)—

*insert—*

‘(fa) the location of any nominated waterway;’.

- (3) Section 14(1)—

*insert—*

‘(ka) information about water available for future consumptive purposes and the priorities for use or reservation of the water;’.

- (4) Section 14(1)(l), ‘and codes’—

*omit, insert—*

‘and a reference to any codes’.

- (5) Section 14(1)(m), ‘paragraphs (b) to (f)’—

*omit, insert—*

‘paragraphs (b) to (h)’.

- (6) Section 14(1)(ea) to (m)—

*renumber* as section 14(1)(f) to (p).

## **12 Amendment of s 17 (Effect of declaration on activities and taking natural resources)**

Section 17(1)—

*insert—*

‘(c) carrying out an agricultural activity or animal husbandry activity in the area.’.

### **13 Insertion of new s 17A**

After section 17—

*insert—*

#### **‘17A Code for IDAS**

‘If a wild river declaration includes a reference to a code for IDAS, the code is a code for IDAS.’.

### **14 Amendment of s 31 (Minor amendments of wild river declaration)**

(1) Section 31—

*insert—*

‘(c) make a minor change to the existing boundary of any of the following areas in the wild river area—

- (i) the high preservation area;
- (ii) the preservation area;
- (iii) a floodplain management area;
- (iv) a subartesian management area;
- (v) a designated urban area; or

*Example of a minor change—*

the boundary of the high preservation area after the amendment of the declaration is within 100m of the boundary of the area before the amendment

- (d) make a minor change to the extent of a nominated waterway in the wild river area; or
- (e) change a reference in the declaration to a code for carrying out activities or taking natural resources in the wild river area.’.

(2) Section 31—

*insert—*

- ‘(2) However, for subsection (1)(c) and (d), the Minister must, before declaring an amendment of the wild river declaration or deciding not to proceed with declaration of the amendment, consult with each owner of land, and each holder of an exploration permit or mining claim, in the wild river area whose land or interests may be affected by the proposed amendment.
- ‘(3) In this section—  
*exploration permit* see the *Mineral Resources Act 1989*, schedule.  
*mining claim* see the *Mineral Resources Act 1989*, schedule.  
*owner*, of land, see the *Water Act 2000*, schedule 4.’

**15 Amendment of s 41 (Classification of wild river area into high preservation area and preservation area)**

Section 41(3), ‘or a subartesian management area’—  
*omit, insert—*

‘, a subartesian management area or a designated urban area’.

**16 Amendment of s 42 (Effect of classification on particular development applications)**

- (1) Section 42(2), from ‘development’—

*omit, insert—*

‘—

- (a) development in the high preservation area in a wild river area; or  
 (b) development in the preservation area of a wild river area in relation to the production of a high risk species.’.

- (2) Section 42(5)—

*omit, insert—*

- ‘(5) For the application, the assessment manager’s and any concurrence agency’s decision must comply with the

applicable code mentioned in the wild river declaration for the area.’.

**17 Amendment of s 43 (Effect of declaration on particular development applications)**

(1) Section 43(1)(b)(ii), ‘urban’—

*omit, insert—*

‘residential’.

(2) Section 43(2)—

*omit, insert—*

‘(2) For the application, the assessment manager’s decision must comply with the applicable code mentioned in the wild river declaration for the area.

‘(3) This section does not apply to residential, commercial or industrial development in a designated urban area.’.

**18 Amendment of s 48 (Meaning of *specified works*)**

(1) Section 48(2)(c)(iii) to (vii)—

*renumber* as section 48(2)(c)(v) to (ix).

(2) Section 48(2)(c)—

*insert—*

‘(iii) jetties and boat ramps for use by the public;

(iv) works for the rehabilitation of land, including, for example, rehabilitation of abandoned mines;’.

**19 Amendment of sch 2 (Dictionary)**

(1) Schedule 2—

*insert—*

‘***designated urban area*** means an area described in a wild river declaration as a designated urban area.



***high risk species***, for a wild river area, means a pasture or grain species for the area, prescribed under a regulation, that has a high risk of becoming a pest.

***low impact soil disturbance***, for a pasture, means a method that does not disturb—

- (a) soil in the pasture to a depth greater than 5cm; and
- (b) more than 40% of the area of the pasture being improved.

***moderate risk species***, for a wild river area, means a pasture or grain species for the area, prescribed under a regulation, that has a moderate risk of becoming a pest.

***nominated waterway*** see section 6.’.

- (2) Schedule 2, definition *agricultural activities*, item 2, paragraph (a)—

*omit, insert—*

‘(a) producing agricultural products for the domestic needs of the occupants of the land if the maximum area of the land on which the products are produced is the following—

- (i) for fewer than 10 occupants of the land—0.25ha;
- (ii) for 10 or more but fewer than 50 occupants of the land—2ha;
- (iii) for 50 or more but fewer than 100 occupants of the land—4ha;
- (iv) for 100 or more occupants of the land—6ha; or’.

- (3) Schedule 2, definition *agricultural activities*, item 2, paragraph (d)—

*omit, insert—*

‘(d) planting, gathering or harvesting a crop of pasture or grain species if the pasture or grain species is—

- (i) only for animal feed; and

- (ii) neither a high risk species nor a moderate risk species for the wild river preservation area; or
  - (e) improving pasture using low impact soil disturbance if the pasture species is neither a high risk species nor a moderate risk species for the wild river area; or
  - (f) forestry activities.’.
- (4) Schedule 2, definition *animal husbandry activities*, item 2, paragraphs (d) and (e)—  
*omit, insert—*
- ‘(d) giving livestock supplementary feed, including, for example, by using roller drums, blocks, licks or protein meals—
    - (i) to maintain the livestock’s survival; or
    - (ii) to improve the livestock’s fertility; or
    - (iii) for an activity associated with an activity mentioned in item 1; or

*Example—*  
weaning

    - (iv) if the livestock is predominantly reliant on native or improved pasture for feed—to prepare the livestock for sale; or
  - (e) aquaculture; or
  - (f) environmentally relevant activities.’.
- (5) Schedule 2—  
*renumber* as schedule.

## **Part 3    Amendment of Building Act 1975**

### **20            Act amended in pt 3**

This part amends the *Building Act 1975*.

### **21            Insertion of new s 68A**

Chapter 4, part 4—

*insert—*

#### **‘68A    Statement of reasons for approving alternative solution**

‘(1) This section applies if—

- (a) an alternative solution is used in the supporting documents for a building development application; and
- (b) the assessment manager decides to approve the application on the basis of the alternative solution.

‘(2) The assessment manager must prepare a written statement of reasons for the decision.

‘(3) The statement must contain details of—

- (a) how the alternative solution is different from the relevant deemed-to-satisfy provisions under the BCA or acceptable solutions under the QDC; and
- (b) inspection or test results and other documents or information relied on to make the decision.’.

### **22            Amendment of s 95 (Reminder notice requirement for lapsing)**

Section 95(3)(b)(iv), ‘under subsection (4)’—

*omit, insert—*

‘under section 96’.

**23 Amendment of s 228 (Random inspection of buildings for which development approval is given)**

Section 228(1)(b), ‘, within the meaning of the BCA,’—  
*omit, insert—*  
‘for performance requirements under the BCA’.

**24 Amendment of s 231 (Owner’s fire safety record-keeping obligation)**

Section 231(2)(a), ‘, within the meaning of the BCA’—  
*omit, insert—*  
‘for performance requirements under the BCA’.

**25 Amendment of s 246 (Apportionment of cost of constructing dividing fence)**

Section 246(3), ‘mentioned in section 13(1)’—  
*omit, insert—*  
‘about the construction of fencing around swimming pools’.

**26 Amendment of s 256 (Prosecution of offences)**

- (1) Section 256(4)(a), ‘part 5 or 5A’—  
*omit, insert—*  
‘chapter 6’.
- (2) Section 256(4)(b), ‘the Standard Building Regulation’—  
*omit, insert—*  
‘a regulation’.

**27 Insertion of new s 283**

After section 282—  
*insert—*

**‘283 Existing rainwater tank provisions in planning schemes**

- ‘(1) This section applies to a rainwater tank provision in force immediately before 1 September 2006.
- ‘(2) The provision is taken to be a building assessment provision and to have been a building assessment provision since 1 September 2006.
- ‘(3) If the provision does not comply with the acceptable solutions for rainwater tanks under QDC, part 25, unless the provision is earlier repealed, it expires on—
  - (a) if, before 1 July 2007, a day is prescribed under a regulation—the prescribed day; or
  - (b) otherwise—1 July 2007.
- ‘(4) The reference in subsection (3) to QDC, part 25 is a reference to that part, as amended or replaced from time to time by any amendment or replacement of it approved under section 13 after the commencement of this section.
- ‘(5) This section applies despite sections 30 and 32.
- ‘(6) In this section—

*rainwater tank provision* means a provision of a planning scheme that requires the installation of a rainwater tank for a building that is the subject of relevant building work.

*relevant building work* means the construction of a class 1 building that, under the *Water Act 2000*, is in a service area for a retail water service.’.

**28 Amendment of sch 2 (Dictionary)**

- (1) Schedule 2, definition *approval documents*, paragraph (f)—  
*omit, insert—*
  - ‘(f) if the application relates to building work that uses an alternative solution and the assessment manager approved the application on the basis of the alternative solution—the statement required under section 68A.’.

- (2) Schedule 2, definition *assessable development*, ‘*Integrated Planning Act 1997*’—  
*omit, insert—*  
‘IPA’.

## **Part 4                      Amendment of Coastal Protection and Management Act 1995**

### **29      Act amended in pt 4 and schedule**

This part and the schedule amend the *Coastal Protection and Management Act 1995*.

### **30      Amendment of s 90 (Preparation of plans)**

Section 90(1)—

*insert—*

‘(c) if the area to which the plan relates includes all or part of a wild river area—the wild river declaration for the wild river area.’.

### **31      Amendment of s 93 (Approving or refusing to approve plans)**

Section 93(1)(c)—

*insert—*

‘(iv) wild river areas under the *Wild Rivers Act 2005*;  
and’.

### **32      Amendment of s 96 (Renewing approvals)**

Section 96—

*insert—*

- ‘(1A) If the area to which the approved plan relates includes all or part of a wild river area, the plan must include consideration of the wild river declaration for the wild river area.’

## **Part 5                      Amendment of Environmental Protection Act 1994**

### **33       Act amended in pt 5**

This part amends the *Environmental Protection Act 1994*.

### **34       Amendment of s 41 (Submission)**

- (1) Section 41(2)—

*insert—*

‘(ba) if any of the operational land for the project is in a wild river area—

- (i) if mining activities are to be carried out in the wild river high preservation area or under a nominated waterway in the wild river area—include a statement of how the proponent proposes to decide the minimum depth below the surface of the land under which the mining activities can be carried out to comply with the wild river declaration for the area; and
- (ii) include any other matter that the wild river declaration states must be included in the draft terms of reference for the EIS; and’.

- (2) Section 41(2)(ba) and (c)—

*renumber* as section 41(2)(c) and (d).

### **35       Amendment of s 73AA (Development applications in relation to wild river areas)**

- (1) Section 73AA(1), ‘*Integrated Planning Act 1997*’—

*omit, insert—*

‘Integrated Planning Act ‘.

- (2) Section 73AA(2) to (5)—

*omit, insert—*

- ‘(2) Subsection (5) applies if any part of the application relates to development in waters in a wild river area that is for an environmentally relevant activity mentioned in the *Environmental Protection Regulation 1998*, schedule 1, item 20 (extracting rock or other material), other than if the development application is accompanied by an allocation notice.
- ‘(3) Subsection (5) applies if any part of the application relates to development in a wild river high preservation area, other than for the following—
- (a) an environmentally relevant activity mentioned in the following provisions of the *Environmental Protection Regulation 1998*—
- (i) schedule 1, item 15 (sewage treatment) or 16 (municipal water treatment plant);
  - (ii) schedule 1, item 19 (dredging material);
  - (iii) schedule 1, item 20 (extracting rock or other material), if the activity is a low impact activity carried out outside waters and is for specified works, or residential complexes, in the area;
  - (iv) schedule 1, item 22 (screening etc. materials), if the activity is carried out outside waters and is for specified works, or residential complexes, in the area;
  - (v) schedule 1, item 11 (crude oil or petroleum product storage), if the activity is—
    - (A) a level 2 environmentally relevant activity; and
    - (B) for residential complexes in the area; and
    - (C) carried out outside a designated urban area;



- (b) an exempt environmentally relevant activity in a designated urban area.
- ‘(4) Subsection (5) applies if any part of the application relates to development in a floodplain management area that is for an environmentally relevant activity mentioned in the *Environmental Protection Regulation 1998*, schedule 1, item 20, other than if the activity is a low impact activity carried out outside waters and is for specified works, or residential complexes, in the area.
- ‘(5) Despite the Integrated Planning Act, section 3.2.1—
  - (a) the application is taken not to be a properly made application for that Act; and
  - (b) the assessment manager must refuse to receive the application.
- ‘(6) Subsection (7) and (8) apply—
  - (a) to an application not refused under subsection (5); and
  - (b) to the extent the application relates to development in a wild river area, other than for the following—
    - (i) an environmentally relevant activity mentioned in the *Environmental Protection Regulation 1998*, schedule 1, item 15 or 16, if the development is in a designated urban area;
    - (ii) development mentioned in subsection (3)(b); and
  - (c) despite the Integrated Planning Act, chapter 3, part 3, division 4 and sections 3.5.4, 3.5.5, 3.5.13 and 3.5.14.
- ‘(7) For the application, the assessment manager’s and any concurrence agency’s decision must comply with the applicable code mentioned in the wild river declaration for the area.
- ‘(8) For development mentioned in subsection (3)(a)(i) in a wild river high preservation area, the assessment manager and any concurrence agency must, in assessing and deciding the application, be satisfied there is no viable location for the development outside the wild river high preservation area.
- ‘(9) In this section—

**allocation notice** means an allocation notice given—

- (a) under the *Water Act 2000*, section 283; or
- (b) before the commencement of this section, under the *Coastal Protection and Management Act 1995*, section 76.

**exempt environmentally relevant activity** means—

- (a) an environmentally relevant activity mentioned in the *Environmental Protection Regulation 1998*, schedule 1, item 14 (crematorium) or 28 (motor vehicle workshop); or
- (b) a level 2 environmentally relevant activity mentioned in the *Environmental Protection Regulation 1998*, schedule 1, other than item 1(a) (aquaculture), 2(a) (cattle feedlotting), 3(a) (pig farming), 4(a) (poultry farming), 19 (dredging material), 20 (extracting rock or other material), 22 (screening etc. materials) or 59 (asphalt manufacturing).

**floodplain management area** see the *Wild Rivers Act 2005*, schedule.

**low impact activity** means a borrow pit of not more than 10000m<sup>3</sup>.

### 36 **Amendment of s 151 (What is a level 1 mining project and a level 2 mining project)**

- (1) Section 151(1)(c)—

*omit, insert—*

- ‘(c) any of the mining activities that form the project are in a wild river area, other than the following—
- (i) mining activities authorised under an environmental authority (prospecting) or an environmental authority (mining claim) in a wild river area;
  - (ii) mining activities authorised under an environmental authority (exploration permit) in a wild river preservation area.’

- (2) Section 151(2)(b)(iii)—  
*omit.*

**37 Amendment of s 162 (Decision about EIS requirement)**

Section 162—

*insert—*

- ‘(3A) Also, an EIS is required for the application if any part of the application relates to mining activities—
- (a) below the surface of a wild river high preservation area;  
or
  - (b) under a nominated waterway in a wild river preservation area.’.

**38 Amendment of s 163 (Minister’s power to overturn decision about EIS requirement)**

Section 163(1), after ‘if—’—

*omit, insert—*

- (a) it is for an environmental authority (mining lease) and a relevant mining lease is, or is included in, a significant project; or
- (b) any part of the application relates to mining activities—
  - (i) below the surface of a wild river high preservation area; or
  - (ii) under a nominated waterway in a wild river preservation area.’.

**39 Amendment of sch 3 (Dictionary)**

- (1) Schedule 3—

*insert—*

‘*designated urban area* see the *Wild Rivers Act 2005*, schedule.

*nominated waterway* see the *Wild Rivers Act 2005*, schedule.

***residential complex***—

1 A *residential complex* is land in a wild river area, including buildings and infrastructure on the land, that is used to accommodate fewer than the following—

- (i) 50 permanent residents;
- (ii) 200 temporary residents.

*Example*—

homestead, out-station, resort complex

2 The term does not include land in a designated urban area in the wild river area.’.

(2) Schedule 3, definitions *wild river area* and *wild river declaration*, ‘schedule 2’—

*omit, insert*—

‘schedule’.

## **Part 6                      Amendment of Forestry Act 1959**

### **40      Act amended in pt 6 and schedule**

This part and the schedule amend the *Forestry Act 1959*.

### **41      Amendment of s 33A (Management in a wild river area)**

Section 33A(2), after ‘chief executive must’—

*omit, insert*—

‘—

- (a) have regard to any relevant code of practice approved under section 44A; and
- (b) ensure the plan is not inconsistent with the wild river declarations for the areas.’.

**42 Amendment of s 44A (Code of practice for getting forest products in wild river areas)**

Section 44A—

*insert—*

- ‘(4) The code must not be inconsistent with achieving the purpose of the *Wild Rivers Act 2005*.

*Note—*

See the *Wild Rivers Act 2005*, section 3 (Purpose of Act).’

**43 Amendment of s 44B (Getting forest products in wild river areas)**

- (1) Section 44B, after ‘in accordance with’—

*omit, insert—*

‘—

- (a) the code approved by the chief executive under section 44A that applies for the area and any other requirement stated to apply in the wild river declaration for the area;  
or
- (b) if a code of practice has not been approved—any relevant code stated to apply in the wild river declaration for the area.’.

- (2) Section 44B—

*insert—*

- ‘(2) However, if the code approved by the chief executive under section 44A for the wild river area is inconsistent with any relevant code stated to apply in the wild river declaration for the area, the code that gives a greater level of protection for the area prevails to the extent of the inconsistency.’.

## Part 7 Amendment of Integrated Planning Act 1997

### 44 Act amended in pt 7 and schedule

This part and the schedule amend the *Integrated Planning Act 1997*.

### 45 Amendment of sch 8 (Assessable development and self-assessable development)

- (1) Schedule 8, part 1, table 4, item 1A—

*insert—*

‘(ga) for urban purposes in an urban area in a wild river high preservation area and the vegetation is—

- (i) a remnant of concern regional ecosystem; or
- (ii) a remnant not of concern regional ecosystem; or
- (iii) not remnant vegetation; or’.

- (2) Schedule 8, part 2, table 1, item 3, ‘, other than in a wild river area,’—

*omit.*

- (3) Schedule 8, part 2, table 4, item 3, ‘, other than in a wild river area,’—

*omit.*

- (4) Schedule 8, part 2, table 4, item 4, ‘, other than in a wild river area,’—

*omit.*

- (5) Schedule 8, part 2, table 4, item 4, paragraph (a), after ‘State land’—

*insert—*

‘, other than in a wild river area’.



‘(1A) If an exploration permit is granted over land that includes a wild river area, the exploration permit is subject to any relevant conditions stated in the wild river declaration for the area.’.

(2) Section 141(6), ‘subsections (1), (2) and (5)’—

*omit, insert—*

‘subsections (1), (1A), (2) and (5)’.

**50 Amendment of s 194 (Conditions of mineral development licence)**

(1) Section 194—

*insert—*

‘(1A) If a mineral development licence is granted over land that includes a wild river area, the mineral development licence is subject to any relevant conditions stated in the wild river declaration for the area.’.

(2) Section 194(6), ‘subsections (1), (2) and (5)’—

*omit, insert—*

‘subsections (1), (1A), (2) and (5)’.

**51 Amendment of s 276 (General conditions of mining lease)**

Section 276—

*insert—*

‘(2A) If a mining lease is granted over land that includes a wild river area, the mining lease is subject to any relevant conditions stated in the wild river declaration for the area.’.

**52 Amendment of s 382 (Definitions for pt 10A)**

(1) Section 382, definitions *mining tenement*, *wild river area* and *wild river declaration*—

*omit.*

(2) Section 382—



*insert—*

*‘low impact activity*, for an exploration permit, has the same meaning for this part as it has under section 482 for part 15.

*nominated waterway* see the *Wild Rivers Act 2005*, schedule.’.

- (3) Section 382, definition *limited hand sampling techniques*, paragraph (c)(i)(C), ‘or a tributary of a watercourse’—

*omit.*

- (4) Section 382, definition *proposed wild river area*, ‘schedule 2’—

*omit, insert—*

‘schedule’.

## **53 Replacement of ss 383 and 384**

Section 383 and 384—

*omit, insert—*

### **‘383 Grant of mining tenements in wild river areas**

- ‘(1) If a mining tenement, other than an exploration permit or a mining lease, is granted over land that includes a wild river area, the following parts of the wild river area are excluded from the land to which the mining tenement applies—
- (a) the wild river high preservation area;
  - (b) nominated waterways in the wild river preservation area.
- ‘(2) If an exploration permit is granted over land that includes a wild river area, exploration may be carried out—
- (a) to the extent the exploration permit applies to the wild river high preservation area, other than watercourses and lakes—using only low impact activities; and
  - (b) to the extent the exploration permit applies to watercourses and lakes in the wild river high preservation area or nominated waterways—using only limited hand sampling techniques.
- ‘(3) If a mining lease is granted over land that includes a wild river area, mining lease activities must not be carried out—

- (a) on the surface of the land in the wild river high preservation area; or
  - (b) in a nominated waterway.
- ‘(4) Subsection (3)(b) does not apply if—
- (a) the mining lease is, or is included in, a project declared under the *State Development and Public Works Organisation Act 1971*, section 26, to be a significant project; and
  - (b) the report evaluating the EIS for the project shows—
    - (i) the natural values of the wild river, included in the wild river preservation area, will be preserved; and
    - (ii) it is not reasonably feasible to take the natural resource under the lease by underground mining; and
    - (iii) the value of the natural resource is sufficient to warrant the grant of the lease over the nominated waterway.
- ‘(5) Subsections (1) to (4) do not apply to a mining tenement—
- (a) for a project for which a special agreement Act was enacted; and
  - (b) application for which was allowed, under the special agreement Act, to be made.
- ‘(6) Subsection (1) does not prevent a single mining tenement applying to the land not excluded under subsection (1).
- ‘(7) The holder of a mining tenement is not required to pay rental on land excluded under this section.

### **‘384 Renewal of mining tenements in wild river areas**

- ‘(1) If a mining tenement, other than an exploration permit, a mining lease or a mining claim, is renewed over land that, at the time of the renewal, includes a wild river area, the following parts of the wild river area are excluded from the land to which the renewed mining tenement applies—
- (a) the wild river high preservation area;

- (b) nominated waterways in the wild river preservation area.
- ‘(2) If an exploration permit is renewed over land that, at the time of the renewal, includes a wild river area, exploration may be carried out—
- (a) to the extent the renewed exploration permit applies to the wild river high preservation area, other than watercourses and lakes—using only low impact activities; and
  - (b) to the extent the renewed exploration permit applies to watercourses and lakes in the wild river high preservation area or nominated waterways—using only limited hand sampling techniques.
- ‘(3) If a mining lease is renewed over land that, at the time of the renewal, includes a wild river area, mining lease activities must not be carried out—
- (a) on the surface of the land in the wild river high preservation area; or
  - (b) in a nominated waterway.
- ‘(4) Subsection (3)(b) does not apply if—
- (a) the mining lease is, or is included in, a project declared under the *State Development and Public Works Organisation Act 1971*, section 26, to be a significant project; and
  - (b) the report evaluating the EIS for the project shows—
    - (i) the natural values of the wild river, included in the wild river preservation area, will be preserved; and
    - (ii) it is not reasonably feasible to take the natural resource under the lease by underground mining; and
    - (iii) the value of the natural resource is sufficient to warrant the renewal of the lease over the nominated waterway.
- ‘(5) Subsections (1) to (4) do not apply to a mining tenement—
- (a) for a project for which a special agreement Act was enacted; and

- (b) application for which was allowed, under the special agreement Act, to be made.
- ‘(6) Subsection (1) does not prevent a single mining tenement applying to the land not excluded under subsection (1).
- ‘(7) The holder of a mining tenement is not required to pay rental on land excluded under this section.’.

## **Part 9                      Amendment of Valuation of Land Act 1944**

### **54      Act amended in pt 9**

This part amends the *Valuation of Land Act 1944*.

### **55      Amendment of s 2 (Definitions)**

- (1) Section 2, definition *annual valuation notice*—  
*omit.*
- (2) Section 2—  
*insert*—  
*‘notice of valuation* means—
  - (a) for part 4—a notice issued under section 41A; or
  - (b) for part 6—a notice issued under section 50; or
  - (c) otherwise—a notice issued under section 41A or 50.’.

### **56      Amendment of s 28 (Alteration of valuation in force or to come into force)**

Section 28, ‘an annual valuation notice under part 4, and’—  
*omit, insert*—  
‘a notice of valuation under section 41A and’.

**57 Amendment of s 41A (Notice to owners about valuations)**

(1) Section 41A(2)(b)—

*omit, insert—*

‘(b) state the date of issue of the notice; and

(ba) state that the owner may object to the valuation within 45 days after the date of issue of the notice; and’.

(2) Section 41A(2)(ba) and (c)—

*renumber* as section 41A(2)(c) and (d).

**58 Amendment of s 42 (Owner may object)**

(1) Section 42(1), ‘may within 42 days after the annual valuation notice is given to the owner’—

*omit, insert—*

‘may, within 45 days after the date of issue of the notice of valuation under section 41A(1)(a)’.

(2) Section 42(3)—

*omit, insert—*

‘(3) An objection under subsection (2) must be posted to or lodged with the chief executive within 45 days after the date of issue of the notice of valuation under section 41A(1)(b)’.

**59 Amendment of s 43C (Effect on objection of change in valuation)**

Section 43C(1)(c), after ‘issued’—

*insert—*

‘under section 50’.

**60 Amendment of s 44 (Late objection)**

Section 44(1)(b)—

*omit, insert—*

‘(b) the person posts to or lodges with the chief executive an objection in writing against the valuation within 1 year after the date of issue of the notice of valuation; and’.

**61 Amendment of s 46 (Right of new owner to carry on objection or appeal)**

(1) Section 46(1), ‘the relevant date of notice’—

*omit, insert—*

‘a valuation of the land under this part and the issue of the notice of valuation in respect of the land’.

(2) Section 46(4)—

*omit.*

**62 Amendment of s 52 (Objections to valuation)**

Section 52, ‘42’—

*omit, insert—*

‘45’.

**63 Amendment of s 52A (Late objections to valuation)**

Section 52A(1)(b)—

*omit, insert—*

‘(b) the person posts to or lodges with the chief executive an objection in writing against the valuation within 1 year after the date of issue of the notice of valuation in respect of the land; and’.

**64 Amendment of s 54 (Notice to objector)**

Section 54(2)(c), ‘in accordance with this Act’—

*omit, insert—*

‘under section 50’.

## **Part 10                      Amendment of Vegetation Management Act 1999**

### **65      Act amended in pt 10 and schedule**

This part and the schedule amend the *Vegetation Management Act 1999*.

### **66      Amendment of s 22A (Particular vegetation clearing applications may be assessed)**

(1) Section 22A(2)—

*insert—*

‘(k) for clearing regrowth on freehold land, or indigenous land, in a wild river high preservation area.’.

(2) Section 22A(2A)(a), ‘(g), (i) or (j)’—

*omit, insert—*

‘(g) or (i)’.

(3) Section 22A—

*insert—*

‘(2B) Also, a vegetation clearing application is not for a relevant purpose under this section if the development applied for is—

(a) mentioned in subsection (2)(j) or (k); and

(b) proposed for a wild river high preservation area, other than an area shown as a registered area of agriculture on a registered area of agriculture map.’.

(4) Section 22A(3), after ‘quarry.’—

*insert—*

**‘registered area of agriculture map—**

1    *A registered area of agriculture map* means a map—

(a) certified by the chief executive as a registered area of agriculture map for wild river areas; and

- (b) maintained by the department for the purpose of showing, for the wild river areas, registered areas of agriculture.
- 2 A *registered area of agriculture map* includes any amendment to the map included in a schedule to the map and certified by the chief executive as an amendment to the map at the day the amendment is certified.’.

## **Part 11                      Amendment of Water Act 2000**

### **Division 1                      Preliminary**

#### **67            Act amended in pt 11 and schedule**

This part and the schedule amend the *Water Act 2000*.

### **Division 2                      Amendments for Wild Rivers Act 2005**

#### **68            Amendment of s 209 (Applications that may be decided without public notice)**

Section 209(1), ‘or a resource operations plan’—

*omit, insert—*

‘, a resource operations plan or a wild river declaration’.

#### **69            Amendment of s 210 (Criteria for deciding application for water licence)**

Section 210(1)(c), ‘and resource operations plan’—

*omit, insert—*

‘, resource operations plan and wild river declaration’.



**70 Amendment of s 266 (Applying for permit to destroy vegetation, excavate or place fill in a watercourse, lake or spring)**

Section 266(4)(a)—

*omit, insert—*

‘(a) relates to a wild river high preservation area or a nominated waterway in a wild river preservation area; and’.

**71 Amendment of s 268 (Criteria for deciding application for a permit to destroy vegetation, excavate or place fill in a watercourse, lake or spring)**

(1) Section 268—

*insert—*

‘(ga) any applicable wild river declaration, including any code, for the proposed activity, mentioned in the declaration;’.

(2) Section 268(ga) to (i)—

*renumber* as section 268(h) to (j).

**72 Amendment of s 280 (Applying for allocation of quarry material)**

Section 280(3), ‘made.’—

*omit, insert—*

‘made unless the quarry material for the proposed allocation is to be used for specified works, or residential complexes, in the wild river area.’.

**73 Amendment of s 282 (Criteria for deciding application for allocation of quarry material)**

(1) Section 282—

*insert—*

- (1A) Also, if any part of the application relates to a wild river area, the chief executive must, in deciding whether to grant or refuse the application or what should be the conditions of the allocation, consider the wild river declaration for the area.’
- (2) Section 282(2), ‘Subsection (1) does’—  
*omit, insert—*  
‘Subsection (1) and (1A) do’.
- (3) Section 282—  
*insert—*
- (3) If any part of the application relates to a wild river area, the chief executive must not grant the application unless satisfied—
- (a) the quarry material for the proposed allocation is to be used for specified works or a residential complex; and
  - (b) there is no other suitable source of material not in a watercourse that is within a reasonable distance from where the specified works or the residential complex is or will be situated.’.

**74 Amendment of s 966C (Applications in relation to removal of quarry material in wild river areas)**

Section 966C(2) and (3)—

*omit, insert—*

- (2) For the application, the assessment manager’s and any concurrence agency’s decision must comply with the applicable code mentioned in the wild river declaration for the area.’.

### **Division 3                      Amendments about the commission and other matters**

#### **75            Amendment of s 223 (Transferring water licence to other land)**

Section 223—

*omit, insert—*

#### **‘223    Other transfer of water licence**

- ‘(1) Subsection (3) applies if a regulation states—
- (a) that all or part of a water licence, to take water, attaching to land may be transferred so that the licence attaches to other land, whether in or outside Queensland; and
  - (b) the process for dealing with an application for the transfer.
- ‘(2) Subsection (3) also applies in the following circumstances, whether or not a water licence, to take water, attaches to the land—
- (a) if a regulation states that all or part of the water licence to which a water resource plan applies may be—
    - (i) transferred to a prescribed person; or
    - (ii) amended to change the location from which the water may be taken or the purpose for which the water may be taken; or
    - (iii) amalgamated with another licence held or to be held by the transferee;
  - (b) if a resource operations plan states rules for changing the location from which the water may be taken under the licence;
  - (c) if the regulation states the process for dealing with an application for the transfer, amendment or amalgamation.
- ‘(3) The application may be made only in accordance with the regulation.

- ‘(4) If the application is, or includes, an application to amend a water licence to take water, and there is other land between the proposed point of the taking and the land to which the amended licence would attach, section 206(3)(b) also applies to the application.
- ‘(5) If the application includes an application to amalgamate water licences, the part of the application relating to the amalgamation may be made only by an applicant mentioned in section 224(1).
- ‘(6) In this section—
- prescribed person*** means—
- (a) a person who is, or will be, an owner of land to which a water licence will attach when a transfer under this section is approved; or
- (b) an entity mentioned in section 206(4).’.

## **76 Amendment of s 360W (Content of plan)**

Section 360W(1)(b)(v)—

*omit, insert—*

- ‘(v) the desired levels of service objectives;
- (vi) the desired water savings and efficiency targets;
- (vii) other obligations imposed on the water service providers under the plan.’.

## **77 Insertion of new ch 2A, pt 5, div 3**

After section 360ZC—

*insert—*

### **‘Division 3 Water efficiency management plans**

#### **‘360ZCA Purpose and application of division**

- ‘(1) The purpose of this division is to promote the efficient use of water by non-residential customers.

- ‘(2) This division only applies for a non-residential customer—
- (a) in the SEQ region or a designated region (the *region*); and
  - (b) who does not hold a water entitlement.
- ‘(3) However, if this division would not apply to a non-residential customer because of subsection (2), but the customer takes water from a water service provider in the region under another arrangement, the division applies for the other arrangement.
- ‘(4) Also—
- (a) if a customer to whom this division applies is also a customer to whom chapter 3, part 2, division 7 applies the customer is taken to be a customer for this division only; and
  - (b) if a customer to whom this division applies is a customer of more than 1 water service provider in the region, the water service provider who provides the customer with the most water is the water service provider for the customer for this division.

### ‘360ZCB When water efficiency management plan may be required

- ‘(1) The commission may, by written direction, require a water service provider to give a customer, or type of customer, a written notice—
- (a) to prepare a plan (a *water efficiency management plan*); and
  - (b) to give it to the water service provider within the reasonable time stated by the commission.
- ‘(2) The water service provider must comply with the direction.  
Maximum penalty—500 penalty units.
- ‘(3) A water service provider may, without direction, give a customer, or type of customer, a written notice approved by the commission—

- (a) to prepare a plan (also a *water efficiency management plan*); and
  - (b) to give it to the water service provider within the reasonable time stated by the water service provider.
- ‘(4) The customer must comply with a notice given by a water service provider under subsection (1) or (3).  
Maximum penalty—500 penalty units.
- ‘(5) A customer may, for any reason, prepare a water efficiency management plan.
- ‘(6) This division applies to the preparation and approval of a plan to which this section applies.

#### **‘360ZCC Content of water efficiency management plan**

‘A water efficiency management plan must comply with any relevant guidelines issued by the commission and must state the following—

- (a) the name of the customer and the location where the plan applies;
- (b) an outline the customer’s current water use at the location and the source of the water used;
- (c) the water savings and efficiencies that will be achieved by implementing the plan;
- (d) the time frames for implementing the plan.

#### **‘360ZCD Approving water efficiency management plan**

- ‘(1) For deciding whether or not to approve a water efficiency management plan, the water service provider may require the customer to give additional information about the plan within the reasonable time stated by the water service provider.
- ‘(2) The water service provider must approve, with or without conditions, or refuse to approve the plan—
  - (a) if additional information is not required—within 60 business days after receiving the plan; or

- (b) if additional information is required—within 60 business days of when the information is received or should have been given, whichever is earlier.
- ‘(3) Within 10 business days after making a decision under subsection (2), the water service provider must give the customer an information notice.
- ‘(4) If the water service provider does not approve the plan, the customer must, within 20 business days of receiving a notice under subsection (3) or the extended period under subsection (5), give the water service provider a revised plan that addresses the reasons for the decision.
- Maximum penalty—200 penalty units.
- ‘(5) The water service provider may extend the period of 20 business days mentioned in subsection (4).
- ‘(6) This division applies for a revised plan, with any necessary changes to give effect to the division.
- ‘(7) Chapter 6 applies for the information notice—
- (a) as if it were a notice given by a local government; and
  - (b) as if a reference in relation to a local government were a reference to the water service provider; and
  - (c) with any necessary changes to give effect to paragraphs (a) and (b).
- ‘(8) The water service provider may recover from the customer, as a debt due to it by the customer, a nominal application fee for the approval of the customer’s water efficiency management plan.

### **‘360ZCE Complying with water efficiency management plan**

‘A customer must comply with the customer’s approved water efficiency management plan.

Maximum penalty—1665 penalty units

### **‘360ZCF Reporting under water efficiency management plan**

- ‘(1) A customer to whom an approved water efficiency management plan applies, must give the water service provider a written report each year advising—
- (a) the extent to which the plan has been implemented; and
  - (b) the water savings and efficiencies achieved by implementing the plan; and
  - (c) any change of circumstances in relation to the matters mentioned in section 360ZCH(1)(a).

Maximum penalty—100 penalty units.

- ‘(2) The report must be given within 10 business days after the anniversary day for the plan.
- ‘(3) The commission may at any time ask a water service provider to give the commission—
- (a) a copy of an approved water efficiency management plan; or
  - (b) information about a plan that has not yet been approved; or
  - (c) a report summarising progress by the water service provider’s customers in achieving water savings and efficiencies.
- ‘(4) The water service provider must comply with the request within 20 business days.

Maximum penalty for subsection (4)—100 penalty units.

### **‘360ZCG Amending or replacing water efficiency management plan by commission direction**

- ‘(1) This section applies if the commission is satisfied that there is or there is likely to be—
- (a) a severe water supply shortage; or
  - (b) an increase in the severity of a water supply shortage.



- ‘(2) The commission may, by written direction, require a water service provider to give a customer, or type of customer, a written notice requiring the customer to—
- (a) amend an approved water efficiency management plan and give it to the water service provider within the reasonable time stated by the commission; or
  - (b) prepare a new water efficiency management plan and give it to the water service provider within the reasonable time stated by the commission.
- ‘(3) The water service provider must comply with the direction.  
Maximum penalty—500 penalty units.
- ‘(4) The customer must comply with a notice given under subsection (2).  
Maximum penalty—500 penalty units.
- ‘(5) This division, other than section 360ZCB, applies for preparing the amended or new plan, with any necessary changes to give effect to the division.

**‘360ZCH Amending or replacing water efficiency management plan by water service provider direction**

- ‘(1) This section applies if a water service provider is satisfied that—
- (a) for a customer, or a type of customer, production output or water consumption has increased significantly; or
  - (b) the cost effectiveness of implementing an approved water efficiency management plan is likely to have changed significantly; or
  - (c) there is or there is likely to be a severe water supply shortage.
- ‘(2) The water service provider must give the customer a written notice requiring the customer to—
- (a) amend the plan and give it to the water service provider within the reasonable time stated by the water service provider; or

- (b) prepare a new water efficiency management plan and give it to the water service provider within the reasonable time stated by the water service provider.
- ‘(3) The customer must comply with the notice.  
Maximum penalty—500 penalty units.
- ‘(4) This division, other than section 360ZCB, applies for preparing the amended or new plan, with any necessary changes to give effect to the division.

**‘360ZCI Amending or replacing water efficiency management plan by request**

- ‘(1) A customer may request an amendment of an approved water efficiency management plan or that a new water efficiency management plan be prepared.
- ‘(2) If the water service provider approves the request the customer must—
  - (a) amend the plan and give it to the water service provider within the reasonable time stated by the water service provider; or
  - (b) prepare a new water efficiency management plan and give it to the water service provider within the reasonable time stated by the water service provider.
- ‘(3) This division, other than section 360ZCB, applies for preparing the amended or new plan, with any necessary changes to give effect to the division.

**‘360ZCJ Notice to comply with water efficiency management plan**

- ‘(1) This section applies if a water service provider is satisfied or reasonably believes a customer to whom an approved water efficiency management plan applies has not complied with the plan.
- ‘(2) The water service provider may give the customer a notice, requiring the customer to comply with the plan within the reasonable time stated in the notice.

### **‘360ZCK Reviewing water efficiency management plans**

- ‘(1) A water service provider must ensure a customer to whom an approved water efficiency management plan applies reviews the plan when the water service provider considers it appropriate.
- ‘(2) The customer must give the water service provider a copy of the review report within the reasonable time stated by the water service provider.
- ‘(3) A review must occur at least every 5 years.’.

### **78 Amendment of s 360ZD (Restricting water supply)**

- (1) Section 360ZD(1), ‘following in’—  
*omit, insert—*  
‘following in all or part of’.
- (2) Section 360ZD—  
*insert—*
- ‘(5) A restriction may provide an exemption from all or part of the restriction.
- ‘(6) In this section, the power to restrict includes the power to prohibit.’.

### **79 Amendment of s 360ZE (Notice of commission water restriction must be given)**

- Section 360ZE, penalty for subsection (4)—  
*omit, insert—*  
‘Maximum penalty—
- (a) for a non-residential customer—1665 penalty units; or
- (b) for any other person—200 penalty units.
- ‘(5) Evidence of compliance with a relevant part of a commission water restriction includes—
- (a) an authorised person is satisfied the premises meets the requirements for the restriction; or

- (b) the person produces a certificate from a licensed plumber certifying that the premises meets the requirements for the restriction; or
- (c) the person produces a statutory declaration declaring the premises meets the requirements for the restriction.’.

**80 Amendment of s 388 (Restricting water supply)**

Section 388—

*insert—*

- ‘(5) A restriction may provide an exemption from all or part of the restriction.
- ‘(6) In this section, the power to restrict includes the power to prohibit.’.

**81 Amendment of s 389 (Notice of service provider water restriction must be given)**

- (1) Section 389, penalty for subsection (3)—

*omit, insert—*

‘Maximum penalty—

- (a) for a non-residential customer—1665 penalty units; or
- (b) for any other person—200 penalty units.’.

- (2) Section 389—

*insert—*

- ‘(7) Evidence of compliance with a relevant part of a service provider water restriction includes—
  - (a) an authorised person is satisfied the premises meets the requirements for the restriction; or
  - (b) the person produces a certificate from a licensed plumber certifying that the premises meets the requirements for the restriction; or
  - (c) the person produces a statutory declaration declaring the premises meets the requirements for the restriction.’.

## **82 Insertion of new ch 3, pt 2, div 7**

After section 398—

*insert—*

### **‘Division 7 Water efficiency management plans**

#### **‘399 Purpose and application of division**

- ‘(1) The purpose of this division is to promote water savings by non-residential customers.
- ‘(2) This division only applies for a non-residential customer—
  - (a) outside the SEQ region or a designated region (the *region*); and
  - (b) who does not hold a water entitlement.
- ‘(3) However, if this division would not apply to a non-residential customer because of subsection (2), but the customer takes water from a water service provider in the region under another arrangement, the division applies for the other arrangement.
- ‘(4) Also—
  - (a) if a customer to whom this division applies is also a customer to whom chapter 2A, part 5, division 3 applies, the customer is taken to be a customer under that division only; and
  - (b) if a customer to whom this division applies is a customer of more than 1 water service provider in the region, the water service provider who provides the customer with the most water is the water service provider for the customer for this division.

#### **‘400 When water efficiency management plan may be required**

- ‘(1) The chief executive may, by written direction, require a water service provider to give a customer, or type of customer, a written notice—

- (a) to prepare a plan (a *water efficiency management plan*); and
  - (b) to give it to the water service provider within the reasonable time stated by the chief executive.
- ‘(2) The water service provider must comply with the direction.  
Maximum penalty—500 penalty units.
- ‘(3) A water service provider may, without direction, give a customer, or type of customer, a written notice, approved by the chief executive—
- (a) to prepare a plan (also a *water efficiency management plan*); and
  - (b) to give it to the water service provider within the reasonable time stated by the water service provider.
- ‘(4) The customer must comply with a notice given by the water service provider under subsection (1) or (3).  
Maximum penalty—500 penalty units.
- ‘(5) A customer may, for any reason, prepare a water efficiency management plan.
- ‘(6) This division applies to the preparation and approval of a plan to which this section applies.

#### ‘401 **Content of water efficiency management plan**

- ‘(1) A water efficiency management plan prepared under section 400(1) must comply with any relevant guidelines issued by the chief executive.
- ‘(2) A water efficiency management plan prepared under section 400(3) must comply with—
  - (a) any relevant guidelines issued by the chief executive; or
  - (b) if the chief executive has not issued any guidelines—any relevant guidelines issued by the water service provider.
- ‘(3) A water efficiency management plan must also state the following—

- (a) the name of the customer and the location where the plan applies;
- (b) an outline the customer's current water use at the location and the source of the water used;
- (c) the water savings and efficiencies that will be achieved by implementing the plan;
- (d) the time frames for implementing the plan.

#### **'402 Approving water efficiency management plan**

- '(1) For deciding whether or not to approve a water efficiency management plan, the water service provider may require the customer to give additional information about the plan within the reasonable time stated by the water service provider.
- '(2) The water service provider must approve, with or without conditions, or refuse to approve the plan—
  - (a) if additional information is not required—within 60 business days after receiving the plan; or
  - (b) if additional information is required—within 60 business days of when the information is received or should have been given, whichever is earlier.
- '(3) Within 10 business days after making a decision under subsection (2), the water service provider must give the customer an information notice.
- '(4) If the water service provider does not approve the plan, the customer must, within 20 business days of receiving the notice or the extended period under subsection (5), give the water service provider a revised plan addressing the reasons for refusal of the plan.  
Maximum penalty for subsection (4)—200 penalty units.
- '(5) The water service provider may extend the period of 20 business days mentioned in subsection (4).
- '(6) This division applies for a revised plan, with any necessary changes to give effect to the division.
- '(7) Chapter 6 applies for the information notice—

- (a) as if it were a notice given by a local government; and
  - (b) as if a reference in relation to a local government were a reference to the water service provider; and
  - (c) with any necessary changes to give effect to paragraphs (a) and (b).
- ‘(8) The water service provider may recover from the customer, as a debt due to it by the customer, a nominal application fee for the approval of the customer’s water efficiency management plan.

**‘403 Complying with water efficiency management plan**

‘A customer must comply with the customer’s approved water efficiency management plan.

Maximum penalty—1665 penalty units

**‘404 Reporting under water efficiency management plan**

- ‘(1) A customer to whom an approved water efficiency management plan applies must give the water service provider a written report each year advising—
- (a) the extent to which the plan has been implemented; and
  - (b) the water savings and efficiencies achieved by implementing the plan; and
  - (c) any change of circumstances in relation to the matters mentioned in section 405(1)(a).

Maximum penalty—100 penalty units.

- ‘(2) The report must be given within 10 business days after the anniversary day for the plan.
- ‘(3) The chief executive may at any time ask a water service provider to give the chief executive—
- (a) a copy of an approved water efficiency management plan; or
  - (b) information about a plan that has not yet been approved; or



(c) a report summarising progress by the water service provider's customers in achieving water savings and efficiencies.

'(4) The water service provider must comply with the request within 20 business days of receiving the request.

Maximum penalty for subsection (4)—100 penalty units.

**'405 Amending or replacing water efficiency management plan by chief executive direction**

'(1) This section applies if the chief executive is satisfied that there is or there is likely to be—

(a) a severe water supply shortage; or

(b) an increase in the severity of a water supply shortage.

'(2) The chief executive may, by written direction, require a water service provider to give a customer, or type of customer, a written notice requiring the customer to—

(a) amend an approved water efficiency management plan and give it to the water service provider within the reasonable time stated by the chief executive; or

(b) prepare a new water efficiency management plan and give it to the water service provider within the reasonable time stated by the chief executive.

'(3) The water service provider must comply with the direction.

Maximum penalty—500 penalty units.

'(4) The customer must comply with a notice given under subsection (2).

Maximum penalty—500 penalty units.

'(5) This division, other than section 400, applies for preparing the amended or new plan, with any necessary changes to give effect to the division.

**‘406 Amending or replacing water efficiency management plan by water service provider direction**

- ‘(1) This section applies if a water service provider is satisfied that—
- (a) for a customer, or a type of customer, production output or water consumption has increased significantly; or
  - (b) the cost effectiveness of implementing an approved water efficiency management plan is likely to have changed significantly; or
  - (c) there is or there is likely to be a severe water supply shortage.
- ‘(2) The water service provider must give the customer a written notice requiring the customer to—
- (a) amend the plan and give it to the water service provider within the reasonable time stated by the water service provider; or
  - (b) prepare a new water efficiency management plan and give it to the water service provider within the reasonable time stated by the water service provider.
- ‘(3) The customer must comply with the notice.  
Maximum penalty—500 penalty units.
- ‘(4) This division, other than section 400, applies for preparing the amended or new plan, with any necessary changes to give effect to the division.

**‘407 Amending or replacing water efficiency management plan by request**

- ‘(1) A customer may request an amendment of an approved water efficiency management plan or that a new water efficiency management plan be prepared.
- ‘(2) If the water service provider approves the request the customer must—
- (a) amend the plan and give it to the water service provider within the reasonable time stated by the water service provider; or

- (b) prepare a new water efficiency management plan and give it to the water service provider within the reasonable time stated by the water service provider.
- ‘(3) This division, other than section 400, applies for preparing the amended or new plan, with any necessary changes to give effect to the division.

**‘407A Notice to comply with water efficiency management plan**

- ‘(1) This section applies if a water service provider is satisfied or reasonably believes a customer to whom an approved water efficiency management plan applies has not complied with the plan.
- ‘(2) The water service provider may give the customer a notice, requiring the customer to comply with the plan within the reasonable time stated in the notice.

**‘407B Reviewing water efficiency management plans**

- ‘(1) A water service provider must ensure a customer to whom an approved water efficiency management plan applies reviews the plan when the water service provider considers it appropriate.
- ‘(2) The customer must give the water service provider a copy of the review report within the reasonable time stated by the water service provider.
- ‘(3) A review must occur at least every 5 years.’.

**83 Insertion of new ch 9, pt 5, div 7**

After section 1143—

*insert—*

**‘Division 7                      Transitional provisions for Wild  
Rivers and Other Legislation  
Amendment Bill 2006**

**‘1144 Plans taken to be water efficiency management plans**

- ‘(1) Subsection (2) applies if—
- (a) a customer has a plan for achieving water efficiency in the customer’s business operations; and
  - (b) the plan was approved by the customer’s water service provider before the commencement of this section.
- ‘(2) The plan is taken to be an approved water efficiency management plan from the commencement.
- ‘(3) Subsection (4) applies if—
- (a) after the commencement of this section a region is designated under section 360D; and
  - (b) chapter 2A, part 5, division 3 then applies to a non-residential customer in the region; and
  - (c) there is, the day the designation is made, an approved water efficiency management plan for the customer.
- ‘(4) The approved water efficiency management plan is taken to be an approved water efficiency management plan under chapter 2A, part 5 division 3 from the day of the designation.

**‘1145 Validation of commission water restrictions**

- ‘(1) This section applies if the commission has, under section 360ZE, purported to exercise a power—
- (a) mentioned in section 360ZD; and
  - (b) before the commencement of this section.
- ‘(2) The exercise of the power is taken to be as valid as if the power were exercised after the commencement.
- ‘(3) In this section—

**section 360ZD** means 360ZD as it was after the commencement.

#### **‘1146 Validation of service provider water restrictions**

- ‘(1) This section applies if a service provider has, under section 389, purported to exercise a power—
- (a) mentioned in section 388; and
  - (b) before the commencement of this section.
- ‘(2) The exercise of the power is taken to be as valid as if the power were exercised after the commencement.
- ‘(3) In this section—
- section 388** means 388 as it was after the commencement.’

#### **84 Amendment of sch 4 (Dictionary)**

- (1) Schedule 4, definition *customer*—  
*omit.*

- (2) Schedule 4—  
*insert—*

**‘anniversary day**, for an approved water efficiency management plan, means each anniversary of the day the plan was approved.

**approved water efficiency management plan** means a water efficiency management plan approved under chapter 2A, part 5, division 3 or chapter 3, part 2, division 7.

**customer**—

- 1 Generally, *customer*, of a service provider that is a local government, means a ratepayer of the local government who enjoys registered services supplied by the local government.
- 2 Generally, *customer*, of a service provider other than a local government, means a person who purchases registered services supplied by the service provider on

- premises other than a public place or premises owned by a service provider.
- 3 In chapter 2A, part 5, division 3, chapter 3, part 2, division 7 and in the definition of non-residential customer, *customer*, of a service provider that is a local government, means—
- (a) a ratepayer of the local government who enjoys registered services supplied by the local government; or
  - (b) a person who occupies non-residential premises that enjoy registered services supplied by the local government.
- 4 In chapter 2A, part 5, division 3 and chapter 3, part 2, division 7 and in the definition of non-residential customer, *customer*, of a service provider other than a local government, means—
- (a) a person who purchases registered services supplied by the service provider; or
  - (b) a person who occupies non-residential premises that enjoy registered services supplied by the service provider.
- 5 In chapter 4 and section 851, *customer* means a person, other than a ratepayer, for whom a water authority carries out water activities.

***non-residential customer*** means a customer who uses water on non-residential premises.

***non-residential premises*** means premises that are not used for residential purposes, including, for example, tourist accommodation, nursing homes, hostels, hospitals, caravan parks, convents, nurseries, market gardens, turf farms, farms, conference centres and the common property of a community title scheme under the *Body Corporate and Community Management Act 1997* or under the *Building Units and Group Titles Act 1980*.

***water efficiency management plan*** means a plan prepared under chapter 2A, part 5, division 3 or chapter 3, part 2, division 7.

## **Part 12**

## **Other amendments of Acts**

### **85 Amendments in schedule**

The schedule amends the Acts it mentions.

## **Schedule                      Consequential and minor amendments**

sections 2, 29, 40, 44, 46, 65, 67 and 85

### **Coastal Protection and Management Act 1995**

**1            Section 104A(5)—**

*omit, insert—*

‘(5) For the application, the assessment manager’s and any concurrence agency’s decision must comply with the applicable code mentioned in the wild river declaration for the area.’

**2            Schedule, definition *wild river area*, ‘schedule 2’—**

*omit, insert—*

‘schedule’.

### **Fisheries Act 1994**

**1            Sections 76DA to 76DC, ‘*Integrated Planning Act 1997*—**

*omit, insert—*

‘Planning Act’.

**2            Sections 76DA(5), 76DB(5) and 76DC(5)—**

*omit, insert—*

‘(5) For the application, the assessment manager’s and any concurrence agency’s decision must comply with the applicable code mentioned in the wild river declaration for the area.’



Schedule (continued)

- 3 Section 90(1)(d), ‘watercourse’—**  
*omit, insert—*  
‘waterway or lake’.
- 4 Section 90—**  
*insert—*  
‘(3) In this section—  
‘*lake* see the *Water Act 2000*, schedule 4.’
- 5 Schedule, definition *applicable code*, ‘*Integrated Planning Act 1997*’—**  
*omit, insert—*  
‘Planning Act’.
- 6 Schedule, definition *wild river area*, ‘*schedule 2*’—**  
*omit, insert—*  
‘schedule’.

**Forestry Act 1959**

- 1 Section 5, definitions *wild river* and *wild river area*, ‘*schedule 2*’—**  
*omit, insert—*  
‘schedule’.
- 2 Section 5—**  
*insert—*

Schedule (continued)

*‘wild river declaration* see the *Wild Rivers Act 2005*,  
schedule.’.

**3 Sections 55(2) and 56(2A)—**

*omit.*

**Fossicking Act 1994**

**1 Section 3—**

*insert—*

*‘nominated waterway* see the *Wild Rivers Act 2005*,  
schedule.’.

**2 Section 3, definition *protected area*, paragraph (b)(ii),  
‘watercourse or lake’—**

*omit, insert—*

‘nominated waterway’.

**3 Section 3, definition *wild river area*, ‘schedule 2’—**

*omit, insert—*

‘schedule’.

Schedule (continued)

**Integrated Planning Act 1997**

- 1 Section 3.4.4(5)(e), ‘section 715<sup>53</sup>’—**  
*omit, insert—*  
‘section 1124<sup>1</sup>’.
- 2 Section 5.7.4(1)(h)(i), ‘section 8’—**  
*omit, insert—*  
‘section 86’.
- 3 Section 5.7.6(4), definition *Queensland Development Code*, ‘section 5H’—**  
*omit, insert—*  
‘section 13’.
- 4 Section 6.1.54(7), ‘Despite section 3.5.35(2A), if’—**  
*omit, insert—*  
‘If’.
- 5 Schedule 8, part 1, table 2, item 8, ‘use against’—**  
*omit, insert—*  
‘use of premises against’.
- 6 Schedule 8A, authorising section—**  
*insert—*  
‘section 3.1.7’.

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1 *Local Government Act 1993*, section 1124 (Notice of time share scheme to local government)

Schedule (continued)

- 7**     **Schedule 9, authorising section—**  
*insert—*  
‘section 3.1.2’.
- 8**     **Schedule 10, definition *environmental nuisance*—**  
*omit.*
- 9**     **Schedule 10, definition *notification period, first occurring*—**  
*omit.*
- 10**    **Schedule 10—**  
*insert—*  
‘*wild river high preservation area* means a high preservation area under the *Wild Rivers Act 2005*.’.
- 11**    **Schedule 10, definition *specified activity*, paragraph (e)(ii), ‘Electricity Regulation 1994, section 14’—**  
*omit, insert—*  
‘*Electricity Regulation 2006*, section 17’.
- 12**    **Schedule 10, definitions *wild river area* and *wild river declaration*, ‘schedule 2’—**  
*omit, insert—*  
‘schedule’.

Schedule (continued)

**Land Protection (Pest and Stock Route Management)  
Act 2002**

- 1**      **Schedule 3, definition *wild river area*, ‘schedule 2’—**  
*omit, insert—*  
‘schedule’.

**Local Government Act 1993**

- 1**      **Schedule 2, definition *local government Act*, paragraph  
(d), ‘chapter 3’—**  
*omit, insert—*  
‘chapter 2A or 3’.

**Mineral Resources Act 1989**

- 1**      **Section 422, definition *mining tenement*—**  
*omit.*
- 2**      **Schedule, definitions *low impact activity* and *mining  
tenement*—**  
*omit.*
- 3**      **Schedule—**  
*insert—*  
‘*EIS* means an environmental impact statement.’

### Schedule (continued)

*lake*, for part 10A, see section 382.

*limited hand sampling techniques*, for part 10A, see section 382.

*low impact activity*—

- (a) for part 10A—see section 382; or
- (b) for part 15—see section 482; or
- (c) for part 16—see section 538.

*mining tenement* means a prospecting permit, mining claim, exploration permit, mineral development licence or mining lease.

*nominated waterway*, for part 10A, see section 382.

*person*, for part 10A, see section 382.

*proposed wild river area*, for part 10A, see section 382.

*special agreement Act*, for part 10A, see section 382.

*watercourse*, for part 10A, see section 382.

*wild river area* see the *Wild Rivers Act 2005*, schedule.

*wild river declaration* see the *Wild Rivers Act 2005*, schedule.

*wild river high preservation area*, for part 10A, see section 382.

*wild river preservation area*, for part 10A, see section 382.’.

## Nature Conservation Act 1992

- 1 **Schedule, definition *wild river declaration*, ‘schedule 2’—**  
*omit, insert—*  
‘schedule’.

Schedule (continued)

**State Development and Public Works Organisation Act 1971**

- 1** **Schedule, definitions *wild river area* and *wild river declaration*, ‘schedule 2’—**  
*omit, insert—*  
‘schedule’.

**Vegetation Management Act 1999**

- 1** **Schedule, definitions *wild river area* and *wild river declaration*, ‘schedule 2’—**  
*omit, insert—*  
‘schedule’.

**Water Act 2000**

- 1** **Sections 55(2A) and 57(c)(ii), ‘section 14(1)(h) to (l)’—**  
*omit, insert—*  
‘section 14(1)(j) to (o)’.
- 2** **Section 678(5), ‘, or a direction other than a joint direction under section 677’—**  
*omit, insert—*  
‘or a direction’.

## Schedule (continued)

**3 Section 678(6)—***omit.***4 Section 678(7), ‘subsections (5) and (6)’—***omit, insert—*

‘subsection (5)’.

**5 Section 678(7) to (10)—***renumber* as section 678(6) to (9).**6 Sections 966A(5) and 966B(5)—***omit, insert—*

‘(5) For the application, the assessment manager’s and any concurrence agency’s decision must comply with the applicable code mentioned in the wild river declaration for the area.’.

**7 Section 1046(8)—***omit.***8 Schedule 4—***insert—**‘nominated waterway* see the *Wild Rivers Act 2005*, schedule.*residential complex* see the *Environmental Protection Act 1994*, schedule 3.’.**9 Schedule 4, definitions *wild river area* and *wild river declaration*, ‘schedule 2’—***omit, insert—*

‘schedule’.



Schedule (continued)

**Wild Rivers Act 2005**

- 1 Section 3(3)(f) (previously section 5(3)(f) before renumbering), ‘wild rivers’ natural’—**  
*omit, insert—*  
‘wild river’s natural’.
- 2 Section 5 (previously section 3 before renumbering), ‘schedule 2’—**  
*omit, insert—*  
‘the schedule’.
- 3 Section 10(1), ‘subsections (2) to (5)’—**  
*omit, insert—*  
‘subsections (2) to (4)’.
- 4 Sections 13(2), 25(2) and 37(1), ‘section 14(1)(h) to (l)’—**  
*omit, insert—*  
‘section 14(1)(j) to (o)’.
- 5 Section 22, ‘section 10(2) to (5)’—**  
*omit, insert—*  
‘section 10(2) to (4)’.
- 6 Schedule, (previously schedule 2 before renumbering), authorising provision, ‘section 3’—**  
*omit, insert—*  
‘section 5’.

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