



Queensland

Wild Rivers Act 2005

Act No. 42 of 2005



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Queensland

Wild Rivers Act 2005

Act No. 42 of 2005

An Act to provide for the preservation of the natural values of wild rivers, and for related purposes

[Assented to 14 October 2005]

The Parliament of Queensland enacts—**Part 1 Preliminary****1 Short title**

This Act may be cited as the *Wild Rivers Act 2005*.

2 Commencement

This Act commences on a day to be fixed by proclamation.

3 Definitions

The dictionary in schedule 2 defines particular words used in this Act.

4 Notes in text

A note in the text of this Act is part of the Act.

5 Purpose of Act

- (1) The purpose of this Act is to preserve the natural values of rivers that have all, or almost all, of their natural values intact.
- (2) The purpose is to be achieved mainly by establishing a framework that includes the declaration of wild river areas that will or may include the following—
 - (a) high preservation areas;
 - (b) preservation areas;
 - (c) floodplain management areas;
 - (d) subartesian management areas.
- (3) Through the framework mentioned in subsection (2), this Act and other Acts achieve the purpose mentioned in subsection (1) by—

- (a) providing for the regulation of particular activities and taking of natural resources in a wild river and its catchment to preserve the wild river's natural values; and
- (b) having a precautionary approach to minimise adverse effects on known natural values and reduce the possibility of adversely affecting poorly understood ecological functions; and
- (c) treating a wild river and its catchment as a single entity, linking the condition of the river to the health of the catchment; and
- (d) considering the effect of individual activities and taking of natural resources on a wild river's natural values; and
- (e) considering the cumulative effect of activities and taking of natural resources affecting a wild river area when further activities or taking are proposed; and
- (f) if a wild river crosses a State border—working with the other State to encourage preservation of the wild rivers' natural values in the other State.

6 Act binds all persons

- (1) This Act binds all persons, including the State and, to the extent the legislative power of the Parliament permits, the Commonwealth and the other States.
- (2) However, the Commonwealth or a State can not be prosecuted for an offence against this Act.

Part 2 Wild river areas

Division 1 Declaring wild river areas

7 Minister may declare wild river areas

The Minister may declare a part of the State to be a wild river area.

Note—

See section 16 for when a declaration has effect.

8 Public notice of intention to declare wild river area

- (1) If the Minister intends to declare a part of the State to be a wild river area, the Minister must publish a notice of the Minister's intention (a *notice of intent*).
- (2) The notice of intent must state—
 - (a) the reasons for the proposed declaration; and
 - (b) the name of the proposed wild river; and
 - (c) the area proposed to be declared a wild river area; and
 - (d) the areas proposed to be declared the high preservation area and the preservation area; and
 - (e) a description of the moratorium that will have effect under section 10 during the moratorium period; and
 - (f) where further information about the proposed declaration may be obtained.
- (3) The notice of intent may propose to declare more than 1 river in the proposed wild river area to be a wild river.

9 Moratorium period

- (1) For a notice of intent, the moratorium period is the following period—
 - (a) from the later of the following—

- (i) the day stated in the notice as the start of the moratorium;
 - (ii) the day the notice is published;
- (b) until the earliest of the following—
 - (i) the day the wild river declaration for the proposed wild river area has effect;
 - (ii) the day the Minister decides under section 15 not to make a declaration;
 - (iii) the day that is 12 months after the later of the days mentioned in paragraph (a) (the **12 month period**) or, if the Minister has extended the 12 month period, the day to which the period has been extended.
- (2) The Minister may, before the 12 month period expires, extend the period by not more than 12 months by publishing a notice (a ***moratorium extension notice***).

10 Application of moratorium

- (1) During the moratorium period, a moratorium has effect in the way stated in subsections (2) to (5) in the proposed wild river area.
- (2) For the *Water Act 2000*, the notice of intent is taken to be a moratorium notice and, to the extent stated in the notice—
 - (a) an application for the grant of a water entitlement for taking water in a watercourse, lake or spring, or taking overland flow water or subartesian water, in the proposed wild river area, will not be accepted or, if received before the moratorium period and not decided, will not be decided if granting the application would have 1 or more of the effects mentioned in that Act, section 26(2)(a) to (f); and
 - (b) new works must not be started and completed works must not be raised, enlarged, deepened or changed if the works would have an effect mentioned in that Act, section 26(5)(a) to (d).

- (3) For the *Vegetation Management Act 1999*, section 22A(2A) the proposed high preservation area is taken to be a high preservation area.
- (4) For the *Mineral Resources Act 1989*, part 10A, other than section 386A—
 - (a) the proposed wild river area is taken to be a wild river area; and
 - (b) the proposed high preservation area is taken to be a high preservation area; and
 - (c) the proposed preservation area is taken to be a preservation area.

11 Public notice about declaration proposal

- (1) As soon as practicable after publishing the notice of intent, the Minister must—
 - (a) prepare a proposal (a ***declaration proposal***) for the proposed wild river area; and
 - (b) publish a notice about the declaration proposal (a ***declaration proposal notice***).
- (2) The declaration proposal notice must state—
 - (a) the proposed wild river area to which the declaration proposal notice relates; and
 - (b) where copies of the declaration proposal are available for inspection and purchase; and
 - (c) that written submissions may be made by any entity about the declaration proposal; and
 - (d) the day by which submissions must be made, and the person to whom, and the place where, the submissions must be made.
- (3) The day stated under subsection (2)(d) must not be earlier than 20 business days after the day the declaration proposal notice is published.
- (4) If the Minister has prepared the declaration proposal before publishing the notice of intent for the proposed wild river

area, the matters mentioned in subsection (2) may be included in the notice of intent.

12 Content of declaration proposal

- (1) The declaration proposal may include, but is not limited to, the following information—
 - (a) a description of the proposed wild river and wild river area;
 - (b) the natural values the proposed wild river declaration is intended to preserve;
 - (c) details of any special features of the proposed wild river area;
 - (d) the location of the proposed high preservation area and preservation area;
 - (e) the location of any proposed floodplain management area;
 - (f) the location of any proposed subartesian management area;
 - (g) details of the major tributaries of the proposed wild river;
 - (h) the way in which the moratorium has effect for the proposed wild river area;
 - (i) any carrying out of activities or taking of natural resources proposed to be prohibited or regulated in the proposed wild river area;
 - (j) the matters that must be considered in deciding whether to allow the carrying out of an activity or the taking of a natural resource in the proposed wild river area;
 - (k) the types of works for taking overland flow water in the proposed wild river area that are intended to be assessable or self-assessable development under the *Integrated Planning Act 1997*;
 - (l) the types of works for interfering with overland flow water in any floodplain management area in the proposed wild river area that are intended to be

assessable or self-assessable development under the *Integrated Planning Act 1997*;

- (m) the types of works for taking subartesian water in any subartesian management area in the proposed wild river area that are intended to be assessable or self-assessable development under the *Integrated Planning Act 1997*;
 - (n) the proposed threshold limits and codes, including codes for IDAS, for carrying out activities and taking natural resources in the proposed wild river area;
 - (o) a process for granting, reserving or otherwise dealing with unallocated water in the proposed wild river area;
 - (p) details of the community consultation that will take place on the declaration proposal;
 - (q) where a detailed map of the proposed wild river area, showing the proposed wild river and the information mentioned in paragraphs (c) to (g), may be obtained;
 - (r) where further information about the proposed declaration may be obtained.
- (2) The declaration proposal may propose to declare more than 1 river in the proposed wild river area to be a wild river.

13 Matters Minister must consider

- (1) In preparing a wild river declaration, the matters the Minister must consider include—
- (a) the results of community consultation on the declaration proposal; and
 - (b) all properly made submissions about the declaration proposal; and
 - (c) any water resource plan or resource operations plan that applies to all or part of the proposed wild river area.
- (2) To the extent a water resource plan or a resource operations plan applies to all or part of the proposed wild river area, the wild river declaration must not be inconsistent with the water resource plan or the resource operations plan other than in relation to the matters mentioned in section 14(1)(h) to (l) and (2).

- (3) Subsection (1) does not limit the matters the Minister may consider.

14 Content of wild river declaration

- (1) A wild river declaration must include, but is not limited to, the following information—
- (a) a description of the wild river and wild river area;
 - (b) details of any special features of the area;
 - (c) the location of the high preservation area and preservation area;
 - (d) the location of any floodplain management area;
 - (e) the location of any subartesian management area;
 - (f) the major tributaries of the wild river;
 - (g) any carrying out of activities or taking of natural resources that are prohibited or regulated in the wild river area;
 - (h) the matters that must be considered in deciding whether to allow the carrying out of an activity or the taking of a natural resource in the wild river area;
 - (i) the types of works for taking overland flow water in the wild river area that are assessable or self-assessable development under the *Integrated Planning Act 1997*;
 - (j) if there is a floodplain management area in the wild river area—the types of works for interfering with overland flow water in the floodplain management area that are assessable or self-assessable development under the *Integrated Planning Act 1997*;
 - (k) if there is a subartesian management area in the wild river area—the types of works for taking subartesian water in the subartesian management area that are assessable or self-assessable development under the *Integrated Planning Act 1997*;
 - (l) the threshold limits and codes, including codes for IDAS, for carrying out activities or taking natural resources in the wild river area;

- (m) where a detailed map of the wild river area, showing the wild river and the areas mentioned in paragraphs (b) to (f), may be obtained.
- (2) A wild river declaration may include a process for granting, reserving or otherwise dealing with unallocated water in the wild river area.
- (3) A wild river declaration may include more than 1 wild river in the wild river area.

15 Deciding whether to make declaration

- (1) After considering the matters mentioned in section 13 and any other matters the Minister considers appropriate, the Minister may—
 - (a) declare the area to be a wild river area; or
 - (b) decide not to proceed with declaration of the wild river area.
- (2) If the Minister decides not to proceed with the declaration, the Minister must publish a notice advising the decision and the reasons for the decision.

16 Approval of wild river declaration

- (1) The Governor in Council may, by gazette notice, approve the declaration of a wild river area.
- (2) The declaration has effect when—
 - (a) the declaration is approved by the Governor in Council; and
 - (b) the approval is notified in the gazette.
- (3) The Minister must table a copy of the declaration in the Legislative Assembly within 14 sitting days after the declaration is approved.

17 Effect of declaration on activities and taking natural resources

- (1) This section applies if, immediately before a wild river declaration for a wild river area takes effect, a person is—

- (a) carrying out an activity or taking a natural resource in the area under another Act or law (an ***authorisation***); or
- (b) authorised by either of the following (also an ***authorisation***) to carry out an activity or take a natural resource in the area—
 - (i) a licence, permit or other approval document held by the person under another Act or law;
 - (ii) a special agreement Act.
- (2) Subsection (3) applies despite—
 - (a) any other provision of this Act; or
 - (b) any provision of another Act to the extent it regulates or prohibits the carrying out of an activity or the taking of a natural resource because of a declaration or a moratorium under this Act.
- (3) The person may continue, or start and continue, to carry out the activity or take the natural resource under the authorisation as if the declaration had not been made.

18 Applications received but not decided

- (1) This section applies to an application under any Act, in relation to the carrying out of an activity or the taking of a natural resource in a wild river area, received but not decided before a wild river declaration for the area takes effect, other than an application to which a moratorium under section 10(2) or (4) applies.
- (2) Subsection (3) applies despite—
 - (a) any other provision of this Act; or
 - (b) any provision of another Act to the extent it regulates or prohibits the carrying out of an activity or the taking of a natural resource because of a declaration or a moratorium under this Act.
- (3) The application must be decided as if the declaration had not been made.

Division 2 Amending wild river declarations

19 Amending a wild river declaration

- (1) The Minister may amend a wild river declaration.
- (2) Without limiting subsection (1), the Minister must amend the declaration if the Minister is satisfied the purpose of this Act is not being met in the wild river area to which the declaration relates.

Note—

See section 28 for when an amendment of a declaration has effect.

20 Public notice of intention to amend wild river declaration

- (1) If the Minister intends to amend a wild river declaration, the Minister must publish a notice of the Minister's intention (a *notice of intent*).
- (2) The notice of intent must state—
 - (a) the wild river declaration to which the notice relates; and
 - (b) the reasons for, and details of, the proposed amendment; and
 - (c) a description of the moratorium that will have effect under section 22 during the moratorium period; and
 - (d) where further information about the proposed amendment may be obtained.

21 Moratorium period

- (1) For a notice of intent, the moratorium period is the following period—
 - (a) from the later of the following—
 - (i) the day stated in the notice as the start of the moratorium;
 - (ii) the day the notice is published;
 - (b) until the earliest of the following—

- (i) the day the wild river amendment declaration has effect;
 - (ii) the day the Minister decides under section 27 not to make an amendment declaration;
 - (iii) the day that is 12 months after the later of the days mentioned in paragraph (a) (the **12 month period**) or, if the Minister has extended the 12 month period, the day to which the period has been extended.
- (2) The Minister may, before the 12 month period expires, extend the period by not more than 12 months by publishing a notice (a ***moratorium extension notice***).

22 Application of moratorium

During the moratorium period, a moratorium has effect in the wild river area, and any area proposed to be included in the wild river area, in the way stated in section 10(2) to (5) but only to the extent stated in the notice of intent.

23 Public notice about amendment proposal

- (1) As soon as practicable after publishing the notice of intent, the Minister must—
 - (a) prepare a proposal (an ***amendment proposal***) for the wild river declaration; and
 - (b) publish a notice about the amendment proposal (an ***amendment proposal notice***).
- (2) The amendment proposal notice must state—
 - (a) the wild river declaration to which the amendment proposal notice relates; and
 - (b) where copies of the amendment proposal are available for inspection and purchase; and
 - (c) that written submissions may be made by any entity about the amendment proposal; and

- (d) the day by which submissions must be made, and the person to whom, and the place where, the submissions must be made.
- (3) The day stated under subsection (2)(d) must not be earlier than 20 business days after the day the amendment proposal notice is published.
- (4) If the Minister has prepared the amendment proposal before publishing the notice of intent for the proposed amendment, the matters mentioned in subsection (2) may be included in the notice of intent.

24 Content of amendment proposal

The amendment proposal may include, but is not limited to, the following information—

- (a) the wild river declaration to which the amendment proposal relates;
- (b) the reasons for the proposed amendment;
- (c) details of the proposed amendment including—
 - (i) any changes to the existing boundaries of the parts of the wild river area; or
 - (ii) any addition of an area to, or removal of an area from, the wild river area; or
 - (iii) any amalgamation of the wild river area with another wild river area or part of an area;
- (d) any carrying out of activities or taking of natural resources that will be affected by the proposed amendment and how they will be affected;
- (e) if a moratorium has effect in the wild river area—the way in which it has effect;
- (f) details of the community consultation that will take place on the amendment proposal;
- (g) where further information about the proposed amendment may be obtained.

25 Matters Minister must consider

- (1) In preparing a wild river amendment declaration, the matters the Minister must consider include—
 - (a) the results of community consultation on the amendment proposal; and
 - (b) all properly made submissions about the amendment proposal; and
 - (c) any water resource plan or resource operations plan that applies to all or part of the wild river area.
- (2) To the extent a water resource plan or a resource operations plan applies to all or part of the wild river area, the amendment declaration must not be inconsistent with the water resource plan or the resource operations plan other than in relation to the matters mentioned in section 14(1)(h) to (l) and (2).
- (3) Subsection (1) does not limit the matters the Minister may consider.

26 Content of wild river amendment declaration

A wild river amendment declaration must include, but is not limited to, the following information—

- (a) the wild river declaration to which the amendment relates;
- (b) details of the amendment to the declaration including—
 - (i) any changes to the existing boundaries of the parts of the wild river area; or
 - (ii) any addition of an area to, or removal of an area from, the wild river area; or
 - (iii) any amalgamation of the wild river area with another wild river area or part of an area.

27 Deciding whether to make amendment declaration

- (1) After considering the matters mentioned in section 25 and any other matters the Minister considers appropriate, the Minister may—

- (a) declare an amendment to the wild river declaration; or
 - (b) decide not to proceed with declaration of the amendment.
- (2) If the Minister decides not to proceed with the declaration, the Minister must publish a notice advising the decision and the reasons for the decision.

28 Approval of wild river amendment declaration

- (1) The Governor in Council may, by gazette notice, approve the amendment of a wild river declaration.
- (2) The amendment has effect when—
- (a) the amendment is approved by the Governor in Council; and
 - (b) the approval is notified in the gazette.
- (3) The Minister must table a copy of the amendment declaration in the Legislative Assembly within 14 sitting days after the declaration is approved.

29 Effect of amendment declaration on activities and taking natural resources

- (1) This section applies if, immediately before an amendment of a wild river declaration for a wild river area takes effect, a person is—
- (a) carrying out an activity or taking a natural resource in the area under another Act or law (an *authorisation*); or
 - (b) authorised by either of the following (also an *authorisation*) to carry out an activity or take a natural resource in the area—
 - (i) a licence, permit or other approval document held by the person under another Act or law;
 - (ii) a special agreement Act.
- (2) Subsection (3) applies despite—
- (a) any other provision of this Act; or

- (b) any provision of another Act to the extent it regulates or prohibits the carrying out of an activity or the taking of a natural resource because of a declaration or a moratorium under this Act.
- (3) The person may continue, or start and continue, to carry out the activity or take the natural resource under the authorisation as if the amendment of the declaration had not been made.

30 Applications received but not decided

- (1) This section applies to an application under any Act, in relation to the carrying out of an activity or the taking of a natural resource in a wild river area, received but not decided before an amendment of the wild river declaration for the area takes effect, other than an application to which a moratorium under section 22 in relation to the *Water Act 2000* or the *Mineral Resources Act 1989*, applies.
- (2) Subsection (3) applies despite—
 - (a) any other provision of this Act; or
 - (b) any provision of another Act to the extent it regulates or prohibits the carrying out of an activity or the taking of a natural resource because of a declaration or a moratorium under this Act.
- (3) The application must be decided as if the amendment of the declaration had not been made.

31 Minor amendments of wild river declaration

The Governor in Council may approve an amending wild river declaration without sections 20 to 26 applying if the amendment is only to—

- (a) correct a minor error in the wild river declaration; or
- (b) make another change in the declaration that is not a change of substance.

Division 3 Revoking wild river declarations

32 Revoking a wild river declaration

- (1) If the Minister proposes to revoke a wild river declaration, the Minister must publish a notice about the proposed revocation (a *revocation proposal notice*).
- (2) The revocation proposal notice must state—
 - (a) the wild river and wild river area to which the notice relates; and
 - (b) the reasons for the proposed revocation; and
 - (c) any carrying out of activities or taking of natural resources that will be affected by the proposed revocation and how they will be affected; and
 - (d) that written submissions may be made by any entity about the proposed revocation; and
 - (e) the day by which submissions must be made, and the person to whom, and the place where, the submissions must be made; and
 - (f) where further information about the proposed revocation may be obtained.
- (3) The day stated in subsection (2)(e) must not be earlier than 20 business days after the day the notice is published.
- (4) The Minister must consider all properly made submissions about the proposed revocation.

33 Deciding whether to revoke declaration

- (1) After considering all properly made submissions about a proposed revocation and any other matters the Minister considers appropriate, the Minister may—
 - (a) revoke the wild river declaration; or
 - (b) decide not to proceed with revocation of the wild river declaration.

- (2) If the Minister decides not to proceed with the revocation, the Minister must publish a notice advising the decision and the reasons for the decision.

34 Approval of revocation of wild river declaration

- (1) The Governor in Council may, by gazette notice, approve the revocation of a wild river declaration.
- (2) The Governor in Council may approve the revocation only if the Legislative Assembly has, on a motion of which at least 28 days notice has been given, passed a resolution requesting the Governor in Council to approve the revocation.
- (3) The revocation has effect when—
 - (a) the revocation is approved by the Governor in Council; and
 - (b) the approval is notified in the gazette.
- (4) The Minister must table a copy of the revocation in the Legislative Assembly within 14 sitting days after the revocation is approved.

35 Effect of revocation on activities and taking natural resources

- (1) This section applies if, immediately before the revocation of a wild river declaration for a wild river area takes effect, a person is—
 - (a) carrying out an activity or taking a natural resource in the area under another Act or law (an *authorisation*); or
 - (b) authorised by a licence, permit or other approval document held by the person under another Act or law to carry out an activity or take a natural resource in the area (also an *authorisation*).
- (2) On the revocation of the wild river declaration, the authorisation is no longer subject to any conditions or requirements that applied to it because of the declaration.

36 Effect of revocation on applications received but not decided

- (1) This section applies to an application under any Act, in relation to the carrying out of an activity or the taking of a natural resource in a wild river area, received but not decided before the revocation of the wild river declaration for the area takes effect.
- (2) On the revocation of the declaration, the application—
 - (a) to the extent it relates to the carrying out of an activity or the taking of a natural resource that is no longer subject to any conditions or requirements that applied to it because of the declaration, lapses; and
 - (b) to the extent it relates to other matters, continues.

Division 4 Miscellaneous**37 Relationship with water resource plans**

- (1) To the extent the matters mentioned in section 14(1)(h) to (l) and (2) in a wild river declaration are inconsistent with an existing water resource plan or a resource operations plan for all or part of the wild river area, the wild river declaration prevails.
- (2) Otherwise, to the extent a wild river declaration is inconsistent in any other way, the water resource plan or resource operations plan prevails.

38 Minister must prepare report on consultation process

- (1) Within 30 business days after a wild river declaration is approved, amended or revoked, the Minister must prepare a report about the consultation process for the approval, amendment or revocation (a *consultation report*).
- (2) The consultation report must include a summary of issues raised during the consultation process and how the issues have been dealt with.

39 Copies of documents to be available for public inspection

- (1) This section applies to each of the following (a *wild river document*)—
- (a) a notice of intent;
 - (b) a declaration proposal;
 - (c) a declaration proposal notice;
 - (d) a moratorium extension notice;
 - (e) a wild river declaration approved under section 16;
 - (f) a consultation report;
 - (g) a notice of a decision not to declare a wild river area;
 - (h) an amendment proposal;
 - (i) an amendment proposal notice;
 - (j) a wild river amendment declaration approved under section 28;
 - (k) a notice of a decision not to amend a wild river declaration;
 - (l) a revocation proposal notice;
 - (m) a revocation of a wild river declaration approved under section 34;
 - (n) a notice of a decision not to revoke a wild river declaration;
 - (o) a wild river report.
- (2) As soon as practicable after a wild river document is prepared—
- (a) the Minister must send a copy of the wild river document to each local government whose local government area includes all or part of a proposed wild river area, a wild river area or the area to which a revocation relates; and
 - (b) a local government receiving a copy of a wild river document must make the copy available for inspection by the public.

- (3) The Minister may send a copy of a wild river document to any other entity the Minister considers appropriate.
- (4) The chief executive—
 - (a) must keep a copy of each wild river document available for inspection by the public during office hours on business days—
 - (i) at the department's head office; and
 - (ii) at the department's regional office for the wild river area or proposed wild river area to which the document relates; and
 - (b) may also keep a copy of a wild river document available for inspection by the public at other places the chief executive considers appropriate.

40 Report by Minister on wild river declarations

- (1) The Minister must prepare regular reports on each wild river declaration (each a *wild river report*).
- (2) The first report for a wild river declaration must be prepared within 5 years after the declaration is approved.
- (3) Each subsequent report must be for a period of not more than 5 years and, for the period—
 - (a) must include—
 - (i) particulars of any changes made to the declaration; and
 - (ii) a summary of the findings of research and monitoring, undertaken in the department, that relates to the purpose of this Act in the wild river area to which the declaration relates; and
 - (b) may include a summary of the findings of research and monitoring, undertaken in another department, that relates to the purpose of this Act in the wild river area to which the declaration relates.
- (4) A report under this section may relate to more than 1 wild river declaration.

Part 3**Activities and taking natural resources in wild river areas****41 Classification of wild river area into high preservation area and preservation area**

- (1) The following parts of a wild river area are included in the high preservation area—
 - (a) the wild river;
 - (b) the major tributaries of the wild river;
 - (c) any special features in the wild river area;
 - (d) the area, stated in the wild river declaration for the wild river area, of up to 1km either side of the wild river, its major tributaries and any special features.
- (2) The remainder of the wild river area is the preservation area.
- (3) A floodplain management area or a subartesian management area may be over all or part of the high preservation area or the preservation area.

42 Effect of classification on particular development applications

- (1) This section applies to a development application for—
 - (a) a material change of use of premises for agricultural or animal husbandry activities mentioned in the *Integrated Planning Act 1997*, schedule 8, part 1, table 2, item 11; or
 - (b) operational work for agricultural or animal husbandry activities mentioned in the *Integrated Planning Act 1997*, schedule 8, part 1, table 4, item 10.
- (2) Subsection (3) applies if any part of the application relates to development in the high preservation area in a wild river area.
- (3) Despite the *Integrated Planning Act 1997*, 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.
- (4) Subsection (5) applies—
 - (a) to an application not refused under subsection (3); and
 - (b) to the extent the application relates to development in the preservation area in a wild river area; and
 - (c) despite the *Integrated Planning Act 1997*, chapter 3, part 3, division 4 and sections 3.5.4, 3.5.5, 3.5.13 and 3.5.14.
- (5) The assessment manager and any concurrence agency, in assessing and deciding the application, must comply with the applicable code, for the development, mentioned in the wild river declaration for the area.

43 Effect of declaration on particular development applications

- (1) Subsection (2) applies—
 - (a) to a development application for a material change of use of premises, reconfiguring a lot or operational work; and
 - (b) to the extent—
 - (i) the application relates to a wild river area; and
 - (ii) the application is in relation to urban, commercial or industrial development; and
 - (iii) the proposed development is made assessable under—
 - (A) a local government planning scheme; or
 - (B) the *Integrated Planning Act 1997*, schedule 8, part 1, table 3, item 1 or table 4, item 2; and
 - (c) despite the *Integrated Planning Act 1997*, sections 3.5.4, 3.5.5, 3.5.13 and 3.5.14.
- (2) The assessment manager, in assessing and deciding the application, must comply with the applicable code, for the development, mentioned in the wild river declaration for the area.

44 Relationship with other Acts

Other than as mentioned in sections 42 and 43, the prohibition and regulation in a wild river area of carrying out activities and taking natural resources are dealt with in the Acts that prohibit or regulate the activities or taking.

Part 4 Exemption of particular projects from application of Act**45 Exemption of projects from application of this Act**

- (1) This Act does not apply to the following projects—
 - (a) the Aurukun project;
 - (b) the PNG pipeline project.
- (2) Also, to the extent another Act regulates or prohibits the carrying out of an activity or the taking of a natural resource because of a declaration or a moratorium under this Act, the other Act does not apply to a project mentioned in subsection (1).

46 Meaning of *Aurukun project*

- (1) The *Aurukun project* means the proposed project that involves the extraction and transportation or processing of bauxite and kaolin that are on land prescribed as ‘restricted area 315’ (RA315) under the *Mineral Resources Regulation 2003*, schedule 3, part 188.
- (2) The project includes the construction and operation of works, for example mining equipment, electricity generation plants and related distribution infrastructure, pipelines, telecommunications infrastructure, water storage and distribution infrastructure, buildings, conveyors, roads or railways on land near Aurukun and Weipa.

47 Meaning of *PNG pipeline project*

- (1) The *PNG pipeline project* means the proposed project that involves the construction and operation of 1 or more pipelines—
 - (a) to transport gas from the Southern Highlands of Papua New Guinea, across Torres Strait and Cape York Peninsula to parts of the State including Weipa, Townsville, Mount Isa, Gladstone and Brisbane; and
 - (b) to link to pipelines servicing other States.
- (2) The project includes ancillary works, for example access roads, constructions camps and compressor and other stations, to enable the construction and the ongoing operation of the pipeline or pipelines.

Part 5 Miscellaneous

48 Meaning of *specified works*

- (1) The object of this provision is to provide a definition of *specified works* for a provision of any other Act that refers to specified works in relation to regulating or prohibiting the carrying out of an activity or the taking of a natural resource because of a declaration or a moratorium under this Act.
- (2) *Specified works* means—
 - (a) infrastructure and works prescribed under a regulation to be necessary for disaster management; or
 - (b) desnagging that is the minimum necessary to allow safe navigation of a marked navigable channel; or
 - (c) the following infrastructure and works—
 - (i) roads;
 - (ii) railways;
 - (iii) infrastructure for the transmission or distribution of electricity;

- (iv) pipelines;
- (v) conveyor belts;
- (vi) cables;
- (vii) other infrastructure, prescribed under a regulation, that relates to the transportation, movement, transmission or flow of anything through a wild river area including, for example, goods, materials, substances, matter, particles with or without charge, light, energy, information and anything generated or produced.

49 Delegation by Minister

The Minister may delegate the Minister's powers under this Act to an appropriately qualified public service officer or employee.

50 Delegation by chief executive

The chief executive may delegate the chief executive's powers under this Act to an appropriately qualified public service officer or employee.

51 Regulation-making power

- (1) The Governor in Council may make regulations under this Act.
- (2) Without limiting subsection (1), a regulation may fix fees and charges payable under this Act including, for example, for the purchase of a copy of a wild river document.

Part 6 Amendments of other Acts

52 Other Acts amended

Schedule 1 amends the Acts it mentions.

Schedule 1 Consequential and minor amendments of other Acts

section 52

Coastal Protection and Management Act 1995

1 Section 73—

insert—

- ‘(3) If any part of the application relates to a wild river area, the application is of no effect.’.

2 After section 104—

insert—

‘104A Applications in relation to wild river areas

- ‘(1) This section applies to a development application for operational work mentioned in the *Integrated Planning Act 1997*, schedule 8, part 1, table 4, item 5.
- ‘(2) Subsection (3) applies if any part of the application relates to operational work in a wild river area other than operational work for specified works.
- ‘(3) Despite the *Integrated Planning Act 1997*, 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.
- ‘(4) Subsection (5) applies—
- (a) to an application not refused under subsection (3); and
 - (b) to the extent the application relates to operational work for specified works in a wild river area; and

Schedule 1 (continued)

- (c) despite the *Integrated Planning Act 1997*, chapter 3, part 3, division 4 and sections 3.5.4, 3.5.5, 3.5.13 and 3.5.14.
- ‘(5) The assessment manager and any concurrence agency, in assessing and deciding the application, must comply with the applicable code, for the development, mentioned in the wild river declaration for the area.’.

3 Schedule—

insert—

‘applicable code see the *Integrated Planning Act 1997*, schedule 10.

specified works see the *Wild Rivers Act 2005*, section 48.

wild river area see the *Wild Rivers Act 2005*, schedule 2.’.

Environmental Protection Act 1994**1 After section 73A—**

insert—

‘73AA Development applications in relation to wild river areas

- ‘(1) This section applies to a development application for—
 - (a) a material change of use of premises mentioned in the *Integrated Planning Act 1997*, schedule 8, part 1, table 2, item 1; or
 - (b) development mentioned in the *Integrated Planning Act 1997*, schedule 8, part 1, table 5, item 4.
- ‘(2) Subsection (3) applies if any part of the application relates to—
 - (a) development in a wild river high preservation area; or
 - (b) an environmentally relevant activity mentioned in the *Environmental Protection Regulation 1998*, schedule 1,

Schedule 1 (continued)

item 19 (dredging material) or 20 (extracting rock or other material) in a wild river preservation area.

‘(3) Despite the *Integrated Planning Act 1997*, 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.

‘(4) Subsection (5) applies—

- (a) to an application not refused under subsection (3); and
- (b) to the extent the application relates to development in a wild river preservation area, other than development mentioned in subsection (2)(b); and
- (c) despite the *Integrated Planning Act 1997*, chapter 3, part 3, division 4 and sections 3.5.4, 3.5.5, 3.5.13 and 3.5.14.

‘(5) The assessment manager and any concurrence agency, in assessing and deciding the application, must comply with the applicable code, for the development, mentioned in the wild river declaration for the area.’.

2 Section 93—

insert—

‘(2A) However, for petroleum activities carried out in a wild river area, the applicable codes are—

- (a) the codes mentioned in subsection (2); and
- (b) the conditions stated, for relevant petroleum activities for the authority, in the wild river declaration for the area.’.

3 Section 97(b)(ii) to (vi)—

renumber as section 97(b)(iii) to (vii).

Schedule 1 (continued)

4 Section 97(b)—*insert—*

‘(ii) if any part of the application relates to a wild river area—the wild river declaration for the area;’.

5 Section 98(2)—*omit, insert—*

‘(2) The conditions must include—

- (a) any condition the administering authority is required to impose under an EPP requirement; and
- (b) for petroleum activities carried out in a wild river area—the conditions stated, for relevant petroleum activities for the authority, in the wild river declaration for the area.’.

6 Section 113(b)(ii) to (viii)—*renumber as section 113(b)(iii) to (ix).***7 Section 113(b)—***insert—*

‘(ii) if any part of the application relates to a wild river area—the wild river declaration for the area;’.

8 Section 114(2)—*omit, insert—*

‘(2) The conditions must include—

- (a) any condition the administering authority is required to impose under an EPP requirement; and
- (b) for petroleum activities carried out in a wild river area—the conditions stated, for relevant petroleum activities for the authority, in the wild river declaration for the area.’.

Schedule 1 (continued)

9 Section 150—*insert—*

‘(ga) if a relevant mining tenement relates to any part of a wild river area—the wild river declaration for the area;’.

10 Section 151(1)—*insert—*

‘(c) any of the mining activities that form the project, other than mining activities authorised under an environmental authority (prospecting) or an environmental authority (mining claim), are in a wild river area.’.

11 Section 151(2)(b)—*insert—*

‘(iii) no mining activities that form the project, other than mining activities authorised under an environmental authority (prospecting) or an environmental authority (mining claim), are in a wild river area.’.

12 Section 162(2)—*omit, insert—*

‘(2) The authority must, in making the decision, consider—

- (a) the standard criteria; and
- (b) if any part of the application relates to a wild river area—the wild river declaration for the area.’.

13 Section 163(3)—*omit, insert—*

‘(3) The Minister must, in making the decision, consider—

- (a) the standard criteria; and

Schedule 1 (continued)

- (b) if any part of the application relates to a wild river area—the wild river declaration for the area.’.

14 Chapter 5, part 2—*insert—***‘Division 3 EM plan decision for particular non-code compliant applications****‘163A Application of div 3**

‘This division applies for a non-code compliant application if—

- (a) it is for an environmental authority (prospecting) or an environmental authority (mining claim) and relates to mining activities in a wild river area; and
- (b) no relevant mining tenement for the application is, or is included in, a significant project.

‘163B Decision about EM plan requirement

- ‘(1) The administering authority must, within the required period, decide whether an EM plan is required for the application.
- ‘(2) The authority must, in making the decision, consider—
 - (a) the standard criteria; and
 - (b) the wild river declaration for the area.
- ‘(3) If the authority does not make the decision within the required period, it is taken, at the end of the period, to have decided that no EM plan is required for the application.
- ‘(4) In this section—

required period means the later of the following periods to end—

- (a) 10 business days after the administering authority receives the application;

Schedule 1 (continued)

- (b) if the administering authority, within the 10 business days, gives the applicant a written notice that the EPA Minister has fixed a longer period—the longer period.’.

15 After section 169—

insert—

‘169A EM plan required

- ‘(1) If the administering authority requires an EM plan under section 163B—
 - (a) the administering authority must not decide the application until the EM plan process is complete; and
 - (b) the required period for deciding the application under section 171 does not commence until the EM plan process is complete.
- ‘(2) In this section—

EM plan process means, with necessary changes, the process stated in sections 187 to 192 for submitting and assessing an EM plan.’.

16 Section 170(4)(b)—

omit, insert—

- ‘(b) subject to paragraph (a), consider—
 - (i) the standard criteria; and
 - (ii) to the extent the application relates to mining activities in a wild river area—the wild river declaration for the area.’.

17 Section 171(2)(c) to (e)—

renumber as section 171(2)(d) to (f).

Schedule 1 (continued)

18 Section 171(2)—*insert—*

‘(c) to the extent the application relates to mining activities in a wild river area—the wild river declaration for the area;’.

19 Section 171D—*insert—*

‘(4) If the administering authority requires an EM plan under section 163B, the EM plan process must be completed before part 6, divisions 5 to 8 apply.

‘(5) In this section—

EM plan process means, with necessary changes, the process stated in part 6, division 3 for submitting and assessing an EM plan.’.

20 Section 173(2)(b) to (d)—*renumber* as section 173(2)(c) to (e).**21 Section 173(2)—***insert—*

‘(b) to the extent the application relates to mining activities in a wild river area—the wild river declaration for the area;’.

22 Section 175—*insert—*

‘(4) If the administering authority requires an EM plan under section 163B—

(a) the administering authority must not give the draft environmental authority until the EM plan process is complete; and

Schedule 1 (continued)

- (b) the required period for giving the draft environmental authority does not commence until the EM plan process is complete.

‘(5) In this section—

EM plan process means, with necessary changes, the process stated in part 6, division 3 for submitting and assessing an EM plan.’.

23 Chapter 5, part 4, division 3—

insert—

‘176 Additional conditions may be imposed

- ‘(1) The administering authority may, in preparing the draft environmental authority, impose a condition (an *additional condition*) on the environmental authority that is not a relevant standard environmental condition for the environmental authority.
- ‘(2) In deciding whether to impose an additional condition, the authority must—
 - (a) comply with any relevant EPP requirement; and
 - (b) subject to paragraph (a), consider—
 - (i) the standard criteria; and
 - (ii) to the extent the environmental authority relates to mining activities in a wild river area—the wild river declaration for the area.
- ‘(3) However, an additional condition may be imposed only if the authority considers that the condition is necessary or desirable.’.

24 Section 189(1)—

insert—

- ‘(da) to the extent the plan relates to mining activities in a wild river area—state the way in which the applicant proposes to minimise any adverse effect of the mining

Schedule 1 (continued)

activities on the wild river area, having regard to the wild river declaration for the area; and’.

25 Section 193(3)(b)(iii) and (iv)—

renumber as section 193(3)(b)(iv) and (v).

26 Section 193(3)(b)—

insert—

‘(iii) to the extent the application relates to mining activities in a wild river area—the wild river declaration for the area;’.

27 Section 203(1)—

insert—

‘(da) to the extent the plan relates to mining activities in a wild river area—state the way in which the applicant proposes to minimise any adverse effect of the mining activities on the wild river area, having regard to the wild river declaration for the area; and’.

28 Section 207(2)(c) and (d)—

renumber as section 207(2)(d) and (e).

29 Section 207(2)—

insert—

‘(c) to the extent the application relates to mining activities in a wild river area—the wild river declaration for the area;’.

30 Section 210(3)(b)—

insert—

Schedule 1 (continued)

‘(iii) to the extent the application relates to mining activities in a wild river area—the wild river declaration for the area.’.

31 Section 223(d) to (f)—

renumber as section 223(e) to (g).

32 Section 223—

insert—

‘(d) to the extent the application relates to mining activities in a wild river area—the wild river declaration for the area;’.

33 Section 225(3)—

insert—

‘(c) to the extent the application relates to mining activities in a wild river area—the wild river declaration for the area.’.

34 Schedule 3—

insert—

‘applicable code see the *Integrated Planning Act 1997*, schedule 10.

wild river area see the *Wild Rivers Act 2005*, schedule 2.

wild river declaration see the *Wild Rivers Act 2005*, schedule 2.

wild river high preservation area means a high preservation area under the *Wild Rivers Act 2005*.

wild river preservation area means a preservation area under the *Wild Rivers Act 2005*.’.

Schedule 1 (continued)

35 Schedule 3, definition *environmental management plan*, paragraph (c)—*insert—*

‘(iii) for, or an application for, an environmental authority (prospecting) or an environmental authority (mining claim)—means an EM plan required under section 163B.’.

Fisheries Act 1994**1 Section 55(2)—***omit, insert—*

- ‘(2) In considering the application, the chief executive must—
- (a) comply with any relevant regulation or management plan; and
 - (b) consider any applicable wild river declaration.’.

2 Part 5, division 3A, subdivision 2, after s 76D—*insert—***‘76DA Applications in relation to aquaculture and waterway barrier works in wild river areas**

- ‘(1) This section applies to a development application for—
- (a) a material change of use of premises mentioned in the *Integrated Planning Act 1997*, schedule 8, part 1, table 2, item 8; or
 - (b) operational work mentioned in the *Integrated Planning Act 1997*, schedule 8, part 1, table 4, item 6.
- ‘(2) Subsection (3) applies if any part of the application relates to development in a wild river high preservation area.
- ‘(3) Despite the *Integrated Planning Act 1997*, section 3.2.1—
- (a) the application is taken not to be a properly made application for that Act; and

Schedule 1 (continued)

- (b) the assessment manager must refuse to receive the application.
- ‘(4) Subsection (5) applies—
 - (a) to an application not refused under subsection (3); and
 - (b) to the extent the application relates to development in a wild river preservation area; and
 - (c) despite the *Integrated Planning Act 1997*, chapter 3, part 3, division 4 and sections 3.5.4, 3.5.5, 3.5.13 and 3.5.14.
- ‘(5) The assessment manager and any concurrence agency, in assessing and deciding the application, must comply with the applicable code, for the development, mentioned in the wild river declaration for the area.

‘76DB Applications in relation to marine plants in wild river areas

- ‘(1) This section applies to a development application for operational work, mentioned in the *Integrated Planning Act 1997*, schedule 8, part 1, table 4, item 8.
- ‘(2) Subsection (3) applies if any part of the application relates to operational work in a wild river area other than operational work—
 - (a) for specified works in the area; or
 - (b) that is a necessary and unavoidable part of installing or maintaining works or infrastructure required to support other development for which a development permit is not required or, if a development permit is required, the permit is held or has been applied for.
- ‘(3) Despite the *Integrated Planning Act 1997*, 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.
- ‘(4) Subsection (5) applies—

Schedule 1 (continued)

- (a) to an application not refused under subsection (3); and
 - (b) to the extent the application relates to operational work in a wild river area—
 - (i) for specified works in the area; or
 - (ii) that is a necessary and unavoidable part of installing or maintaining works or infrastructure required to support other development for which a development permit is not required or, if a development permit is required, the permit is held or has been applied for; and
 - (c) despite the *Integrated Planning Act 1997*, chapter 3, part 3, division 4 and sections 3.5.4, 3.5.5, 3.5.13 and 3.5.14.
- ‘(5) The assessment manager and any concurrence agency, in assessing and deciding the application, must comply with the applicable code, for the development, mentioned in the wild river declaration for the area.

‘76DC Applications in relation to works in declared fish habitat areas in wild river areas

- ‘(1) This section applies to a development application for—
- (a) building work mentioned in the *Integrated Planning Act 1997*, schedule 8, part 1, table 1, item 2; or
 - (b) operational work mentioned in the *Integrated Planning Act 1997*, schedule 8, part 1, table 4, item 7.
- ‘(2) Subsection (3) applies if any part of the application relates to development in a wild river high preservation area other than development for specified works.
- ‘(3) Despite the *Integrated Planning Act 1997*, 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.
- ‘(4) Subsection (5) applies—

Schedule 1 (continued)

- (a) to an application not refused under subsection (3); and
 - (b) to the extent the application relates to development—
 - (i) in a wild river preservation area; or
 - (ii) for specified works in a wild river area; and
 - (c) despite the *Integrated Planning Act 1997*, chapter 3, part 3, division 4 and sections 3.5.4, 3.5.5, 3.5.13 and 3.5.14.
- ‘(5) The assessment manager and any concurrence agency, in assessing and deciding the application, must comply with the applicable code, for the development, mentioned in the wild river declaration for the area.’.

3 Section 90(1)—

insert—

- ‘(d) release non-indigenous fisheries resources, or cause non-indigenous fisheries resources to be placed or released, in a watercourse in a wild river area.’.

4 Schedule—

insert—

‘applicable code see the *Integrated Planning Act 1997*, schedule 10.

specified works see the *Wild Rivers Act 2005*, section 48.

watercourse see the *Water Act 2000*, schedule 4.

wild river area see the *Wild Rivers Act 2005*, schedule 2.

wild river high preservation area means a high preservation area under the *Wild Rivers Act 2005*.

wild river preservation area means a preservation area under the *Wild Rivers Act 2005*.’.

Schedule 1 (continued)

Forestry Act 1959**1 Section 5—***insert—**‘lake* see the *Water Act 2000*, schedule 4.*wild river* see the *Wild Rivers Act 2005*, schedule 2.*wild river area* see the *Wild Rivers Act 2005*, schedule 2.’.**2 After section 33—***insert—***‘33A Management in a wild river area**

- ‘(1) The chief executive must prepare a management plan for the management of State forests, timber reserves and forest entitlements areas in wild river areas.
- ‘(2) In preparing the plan, the chief executive must have regard to any relevant code of practice approved under section 44A.’.

3 After section 44—*insert—***‘44A Code of practice for getting forest products in wild river areas**

- ‘(1) The chief executive may approve a code of practice for getting forest products, other than quarry material in a watercourse or lake, in a wild river area.
- ‘(2) The code must state a minimum distance either side of a wild river, or a major tributary of a wild river, within which forest products must be retained.
- ‘(3) The code may state different minimum distances for particular forest products.

Schedule 1 (continued)

‘44B Getting forest products in wild river areas

‘The chief executive must ensure that any lease, licence or permit granted, or any agreement or contract entered, for getting forest products in a wild river area requires the getting of the forest products to be in accordance with the code approved by the chief executive under section 44A for the wild river area.

Note—

See sections 55(2) and 56(2A).’.

4 Section 55—

insert—

‘(2) However, the chief executive must refuse to grant a licence for the getting of quarry material in a watercourse or lake in a wild river area.’.

5 Section 56—

insert—

‘(2A) However, the chief executive must refuse to grant a permit, licence, lease or other authority or enter an agreement or contract in relation to the getting of quarry material in a watercourse or lake in a wild river area.’.

Fossicking Act 1994**1 Section 3—**

insert—

‘*lake* see the *Water Act 2000*, schedule 4.

wild river area see the *Wild Rivers Act 2005*, schedule 2.

wild river high preservation area means a high preservation area under the *Wild Rivers Act 2005*.

Schedule 1 (continued)

wild river preservation area means a preservation area under the *Wild Rivers Act 2005*.

2 Section 3, definition *protected area*—

omit, insert—

‘protected area means—

- (a) land dedicated under the *Nature Conservation Act 1992* as—
 - (i) a National Park (Scientific); or
 - (ii) a National Park; or
 - (iii) a National Park (Aboriginal land); or
 - (iv) a National Park (Torres Strait Islander land); or
 - (v) a national park (recovery); or
 - (vi) a conservation park; or
- (b) in a wild river area, whether or not in an area mentioned in paragraph (a)—
 - (i) the wild river high preservation area; or
 - (ii) a watercourse or lake in the wild river preservation area.’.

Integrated Planning Act 1997

1 Schedule 8, part 1, table 2—

insert—

	‘For a wild river area
11	Making a material change of use of premises to the extent the premises is in a wild river area and the proposed use is for agricultural or animal husbandry activities, as defined under the <i>Wild Rivers Act 2005</i> .’.

Schedule 1 (continued)

2 Schedule 8, part 1, table 4, item 3(c), after ‘Water Act 2000’—*insert—*

‘, a wild river declaration’.

3 Schedule 8, part 1, table 4, item 3(d)—*omit, insert—*

‘(d) interfering with overland flow water in an area declared under the *Water Act 2000* to be a drainage and embankment area if the operations are declared under that Act or a wild river declaration to be assessable development.’.

4 Schedule 8, part 1, table 4—*insert—*

	‘For a wild river area
10	Operational work for agricultural or animal husbandry activities, as defined under the <i>Wild Rivers Act 2005</i> , in a wild river area if the operations are declared, under the wild river declaration for the area, to be assessable development.’.

5 Schedule 8, part 1, table 5—*insert—*

‘4	An environmentally relevant activity (other than a mining activity or a petroleum activity) for which a code of environmental compliance has been made under the <i>Environmental Protection Regulation 1998</i> , but only to the extent development for the activity is in a wild river area.’.
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6 Schedule 8, part 2, table 1, item 3, after ‘in a declared fish habitat area’—*insert—*

‘, other than in a wild river area,’.

Schedule 1 (continued)

- 7 **Schedule 8, part 2, table 2, item 1, after ‘for aquaculture’—**
 insert—
 ‘, other than in a wild river area,’.
- 8 **Schedule 8, part 2, table 4, item 1(b), after ‘*Water Act 2000*’—**
 insert—
 ‘, a wild river declaration’.
- 9 **Schedule 8, part 2, table 4, item 1(c)—**
 omit, insert—
 ‘(c) interfering with overland flow water in an area declared under the *Water Act 2000* to be a drainage and embankment area if the operations are declared under that Act or a wild river declaration to be self-assessable development.’.
- 10 **Schedule 8, part 2, table 4, item 2, after ‘a waterway barrier works’—**
 insert—
 ‘, other than in a wild river area,’.
- 11 **Schedule 8, part 2, table 4, item 3, after ‘a declared fish habitat area’—**
 insert—
 ‘, other than in a wild river area,’.
- 12 **Schedule 8, part 2, table 4, item 4, ‘marine plants if’—**
 omit, insert—
 ‘marine plants, other than in a wild river area, if’.

Schedule 1 (continued)

13 Schedule 8, part 2, table 5, item 1, after ‘1998’—*insert—*

‘, but only to the extent development for the activity is not in a wild river area’.

14 Schedule 8A, table 3, items 9 and 10, ‘1 or 2’—*omit, insert—*

‘1 and 2’.

15 Schedule 8A, table 3—*insert—*

	‘For a wild river area	
11	If tables 1 and 2 do not apply and the application is for— (a) assessable development under— (i) schedule 8, part 1, table 2, item 11; or (ii) schedule 8, part 1, table 4, item 10; and (b) no other assessable development.	Chief executive administering the <i>Wild Rivers Act 2005</i> ’.

16 Schedule 8A, table 4, items 4 to 7, ‘1, 2 or 3 does’—*omit, insert—*

‘1, 2 and 3 do’.

Schedule 1 (continued)

17 Schedule 8A, table 4—

insert—

10	If tables 1, 2 and 3 do not apply and the application is for— (a) operational work for clearing native vegetation under the <i>Vegetation Management Act 1999</i>; and (b) assessable development under— (i) schedule 8, part 1, table 2, item 11; or (ii) schedule 8, part 1, table 4, item 10; and (c) no other assessable development.	The chief executive administering the <i>Vegetation Management Act 1999</i> and the <i>Wild Rivers Act 2005</i>
11	If tables 1, 2 and 3 do not apply and the application is for— (a) operational work— (i) for taking or interfering with water under the <i>Water Act 2000</i>; or (ii) that is the construction of a referable dam under the <i>Water Act 2000</i> or that will increase the storage capacity of a referable dam by more than 10%; and (b) assessable development under— (i) schedule 8, part 1, table 2, item 11; or (ii) schedule 8, part 1, table 4, item 10; and (c) no other assessable development.	The chief executive administering the <i>Water Act 2000</i> and the <i>Wild Rivers Act 2005</i>

Schedule 1 (continued)

12	If tables 1, 2 and 3 do not apply and the application is for— (a) operational work for clearing native vegetation under the <i>Vegetation Management Act 1999</i>; and (b) operational work— (i) for taking or interfering with water under the <i>Water Act 2000</i>; or (ii) that is the construction of a referable dam under the <i>Water Act 2000</i> or that will increase the storage capacity of a referable dam by more than 10%; and (c) assessable development under— (i) schedule 8, part 1, table 2, item 11; or (ii) schedule 8, part 1, table 4, item 10; and (d) no other assessable development.	The chief executive administering the <i>Vegetation Management Act 1999</i>, the <i>Water Act 2000</i> and the <i>Wild Rivers Act 2005</i>’.
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18 Schedule 10—

insert—

‘wild river area see the *Wild Rivers Act 2005*, schedule 2.

wild river declaration see the *Wild Rivers Act 2005*, schedule 2.’.

Land Protection (Pest and Stock Route Management) Act 2002

1 Section 78(7), definition ***environmentally significant area***—

insert—

‘(h) a wild river area.’.

Schedule 1 (continued)

2 Schedule 3—*insert—**‘wild river area* see the *Wild Rivers Act 2005*, schedule 2.’.**Mineral Resources Act 1989****1 After section 381—***insert—***‘Part 10A Wild river areas****‘382 Definitions for pt 10A***‘In this part—**lake* see the *Water Act 2000*, schedule 4.*limited hand sampling techniques*, for exploration, means—

- (a) taking samples no larger than 20kg; and
- (b) for taking the samples, removing material using only non-mechanical means; and
- (c) if digging is necessary—
 - (i) digging—
 - (A) no deeper than 1m; and
 - (B) not more than 1m³; and
 - (C) along a watercourse or a tributary of a watercourse or in a lake—at places at least 250m apart; and
 - (ii) leaving, in the area where the digging has taken place, any soil or other material disturbed while taking the samples.

mining tenement see the *Wild Rivers Act 2005*, schedule 2.*person*, in relation to deciding an application under section 385 or 386, means 1 of the following—

Schedule 1 (continued)

- (a) the Governor in Council;
- (b) the Minister;
- (c) the tribunal;
- (d) a mining registrar.

proposed wild river area see the *Wild Rivers Act 2005*, schedule 2.

special agreement Act see section 735(2).

watercourse see the *Water Act 2000*, schedule 4.

wild river area see the *Wild Rivers Act 2005*, schedule 2.

wild river declaration see the *Wild Rivers Act 2005*, schedule 2.

wild river high preservation area means a high preservation area under the *Wild Rivers Act 2005*.

wild river preservation area means a preservation area under the *Wild Rivers Act 2005*.

‘383 Grant of mining tenements in wild river areas

- ‘(1) If a mining tenement, other than an exploration permit, 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) watercourses and lakes in the wild river preservation area.
- ‘(2) If an exploration permit is granted over land that includes a wild river area—
 - (a) the wild river high preservation area, other than watercourses and lakes, is excluded from the land to which the exploration permit applies; and
 - (b) to the extent the exploration permit applies to watercourses and lakes in the wild river area,

Schedule 1 (continued)

exploration may be carried out using only limited hand sampling techniques.

- ‘(3) Subsections (1) and (2) 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.
- ‘(4) Subsections (1) and (2) do not prevent a single mining tenement applying to the land not excluded under subsection (1) or (2).
- ‘(5) 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 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) watercourses and lakes 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—
 - (a) the wild river high preservation area, other than watercourses and lakes, is excluded from the land to which the renewed exploration permit applies; and
 - (b) to the extent the exploration permit applies to watercourses and lakes in the wild river area, exploration may be carried out using only limited hand sampling techniques.
- ‘(3) Subsections (1) and (2) do not apply to a mining tenement—

Schedule 1 (continued)

- (a) for a project for which a special agreement Act was enacted; and
- (b) allowed, under the special agreement Act, to be granted.
- ‘(4) Subsections (1) and (2) do not prevent a single mining tenement applying to the land not excluded under subsection (1) or (2).
- ‘(5) The holder of a mining tenement is not required to pay rental on land excluded under this section.

‘385 Amending applications for mining tenements in wild river areas

- ‘(1) This section applies for an application for a mining tenement, other than a prospecting permit, (an *original application*) over land that includes a wild river area.
- ‘(2) The applicant may apply (an *amending application*) to the mining registrar to amend the original application to exclude all or part of the wild river area from the original application.
- ‘(3) The mining registrar must, within 1 month after receiving the amending application—
 - (a) consult with the EPA administering authority about the amendment; and
 - (b) advise the applicant of anything further the applicant is required to do for the amending application to be approved.

Examples for paragraph (3)(b)—

- notify landholders who may be affected by approval of the amending application
 - submit amendments of documents submitted with the original application
- ‘(4) If the person deciding the original application is satisfied the applicant has complied with any requirement under subsection (3)(b), the person must approve the amending application.
- ‘(5) If the mining registrar receives an amending application—

Schedule 1 (continued)

- (a) the original application must not proceed until the first of the following happens—
 - (i) the amending application is approved;
 - (ii) the applicant withdraws the amending application; and
 - (b) any time limit for the original application does not include the period—
 - (i) starting when the amending application is received; and
 - (ii) ending under paragraph (a)(i) or (ii).
- ‘(6) An amendment of an original application under this section does not prevent a single mining tenement applying to the remaining land mentioned in the original application.

‘386 Addition of excluded land to mining tenement

- ‘(1) This section applies if—
- (a) a person holds a mining tenement other than a prospecting permit; and
 - (b) at the time the mining tenement was granted or renewed, land was excluded under section 383 or 384 from the land to which the mining tenement applies (the *mining tenement land*).
- ‘(2) The holder of the mining tenement may, within 12 months after the mining tenement was granted or renewed, apply to the mining registrar to include in the mining tenement land, land—
- (a) that adjoins the mining tenement land; and
 - (b) that was excluded under section 383 or 384 from the mining tenement land; and
 - (c) that would not, at the time the application is made under this section, be excluded under section 383 or 384.

Schedule 1 (continued)

- ‘(3) The application must be decided by a person authorised under this Act to decide an application for the type of mining tenement held.
- ‘(4) The person deciding the application must—
 - (a) consider whether it is appropriate to include the land in the mining tenement land, including considering—
 - (i) any objections made to the grant of the mining tenement; and
 - (ii) any relevant recommendations of the tribunal in relation to the grant of the mining tenement; and
 - (b) consult with the EPA administering authority about the application.
- ‘(5) If the person decides to approve the application, the person may—
 - (a) impose additional conditions on the mining tenement; and
 - (b) fix an amount of security to be deposited in addition to any security for the existing mining tenement.
- ‘(6) The person must not approve an application in relation to a mining claim or a mining lease, until compensation between the applicant and the owner of the land to which the application applies has been agreed or determined.
- ‘(7) Within 5 business days after the application is decided, the mining registrar must—
 - (a) notify the EPA administering authority and the mining tenement holder of the decision; and
 - (b) if the application is approved—
 - (i) amend the mining tenement to give effect to the approval; and
 - (ii) record particulars of the approval in the appropriate register.

Schedule 1 (continued)

‘386A Addition of wild river area to mining tenement

- ‘(1) A person who holds a mining tenement other than a prospecting permit may apply to include in the land to which the mining tenement applies (the *mining tenement land*), land—
 - (a) that is, or was, either—
 - (i) a proposed wild river area; or
 - (ii) a wild river area; and
 - (b) that adjoins the mining tenement land; and
 - (c) that is within the boundary of the land to which the original application for the mining tenement related.
- ‘(2) An application under this section must be made and dealt with as if it were an application under this Act for the type of mining tenement held.
- ‘(3) However, if the application is for a mining claim or a mining lease—
 - (a) the posting of a copy of a certificate of public notice on a conspicuous part of the land to which the application relates is sufficient compliance with a requirement of this Act to post a copy of the certificate on the datum post of the land; and
 - (b) the certificate of application and the certificate of public notice must state, as the number of the proposed mining claim or mining lease, the number of the existing mining claim or mining lease, together with the words ‘addition of wild river area’.
- ‘(4) Within 5 business days after the application is decided, the mining registrar must—
 - (a) notify the EPA administering authority and the mining tenement holder of the decision; and
 - (b) if the application is approved—
 - (i) amend the mining tenement to give effect to the approval; and

Schedule 1 (continued)

- (ii) record particulars of the approval in the appropriate register.

‘(5) This section does not affect the application of sections 383 and 384.’.

Nature Conservation Act 1992**1 Section 117—**

insert—

- ‘(1A) A final management plan for a protected area may be inconsistent with a wild river declaration that applies to a part or all of the protected area only to the extent the management plan provides for a greater level of protection for the area than is provided for in the declaration.’.

2 Schedule—

insert—

‘**wild river declaration** see the *Wild Rivers Act 2005*, schedule 2.’.

State Development and Public Works Organisation Act 1971**1 After section 37—**

insert—

‘37A Applications for material change of use of premises in wild river areas

- ‘(1) This section applies to the extent the application is—
- (a) for a material change of use of premises in a wild river area; and
 - (b) made to the assessment manager after the wild river declaration for the area takes effect.

Schedule 1 (continued)

- ‘(2) Despite section 37—
- (a) the information and referral stage of IDAS applies to the application; and
 - (b) the referral agencies, under the Integrated Planning Act, for the application are the referral agencies required to assess the application against—
 - (i) the applicable code, for the development, mentioned in the wild river declaration for the area; or
 - (ii) the purpose of the *Wild River Act 2005*.
- ‘(3) If there is any inconsistency between a condition the Coordinator-General’s report states must attach to the development approval and a condition imposed by a referral agency mentioned in subsection (2)(b), the referral agency’s condition prevails to the extent of the inconsistency.’

2 Section 39—

insert—

- ‘(3A) Subsections (3B) and (3C) apply to the extent the application is—
- (a) for development in a wild river area; and
 - (b) made to the assessment manager after the wild river declaration for the area takes effect.
- ‘(3B) Subsection (1)(a) does not limit the assessment manager’s power, under the Integrated Planning Act, to—
- (a) assess the application against the applicable code, for the development, mentioned in the wild river declaration for the area; and
 - (b) impose conditions inconsistent with conditions that must be attached under subsection (1)(a).
- ‘(3C) If there is any inconsistency between a condition mentioned in subsection (1)(a) and a condition imposed by the assessment manager under subsection (3B)(b), the assessment manager’s condition prevails to the extent of the inconsistency.’

Schedule 1 (continued)

3 Section 138—*insert—*

- ‘(3A) The power of the Coordinator-General under subsection (1) does not apply to a wild river area.’.

4 Schedule—*insert—*

‘applicable code see the *Integrated Planning Act 1997*, schedule 10.

material change of use see the *Integrated Planning Act 1997*, section 1.3.5.

wild river area see the *Wild Rivers Act 2005*, schedule 2.

wild river declaration see the *Wild Rivers Act 2005*, schedule 2.’.

Transport Infrastructure Act 1994**1 Section 35—***insert—*

- ‘(2) Subsection (1) does not authorise the chief executive to extract quarry material from a watercourse in a wild river area.’.

2 Section 39—*insert—*

- ‘(4) Subsection (1) does not authorise the chief executive, in a wild river area, to—
- (a) divert or construct a watercourse; or
 - (b) extract quarry material from a watercourse.’.

Schedule 1 (continued)

3 Section 167—*insert—*

- ‘(4) Subsection (1) does not authorise the chief executive, in a wild river area, to grant an approval under this section to—
- (a) divert or construct a watercourse; or
 - (b) extract quarry material from a watercourse.’.

4 Section 306—*insert—*

- ‘(3) Subsection (1) does not authorise the chief executive, in a wild river area, to—
- (a) divert or construct a watercourse; or
 - (b) extract quarry material from a watercourse.’.

5 Schedule 6—*insert—*

‘quarry material’ see the *Water Act 2000*, schedule 4.

wild river area see the *Wild Rivers Act 2005*, schedule 2.’.

Vegetation Management Act 1999**1 Section 16—***insert—*

- ‘(8) This section does not apply to a declaration of an area of high nature conservation value taken to exist under section 17(1A).’.

2 Section 17—*insert—*

Schedule 1 (continued)

- ‘(1A) A wild river high preservation area is taken to be declared to be an area of high nature conservation value under subsection (1)(a).
- ‘(2A) For an area mentioned in subsection (1A), the declared area code is the code identified in the wild river declaration for the wild river area.’.

3 Part 2, division 4—

insert—

‘19A Preparing amendment of declared area code

- ‘(1) The Minister may prepare an amendment of a declared area code.
- ‘(2) The Minister must consult with the following entities in preparing the amendment—
 - (a) an advisory committee established to advise the Minister about vegetation management;
 - (b) each local government whose area is affected by the code.
- ‘(3) The Minister must give each owner of land that is in the area to which the code applies a written notice inviting the owner to make a submission about the proposed amendment.
- ‘(4) The Minister must also give public notice of the proposed amendment.
- ‘(5) The notice must be published in a newspaper the Minister considers appropriate and state—
 - (a) where copies of the proposed amendment may be inspected; and
 - (b) that written submissions may be made by any entity about the proposed amendment; and
 - (c) the day by which submissions must be made, and the person to whom, and the place where, the submissions must be made.

Schedule 1 (continued)

‘19B Approving amendment of declared area code

- ‘(1) The Governor in Council may, by gazette notice, approve the amendment of a declared area code.
- ‘(2) The chief executive must keep a copy of the amendment available for inspection by the public—
 - (a) at the department’s head office and regional offices during office hours on business days; and
 - (b) on the department’s web site.
- ‘(3) On payment of a fee, a person may buy a copy of the amendment.
- ‘(4) The fee for a copy of the amendment must not be more than the reasonable cost of publishing the copy.
- ‘(5) The amendment is not subordinate legislation.

‘19C Minor or stated amendment of declared area code

‘The Governor in Council may amend a declared area code without section 19A applying if—

- (a) the amendment is only to correct a minor error in the code, or to make another change that is not a change of substance; or
- (b) the code states that an amendment of a stated type may be made to the code by amendment under this subsection and the amendment is of the stated type.’.

4 Section 22A—

insert—

- ‘(2A) However, a vegetation clearing application is not for a relevant purpose under this section if the development applied for is—
 - (a) mentioned in subsection (2)(a), (f), (g), (i) or (j); and
 - (b) proposed for a wild river high preservation area.’.

Schedule 1 (continued)

5 Schedule—*insert—**‘wild river area* see the *Wild Rivers Act 2005*, schedule 2.*wild river declaration* see the *Wild Rivers Act 2005*, schedule 2.*wild river high preservation area* means a high preservation area under the *Wild Rivers Act 2005*.’.**Water Act 2000****1 Section 20(6)—***omit, insert—*

- ‘(6) A person may take overland flow water or take or interfere with subartesian water for any purpose unless—
- (a) there is a moratorium notice, a water resource plan or a wild river declaration that limits or alters the water that may be taken or interfered with; or
 - (b) for subartesian water only—a regulation under section 1046 regulates the taking of or interfering with the water.’.

2 Section 46—*insert—*

- ‘(5) The draft plan, to the extent it applies to a wild river area, must not be inconsistent with the wild river declaration for the area.’.

3 Section 47—*insert—*

- ‘(ba) to the extent the draft plan applies to a wild river area—the wild river declaration for the area;’.

Schedule 1 (continued)

4 Section 55—*insert—*

‘(2A) Also, the Minister must amend a water resource plan if—

- (a) the water resource plan, to the extent it applies to a wild river area, is inconsistent with the wild river declaration for the area; and
- (b) the inconsistency is in relation to a matter mentioned in the *Wild Rivers Act 2005*, section 14(1)(h) to (l) or (2).’.

5 Section 57—*insert—*

‘(c) in relation to a wild river area—

- (i) the water resource plan, to the extent it applies to the area, is inconsistent with the wild river declaration for the area; and
- (ii) the inconsistency is in relation to a matter mentioned in the *Wild Rivers Act 2005*, section 14(1)(h) to (l) or (2); and
- (iii) the amendment is to ensure consistency with the wild river declaration.’.

6 Section 98—*insert—*

‘(6) The draft plan, to the extent it applies to a wild river area, must not be inconsistent with the wild river declaration for the area.’.

7 Section 99—*insert—*

‘(ca) to the extent the draft plan applies to a wild river area—the wild river declaration for the area;’.

Schedule 1 (continued)

8 Section 106—*insert—*

‘(c) in relation to a wild river area—

- (i) the water resource plan has been amended under section 57(c); and
- (ii) the amendment of the resource operations plan is to ensure consistency with the water resource plan as amended.’.

9 Section 205—*omit, insert—***‘205 Decisions to be in accordance with plans and declaration**

- ‘(1) If a water resource plan, a resource operations plan or a wild river declaration has been approved for an area, the chief executive must make decisions under this part in accordance with the plan or declaration.
- ‘(2) If the chief executive makes a decision under this part, in accordance with a water resource plan, a resource operations plan or a wild river declaration, the chief executive is required to give, for the decision—
 - (a) to the extent a different decision, consistent with the plan, could have been made—an information notice; or
 - (b) otherwise—a notice stating the decision and the reasons for the decision.
- ‘(3) In this section—
decision includes a part of a decision.’.

10 Section 212, hdg, after ‘plan’—*insert—*

‘or declaration’.

Schedule 1 (continued)

11 Section 212(1), ‘or a resource operations plan’—*omit, insert—*

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

12 Section 266—*insert—*

‘(4) The application is taken not to have been made if any part of the application—

(a) relates to a wild river area; and

(b) relates to an activity other than—

(i) an activity necessary to control non-native plants or declared pests in the area; or

(ii) an activity necessary for specified works in the area; or

(iii) an activity that is a necessary and unavoidable part of installing or maintaining works or infrastructure required to support other development for which a development permit is not required or, if a development permit is required, the permit is held or has been applied for.’.

13 Section 280—*insert—*

‘(3) However, if any part of the application relates to a wild river area, the application is taken not to have been made.’.

14 Section 814, after subsection (2)—*insert—*

‘(2AA) Despite subsection (2)(a)(viii)—

(a) a provision of a regulation that permits the destruction of vegetation, excavation or placing of fill if it is carried

Schedule 1 (continued)

out under a prescribed guideline does not apply to a wild river area; and

- (b) subsection (1) continues to apply to the destruction of vegetation, excavation or placing of fill in the area.

‘(2AB) Subsection (2AA) applies despite the *Wild Rivers Act 2005*, section 17(2)(b).’.

15 Section 851(2)—

omit, insert—

- ‘(2) However, if the decision for which the notice was given is in relation to a water resource plan, a resource operations plan or a wild river declaration, the interested person may appeal only to the extent a different decision, consistent with the plan or declaration, could have been made.’.

16 Section 966(1)(c)—

omit, insert—

- ‘(c) operational work in a drainage and embankment area; or’.

17 After section 966—

insert—

‘966A Applications in relation to operational work in wild river areas

- ‘(1) This section applies to a development application for operational work mentioned in the *Integrated Planning Act 1997*, schedule 8, part 1, table 4, item 3, other than paragraph (d).
- ‘(2) Subsection (3) applies if any part of the application relates to—
 - (a) operational work in a wild river high preservation area that is a dam or weir; or

Schedule 1 (continued)

- (b) other operational work in a wild river high preservation area—
 - (i) not related to a water entitlement or water permit; and
 - (ii) not for town water supply.
- ‘(3) Despite the *Integrated Planning Act 1997*, 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.
- ‘(4) Subsection (5) applies—
 - (a) to an application not refused under subsection (3); and
 - (b) to the extent the application relates to—
 - (i) operational work in a wild river preservation area; or
 - (ii) operational work, that is not a dam or weir, in a wild river high preservation area—
 - (A) related to a water entitlement or water permit; or
 - (B) for town water supply; and
 - (c) despite the *Integrated Planning Act 1997*, chapter 3, part 3, division 4 and sections 3.5.4, 3.5.5, 3.5.13 and 3.5.14.
- ‘(5) The assessment manager and any concurrence agency, in assessing and deciding the application, must comply with the applicable code, for the development, mentioned in the wild river declaration for the area.

‘966B Applications in relation to interfering with overland flow water in wild river areas

- ‘(1) This section applies to a development application for operational work mentioned in the *Integrated Planning Act 1997*, schedule 8, part 1, table 4, item 3(d).

Schedule 1 (continued)

- ‘(2) Subsection (3) applies if any part of the application relates to operational work in a wild river floodplain management area other than operational work—
 - (a) for specified works in the area; or
 - (b) stated in the wild river declaration for the area to be assessable development for which an application may be lodged.
- ‘(3) Despite the *Integrated Planning Act 1997*, 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.
- ‘(4) Subsection (5) applies—
 - (a) to an application not refused under subsection (3); and
 - (b) to the extent the application relates to operational work in a wild river floodplain management area—
 - (i) for specified works in the area; or
 - (ii) stated in the wild river declaration for the area to be assessable development for which an application may be lodged; and
 - (c) despite the *Integrated Planning Act 1997*, chapter 3, part 3, division 4 and sections 3.5.4, 3.5.5, 3.5.13 and 3.5.14.
- ‘(5) The assessment manager and any concurrence agency, in assessing and deciding the application, must comply with the applicable code, for the development, mentioned in the wild river declaration for the area.

‘966C Applications in relation to removal of quarry material in wild river areas

- ‘(1) This section applies to a development application for development mentioned in the *Integrated Planning Act 1997*, schedule 8, part 1, table 5, item 1.

Schedule 1 (continued)

- ‘(2) Subsection (3) applies if any part of the application relates to development in a wild river area.
- ‘(3) Despite the *Integrated Planning Act 1997*, 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.’.

18 Section 967(4)(c), ‘or water resource plan’—

omit, insert—

‘, water resource plan or wild river declaration’.

19 After section 1013B—

insert—

‘1013C Floodplain management areas

‘A wild river floodplain management area is taken to be a drainage and embankment area for this Act.’.

20 Section 1014(2)—

insert—

‘(gb) state a process for granting or otherwise dealing with unallocated water in a wild river area; and’.

21 Section 1046—

insert—

- ‘(8) A wild river subartesian management area is taken to be a subartesian area for this Act.’.

22 Schedule 4—

insert—

Schedule 1 (continued)

‘applicable code see the *Integrated Planning Act 1997*, schedule 10.

declared pest means a declared pest under the *Land Protection (Pest and Stock Route Management) Act 2002*.

drainage and embankment area includes a wild river floodplain management area as provided for in section 1013C.

specified works see the *Wild Rivers Act 2005*, section 48.

subartesian area includes a wild river subartesian management area as provided for in section 1046.

wild river area see the *Wild Rivers Act 2005*, schedule 2.

wild river declaration see the *Wild Rivers Act 2005*, schedule 2.

wild river floodplain management area means a floodplain management area under the *Wild Rivers Act 2005*.

wild river high preservation area means a high preservation area under the *Wild Rivers Act 2005*.

wild river preservation area means a preservation area under the *Wild Rivers Act 2005*.

wild river subartesian management area means a subartesian management area under the *Wild Rivers Act 2005*.’.

23 Schedule 4, definition *vegetation*—

omit, insert—

‘vegetation—

- (a) means native plants including trees, shrubs, bushes, seedlings, saplings and reshoots; and
- (b) for a wild river area, includes dead vegetation.’.

Schedule 2 Dictionary

section 3

activity, in relation to carrying out an activity in a wild river area, includes the construction of works.

agricultural activities—

- 1 *Agricultural activities* means—
 - (a) cultivating soil; or
 - (b) planting, gathering or harvesting a crop, including a food or fibre crop; or
 - (c) disturbing the soil to establish non-indigenous grasses, legumes or forage cultivars; or
 - (d) using the land for horticulture or viticulture.
- 2 The term does not include—
 - (a) producing agricultural products for the domestic needs of the occupants of the land; or
 - (b) baling or cutting pasture; or
 - (c) broadcasting seed to establish an improved pasture; or
 - (d) forestry activities.

amendment proposal see section 23.

amendment proposal notice see section 23.

animal husbandry activities—

- 1 *Animal husbandry activities* means—
 - (a) breeding, keeping, raising or caring for animals, for commercial purposes, that—
 - (i) rely on prepared, packaged or manufactured feed or irrigated or ponded pastures; and
 - (ii) are kept in a pen, yard, enclosure, pond, cage, shed, stables or other confined area or structure; or

Schedule 2 (continued)

- (b) establishing a feedlot, piggery or dairy.
- 2 The term does not include—
 - (a) grazing; or
 - (b) raising livestock for the domestic needs of the occupants of the land; or
 - (c) keeping livestock, for example horses, necessary for working the land; or
 - (d) aquaculture; or
 - (e) environmentally relevant activities.

applicable code see the *Integrated Planning Act 1997*, schedule 10.

appropriately qualified, for a person to whom a power under this Act may be delegated, includes having the qualifications, experience or standing appropriate to exercise the power.

Example of standing—

a person's classification level in the public service

assessment manager see the *Integrated Planning Act 1997*, section 3.1.7.

Aurukun project see section 46.

catchment includes a sub-catchment.

consultation report see section 38.

declaration proposal see section 11.

declaration proposal notice see section 11.

development application see the *Integrated Planning Act 1997*, schedule 10.

disaster management see the *Disaster Management Act 2003*, section 14.

environmentally relevant activity see the *Environmental Protection Act 1994*, section 18.

floodplain management area means an area described in a wild river declaration as a floodplain management area.

Schedule 2 (continued)

forestry activities means the growing, managing or harvesting of timber for commercial purposes.

high preservation area means the part of a wild river area described as the high preservation area in the wild river declaration for the area.

IDAS see the *Integrated Planning Act 1997*, section 3.1.1.

major tributary, of a wild river, means a major tributary mentioned in the wild river declaration for the wild river area that includes the wild river.

mining tenement means a prospecting permit, mining claim, exploration permit, mineral development licence or mining lease under the *Mineral Resources Act 1989*.

moratorium extension notice—

- (a) about a proposed wild river declaration—see section 9; or
- (b) about a proposed amendment of a wild river declaration—see section 21.

moratorium period—

- (a) for the declaration of a wild river area—see section 9; and
- (b) for the amendment of a wild river declaration—see section 21.

natural resource includes water, minerals, quarry material and native vegetation.

notice of intent—

- (a) for the declaration of a wild river area—see section 8; and
- (b) for the amendment of a wild river declaration—see section 20.

PNG pipeline project see section 47.

preservation area means the part of a wild river area described as the preservation area in the wild river declaration for the area.

Schedule 2 (continued)

properly made submission means a submission that—

- (a) is in writing and is signed by each entity who made the submission; and
- (b) is received on or before the last day for the making of the submission; and
- (c) states the name and address of each entity who made the submission; and
- (d) states the grounds of the submission and the facts and circumstances relied on in support of the grounds; and
- (e) is received by the person stated in the notice inviting the submission.

proposed wild river area means a part of the State mentioned in a notice of intent as a proposed wild river area.

publish, for a notice, means publish the notice—

- (a) in a newspaper circulating generally throughout the State; and
- (b) in a newspaper circulating, or by announcement over a radio broadcasting, generally throughout—
 - (i) for a notice about a proposed wild river declaration—the proposed wild river area to which the declaration relates; or
 - (ii) for a notice about a proposed amendment or revocation of a wild river declaration—the wild river area to which the declaration relates.

quarry material see the *Water Act 2000*, schedule 4.

resource operations plan see the *Water Act 2000*, schedule 4.

special agreement Act see the *Environmental Protection Act 1994*, section 614(2).

special feature, of a wild river area, means a special feature mentioned in the wild river declaration for the area.

specified works see section 48.

Schedule 2 (continued)

subartesian management area means an area described in a wild river declaration as a subartesian management area.

threshold limit, in relation to an activity or a natural resource, means the extent to which the activity may be carried out or the natural resource taken, for example—

- (a) the extent to which a structure may be increased; or
- (b) the amount of water that may be taken.

water resource plan see the *Water Act 2000*, schedule 4.

wild river means a river described as a wild river in a wild river declaration.

wild river area means an area declared under part 2 as a wild river area.

wild river declaration means a declaration approved under part 2.

wild river document see section 39.

wild river report see section 40.