

ATTACHMENT A
List of consultation meetings

Date	Stakeholder/Community Group	Number of representatives present	Location
18/03/2008	Cape York Land Council (CYLC)	4 people	Cairns
21/04/2008	Cook Shire Council	10 people	Cooktown
21/04/2008	Community member	1 person	Cooktown
23/04/2008	Natural Resources and Water (NRW)	6 people	Cairns
12/05/2008	NRW (Indigenous Services & Aboriginal and Torres Strait Islander Land Acts Branch - ATSILAB) & Environmental Protection Agency (Tenure Resolution)	16 people	Cairns
19/05/2008	Balkanu Cape York Development Corporation, CYLC and NRW	7 people	Cairns
5/06/2008	Department of Local Government, Sport & Recreation	7 people	Cairns
24/06/2008	Lama Lama Traditional Owners (Stewart Basin)	22 people	Coen
25/06/2008	Balkanu & Natural Resource Assessments Pty	4 people	Cairns
26/06/2008	Cook Shire Council	2 people	Cooktown
26/06/2008	Cape York Weeds and Feral Animals Program	2 people	Cooktown
9/07/2008	The Wilderness Society (TWS) & Australian Conservation Foundation (ACF)	2 people	Cairns
10/07/2008	Lockhart River Public meeting	14 people	Lockhart River

Date	Stakeholder/Community Group	Number of representatives present	Location
14/07/2008	Orchid Creek Station	1 person	Maryfarms
14/07/2008	Coen Chamber of Commerce	12 people	Coen
15/07/2008	Crystalvale Station	1 person	Coen
15/07/2008	Ayapathu Traditional Owner	1 person	Coen
16/07/2008	Merluna Station	2 people	Merluna Station
16/07/2008	Watson River Station	2 people	Watson River
17/07/2008	Wolverton Station	4 people	Wolverton
17/07/2008	Picaninny Plains	1 person	Picaninny Plains
17/07/2008	Archer River Roadhouse	3 people	Archer River Roadhouse
23/07/2008	Cook Shire Planning Staff	2 people	Cooktown
23/07/2008	Cook Shire Council	9 people	Cooktown
24/07/2008	Regional Organisation of Councils of Cape York	1 person	Cooktown
24/07/2008	Queensland Parks and Wildlife Service (QPWS)	4 people	Cooktown
24/07/2008	KULLA Executive Land Trust Meeting	28 people	Coen
24/07/2008	Cook Shire Chamber of Commerce and Tourism	6 people	Cooktown
31/07/2008	Balkanu	1 person	Cairns
1/08/2008	QPWS	1 person	Cairns
1/08/2008	Aurukun resident	1 person	Cairns
4/08/08 & 5/08/08	Balkanu	1 person	Travelled with Wild Rivers staff and attended meetings on these dates
4/08/2008	Kaanju Traditional Owner (Archer Basin)	1 person	Napranum
4/08/2008	Kaanju Traditional Owners (Archer Basin)	8 people	Napranum
4/08/2008	Kaanju Traditional Owner (Archer	2 people	Mapoon

Date	Stakeholder/Community Group	Number of representatives present	Location
	Basin)		
5/08/2008	Aurukun Shire Council	5 people	Aurukun
5/08/2008	Aurukun Council Outstations Officer	1 person	Aurukun
5/08/2008	Aurukun Bauxite Project	2 people	Aurukun
6/08/2008	Hagans Lagoon and Stony Crossing Traditional Owners	15 people	Hagans Lagoon & Stony Crossing Outstations
11/08/2008	Holroyd Station and Yarraden	3 people	Holroyd Station
12/08/2008	Kendall River Station	2 people	Kendall River Station
12/08/2008	Merapah Station	2 people	Merapah Station
14/08/2008	Southern Kaanju Traditional Owner	1 person	Travel to Rokeby from Coen
14/08/2008	Mungkan Kandju National Park Joint Management Meeting	26 people	Rokeby, Mungkan Kandju National Park
19/08/2008	Department of Tourism , Regional Development and Industry	3 people	Cairns
22/08/2008	Environmental Protection Agency (EPA)	20 people	Cairns
25/08/2008	Evergreen Fuels Ltd	3 people	Cairns
25/08/2008	Balkanu	2 people	Cairns
28/08/2008	TWS, ACF	10 people	Cairns
3/09/2008	Indigenous Pastoralists	12 people	
5/09/2008	Aurukun Wetland Charters	1 person	Cairns
1/09/2008	Mining claim holder	1 person	Coen
1/09/2008	Archer River Roadhouse	2 people	Archer River Roadhouse
2/09/2008	Mangkuma Land Trust	19 people	Lockhart River
2/09/2008	Freehold land owner	2 people	Lockhart River

Date	Stakeholder/Community Group	Number of representatives present	Location
3/09/2008	Ngaympal Traditional Owner (Lockhart Basin)	1 person	Lockhart River
3/09/2008	Kuuku Yau Traditional Owners, Ngaympal Traditional Owners (Lockhart Basin)	3 people	Lockhart River
3/09/2008	Mayor, Lockhart Aboriginal Shire Council	1 person	Lockhart River
3/09/2008	Kanjuu Traditional Owner (Lockhart Basin)	1 person	Lockhart River
4/09/2008	Kaanju Traditional Owner (Wenlock & lesser interest in Stewart Basin)	1 person	Chuulla
4/09/2008	Kulla Land Trust (Archer, Lockhart and Stewart Basins)	16 people	Coen
11/09/2008	Ankum Traditional Owner (Lockhart Basin)	1 person	Lockhart River
11/09/2008	Umpila Traditional Owners (Lockhart Basin)	2 people	Lockhart River
11/09/2008	Kuuku Yau Traditional Owner (Lockhart Basin)	1 person	Lockhart River
11/09/2008	Lockhart Aboriginal Shire Council	6 people	Lockhart River
11/09/2008	Kathanumpu Traditional Owners (Lockhart Basin)	4 people	Lockhart River
11/09/2008	Umpila Traditional Owners (Lockhart Basin)	3 people	Lockhart River
12/09/2008	Traditional Owner (Lockhart Basin)	1 person	Lockhart River
12/09/2008	Ankum Traditional Owner (Lockhart Basin)	1 person	Lockhart
12/09/2008	Kaanju Traditional Owner (Wenlock Basin)	1 person	Lockhart

Date	Stakeholder/Community Group	Number of representatives present	Location
9/09/2008	Main Roads, QPWS, NRW (tenure resolution)	11 people	Cairns
11/09/2008	Balkanu	1 person	Cairns
12/09/2008	Department of Mines and Energy	5 people	Mareeba
12/09/2008	Archer River Quarries; Bowers Transport	1 person	Mareeba
17/09/2008	Balkanu	1 person	Cairns
18/09/2008	NRW (Planning and Environment)	1 person	Townsville
18/09/2008	NRW RPP	1 person	Townsville
18/09/2008	NRW - Vegetation Management	14 people	Townsville
18/09/2008	NRW - Quarry Extraction	1 person	Townsville
19/09/2008	Main Roads/ Road Tek	4 people.	Cairns
22/09/2008	Archer River Roadhouse	3 people	Archer River Roadhouse
23/09/2008	Traditional Owner	1 person	Napranum
23/09/2008	Traditional Owner (Archer Basin)	1 person	Napranum
23/09/2008	Traditional Owner (Archer & Wenlock Basins)	2 people	Napranum
24/09/2008	Aurukun Shire Council	2 people	Aurukun
24/09/2008	Deputy Mayor & Traditional Owner (Cape Keer-weer area)	1 person	Aurukun
24/09/2008	Traditional Owners (Archer Basin)	3 people	Aurukun
25/09/2008	Traditional Owner	1 person	Aurukun

Date	Stakeholder/Community Group	Number of representatives present	Location
25/09/2008	Traditional Owner	2 people	Aurukun
25/09/2008	Aurukun Wetland Charters	1 person	Aurukun
25/09/2008	Traditional Owner	1 person	Aurukun
25/09/2008	Traditional Owners	2 people	Aurukun
25/09/2008	Traditional Owner	1 person	Aurukun
26/09/2008	SECO Resources, Mining tenement holder	1 person	Lakeland
8/10/2008	Balkanu	1 person	Cairns
9/10/10/08	Balkanu & CYLC	4 people	Cairns
10/10/2008	Road Tenure Task Force - Main Roads, QPWS, NRW (tenure resolution)	5 people	Cairns
13/10/2008	Aurukun Council Outstation Coordinator & Wik	2 people	Aurukun
14/10/2008	Wik media representative Holroyd basin Traditional Owner	2 people	Aurukun
13/10/2008	Auyapathu & Wik	1 person	Aurukun
13/10/2008	Stoney Crossing Outstation group	1 person	Aurukun
13/10/2008	Wik Traditional Owners	4 people	Aurukun
14/10/2008	Wik & Auyapathu Traditional Owners	9 people	Aurukun
14/10/2008	Wik Traditional Owner	1 person	Aurukun
14/10/2008	Wik Traditional Owner	1 person	Aurukun
15/10/2008	Wik Traditional Owners	5 people	Aurukun
15/10/2008	Wik-Mungkun & Wik Traditional Owners	4 people	Aurukun

Date	Stakeholder/Community Group	Number of representatives present	Location
16/10/2008	Traditional Owners - Wik	6 people	Aurukun
16/10/2008	Wik (Traditional Owners for North & south Kendall River ie. Holroyd basin)	5 people	Aurukun
21/10/2008	CYLC, Balkanu	5 people	Cairns
22/10/2008	Archer, Lockhart & Stewart basin Traditional Owner representatives, CYLC, Balkanu & NRW	Archer 9 people Archer & Stewart 5 people Lockhart 4 people Lockhart & Stewart 2 people, Stewart 2 people Jardine 1 person CYLC 3 people Balkanu 3 people	Cairns
28/10/2008	Traditional Owner (Lockhart Basin)	1 person	Lockhart River
28/10/2008	Small lot holder (West Claudie)	1 person	Lockhart River
28/10/2008	Umpila Traditional Owner (Lockhart basin)	1 person	Lockhart River
29/10/2008	Umpila Traditional Owner (Lockhart basin)	1 person	Lockhart River
29/10/2008	Nundah Traditional Owner (Lockhart basin)	2 people	Lockhart River
29/10/2008	Umpila Traditional Owners (Lockhart basin)	5 people	Lockhart River
29/10/2008	Traditional Owners - Claudie River	2 people	Lockhart Health Centre

Date	Stakeholder/Community Group	Number of representatives present	Location
29/10/2008	Traditional Owner (Lockhart Basin)	1 person	Lockhart River
29/10/2008	Traditional Owner (Lockhart Basin)	1 person	Lockhart River
29/10/2008	Massey River/Silver Plains Traditional Owners	2 people	Lockhart River
29/10/2008	Umpila Traditional Owner - Massey River - Rocky River	1 person	Lockhart River
29/10/2008	Uutaalnganu - 'Night Island mob' Traditional Owner	1 person	Lockhart River
30/10/2008	Kaanju Traditional Owners	2 people	Portland Roads
30/10/2008	Residents - Portland Roads	2 people	Portland Roads
30/10/2008	'Night Island Mob' Traditional Owner	1 person	Lockhart River
30/10/2008	Umpila Traditional Owner (Massey & Rocky Rivers)	1 person	Lockhart River
6/11/2008	Freehold land owner West Claudie area	1 person	Brisbane
7/11/2008	Friendly Point, Cape Sidmouth	2 people	Cairns
12/11/2008	Traditional Owner - Lockhart Basin	1 person	Yarrabah
20/11/2008	Federal Member for Leichhardt	1 person	Cairns

Ref CTS 06296/10

Senator Trish Crossin
Chair
Senate Legal and Constitutional Committee
PO Box 6100
Parliament House
CANBERRA ACT 2600

13 APR 2010

Dear Senator Crossin

I refer to your letter to the Honourable Stephen Robertson MP dated 1 April 2010. The Minister has referred your letter to me for direct reply and tabling of this information at the second hearing of the committee.

I refer to the Inquiry into the *Wild Rivers (Environmental Management) Bill 2010* and the Committee's request for information regarding development applications lodged, accepted and rejected under the *Wild Rivers Act 2005*.

Enclosed is a summary of the applications received and the decisions made.

The information is based on general data available to the department. The department has taken all measures necessary to ensure the accuracy of this data. However, it should be noted that the department is not the assessment agency for all applications and therefore the accuracy is dependant on information provided to the department by other entities. This information shows that there are no examples known of an application being refused under the provisions of the *Wild Rivers Act* in a wild river area.

Yours sincerely

SIGNED

John Bradley
Director-General

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Local Government	Council responsible for processing application	Environmental Authorities - rating	N° of applications received	No. approved	Detailed comments
Cape York / Gulf	State Government	DERM	63	N = see notes 48 granted	Of the 63 applications, 46 were granted, 15 are no longer current and 2 have decisions pending.
		Environmentally Relevant Activities	9	All approved	
		Riverine protection permits	23	All approved	
		"Vegetation management"	5	4 approved; 1 decision pending	
		Mining Tenements	78	N	# This includes grants which have occurred post declaration but for which applications may have been made prior en fire test
		Aquaculture/Literfish approvals	NIL	N/A	
	Local Government	Animal Humaneity, Agriculture	NIL	N/A	
		Loddon River Aboriginal Shire Council	N/A	N/A	
		Arundel Shire Council	N/A	N/A	
		Doornadgee Aboriginal Shire Council	N/A	N/A	
		Burke Shire Council	N/A	N/A	
		Gampahra Shire Council	N/A	N/A	
		Mt Isa City Council	Unavailable	N/A	
		Etheridge Shire Council	N/A	N/A	
		Coack Shire Council	Material Change of Use	N/A	
			1	Decision pending	

** In relation to Vegetation Management development applications, only those within the High Preservation Area of a wild river area were taken into consideration. Outside of a High P reservation Area, the Wild Rivers Act has no effect on vegetation management.

Peter Beattie & Labor

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Protecting Queensland's Natural Heritage: Wild Rivers

Queensland's pristine rivers are a precious resource.

These waterways – known as 'wild rivers' - are one of Queensland's most valuable assets. These are rivers that have almost all of their natural values intact. They're rich in heritage, and are a source of scenic beauty, recreational activity and even cultural significance.

Queensland is fortunate to retain some of the country's most important wild rivers. In the far north and north west of the state we have entire catchments that remain largely unharmed.

We want to keep it that way.

Queensland is a leader in biodiversity, and our wild rivers are home to native aquatic and terrestrial animals. They also provide refuge for native animals during dry periods.

A re-elected Beattie Government will identify and protect our wild rivers for generations to come.

We will not allow dams to be built on Queensland's wild rivers. Our wild rivers will run free.

Our commitments at a glance

A re-elected Beattie Government will introduce stand alone legislation to ensure our wild rivers are protected via:

- Allowing limited agricultural, urban and industrial development, eg small-scale "eco-friendly" tourism development would be encouraged
- Strictly limited and regulated water allocations or water extractions from wild rivers
- No new dams or weirs permitted on a wild river or its main tributaries.
- Flow control activities such as stream alignment, desnagging (other than for safety reasons) and levee banks will not be permitted
- Further developments on floodplains must not restrict floodplain flows
- Protection of associated wetlands
- No stocking of wild rivers with non-endemic species
- No use of exotic plant species in ponded pastures
- New off-stream storages to be limited in capacity, for example for stock and domestic purposes
- No new in-stream mining activities. Any out-of-stream mining in the region will be subject to Environmental Impact Assessments

The Beattie Government will honour existing agreements, permits, lease conditions and undertakings.

In cases where existing development control powers do not exist, for example in wetlands, a State Planning Policy under the *Integrated Planning Act 1997* will be used to require local governments to assess future development applications against this policy.

Catchment management

Catchment management is a vital part of protecting the health and well-being of our waterways.

Development in the catchments of our wild rivers will need to be assessed on the basis of its impact on the rivers, and managed so that any effect is minimised in order to preserve their natural values.

Building on our record

When the Beattie Government came to office in 1998, it had to address a history of:

- Over-allocation in some water systems;
- Lack of planning and foresight when establishing new water supplies;
- Inappropriate, inefficient investment in infrastructure; and
- An absence of precaution in allocating water and making water decisions.

Our water reform process is an integrated package of reform measures, such as:

- an integrated catchment management approach to water planning, monitoring and management — Water Resource Plans are being developed in every major catchment;
- active engagement in the National Action Plan on Salinity and Water Quality;
- a revised and updated legislative framework (the *Water Act 2000*); and
- extensive public consultation and education on water planning.

The focus on sustainable management of our natural resources is also cost effective. It's cheaper to preserve values than to restore lost values. It's unfair that local communities be faced with the cost of repairing degradation caused by activities outside of their control.

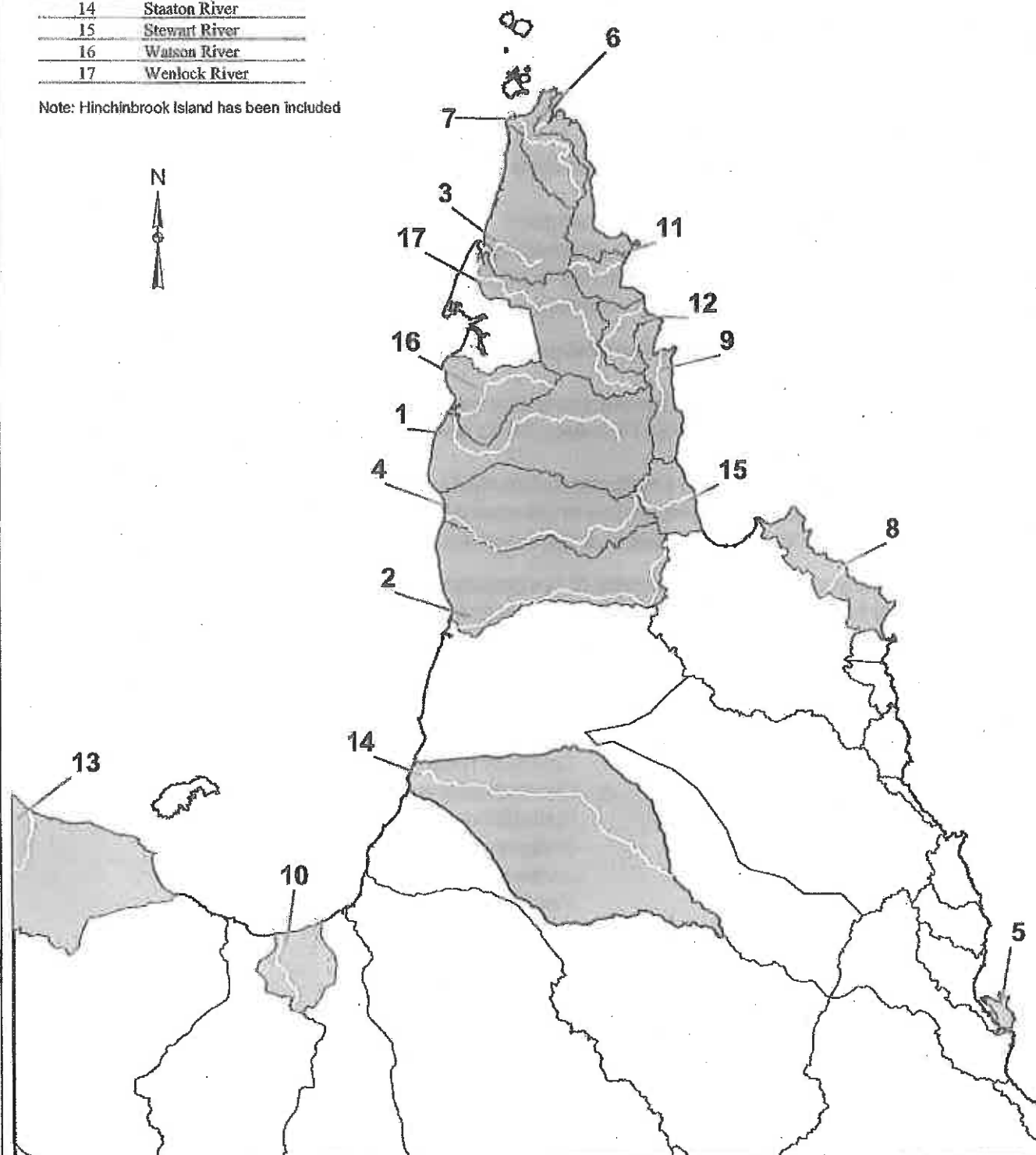
Examples of Queensland's rivers which could be designated as Wild Rivers include the following:

- | | |
|-----------------------------|-----------------------------|
| • Archer River system | Coleman River system |
| • Ducie River system | Fraser Island streams |
| • Gregory (Nicholson basin) | Hinchinbrook Island streams |
| • Holroyd River system | Jacky Jacky Creek |
| • Jardine River | Jeannie River |
| • Lockhart River | Morning Inlet streams |
| • Olive & Pascoe Rivers | Settlement Creek system |
| • Staaten River | Stewart River |
| • Watson River | Wenlock River |

Final designation of Wild Rivers will be determined through extensive community consultation and introduction of the legislation.

No.	Wild Rivers
1	Archer River
2	Coleman River
3	Ducie River
4	Holroyd River
5	Hinchinbrook Island
6	Jacky Jacky Creek
7	Jardine River
8	Jeannie River
9	Lockhart River
10	Mornington Inlet
11	Olive River
12	Pascoe River
13	Settlement Creek
14	Staaton River
15	Stewart River
16	Watson River
17	Wenlock River

Note: Hinchinbrook Island has been included



5. New activities in a wild river area

5.1 Introduction

If the Wenlock Basin Wild River Area is declared, certain types of new activity in the area will be subject to wild river requirements. These activities include the allocation of resources, such as the allocation of water and quarry materials, and developments, such as dams and feedlots.

Traditional activities

A wild river declaration will not regulate or restrict traditional Indigenous activities, such as camping, fishing, hunting, and conducting traditional ceremonies and fire management practices. Similarly, the declaration will not affect gathering plant materials and plant products, ochre and timber for traditional activities, although there may be requirements under other Acts, such as the Vegetation Management Act.

Wild river requirements only apply to certain types of new activities once a wild river area is declared. Wild river requirements will not apply to:

- activities, whether undertaken or planned, that were authorised at the time of declaration
- agriculture or animal husbandry activities that existed at the time of declaration and did not require a permit or licence when established
- activities that do not require a development permit, licence or authorisation—for example, mustering and traditional activities such as hunting and conducting ceremonies.

Depending on its type and proposed location, a new activity:

- may not be permitted
- may need to comply with wild river requirements
- may not be subject to wild river requirements.

Most new activities subject to wild river requirements in the declaration are regulated under the Integrated Planning Act. Depending on the type of development these activities fall into one of two categories, self-assessable or assessable. Self assessable development does not require a development permit but must meet mandatory requirements set out in the applicable codes. Assessable development requires a development permit, and this can only be approved if the development activity complies with the applicable codes.

Activities subject to wild river requirements that are not regulated through the Integrated Planning Act are regulated through other applicable Acts. These wild river requirements will be detailed in the relevant Act and the wild river declaration. These requirements may include consideration of the wild river declaration when deciding whether to approve or refuse these activities.

New activities that would have an adverse effect on the wild river's natural values are effectively prohibited in the high preservation area.

Activities in the preservation area are less likely to affect the wild river's natural values. Applications for new activities in the preservation area will generally be accepted, but will be subject to the wild river requirements described in the relevant Act and wild river declaration. This will ensure that development can continue and that the natural values of the wild rivers are preserved.

Those new activities that pose minimal threat to the wild river's natural values will generally have no wild river requirements.

Approvals to carry out new activities in the wild river area are still subject to existing legislative requirements. It is the responsibility of the person carrying out an activity to ensure compliance with all existing local, state and federal legislative processes. For example, an industrial development subject to

wild river requirements may also need to consider the requirements of the *Aboriginal Cultural Heritage Act 2003* and obtain necessary approvals under the Environmental Protection Act.

The wild river requirements for each relevant activity are broadly outlined in this chapter.

Native title and cultural heritage

A wild river declaration does not limit a person's right to exercise or enjoy native title. Neither does it affect the native title process.

A wild river declaration does not affect the cultural heritage in a wild river area, or the functioning and operation of the *Aboriginal Cultural Heritage Act*.

5.2 Specified works

Specified works are defined in the Wild Rivers Act. Specified works include:

- linear transport infrastructure such as roads, tracks, railways, conveyors and pipelines, including associated bridges and stream crossings
- jetties, boat ramps and piers available for public use
- linear transmission infrastructure such as powerlines and telecommunication lines, including associated stream crossings
- removal of snags in a marked navigation channel that threaten boating safety
- works to rehabilitate land, such as the removal of contaminated soil and seal abandoned mine shafts.

Applications for specified works in a wild river area may be made even if other activities are effectively prohibited in this area. For example, applications for building or operational work in declared fish habitat areas in the high preservation area will not be accepted unless for specified works. Such works are assessable and an application can only be approved if it complies with the Wild Rivers Code.

5.3 Taking of natural resources

The taking of natural resources refers to all activities that deal with the allocation of water, quarry material and forest products in the wild river area. The actual works required to take these resources are discussed in section 5.4. Wild river requirements do not apply to licences, allocations, notices and permits to take these types of resources that existed at the time of the declaration.

5.3.1 Water entitlements

Water entitlements including water licences to take water are granted under the Water Act. The granting of water entitlements must be in accordance with a water resource plan, resource operations plan or a wild river declaration if a plan or declaration has been approved for an area.

As the proposed wild river area is not within a water resource plan area, the granting of water entitlements in the proposed wild river area would be regulated by the declaration. A declaration will not affect existing water entitlements or taking water for stock⁶ or domestic⁷ purposes.

A wild river declaration limits the amount of water able to be extracted from a wild river area. These limits apply to water in watercourses⁸ or lakes, and subartesian water in a subartesian management area.

⁶ Stock purposes, as defined in the Water Act, include watering stock of a number that would normally be depastured on the land. It does not include the watering of stock held in close concentration for a purpose other than grazing.

⁷ Domestic purposes are defined in the Water Act, and include irrigating a garden up to 0.25 hectares in area for domestic use, but not for the sale, barter or exchange of goods.

These limits do not apply to overland flow water⁹, subartesian water outside a subartesian management area, or subartesian water dealt with under the *Water Resource (Great Artesian Basin) Plan 2006*.

The declaration proposal has identified a volume of water that could be made available without impacting on the natural values of the wild rivers. This volume has been divided into reserves of unallocated water, which identifies the priority of use in the wild river area.

The proposed reserves of unallocated water are as follows:

- Indigenous reserve of 5000 megalitres
- strategic reserve of 2000 megalitres
- general reserve of 1000 megalitres.

These proposed reserves are based on current basin characteristics and possible future demand. Each reserve includes water reserved for the following purposes:

- the Indigenous reserve will help Indigenous communities achieve their social and economic aspirations¹⁰
- the strategic reserve will be used for future developments of state or regional significance, for town water supplies and for ecotourism¹¹
- the general reserve will be used for all other types of future development.

Unallocated water from the reserves will be made available through a process set out in the declaration proposal.

Existing water entitlements

Rio Tinto Alcan has an existing authorisation to take and interfere with water in the Wenlock River under the *Commonwealth Aluminium Corporation Pty. Limited Agreement Act 1957* and the *Alcan Queensland Pty. Limited Agreement Act 1965* (special agreement Acts). These authorisations recognised under section 17 of the *Wild Rivers Act* are not affected by this declaration.

In recognition of the natural values of the Wenlock River, Rio Tinto Alcan and the Department of Natural Resources and Water have discussed the volume of water that Rio Tinto Alcan considers it will require to take from the Wenlock River. In these discussions, Rio Tinto have considered the need for continued economic development of the area while taking into account the aims of the *Wild Rivers Act*—that is the preservation of the natural values of the Wenlock River.

5.3.2 Quarry material allocations

Quarry material allocations are granted under the *Coastal Protection and Management Act 1995* and the *Water Act*.

Under the *Coastal Protection and Management Act*, if any part of the application for allocation of quarry material relates to a wild river area, the application is of no effect.

Applications for a new allocation of quarry material under the *Water Act* in a wild river area will be taken not to have been made unless the quarry material for the proposed allocation is to be used for specified works, or residential complexes, in the wild river area. When deciding whether to grant or refuse the allocation, the chief executive must consider the wild river declaration. The chief executive

⁸ Watercourse broadly means a river, creek or stream in which water flows permanently or intermittently in a natural channel or in an artificial channel that has changed the course of the watercourse. See the *Water Act* for a full definition.

⁹ Overland flow water is water that flows over land outside of a watercourse or lake. This covers normal rainfall runoff, water rising to the surface naturally from underground and overbank flows from a stream.

¹⁰ As provided for under the *Cape York Peninsula Heritage Act 2007*.

¹¹ Ecotourism encompasses nature-based activities that foster visitor appreciation and understanding of natural heritage and are managed to be ecologically, economically and socially sustainable.

must also be satisfied that there is no other suitable source of material not in a watercourse that is within a reasonable distance from where the specified works or the residential complex is situated.

5.3.3 Forest products

State forests, timber reserves and forest entitlements areas are regulated under the *Forestry Act 1959*.

Any lease, licence or permit granted, or any agreement or contract entered, for getting forest products in a wild river area must be in accordance with any approved code of practice, or, if a code of practice has not been approved, Part 11 of the Wild Rivers Code. Where there are inconsistencies between the approved code of practice and Part 11 of the Wild Rivers Code, then the code that gives the greater level of protection prevails.

A code of practice may be approved for getting forest products (for example, the felling or removal of log timber or whole trees or shrubs (e.g. sandalwood) from state land) in a wild river area. The code must state minimum distances either side of a wild river or major tributary within which forest products must be retained. It must also be consistent with achieving the purpose of the Wild Rivers Act. It may include different minimum distances for particular forest products.

In a wild river area, a management plan must be prepared for the management of state forests, timber reserves and forest entitlements areas. The preparation of the plan must have regard to any code of practice approved for getting forest products in a wild river area and be consistent with the wild river declaration.

Private forestry on freehold land will continue to be regulated through the Vegetation Management Act.

5.4 Regulating new activities

This section outlines those activities that may be regulated or prohibited if the proposed wild river area is declared.

Carrying out water works

5.4.1 Taking or interfering with water in a watercourse, lake or spring

Works that allow the taking of, or interfering with, water in a watercourse, lake or spring are regulated under the Water Act.

Works that allow the taking of water in a watercourse, lake or spring are those constructed for the purpose of extracting water for any use and include pumps, gravity diversion channels and pipes.

Operational works that allow the taking of water in a watercourse, lake or spring are:

- self-assessable development—for stock or domestic purposes. No development permit is required, but the works must comply with the existing Self-assessable Code for the Development of Riparian Water Access Works on a Watercourse, Lake or Spring, as listed in the Water Regulation 2002.
- assessable development—for purposes other than stock or domestic, or stock or domestic works that do not meet the self-assessable code. A development permit is required and applications must comply with existing requirements under the Water Act. There are no wild river requirements.

Works that allow the interfering with water in a watercourse, lake or spring include works that store or significantly impede the flow of water, or redirect the flow away from its natural channel. These may include dams or weirs, and stream diversions or realignment.¹²

Operational works that allow the interfering with the flow of water in a watercourse lake or spring are assessable development. A development permit is required and applications must comply with the existing requirements under the Water Act.

¹² Stream diversion or realignment includes moving a channel, redirecting water through a new channel, and excavating the banks of a watercourse in stages to result in the redirection of flow. It also includes canal developments.

However, applications for the following operational works will be taken to be not properly made:

- works that interfere in a high preservation area
- works, apart from dams and weirs, that interfere in a nominated waterway in a preservation area (that is, applications can be made for dams and/or weirs in a nominated waterway).

Outside the high preservation area and nominated waterways, there are no wild river constraints on such works.

In a wild river area, the Transport Infrastructure Act does not authorise the diversion of a watercourse for road works, railways or busway transport infrastructure.

5.4.2 Works for taking overland flow water

Works that allow the taking of overland flow water are regulated under the Water Act. These include:

- storages such as gully dams and ring tanks, where overland flow is pumped from a sump
- sumps, drains, pumps and channels for taking water
- any storage connected to another storage that takes overland flow water, and infrastructure such as pumps and drains used to make the initial connection between storages
- levees and diversion banks used to direct water into storage, or increase the amount of water that infiltrates the soil—for example, levees designed to increase beneficial flooding.

Operational works that allow the taking of overland flow water for stock and domestic purposes and which complies with Part 6A of the Wild Rivers Code will be self-assessable in a high preservation area and floodplain management area.

Applications for operational works that allow the taking of overland flow water in the high preservation area and floodplain management area will be assessable, and can only be approved if they comply with Part 6B of the Wild Rivers Code. Applications for such works in the high preservation area will not be accepted unless for stock and domestic purposes.

There will be no wild rivers requirements for operational work that allows the taking of overland flow in a preservation area, unless it overlaps with the floodplain management area.

Existing overland flow works and the repair and maintenance of existing overland flow works or works constructed under a development permit will have no wild river requirements.¹³

5.4.3 Works for interfering with overland flow water

Works that allow the interfering with overland flow water are regulated under the Water Act. These include works that divert or drain overland flow water away from and to an area, but do not result in water use. They may include levees, diversions, drains, bunds, and ring tanks that interfere with overland flow water. Wild river requirements only apply to operational work that allows the interfering with overland flow water in a floodplain management area.

Operational work that allows the interfering with overland flow water in the floodplain management area will be self-assessable if it complies with Part 7A of the Wild Rivers Code and is for one of the following:

- a borrow pit that is no greater than 500 mm deep
- a levee or other solid earth work for a commercial or industrial development; or a non-domestic agricultural building that is not for specified works; or an off-stream storage for storing water taken from a watercourse, lake, spring or aquifer.

¹³ Existing overland flow works are those that already exist or that were started on the date the declaration takes effect.

Applications for operational work that allows the interfering with overland flow water in the floodplain management area will not be accepted, unless for the following, which will be assessable:

- specified works
- an off-stream storage for storing water taken from a watercourse, lake, spring or aquifer
- a levee or other solid earth work for a commercial or industrial development; or a non-domestic agricultural building that does not comply with the requirements of the self-assessable code.

Assessable development can only be approved if it complies with Part 7B of the Wild Rivers Code.

The following works have no wild river requirements:

- existing overland flow works
- a stock yard or fence
- an open drain or trench that is, on average, at a depth of less than 300 mm below ground
- works for a residential complex that is not for specified works or an off-stream storage for storing water taken from a watercourse, lake, spring or aquifer
- the repair and maintenance of the following works if the design or capacity is not altered—
 - existing overland flow works
 - works constructed under a development permit.

Works that are not stated above as self-assessable, assessable or having no wild river requirements are effectively prohibited in the floodplain management area.

5.4.4 Works for taking subartesian water

Works that allow the taking of subartesian water are regulated under the Water Act.

There will be no wild river requirements for operational works that allow the taking of subartesian water in the wild river area.

In-stream works and activities

5.4.5 Destroying vegetation, excavating or placing fill in a watercourse, lake or spring

Destroying vegetation, excavating or placing fill in a watercourse, lake or spring is regulated under the Water Act. A riverine protection permit must be granted under the Water Act before these activities can occur. When deciding whether to approve an application for a riverine protection permit in a wild river area, the chief executive must consider the declaration and Part 9 of the Wild Rivers Code.

Applications for riverine protection permits in a high-preservation area or nominated waterway in a preservation area will be taken not to have been made unless for the following activities:

- to control non-native plants or declared pests in the area
- specified works
- an unavoidable activity necessary for installing or maintaining works required to support development where a development permit is not required, applied for, or held prior to the declaration.

5.4.6 Riverine quarry material extraction

Riverine quarry material extraction works located in a watercourse are regulated under the Water Act.¹⁴

Applications for removing quarry material from a watercourse or lake in a wild river area are assessable. Applications can only be approved if an allocation notice is held and the application complies with Part 10 of the Wild Rivers Code.

5.4.7 Waterway barrier works

Waterway barrier works are regulated under the *Fisheries Act 1994*. Waterway barrier works are defined under the Fisheries Act as a dam, weir or other barrier across a waterway that limits fish stock access and movement along a waterway.

Applications for constructing or raising waterway barrier works in a high preservation area will not be accepted. Applications in a preservation area are assessable and can only be approved if they comply with Part 8 of the Wild Rivers Code.

5.4.8 Works in declared fish habitat areas

Fish habitat areas are declared and regulated under the Fisheries Act.

The following building or operational work in declared fish habitat areas are defined as self-assessable under the Integrated Planning Act:

- the maintenance of existing structures
- educational or research purposes
- monitoring the impact of development on the declared fish habitat area
- the construction or placement of certain structures (if impact on the fish habitat area is minor)
- public benefit works (for operational work only).

These self-assessable activities will have no wild river requirements.

Applications for building or operational work in the declared fish habitat area, not defined as self-assessable under the Integrated Planning Act, can only be approved in the wild river area if they comply with Part 4 of the Wild Rivers Code. In the high preservation area, applications will not be accepted unless for specified works.

There are no declared fish habitat areas within the proposed wild river area.

¹⁴ Watercourse is defined under the Water Act as meaning:

A river, creek or stream in which water flows permanently or intermittently:

- (a) in a natural channel, whether artificially improved or not, or
- (b) in an artificial channel that has changed the course of the watercourse

but, in any case,

(c) unless a regulation under paragraph (d), (e) or (f) declares otherwise—at every place upstream of the point (point A) to which the high spring tide ordinarily flows and reflows, whether due to a natural cause or to an artificial barrier, or

(d) if a regulation has declared an upstream limit for the watercourse—the part of the river, creek or stream between the upstream limit and point A, or

(e) if a regulation has declared a downstream limit for the watercourse—the part of the river, creek or stream upstream of the limit, or

(f) if a regulation has declared an upstream and a downstream limit for the watercourse—the part of the river, creek or stream between the upstream and the downstream limits.

5.4.9 Transport infrastructure

Works carried out for transport infrastructure are regulated under the *Transport Infrastructure Act 1994*. The Transport Infrastructure Act does not authorise diverting or constructing a watercourse or extracting quarry material in a wild river area.

Activities in tidal areas

5.4.10 Removal, destruction or damage of marine plants

The removal, destruction or damage of marine plants is regulated under the Fisheries Act.

The following operational work is defined as self-assessable under the Integrated Planning Act:

- the maintenance of existing structures
- educational or research purposes
- monitoring the impact of development on marine plants
- the construction or placement of certain structures
- public benefit works.

These self assessable activities will have no wild river requirements.

Applications for operational work for the removal, destruction or damage of marine plants, alive or dead—not defined as self-assessable under the Integrated Planning Act—in the wild river area will not be accepted unless they are for:

- specified works
- activities necessary to install or maintain authorised works or infrastructure where a development permit is not required, is held, or has been applied for.

Operational work for these purposes will be assessable development and can only be approved if they comply with Part 4 of the Wild Rivers Code.

5.4.11 Works in a coastal management district

Operational work in a coastal management district is regulated under the Coastal Protection and Management Act.

Applications for operational work in a coastal management district in a wild river area must be refused unless the application is for specified works. Applications for specified works are assessable and can only be approved if they comply with Part 4 of the Wild Rivers Code.

5.4.12 Dredge management plans

Dredge management plans are regulated under the Coastal Protection and Management Act.

A person preparing a dredge management plan in a wild river area must consider the wild river declaration.

A dredge management plan may be approved if the chief executive is satisfied that the removal of quarry material and the placement and disposal of spoil under the plan does not adversely affect the management of the wild river area.

In renewing a dredge management plan in a wild river area, the plan must consider the wild river declaration.

Mining and petroleum activities

Mining and petroleum activities are regulated under various Acts including the:

- *Environmental Protection Act 1994*
- *Fossicking Act 1994*
- *Mineral Resources Act 1989*
- *Petroleum and Gas (Production and Safety) Act 2004*.

5.4.13 Granting and renewal of mining tenements

Mining tenements under the Mineral Resources Act include:

- exploration permits
- mining leases
- mineral development licences
- mining claims
- prospecting permits.

For the granting or renewal of an exploration permit:

- only low-impact exploration activities, as defined under the Mineral Resources Act, are permitted in a high preservation area outside of a watercourse or lake
- only limited hand sampling techniques¹⁵ are permitted in a watercourse or lake in a high preservation area or a nominated waterway.

For the granting or renewal of mining leases:

- activities must not occur on the surface in a high preservation area
- activities can only occur on the surface in a nominated waterway if the mining lease is or is part of a project of state significance and the report evaluating the environmental impact statement demonstrates that:
 - the relevant natural values will be preserved
 - it is not reasonably feasible for the resource to be taken via underground mining
 - the value of the resource is sufficient to warrant the grant of a mining lease over the nominated waterway.

For mineral development licences:

- a mineral development licence cannot be granted or renewed over land in a high preservation area or a nominated waterway.

For mining claims:

- a mining claim cannot be granted over land in a high preservation area or a nominated waterway
- there are no wild river requirements for the renewal of mining claims.

For prospecting permits:

- a prospecting permit cannot be granted or renewed over land in a high preservation area or a nominated waterway.

5.4.14 Conditions on mining tenements

The declaration sets out conditions that can be placed on the grant of mining tenements. These are as follows:

For exploration permits:

- activity in the high preservation area must not occur within 100 lateral metres of a watercourse or lake for that part of the tenement granted over the high preservation area.
- activity in the preservation area must not occur within 50 lateral metres of a nominated waterway.

For mining leases:

- activity in the preservation area must not occur within 100 lateral metres of a nominated waterway.

¹⁵ Limited hand sampling techniques for exploration broadly means taking samples up to 20 kg using non-mechanical means, no deeper than 1 m and at places at least 250 m apart.

For mineral development licences:

- activity in the preservation area must not occur within 50 lateral metres of a nominated waterway.

For mining claims:

- activity in a preservation area must not occur within 20 lateral metres of a nominated waterway.

For prospecting permits:

- activity in a preservation area must not occur within 20 lateral metres of a nominated waterway.

5.4.15 Environmental authority (mining activities)

Mining activities carried out in the wild river area, except those relating to prospecting permits, mining claims and exploration permits (in the preservation area), must be Level 1 mining projects as defined under the Environmental Protection Act. All Level 1 mining projects are non-code compliant (under the Environmental Protection Act), require an environmental management plan and may require an environmental impact statement.

Mining activities carried out in the wild river area, relating to prospecting permits and mining claims will generally be Level 2 mining projects as defined under the Environmental Protection Act. Level 2 mining projects are either code compliant or non-code compliant and wild river requirements only apply to non-code compliant Level 2 mining projects. Non-code compliant Level 2 mining activities that are an environmental authority for prospecting and mining claims in the wild river area may require an environmental management plan.

Mining activities carried out in a wild river area relating to exploration permits in the preservation area may be a Level 1 or Level 2 mining project depending on the environmental impact.

Level 1 mining projects

When deciding if an environmental impact statement is required, the administering authority must consider the wild river declaration. An environmental impact statement is required for mining activities below the surface of the proposed high preservation area or under a nominated waterway.

Where an environmental impact statement is to be conducted for a mining activity under the high preservation area or under a nominated waterway, the draft terms of reference must include a statement of how the proponent proposes to decide the minimum depth below the surface under which the activity can be carried out. It must also address matters the wild river declaration states must be included in the draft terms of reference. The following matters are proposed to be included in the wild river declaration:

- how the activity will occur in a way to minimise any impacts on and help preserve the relevant natural values
- how the activity will occur at a sufficient depth so that there will be no collapse or subsidence of the land above
- how there will be minimal impact on hydraulic connections between groundwater and nearby rivers and streams in the high preservation area or nominated waterway
- how there will be no contamination of the groundwater.

An environmental management plan is required for all non-code compliant Level 1 mining projects.

The administering authority can impose additional conditions on an environmental authority.

When deciding whether to impose additional conditions on non-code compliant Level 1 mining projects which are not mining leases, the administering authority must consider the wild river declaration. In doing so, if the tenure covers all or part of a high preservation area or nominated waterway, the administering authority should consider the potential for contaminated wastewater to enter receiving waters and the impact of contaminated wastewater on the relevant natural values.

When fixing proposed conditions for the draft environmental authority for non-code compliant Level 1 mining projects that are mining leases, the administering authority must consider the wild river declaration. In doing so, if the tenure covers all or part of a high preservation area or nominated waterway, the administering authority must consider the potential for:

- contaminated wastewater to enter receiving waters
- the impact of contaminated wastewater on the relevant natural values
- if mining underground:
 - impacts on the relevant natural values
 - collapse or subsidence of the land above
 - impacts on hydraulic connections between groundwater aquifers and watercourses and lakes in the high preservation area or nominated waterway
 - contamination of hydraulically linked groundwater.

Level 2 mining projects

When deciding if an environmental management plan is required for a non-code compliant application for an environmental authority for prospecting permits and mining claims the administering authority must consider the wild river declaration.

The administering authority can also impose additional conditions on an environmental authority. When deciding whether to impose additional conditions on non-code compliant Level 2 mining projects (other than a mining claim or mining lease), the administering authority must consider the wild river declaration. In doing so the administering authority must consider the potential for contaminated wastewater to enter receiving waters and the impact of contaminated wastewater on the relevant natural values.

When deciding whether to grant or refuse an environmental authority, the administering authority must consider the wild river declaration.

5.4.16 Fossicking

New fossicking licences under the Fossicking Act will not be granted in a high preservation area or nominated waterway. There are no wild river requirements for fossicking in a preservation area outside of a nominated waterway.

5.4.17 Environmental authority (petroleum activity)

For a code compliant petroleum activity the conditions stated in a wild river declaration are applicable codes.

For a non-code compliant Level 1 or Level 2 petroleum activity in a wild river area, the administering authority must consider the wild river declaration when deciding to grant or refuse an application for the authority. The administering authority may also impose conditions on the environmental authority including conditions stated in a wild river declaration.

The following conditions are proposed to apply to new petroleum activities in the wild river area:

In a high preservation area:

- a Level 1 petroleum activity must not occur within 1 km of a watercourse or lake
- a Level 2 petroleum activity must not occur within 200 m of a watercourse or lake.

In the preservation area:

- a petroleum activity must not occur within 100 m of a nominated waterway.

5.4.18 Residential, commercial and industrial development

Residential, commercial and industrial developments are regulated through local government planning schemes or the Integrated Planning Act.

Where the development is assessable through these mechanisms, applications for a material change of use of premises or operational work for the reconfiguration of a lot in a wild river area must comply with Part 5 of the Wild Rivers Code. These requirements relate to preserving the wild river's natural values. Note: This part of the Code does not apply to applications that relate to land within a designated urban area.

There are no wild river requirements for development that is reconfiguring a lot. Also, wild river requirements do not apply to building, plumbing or drainage works.

Outstations and other buildings

New outstations and other buildings including houses, cottages and sheds, can be erected in a wild river area. These will only be subject to the Wild Rivers Code if a development permit is required by the local council.

5.4.19 Protected area management plans

Protected area management plans are regulated under the *Nature Conservation Act 1992*.

A final management plan for a protected area (such as a national park) must provide the same or greater level of protection for the area that is provided for in the wild river declaration.

5.4.20 Master planned area

Master planned areas are identified under the Integrated Planning Act.

A wild river area cannot be included in a master planned area.

Fishing and aquaculture

5.4.21 Applications for authorities under the Fisheries Act

Authorities such as licences, permits or resource allocations are regulated under the Fisheries Act.

When considering the application for the issue of an authority (for example a commercial fishing licence) in a wild river area, the declaration must be considered.

5.4.22 Aquaculture

Aquaculture that is not an environmentally relevant activity (ERA) is regulated under the Fisheries Act.¹⁶

Applications for a material change of use of premises for non-ERA aquaculture in a high-preservation area will not be accepted. Applications in a preservation area are assessable and can only be approved if they comply with Part 2 of the Wild Rivers Code.

Aquaculture that is an environmentally relevant activity is regulated under the Environmental Protection Act. Requirements for environmentally relevant activities are described in section 5.4.28.

5.4.23 Release of non-indigenous fisheries resources

The release and possession of non-indigenous fisheries resources is regulated under the Fisheries Act.

Under the Fisheries Act, non-indigenous fisheries resources must not be released or placed in a waterway or lake in a wild river area.

Recreational fishing and fish stocking

A wild river declaration does not impose additional restrictions on recreational fishing or affect existing fishing laws related to catch limits or equipment.

A wild river declaration does not regulate or restrict the building of fish traps using traditional methods provided these do not permanently impound water.

¹⁶ Aquaculture may be considered an ERA depending on the size of impoundments and whether wastes are released to waters.

Recreational activities

A wild river declaration does not regulate or restrict boating, camping or other recreational activities. This includes the small-scale storage of fuel and refuelling of boats within or near rivers and lakes.

Agricultural and animal husbandry activities

5.4.24 Agricultural activities

Agricultural activities are defined and regulated under the Wild Rivers Act.

Agricultural activities involve the establishment of new plant production areas, other than forestry for commercial purposes, or the expansion of existing areas. This includes developments such as cropped areas and orchards. It also includes the production of high- and moderate-risk species (see section 5.4.25).

The following are not considered agricultural activities:

- producing agricultural products for the domestic needs of the occupants of the land¹⁷
- baling or cutting pasture
- broadcasting seed to establish improved pasture
- improving pasture using low-impact soil disturbance techniques such as direct drilling and crocodile seeders, provided no high- or moderate-risk pasture species are used
- production of pasture or grain species for animal feed in a preservation area where a development permit is not required, provided no high- or moderate-risk species are used
- forestry activities.

Applications for agricultural activities in a high preservation area and in relation to the production of high-risk species in the preservation area will not be accepted.

Applications for agricultural activities in the preservation area, including the use of moderate-risk species, are assessable and can only be approved if they comply with Part 1 of the Wild Rivers Code.

Existing agricultural activities are not subject to wild river requirements. Where crop rotation practices are currently used, all areas included in the rotation scheme are considered part of that existing agricultural activity.

5.4.25 High- and moderate-risk species

High- and moderate-risk species, as discussed in section 5.4.24 are defined under the Wild Rivers Act.¹⁸

The listing of high-risk or moderate-risk species seeks to minimise their potential adverse effects on the relevant natural values of the wild river area. These species will be assessed based on their:

- potential invasive characteristics
- history as a major weed in similar climatic conditions
- potential to adversely affect the wild river's natural values.

High-risk species are those deemed to pose a significant threat to the wild river's natural values and their use is not permitted throughout the wild river area.

Moderate-risk species are those deemed to pose a moderate risk to the wild river's natural values. Establishing a new area of cultivation for planting a species that is a moderate risk species is not permitted in the high preservation area. The use of a moderate risk species in a new area of cultivation may be permitted in the preservation area provided the activity complies with wild river requirements.

¹⁷ See the definition of agricultural activities in the glossary.

¹⁸ No risk species have been proposed at this stage. Risk species will be determined in the future following appropriate consultation.

5.4.26 Animal husbandry activities

Animal husbandry activities¹⁹ are defined and regulated under the Wild Rivers Act.

Applications for making a material change of use of premises or operational work for animal husbandry activities in a high preservation area will not be accepted. Applications for a material change of use of premises in a preservation area are assessable and can only be approved if they comply with Part 1 of the Wild Rivers Code. Operational work for animal husbandry activities in the preservation area will have no Wild Rivers Code requirements.

Grazing

There are no wild river requirements for the grazing of livestock on pastures or near rivers in a wild river area, and there are no restrictions on providing supplementary feed such as salt licks or hay. However, associated activities such as native vegetation clearing in a high preservation area may be subject to wild river requirements.

Activities associated with normal grazing practice, such as building stock dams and river crossings, are dealt with in other sections.

5.4.27 Native vegetation clearing

Native vegetation clearing is regulated under the Vegetation Management Act.

Applications for native vegetation clearing in a wild river high preservation area will not be accepted unless for the following relevant purposes, which are assessable:

- to control non-native plants
- to ensure public safety
- for establishing a necessary fence, firebreak, road or vehicular track, or for constructing necessary built infrastructure, if there is no suitable alternative site
- a natural and ordinary consequence of other approved assessable development or proposed development for which an application was made before 16 May 2003
- for clearing encroachment²⁰
- in an urban area under the *Urban Land Development Authority Act 2007*
- for clearing regrowth in an area shown as a registered area of agriculture on a registered area of agriculture map.²¹

Applications for relevant purposes in the high preservation area can only be approved if they comply with Part 12 of the Wild Rivers Code.

No wild river requirements apply in the preservation area; however Vegetation Management Act provisions may apply.

¹⁹ See the definition of animal husbandry activities in the glossary.

²⁰ Encroachment means a woody species which has invaded a regional grassland ecosystem to the extent that the area is no longer consistent with the description of the regional ecosystem.

²¹ A registered area of agriculture map is defined in the Vegetation Management Act.

Control of weeds and pests

No wild river requirements apply to the control of declared non-native weeds and pests in a wild river area. However, if native vegetation must be cleared or destroyed as a consequence, an authorisation may be required.

Pest control notices are issued under the *Land Protection (Pest and Stock Route Management) Act 2002*. Ordinarily a pest control notice can be issued for a class 1 or class 2 pest. In some circumstances, because a wild river area is considered an environmentally significant area under that Act, a notice may also be issued for a class 3 pest.

5.4.28 Environmentally relevant activities

Environmentally relevant activities (ERAs) are regulated under the Environmental Protection Act. ERAs are usually industrial-type activities with the potential to release contaminants into the environment—for example, chemical processing, waste treatment, aquaculture activities and extracting rock and other material. A full list of environmentally relevant activities is included in the *Environmental Protection Regulation 1998*, Schedule 1.

Applications for a material change of use of premises for an ERA in a high-preservation area will not be accepted unless for the following purposes, which are assessable²²:

- Level 2 ERA 11 (crude oil or petroleum product storage for residential complexes)
- ERA 15 (sewage treatment) or ERA 16 (water treatment), if no viable location exists outside the high-preservation area
- ERA 19 (dredging material)
- ERA 20 (extracting rock or other material) outside a stream if the activity is low-impact and is for specified works or residential complexes²³
- ERA 22 (screening) outside a stream and for specified works or residential complexes.

Applications for a material change of use of premises for an ERA in a preservation area will be assessable. However, applications for ERA 20 will not be accepted where an allocation notice is not held. Additionally, if in a floodplain management area, the application for ERA 20 will not be accepted unless the activity is outside a stream, is low-impact, and is for specified works or residential complexes.

Applications for assessable development can only be approved if they comply with the Wild Rivers Code as follows:

- ERA 19 and ERA 20 for riverine quarry material extraction must comply with Part 10 of the Wild Rivers Code
- all other assessable ERAs must comply with Part 3 of the Wild Rivers Code.

ERA 15 and ERA 16 have no wild river requirements in a designated urban area, even if located within a high-preservation area.

The following ERAs are exempt environmentally relevant activities. These ERAs also have no wild river requirements in a designated urban area, even if located within a high-preservation area²⁴:

- ERA 14 (crematorium)
- ERA 28 (motor vehicle workshop)
- all Level 2 ERAs except:
 - ERA 1 (aquaculture)

²² Some activities may not have any wild river requirements if they are located in a designated urban area.

²³ Low-impact activity is defined under the Environmental Protection Act and means a borrow pit of not more than 10 000 m³.

²⁴ Exempt environmentally relevant activities are defined under the Environmental Protection Act.

- ERA 2 (cattle feedlotting)
- ERA 3 (pig farming)
- ERA 4 (poultry farming)
- ERA 20 (extraction)
- ERA 22 (screening)
- ERA 59 (asphalt manufacturing).

Note: Amendments to the *Environmental Protection Act 1994*, section 73AA and the new *Environmental Protection Regulation 2008* take effect on 1 January 2009. Relevant amendments are summarised in Appendix B.

5.5 Property development plans

A wild river property development plan is approved under the Wild Rivers Act. A property development plan is an outline of all development planned to be carried out over the next 10 years for the part of the property within a wild river area. Such plans are only needed if the planned development is not permitted under an existing wild river declaration. If a property development plan is approved, it will be used by the minister to propose an amendment to the wild river declaration in order to accommodate the proposed development. Details of the proposed amendment will be made public, and submissions will be accepted. These will be taken into account before the minister makes a final decision to amend the declaration. Each development under a property development plan would still require approval under relevant legislation for that type of development, and must comply with the requirements of the Wild Rivers Code.

A property development plan should include:

- the name of the wild river area
- the proposed development on the property within the wild river area, where the development is to occur, and over what time period
- a description of the property, both within and outside of the wild river area
- any existing development on the property within the wild river area—for example, crop areas and dams
- the type and location of vegetation communities on the property within the wild river area
- the reason why the proposed development cannot be undertaken without the wild river declaration being amended
- the likely adverse effects the proposed development will cause to the wild river's natural values, and how these will mitigated
- details of any proposed works on the property within the wild river area to enhance the wild river's natural values
- details of any other restrictions or approvals necessary for the development.

To approve the plan and subsequently propose to amend the declaration, the minister must be satisfied that:

- the development cannot be reasonably carried out without amending the declaration
- it is likely that the developments and works will be carried out within 10 years of approval
- the development and works will not have an overall adverse effect on the wild river's natural values
- the environmental benefits of the plan justify its approval.

If the declaration is amended, the property development plan can be implemented and all development on the part of the property within the wild river area must be consistent with the plan. For example, if the property development plan proposed to establish crops in an area, other forms of development would not be permitted in that area.

6. Reporting

The department will report on each wild river declaration every five years. As stated in the Wild Rivers Act, the report will include:

- any changes made to the declaration
- a summary of the findings of the department's research that relate to the wild river area.

The report may include a summary of the findings of other departments' research and monitoring that relates to the wild river area.

For the Wenlock Basin Wild River Declaration, the minister will release a public report within 6 months following the 5 year reporting period. The report may recommend changes to the declaration to better achieve the Act's purpose.

CTS 02637/09

Department of Environment and Resource Management
MINISTERIAL BRIEFING NOTE

TO: The Honourable Minister

THROUGH: Acting Director-General *Obust 1.04.09*
Deputy Director, General Water and Catchment Division
Obust 1.04.09

FROM: General Manager, Water Allocation and Planning

SUBJECT: The wild river declarations for the Archer, Stewart and Lockhart Basins and Governor-in-Council documents for approval to declare three wild river areas.

AdvisorOK
Dated	/ /
Approved/Not Approved/Noted	
Further information required	
Minister	<i>[Signature]</i>
Dated	1 14 9

RECOMMENDATION

It is recommended that the Minister:

- **Approve** the declarations of the Archer basin, Stewart basin and Lockhart basin as wild river areas, and the progression of documents to the Governor-in-Council for final approval and gazettal, and
- **Note** the submissions and results of consultation on the three declaration proposals for the mentioned basin areas.

BACKGROUND

The Archer, Lockhart and Stewart basins were proposed as wild river areas by Notices of Intent effective from 23 July 2008. At this public announcement, declaration proposals were released and the public and interested parties were invited to make submissions on the declaration proposals. The submission period for all three basins closed on 21 November 2008.

The Minister received 3602 submissions, with 2826 submissions considered to be properly made.

Section 15 of the *Wild Rivers Act 2005* (the Act) states that the Minister may declare an area to be a wild river area after considering:

- the results of community consultation on the declaration proposals
- all properly made submissions about the declaration proposals, and
- any water resources plan or resource operations plan that applies to all or part of the proposed wild river area.

No water resource plan or resource operations plans apply to any part of the three proposed wild river area.

Attached is a list of all submissions and the outcomes of the consultation meetings (Attachment E). Also attached is a discussion paper which summarises the results of the consultation process and changes to the declarations as a result of consultations and submissions (Attachment A). A table of issues raised during the consultation process is also attached (Attachment B).

These wild river declarations will have effect when they are approved by the Governor-in-Council; and the approvals are notified in the gazette (section 16 of the Act). The Minister must table a copy of the declarations in the Legislative Assembly within 14 sitting days after the declarations are approved.

Within 30 business days after the wild river declarations are made, the Minister must prepare a report about the consultation process. The consultation report must include a summary of issues raised during the consultation process and how the issues have been dealt with (section 38 of the Act).

KEY ISSUES

- There has been a mixed response to the declaration proposals from stakeholders.
- Conservation groups are positive about the declarations and have suggested additional areas of high preservation area.
- Mining interests and other developers feel future development opportunities will be limited by the declarations, potentially resulting in reduced viability of proposed projects.

- Traditional Owners generally support some aspects of the declarations, especially the proposed requirements for new mining activities; however, peak Indigenous bodies have expressed concerns about impacts on future, and as of yet undefined, development opportunities.
- Concerns have been raised by Traditional Owners on the term 'wild' as being derogatory in the sense that it can mean there is no human presence in these areas, and it has been referred to as reflecting previously held concepts of '*terra nullis*'.
- Local governments have expressed concerns about potential increases in haulage costs for quarry material used for construction of town buildings where suitable material must be sourced from watercourses.
- Pastoralists recognise that the wild river declarations will have limited impact on their operations.
- Many stakeholder groups suggest that increased resources should be available for the management of weeds and pests if the areas are declared as wild river areas.
- It is proposed that there be some changes to the declaration proposals to reflect some issues raised in the consultation process. The changes will include an increase in the high preservation area in the Archer and Stewart basins, as well as a decrease in the high preservation area in a different part of the Stewart basin. These changes are described in the attached discussion paper (Attachment A).
- There were amendments made to the text of all declaration proposals in regard to wild river requirements for Environmentally Relevant Activities. These changes are consequential as a result of amendments to section 73AA of the *Environment Protection Act 1994*.
- The following documents have been provided to Executive Council Team to progress through to Governor-in-Council approval:
 - Executive Council Minute
 - Explanatory Memorandum
 - Executive Council Minute Additional Information Memo
 - Gazette Notice, and
 - Copy of this Ministerial Briefing Note.
- The Executive Council Minute Additional Information Memo is provided for the Director-General, the Minister's Advisor's and the Minister. It is not for submittal to the Governor-in-Council.
- The other documents will be provided to the Governor-in-Council for approval after receiving the Minister's approval.
- A media release is attached for the Minister's consideration, (Attachment C) as well as a question and answer sheet to assist with potential media enquiries (Attachment D).

RESOURCE/IMPLEMENTATION IMPLICATIONS

- An implementation plan has been developed for the release of the Declarations. This will entail a number of meetings with regional departmental officers and other State agencies to outline new processes for assessment of development applications.
- A model for this plan has previously been implemented and tested with previous declarations in the Gulf.
- The implementation plan is resourced and accounted for through existing budgets.

PROPOSED ACTION(S)

- Subject to the Minister's approval, the department will progress the abovementioned documents to the Governor-in-Council for approval.

MINISTER'S COMMENTS

**Discussion Paper: Archer, Stewart, and Lockhart River basins Wild River
Declaration proposals Consultation; Issues and Proposed changes for
Declaration**

BACKGROUND

• ***Context***

1. Three new wild river areas (all on Cape York Peninsula) were proposed in July 2008. The (then) Minister for Natural Resources and Water, nominated the Archer, Lockhart and the Stewart River basins as proposed wild river areas by Notices of Intent effective from 23 July 2008. At this public notification, declaration proposals were released and the public and interested parties were invited to make a submission on the declaration proposals. The submission period closed on 21 November 2008.
2. In preparing the declarations, consideration has been given to the results of community consultation as well as the 3602 submissions received.
3. The purpose of the wild river declarations is to preserve the wild river's natural values by managing future development activities and resource use in the wild river area.
4. The Premier and the Minister for Natural Resources and Water have made a commitment that identified potential wild river areas on Cape York Peninsula will be dealt with by December 2010. The Archer, Stewart, and Lockhart River basins are the first three of these areas.

ISSUES

5. There have been some changes made to the Declarations from the original proposals as a result of the community consultation process in the Archer and Stewart River basins. Changes were also made to the text of all declaration proposals in regard to the management of development of Environmentally Relevant Activities. These changes are a consequence of amendments made to the *Environment Protection Act 1994*, section 73AA.

• ***Archer River Basin amendments***

6. The Archer Basin Wild River Declaration Proposal identified three separate coastal wetland areas as special features; these were the Lower Archer Wetland Complex; the Love River Estuarine Complex and the Kirke River Estuarine Complex. Further analysis of these areas indicated strong hydrological connectivity, and therefore the special feature has been increased to recognise this connectivity.
7. Attack Creek which was proposed as a nominated waterway, is now recognised as a major tributary, and therefore is within the high preservation area.

Stewart River Basin amendments

8. Little Stewart Creek which was proposed as a nominated waterway, is now recognised as a major tributary, and therefore is within the high preservation area.
9. Traditional owners in the vicinity of Breakfast Creek, in the Stewart River basin, argued that a history of past grazing has resulted in extensive vegetation clearing which may have compromised the natural values of this river. The department is aware that the Traditional Owners are in the process of developing a property development plan under the *Cape York Peninsula Heritage Act 2007*, and there are aspirations to progress development opportunities in this area. After a review of this area, the department has proposed reducing the boundary of the high preservation area to 500 metres each side of Breakfast Creek. This reflects:
 - that the existing riparian vegetation has been reduced in some areas as a result of historical grazing activities (though this is not expected to have impacted on natural values over the whole system);
 - a risk based approach that acknowledges a 500 metres high preservation area has a high chance of preserving the integrity of the natural values of this stream; and
 - consistency with the Government's commitment to advance Indigenous economic development.
10. The decision to proceed with the declarations described is consistent with timeframes set by the (then) Minister for Natural Resources and Water and the Premier based on consideration of the timing of other programs on Cape York Peninsula and advice from the Cape York Tenure Resolution Implementation Group¹.
11. A Moratorium under the Wild Rivers Act is currently in effect in the proposed wild river areas. The moratorium limits the granting of water authorisations and construction of associated works, the granting and renewal of mining tenements, and the clearing of native vegetation. The moratorium took effect on 24 July 2008 and remains in place until a decision on whether to declare, or not declare these areas, is made.
12. The wild river declarations set out reserves of water to be available for future economic development including a reserve for the purpose of helping Indigenous Communities achieve their social and economic aspirations, in accordance with the *Cape York Peninsula Heritage Act 2007*.
13. A perception exists that wild river declarations are similar to the declaration of a National Park in that all development is prohibited in a wild river area. This is not the case. A wild river declaration limits the type of development that can occur in close proximity to identified wild rivers and major tributaries as well as some important connected features (within the high preservation area). Development can continue but must comply with Wild Rivers Code requirements which are aimed at ensuring catchment based activities do not impact on the wild river's natural values.

¹ The Cape York Tenure Resolution Group is a multi-stakeholder group convened by the Queensland Government to oversee the Land Tenure Resolution program. It was chaired by the Minister for Tourism, Regional Development and Industry, and other members are the Minister for Sustainability, Climate Change and Innovation, the Minister for Natural Resources and Water, and representatives of Indigenous and conservation groups.

14. The Wild Rivers Act requires that a wild river area include the catchments of the identified wild rivers. Whilst initial investigations are conducted at the Basin scale, some parts of the Archer, Lockhart and Stewart River basins have not been included in the wild river areas as they are not wild river catchments. For example, discrete coastal catchments which do not include an identified wild river have not been included in the wild river area. Conservation groups believe that a wild river area should automatically correspond to a river basin, and that catchment and basin are interchangeable terms. The department asserts that there is a difference and that all parts of a catchment drain to a single lowest point, whilst a basin can include multiple river systems, which may drain to different points (often different parts of the coast). Catchments within a river basin are often grouped together because of similarities in drainage characteristics. This is the case in a number of the basins on Cape York Peninsula. To comply with legislation, a wild river area can only include the catchments of the wild rivers of the basin.
15. Some organisations have questioned the integrity of the science behind the declaration proposals and argue that the State should present technical arguments to defend any decisions to declare. The department has responded that the accompanying Overview reports are information documents to assist people to understand any potential implications of a declaration. It was determined that a scientific report would not be readily understood, and therefore would add little to the consultation process. The State does concede that there is limited information on these remote areas, but the lack of development and human pressure has maintained these river systems in a state where all, or almost all, of their natural values are intact. Analysis of existing data, including digital mapping, technical reports and aerial photography support this assertion.

CONSULTATION

16. Well over 200 meetings with stakeholders have taken place since early 2006, with over 100 meetings to discuss the declaration proposals since their release in July 2008.
17. The department received 3602 submissions, of which 2577 of these were facilitated through The Wilderness Society's website.

• Community

18. All Leaseholder, landholders, Land Trusts and others with property interests in the proposed areas were provided with a wild rivers information pack. This pack included a declaration proposal, an information report, fact sheets and a property map showing the proposed wild river management areas.
19. Face to face consultation has taken place with relevant stakeholders both prior to and following the release of the declaration proposals. These stakeholders include peak community bodies such as Balkanu Cape York Development Corporation, Cape York Land Council, AgForce, The Wilderness Society, Queensland Resources Council, individual mining company representatives, pastoralists, the Coen and Cooktown Chambers of Commerce, Cape York Sustainable Futures, the KULLA and Mangkuma Land Trusts, Ayapathu, Kaanju, Wik Mungkan, and Lamalama Traditional Owners.

20. The department had engaged Balkanu Cape York Development Corporation to assist with identifying and facilitating meetings with relevant Traditional Owners.

- *Government*

21. The Cook, Lockhart River and Aurukun Shire Councils were sent an information package that included the declaration proposals and overview reports as well as other supporting information. Additionally a number of follow up meetings have taken place with these local governments to discuss the declaration proposals in detail.
22. Government agencies were notified of the declaration proposals at the time of their release and directed to the proposals available on the department's website. Further discussions and face to face meetings have taken place with key government agencies including the Department of the Premier and Cabinet, Environmental Protection Agency (including the Queensland Parks and Wildlife Service), Department of Infrastructure and Planning, Department of Primary Industries and Fisheries, Department of Main Roads, Department of Mines and Energy and the Department of Tourism, Regional Development and Industry.
23. The Commonwealth Department of Environment, Water, Heritage and the Arts, and the National Taskforce for Northern Australia were briefed on the Wild Rivers Act as well as the process and role of a wild river declaration.
24. Crown Law had provided advice on the declaration proposals.

RESULTS OF CONSULTATION

Conservation groups

25. Conservation groups are supportive of the declaration proposals. However these groups argue that additional high preservation areas should be included in all final declarations. Few of the suggested changes are appropriate given the need to ensure consistent application of methodology. However further analysis of the coastal area between the Loye and Kirke rivers (both identified as potential wild rivers in the Archer Basin Declaration Proposal) suggests this area may be appropriate for inclusion in the final Archer Basin declaration as it is an important wetland system linking these river systems during the wet season. For this reason this area has been included within the Archer River High Preservation Area (see clause 6).
26. The Wilderness Society raised that a number of watercourses, identified as nominated waterways in the declaration proposals could be considered as major tributaries. After closer inspection it was agreed that their case was sound on the following streams which have now been included as major tributaries (see clauses 7 and 8):
 - Attack Creek (Archer River basin)
 - Little Stewart Creek (Stewart River basin)
27. Conservation groups also argue that wild river areas should correspond to whole basins. For example, with regard to the Lockhart Basin Wild River Area, they believe it should be extended to include small and discrete coastal

catchments. For the Archer Basin Wild River Area they believe that it should be extended downstream of the Archer River to include the Archer Bay area. However in order to adhere to the requirements of the Wild Rivers Act, only the catchments of the identified wild rivers have been included in the wild river area. The department does not support the view that 'catchment' and 'basin' are completely interchangeable terms.(see Clause 14)

28. The Wilderness Society stated a concern that dams and weirs could be constructed in nominated waterways in a wild river area. It should be noted that this provision was part of a range of agreements reached between the Wilderness Society, the Queensland Resources Council and the State during the development of the *Wild Rivers and Other Legislation Amendment Act 2006*. Any changes would require further legislative amendment and therefore cannot be dealt with through the declaration process.

Traditional Owners

29. Through direct consultation with Traditional Owners, the feedback received indicated that most Traditional Owners are positive about preserving environmental (and cultural) values of country which in part is provided by a wild river declaration. They are particularly supportive of the restrictions on mining resulting from a wild river declaration. However Traditional Owners also want Government to actively manage other issues that they believe are more relevant to their day to day lives - being the more visible, rather than future or perceived threats. Other issues they believe are currently impacting on the riverine environments include:

- Over fishing and commercial fishing in general by non Indigenous interests.
- Camping in river beds and potentially near sacred or culturally significant sites, and
- Feral animals and weeds.

On the whole these issues are dealt with at the operational, or management level, rather than at the development control level, and are outside the scope of a wild river declaration.

30. While there appears little on-ground progression of development aspirations, there is some level of expressed concern that future (aspirational) development of Indigenous enterprises will be limited within high preservation areas. This applies to agricultural developments and small scale aquaculture (for example instream "grow out cages" for crabs and perhaps small pond aquaculture for barramundi). The suggested responses to these concerns are:

- Existing areas of agriculture are not affected by a wild river declaration. Also, in an existing area, even if left untouched for a number of years, regrowth can continue to be cleared provided the area is registered with the department as an existing enterprise. Agricultural development can continue to be established outside the high preservation area. The *Cape York Peninsula Heritage Act 2007* expressly provides opportunities for Indigenous agricultural development activities.
- *The Fisheries Act 1994*, which regulates aquaculture activities in a wild river area, does not differentiate aquaculture activities regardless of the scale of operation. Therefore, while the concerns about aquaculture have

- been noted, addressing this issue would require a legislative amendment and cannot be addressed through the declaration process.
31. Traditional owners are very supportive of the Wild River Rangers program and would like to see it expanded. The Wild River Rangers initiative has the potential to deal with the concerns raised in clause 29.
 32. In tidal parts of a declared wild river area, jetties and boat ramps may be constructed provided they are available for public use. These are considered *specified works* as defined in the Wild Rivers Act. Specified works, which also include infrastructure such as roads, are permitted anywhere in a wild river area provided the requirements of the Wild Rivers Code are met. However new *private* jetties and boat ramps are not considered specified works under the current definition. This is to prevent impacts on wild river natural values. Some concerns have been raised about these limitations, particularly for access to some areas of Indigenous land that has restricted access rules. It is regarded as inappropriate to effectively allow or "encourage" public access to this restricted Indigenous land. While these concerns have been noted, it cannot be addressed through the declaration process. However an amendment of the *Wild Rivers Regulation 2007* could resolve the issue. Such an amendment is expected to be considered.
 33. Traditional Owners have expressed some desire to thin regrowth in areas of proposed high preservation area within jointly managed National Parks (Cape York Peninsula Aboriginal Land). This activity is not constrained by a wild river declaration; however, a National Park (Cape York Peninsula Aboriginal Land) has to be managed as a National Park (*Nature Conservation Act 1992 S 19AA*) therefore any vegetation management activity would have to be consistent with National Park management principles.
 34. Some Traditional Owners and Indigenous organisations argue that a wild river declaration will affect Native Title rights. Section 44 of the Wild Rivers Act expressly states a declaration cannot, either directly or through other legislation, impact on native title rights.
 35. Peak Indigenous Bodies recognise the benefits of a wild river declaration in preserving traditional country. However they have a number of concerns including:
 - Reduced future development opportunities for Indigenous communities resulting from the declarations and erosion of economic benefits resulting from recent tenure resolution.
 - Further disempowerment of traditional owners who have only recently been given back responsibility for their own country.
 - Lack of recognition within the Wild Rivers Act of Indigenous cultural values.
 - Terminology issues, such as:
 - *preservation area* which they believe conservation groups could interpret to justify future World Heritage listing over these areas, and that the term reflects an area where no development can take place when this is not the case, and
 - *wild* is considered inappropriate and demeaning as it can be interpreted as applying to an area where there is no human habitation.
 36. The government has a number of strategies and programs in place to facilitate Indigenous economic independence and continues to work with communities throughout the Cape. The government firmly believes the wild rivers

declarations can compliment economic growth while retaining the environmental integrity of these important areas. Economic opportunities associated with tourism, chartered recreational fishing tours, and beef cattle (as examples) will benefit from the declaration of these areas. The Indigenous water reserve set out in the declarations; provide an important resource to assist Indigenous communities to meet their economic and social aspirations. The government has responded to concerns about the management of these areas through the implementation of the Wild Rivers Ranger program which provides long term employment and training for Indigenous communities. See also clause 30 in regard to the *Cape York Peninsula Heritage Act 2007*.

37. It is not possible to alter fundamental elements of wild river terminology without extensive amendment of a range of legislation and amendments to existing declarations. This is outside the scope of the declaration process.
38. The government recognises the importance of these river systems to Traditional Owners, and is committed to inclusive consultation with this key stakeholder group. This desire to engage Traditional Owners directly, as well as a number of other government initiatives including the Cape York land tenure resolution process, the *Cape York Peninsula Heritage Act 2007*, the *Aboriginal Cultural Heritage Act 2003* and *Torres Strait Islander Cultural Heritage Act 2003* are indicative of the government's commitment to recognition of the significance of Indigenous connection to country.
39. Two key Cape York Indigenous representative bodies, the Cape York Land Council and Balkanu Cape York Development Corporation have stated that they believe that the Notices of Intent of 23 July 2008 are invalid, and there has been a suggestion of a legal challenge. The department has sought advice on this issue. The advice received was to the effect that a challenge on these grounds was unlikely to be successful. Despite this it is likely that these two organisations will publicly voice their opposition to the declarations.
40. These Indigenous organisations have also questioned the integrity of the science behind the declaration proposals. See Clause 15.

Pastoralists

41. Feedback from pastoral leaseholders received during the consultation process was that although they have reservations about wild river declarations, they recognise there are likely to be few impacts on their business activities. A wild river declaration does not limit those activities that provide essential provisions for stock and/or domestic requirements such as access to water. No submissions were received from this sector.

Mining Interests

42. Mining interests are concerned about potential impacts of the declarations on their business activities. There is some concern that the combination of wild river declarations and new National Parks (on Cape York Peninsula) is effectively locking up a great deal of mineral wealth.
43. Submissions were received from the Queensland Resources Council, and a small number of mining companies. The areas of concern include:
 - Lack of scientific information to support declaration proposals (see clause 13 for response).

- Opposition to a one kilometre high preservation buffer width.
 - Opposition to additional areas being mapped as high preservation areas.
44. The Wild Rivers Act states that the wild river, the major tributaries of the wild river, and any special features in the wild river area plus an area up to one kilometre either side of the wild river, its major tributaries and any special features are included in the high preservation area. For the three wild river areas it is asserted that due to the intact natural values of the wild rivers, the maximum width of protection is justified, the exception being Breakfast Creek for the reasons stated in Clause 9.
 45. The opposition to an increase in the area of high preservation area was considered in reaching the decision as described in clause 6.
 46. The QRC argue that ports should be included as part of the definition of specified works. This would require legislative changes and is not seen as necessary as any new port facility could be dealt with on an individual basis through a regulation if the State felt that it was warranted.
 47. Part of the area of land that is the Aurukun Project (CHALCO) extends into the proposed Archer Basin Wild River area. The Wild Rivers Act expressly exempts the project from the application of the Act.
 48. One submission challenged the mapping of the Archer River basin boundary, but on inspection it was determined that the original mapping was correct and followed the watershed boundary.

Local governments

49. Because of the potentially severe impacts on wild river natural values resulting from extraction of riverine quarry material, these developments are restricted in a wild river area. New allocations of quarry material will not be allowed from tidal areas within a wild river area. Applications for allocations of quarry material from non-tidal watercourses may be accepted if in relation to specified works or residential complexes². Councils feel the limitations on new allocations for riverine sand and gravel material for town infrastructure (buildings) will result in additional haulage costs.
50. However:
 - It is still possible to obtain allocations for quarry material, from watercourses, for the construction of town roads.
 - It is still possible to obtain quarry material, from outside of watercourses, for any purpose.
 - There is little current development in any of the townships associated with the proposed wild river areas (Aurukun, Lockhart River and Coen), and
 - Any existing quarry material allocations can continue in a wild river area.
51. Councils are also concerned about potential increases in workload resulting from a wild river declaration. Wild river requirements are integrated into existing development assessment processes so an increase in workload is likely to be minimal.
52. The Lockhart Aboriginal Council was the only local government in the area to make a submission. Lockhart and Aurukun Aboriginal Councils and Cook

² Residential complexes include outstations and pastoral homesteads, however do not include buildings within a designated urban area, or buildings outside of the wild river area.

Shire Council each have parts of the council land within the three wild river areas.

Other development interests

53. Development interests (other than mining) in Cape York are limited. There is some interest in the development of a biofuels industry which could be impacted if proposed to be situated within a high preservation area. A number of business plans and contracts for such developments have been provided to the department during the consultation phase. These will be recognised as existing undertakings under the Wild Rivers Act and will not be affected by the declarations.
54. Owners of the Archer River Roadhouse have expressed concerns about the impacts of the Archer Basin declaration on the value of their property. There is no evidence that a wild river declaration de-values a property, and this is unlikely given the potential for increased tourism activities in the area. The owners also feel a declaration would limit a variety of potential future business activities. Departmental officers have met with the owners of the Archer River Roadhouse on a number of occasions and the previous Minister had also met with the owners to discuss their submission. The previous Minister advised the owners that most of the activities they described could continue, and there were only a few issues that would be impacted by a wild river declaration.

Table Of Issues raised during Consultation (Including Submissions)

Overarching Issue	Specific Issues Raised	Contributors	Comment
Declaration Specific Issues			
Water Reserves	Climate change projections should be considered	ACF	Water Reserves have not changed as a result of these assertions.
	Unallocated water should be available to joint management of NP and ecotourism	AHRC	
	Unallocated water reserves haven't followed the 1% rule of thumb	ACF	
	Unallocated water reserves equivalent to what 'a single' mining operation would require	MS, KEN	
Overland Flow Water	Include overland flow water in water reserves	QWPS, QCC, TWS	No change as the management is seen as adequate in low development potential areas.
	Off stream dams other than for stock & domestic use (e.g. tourism)	ARR and raised during consultation	
	Volumetric take (include in water reserves, and nothing to limit take)	QCC, QWPS, TWS	
Water Licence Conditions	Conditions on licence consistent with the Gulf WRP	QCC, QWPS, TWS	Is the case, water act provisions apply
Designation of Management Areas	Minimalist approach to mapping	QCC, TWS and raised during consultation	The mapping reflects a consistent application of methodology + improvements in data scale.
	Wetlands not mapped	QCC, TWS, QWPS, ACF,	
	Inconsistent approach with those areas already declared	QCC, TWS, QWPS, ACF, HSoc and raised during consultation	
	Management areas too small or large	QCC, TWS, QWPS, HSoc, QRC, GA, MS, BEER, HUY, KEN, BTOA, BTOS, BTOL, ARR and raised during consultation.	
	Additional Designated Urban Areas	ARR	
	Special Feature Areas (what does this mean?)	TOAR, AWC, QRC, BEER, KEN	
	No explanation of HPA's – arbitrary?	QRC, BTOS, BTOA, BTOL, CYLC	

Table Of Issues raised during Consultation (Including Submissions)

		and raised during consultation	
Selection of Nominated Waterways	Nominated waterways based on natural values/hydrological input, rather than area	TWS	As above
	Selection of	KEN, BEER	
National Parks	National Parks exempt from proposed declared areas (HPA removed from NP; vegetation thinning & fire management, IMAs will be impacted)	AHRC, BTOS, BTOL, BTOA, DDB and raised during consultation	The dept. sees no conflict between Nat park management and wild river objectives.
	National Parks already provide a green outcome	BTOS, BTOL, BTOA	
Code Issues			
	Difficult to understand language, and the perceived intent of the code	CYSF and raised during consultation	Beyond Scope of the Wild Rivers Declaration
	General Code Issues in relation to any section of the WR code	ARR, TWS, QWPS, QCC, ACF, AHRC, BTOA, BTOL, BTOS and raised during consultation	
Act Related Issues			
Determination of a Wild River area boundary	Catchment versus Basin	QWPS, LRASC, TWS, ACF, CYLC	Beyond Scope of the Wild Rivers Declaration
	Entire areas excised	QCC, TWS, QWPS, ACF, HSoc and raised during consultation	
	Wild River boundary changed/different/rationale for selection	GA, QRC, CYLC, BEER	
			The Department disagrees with the assertions made
Instream Dams and Weirs	On nominated waterways (amend Fisheries Act – to WR criteria e.g. waterway barrier works on nominated waterway)	QCC, QWPS, TWS	Beyond Scope of the Wild

Table Of Issues raised during Consultation (Including Submissions)

	Works for taking in a PA must comply with the code	QCC, TWS	Rivers Declaration
Incorporation of Cultural Values	Implications of the term 'wild'	AHRC, DDB	Beyond Scope of the Wild Rivers Declaration
	Cultural values/TO's aren't recognised	QCC, LRASC, ACF, AHRC, BTOL, BTOS, BTOA, DDB and raised during consultation	
	Fails to recognise culturally important places	TWS, QWPS	
Mining	Exemption of Aurukun project	QCC, QWPS, TWS, ACF	Beyond Scope of the Wild Rivers Declaration
	Large scale mining shouldn't continue / restrict mining impacts	AHRC, and raised during consultation	
	Mining should not over-rule protective legislation	BTOA	
	Fossicking in HPA	Raised during consultation	
	Why does government issue mining tenements if one half of government wants Wild river restrictions?	Raised during consultation	
Small scale development	Undue restrictions on small scale commercial agriculture	AHRC, BTOL, BTOA, BTOS, HUY and raised during consultation	Beyond Scope of the Wild Rivers Declaration
	Outstation development activities restricted/prohibited	TOAR	
	Restrictions on aquaculture in HPA	BTOL, BTOS, BTOA and raised during consultation	
Private Jetties and Boat Ramps	Highly restrictive for outstations and potential ecotourism	LRASC, AHRC, BTOL, BTOA, BTOS and raised during consultation	<p>Beyond Scope of the Wild Rivers Declaration</p> <p>The department proposes to initiate a Wild River Regulation</p>

Table Of Issues raised during Consultation (Including Submissions)

			amendment to address this issue
Vegetation Clearing	Permit requirements in HPA/PA unclear and convoluted	AHRC, BTOL, BTOS, BTOA	Beyond Scope of the Wild Rivers Declaration
	Commercial harvest of vegetation for TO's (production of artefacts for sale)	AHRC, BTOL, BTOA, BTOA	
	Clearing of regrowth should be exempt in HPA /PA	ARR and raised during consultation	
	Thinning in HPA	BTOA, BTOS, BTOL and raised during consultation	
	Single house exemption, necessary built infrastructure and no suitable alternative site	Raised during consultation	
Wild Rivers Terminology	"free flowing"? are dry rivers really a wild river?	CYSF and raised during consultation	Beyond Scope of the Wild Rivers Declaration
	'Preservation' areas	BTOS, BTOL, BTOA	
Riverine Quarry Material	No in HPA, and other management areas	QCC, TWS and raised during consultation	Beyond Scope of the Wild Rivers Declaration
	Local Government access to quarry material	LRASC and raised during consultation	
Specified Works	Include ports and other related infrastructure	QRC	Beyond Scope of the Wild Rivers Declaration
	Airstrips	Raised during consultation	
Other Act Issues	ERA's 15 & 16 – need to demonstrate there is no suitable alternative outside the HPA	QCC, TWS and raised during consultation	Beyond Scope of the Wild Rivers Declaration
	ERA 11 & 28 should not be restricted in HPA	ARR and raised during consultation	
	Residential, commercial and industrial development (not with local govt.	QCC, TWS	

Table Of Issues raised during Consultation (Including Submissions)

	to assess)		
	Declarations under the WR Act should be in accordance with the NCA	AHRC	
	Commercial agriculture in HPA e.g. hay paddocks, biodiesel trees etc	Raised during consultation .	
	Water Act should be amended to WR criteria	QCC, TWS, QWPS	
Other Issues			
Management of Wild River areas	Wild River Rangers	LRASC, QWPS, TWS, CYSF, AHRC, BTOA, BTOS, BTOL and raised during consultation	Beyond Scope of the Wild Rivers Declaration The engagement of Wild River Rangers is on-going
	Resources must be provided for land management to protect natural and cultural values (currently inadequately managed and protected, e.g. unregulated campers, feral animals, weeds, commercial fishing, boat speed limits, quad bikes, tourist around sacred burial sites, rubbish)	TOAR, AWC, BTOA, BTOS, BTOL and raised during consultation	
	Research and monitoring (create a field officer position)	AWC	
	Inter-agency communication re. Implementation	AHRC	
	INCRMP	TWS, QWPS	
	Flow/stream monitoring	ACF	
Future economic opportunities	Commercial harvest for TOs (production of artefacts for sale)	AHRC, BTOS, BTOL, BTOA and raised during consultation	Beyond Scope of the Wild Rivers Declaration The declaration
	Aid research and implementation activities (for economic development)	CYSF and raised during consultation	
	Personnel for industry development and assistance with activities in WR areas (to assist Indigenous people)	AWC	

Table Of Issues raised during Consultation (Including Submissions)

	Affect sustainable tourism	CYSF, ARR	of a Wild River Area will not restrict all economic development opportunities, especially in the preservation areas
	Aquaculture, water supply and sustainable development opportunities	CYSF	
	Rights to economic development/ WR stifles economic opportunities for Indigenous people (e.g. aquaculture in HPA)	AHRC, TOAR, AWC, DDB, BEER and raised during consultation	
	Inequality between Indigenous versus non-Indigenous eg additional 22A purpose	Raised during consultation	
	Reduction of job creation for local communities	MS, GA, BEER, KEN	
	Reduction of mining economic opportunities	GA and raised during consultation	
	Decrease in property values	ARR and raised during consultation	
	Welfare reform should be done in conjunction with Wild Rivers	Raised during consultation	
	There should be compensation money available if you are taking away development rights	Raised during consultation	
	Locking up areas	Raised during consultation	
Native Title and Indigenous Rights	Impacts on human rights, access, use, occupancy, management, conservation, cultural and development rights	AHRC, CYLC, CYSF, BTOL, BTOA, BTOS, ACF and raised during consultation	Beyond Scope of the Wild Rivers Declaration The <i>Wild Rivers Act 2005</i> does not impact on Native Title Rights
	No impact on Indigenous rights and interests (protected under other Acts)	AHRC	
Increase Local Government workloads	Imposition of additional works for LG with additional assessments (LG already under resources and doesn't have the capacity)	LRASC and raised during consultation	Beyond Scope of the Wild Rivers Declaration
	Substantial resources required including personnel and training - development assessment and land use planning	LRASC	
	Changes in land tenure has resulted in decrease in rate base but council	Raised during consultation	

Table Of Issues raised during Consultation (Including Submissions)

Property Development Plans	still has to deliver services		Beyond Scope of the Wild Rivers Declaration
	No capacity to develop and prepare	LRASC, BTOA, BTOS, BTOL	
	Delays to economic developments	LRASC	
	Fee for processing PDP	LRASC	
	Provisions made to assist PDP construction including financial assistance	LRASC, BTOA, BTOS, BTOL and raised during consultation	
	No PDP's in HPA	TWS	
Nomination and supporting material	PDP can't cater for all circumstances	ARR	Beyond Scope of the Wild Rivers Declaration The department always examines the best available information
	Not accounting for previous land use and clearing	CYSF	
	Other Commonwealth studies	LRASC, BTOS, BTOA, BTOL	
	Overview Report had insufficient provision of data on natural values	QRC, BTOL, BTOA, BTOS, CYLC	
	Insufficient data on water flows (esp. historical data)	QRC, BTOS, BTOL, BTOA	
	Information Sparse, misquoted and invalid	BTOA, BTOS, BTOL, CYLC, LRASC	
	Insufficient data on management areas	QRC	
	Definition of project of state and regional significance	QRC	
	Water Regulation 2002 not available for comment during consultation/submission period (for granting unallocated water – Sch 6)	QRC	
	Catchment Condition included as natural value	BTOS, BTOA, BTOL, CYLC	
Consultation	River by river assessment	LRASC, CYLC	Beyond Scope of the Wild Rivers Declaration Consultation was extensive on Cape York Peninsula with
	Provision of information post declaration (brochures & signs)	TWS	
	Inclusive post-submission engagement/consultation (clear information on benefits & extent of restrictions)	ACF, AHRC, TOAR, AWC, BTOA, BTOS, BTOL	
	Fact sheets not simple, and inconsistent referencing	CYSF, CCE	
	Prefer an all inclusive approach; contrary view	CYSF and raised during consultation	
	Consultation inadequate	CCE, AHRC, TOAR, AWC, CYLC, DDB and raised during consultation	

Table Of Issues raised during Consultation (Including Submissions)

	Consultation should involve attendance money/ money for submissions	Raised during consultation	over 100 meeting held The fact sheets are currently being reviewed in order to redraft them in the simplest language possible
	Include Indigenous peoples in the development and policies/declarations	AHRC, TOAR	
	Funds/resources should be provided to Council to construct submission	Raised during consultation	
	Imposition of legislation and policy arrangements on Indigenous people without information	AHRC	
	No consultation on the Wild Rivers Bill	Raised during consultation	
Future of Wild Rivers	Recognition of 10 remaining rivers to be nominated	QWPS	Beyond Scope of the Wild Rivers Declaration
	Wenlock River (no mining in this region)	QWPS, TWS	
	Other potential wild river areas (e.g. Paroo River, Cooper Creek)	QWPS and raised during consultation	
	Watson and Ward Rivers	TOAR, AWC and raised during consultation	
	Why is the government picking up CY and not other areas of QLD? ("Why is the government spending money on these rivers systems when the money could go towards rehabilitation of the Annan and Endeavour Rivers. Why arent we considering those rivers at risk.")	Raised during consultation	
Miscellaneous	Mechanisms for TO's to derive royalties from commercial operations (e.g. such as fishing)	TOAR	Beyond Scope of Wild Rivers Act 2005

Table Of Issues raised during Consultation (Including Submissions)**Contributor Key:**

AABE – Aurukun Aboriginal Business Enterprise

ABP – Aurukun Bauxite Project

AC – Aurukun Council

ACF – Australian Conservation Foundation

AHRC – Australian Human Rights Commission

All TO – Traditional Owners Archer, Stewart and Lockhart Basins

ARR – Archer River Roadhouse

AWC – Aurukun Wetland Charters

BEER – Beersheeba Mining Company P/L

BTOS – Balkanu Traditional Owners Stewart

BTOA – Balkanu Traditional Owners Archer

BTOL – Balkanu Traditional Owners Lockhart

CCC – Coen Chamber of Commerce

CYLC – Cape York Land Council

CYLC – Cape York Land Council

CYSF – Cape York Sustainable Futures

EF – Evergreen Fuels

GA – Gulf Alumina

HSoc – Humane Society

HUY – Huybers

KEN – Kendall Resources Limited

KLT – Kulla Land Trust

LRASC – Lockhart River Aboriginal Shire Council

MS – Mineral Sands

TWS – The Wilderness Society

QCC – Qld Conservation Council

QRC – Qld Resources Council

QWPS – Wildlife Preservation Society of Qld

TOAR – Traditional Owners Archer River

TOAW – Traditional Owners Archer and Wenlock Basins

TOCR – Traditional Owners Claudie River



Queensland
Government
Natural Resources
and Water

ENVIRONMENT AND RESOURCE MANAGEMENT

Media Release

Three more wild river basins to be preserved

Wild river areas for the Stewart, Lockhart and Archer Basins have been declared on Cape York Peninsula, Natural Resources, Mines and Energy Minister Stephen Robertson announced today.

"The declaration of these areas covering a total of 18,641 sq km, will ensure that the natural values of the river systems in these areas are now better protected for future generations," Mr Robertson said.

Since the proposal to declare these basins as wild river areas was announced in July last year, more than 3600 submissions were received and Department of Environment and Resource Management (formerly Natural Resources and Water) field staff have conducted more than 100 consultation meetings across the Cape about the proposals.

"These wild river areas, which have largely been untouched by development, are a vital part of our natural heritage. They have unique features worth protecting, including free flowing rivers, wetlands and ecosystems only found on Cape York Peninsula."

Mr Robertson said the declaration of a wild river under the *Wild Rivers Act 2005* did not preclude all future development in a wild river area.

"We recognise there are people living and working in these areas, and there is a significant Indigenous presence with a strong connection to this country that goes back tens of thousands of years," he said.

"The Cape York community can continue to enjoy the benefits of development with activities such as mining, grazing, fishing, eco-tourism, outstation development and indigenous cultural activities still able to occur.

"These declarations are about ensuring the wild river's natural values are preserved by ensuring that any future development is undertaken responsibly.

"The State Government is committed to protecting the unique biodiversity of our environment, as part of Toward Q2: Tomorrow's Queensland vision.

"Our unique Wild Rivers legislation (the *Wild Rivers Act 2005*) aims to protect Queensland's wild rivers for the enjoyment of current and future generations of Queenslanders as well as for the rest of the world."

Contact: xxxxxxxxxxxxxxxx

Question and Answer Sheet

Wild River Area Declarations for the Archer, Stewart and Lockhart Basins.

- **Will the wild river declarations affect existing operations?**

The declarations will not affect any authorised operations and developments existing at the time of the declarations being made. These are expressly protected under the Wild Rivers Act.

- **What changes have occurred between the declaration proposals and the declarations for:**

- The Archer

In the Archer River Basin Wild River Area, additional protection has been afforded to the wetlands that link the Love, Archer and Kirke rivers during the wet season. This maintains important connectivity between these systems, which is important for the hydrologic integrity of the area's river systems.

Additionally, Attack Creek - which was proposed as a nominated waterway - is a major tributaries and has been included in the High Preservation Area.

- The Stewart

In the Stewart Basin Wild River Area, Little Stewart River has been included in the High Preservation Area. This was proposed as a nominated waterway.

After analyses of Breakfast Creek, it was determined to reduce the High Preservation Area width to 500m each side of Breakfast Creek. This decision reflects a risk-based approach that acknowledges there is still has a high chance of preserving the integrity of the natural values and the Government commitment to advance Indigenous economic development.

- The Lockhart

There have been no changes to the Lockhart Basin Wild River Area.

- **How many submissions were received?**

3618 submissions were received in total. The submissions have been analysed and appropriate changes and suggestions were taken on board prior to the declarations being made.

- **Will this effect essential services?**

Essential services such as roads, and sewerage and water treatment facilities can still proceed anywhere in a wild river area provided certain wild river requirements are met.

- **Will this affect access to quarry material for councils?**

Councils will be able to continue all authorised extraction of quarry material.

Off-stream extraction can occur in all parts of a wild river area. However, if proposed in a High Preservation Area or a Floodplain Management Area (FMA) the extraction must be small scale and for roads or outstations.

New allocations can be obtained for riverine quarry material for construction of town infrastructure such as roads.

- **How will this affect the Government's initiative for joint management of National parks with the Traditional owners?**

Any new tourism developments established in the national parks through the joint management arrangements will be required to comply with the Wild Rivers Code. However, these can still be established anywhere in a wild river area. Indeed the declaration will provide water surety for these developments and help their promotion in new and existing markets.

Indigenous Management Agreements developed as part of the joint management process must still be consistent with the purpose and principles set out in the Nature Conservation Act, so it is unlikely that the wild river declaration would conflict with the terms of these agreement.

- **Is there any impact on Native Title?**

The declarations will not impact on native title rights. These rights are explicitly protected under the Wild Rivers Act.

- **Is there any impact on cultural heritage rights or day-to-day traditional activities?**

Cultural heritage rights will not be affected by the declarations. Day-to-day traditional activities such as camping, hunting, fishing or the use of traditional fish traps are also not affected.

- **Are there any impacts on grazing operations?**

There are no impacts on existing grazing operations and new grazing operations can be established in the wild river areas. Associated developments such as establishing creek crossings or putting in dams may have to comply with the Wild Rivers Code. Water can continue to be accessed for stock or domestic purposes.

- **What does this mean for tree clearing in the High Preservation Area?**

The declarations will help to preserve important riparian vegetation by limiting native vegetation clearing within the High Preservation Area..

In circumstances where clearing can occur (and does require a clearing permit)

the requirements of the Wild Rivers Code must be met. This ensures that the clearing is undertaken in an appropriate manner, and is limited to necessary clearing.

You can still clear for matters of public safety as well as for fences, firebreaks, roads and tracks. Clearing associated with the establishment of buildings such as outstations and homesteads can still occur. Encroaching vegetation can still be cleared.

No wild river requirements under the Vegetation Management Act apply in the preservation area, however, the clearing of marine plants such as mangroves anywhere in a wild river area will be limited.

- **What about clearing weeds?**

No wild river requirements apply to the control of declared non-native weeds and pests in a wild river area, and clearing permits can still be issued where it is necessary to clear native vegetation to access weeds.

- **Will this stop landholders from building dams on their land?**

New in-stream dams and weirs are prohibited within the High Preservation Area.

Off-stream dams for watering stock or for a domestic purpose can still be constructed and usually do not require a permit. Larger dams for these purposes may have to comply with the Wild Rivers Code.

Dams for other purposes can still be built outside the High Preservation Area, though a permit is required. The Wild Rivers Code will apply.

- **Are there any economic opportunities that will result from the wild river declarations?**

The 'Wild River' image will be beneficial for eco-tourism enterprises, providing additional marketing opportunities.

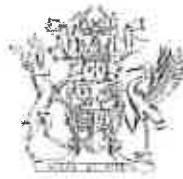
Organic farming and other agricultural businesses such as export beef that relies on a "clean and green image" will benefit from a wild river declaration.

The provision of water reserves to help Indigenous communities provides a further avenue for economic development.

- **Will all development in a wild river area be prohibited from occurring?**

Some high impact developments will be prohibited in the High Preservation Areas, however development can still proceed in the greater part of the wild river areas if wild river requirements are met.

Date 2 APR 2009



Minute No 130

EXECUTIVE COUNCIL OF QUEENSLAND

DEPARTMENT OF ENVIRONMENT AND RESOURCE MANAGEMENT

Wild Rivers Act 2005

A NOTICE AND DECLARATIONS

The Council recommends to Her Excellency the Governor that the *Wild River Declaration Notice (No 01) 2009* marked 'A' declaring the Archer Basin, Lockhart Basin and Stewart Basin wild river areas, in accordance with the declarations marked 'B' to 'D', be approved. (MINUTE ENDS)



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Approved

Archer Basin
wild river declaration 2009



Queensland
Government

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Lockhart Basin
wild river declaration 2009



Stewart Basin
wild river declaration 2009