Georgina and Diamantina Basins
Wild River Declaration 2011
Foreword

The Queensland Lake Eyre Basin is a unique and spectacular environment; with the Georgina and Diamantina Basins among the last arid river systems in the world without large dams or weirs.

As the people who live in this part of Queensland know, prolonged droughts are broken by expansive floods and spectacular displays of ecological resurgence. During flood, the region attracts millions of waterbirds. It is also home to unique and highly adapted plants and animals.

Landholders and Traditional Owners have looked after this land for a long time. It is their stewardship that has ensured the catchments remain in such good condition.

Wild rivers is about protecting this legacy.

High impact developments, like open cut mines and dams, will not be permitted in the most sensitive parts of the river systems. Strong regulations have also been placed on petroleum and gas activities to ensure wild river values are protected—particularly the floodplains.

In making this declaration, I have considered all submissions, feedback received at over 49 consultation meetings, including 14 public information meetings and forums undertaken specifically on the Georgina and Diamantina Basins Wild River Declaration Proposal, along with the advice provided by the Lake Eyre Basin Wild Rivers Advisory Panel.

This declaration is the culmination of a consultation process that began in 2009 and has resulted in changes to the Wild Rivers Act 2005. The Channel Country is unique, and the legislation has been amended to reflect this.

Existing activities can continue in a wild river area and this declaration is an insurance policy for the natural values of the Lake Eyre Basin on which the grazing and tourism industries rely.

There is just one chance to protect the spectacular Georgina and Diamantina Rivers—only wild rivers will ensure future generations can also marvel at this iconic part of Queensland.

Vicky Darling MP
Minister for Environment
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Chapter 1  Preliminary

1.  Short title
    This wild river declaration may be cited as the Georgina and Diamantina Basins Wild River Declaration 2011.

2.  Purpose of this declaration
    The purpose of this declaration is to preserve the relevant natural values of the wild rivers in the Georgina and Diamantina Basins Wild River Area.

3.  Relevant natural values
    The relevant natural values of the wild river in the wild river area, which this declaration intends to preserve, include, but are not limited to—

(a)  hydrologic processes including the natural flow of water in the wild river catchments and river systems. These processes include hydrologic variability, replenishment and connectivity between the river system, the braided channel network, waterholes, terminal wetlands and lakes, aquifers, off-stream water bodies, and adjacent floodplains; and

(b)  geomorphic processes including the natural erosion, transport and deposition of sediments by water throughout the catchments of the wild rivers and along the river systems. Natural geomorphic processes contribute to the physical integrity of the river system, including bed and bank stability, channel alignment and natural braiding processes, including the creation of new channels, waterholes and wetlands, and the maintenance of existing channel form, waterholes and wetlands; and

(c)  riparian function including a range of processes that occur in, or as a result of, the vegetation growing adjacent to the streams, lakes, floodplains and wetlands. This function helps maintain the physical integrity of beds and banks, provides aquatic habitat, pollution control, and food sources for native aquatic and terrestrial fauna, and maintains links between in-stream and land-based ecosystems; and

(d)  wildlife corridor function including areas of natural habitat within and along the river systems to allow native aquatic and terrestrial fauna to safely migrate within their natural ranges, in order to access critical aquatic refuges and important in-stream, riparian and floodplain resources; and

(e)  water quality including the physical, chemical and biological attributes of water in the wild river area that supports and maintains natural aquatic and terrestrial ecosystems.
Chapter 2 Areas to which the declaration applies

4. **Wild river area**
   The Georgina and Diamantina Basins Wild River Area (the wild river area) applies to the area that is the extent of the catchments of the Georgina River and the Diamantina River.

5. **Wild rivers, major tributaries and special features**
   (1) The wild rivers in the wild river area are—
      (a) Georgina River, including the reaches known as Paravituari Creek and Pallico Channel
      (b) Eyre Creek
      (c) Diamantina River.
   (2) The major tributaries in the wild river area are—
      (a) for the Georgina Basin;
         (i) Buckley River
         (ii) Mingera Creek
         (iii) Templeton River
         (iv) Moonah Creek
         (v) Pituri Creek
         (vi) Burke River
         (vii) Wills Creek
         (viii) Hamilton River
         (ix) King Creek
         (x) Mulligan River
      (b) for the Diamantina Basin;
         (i) Western River
         (ii) Wokingham Creek
         (iii) Jessamine Creek
         (iv) Mills Creek
         (v) Middleton Creek
         (vi) Cadell Creek
         (vii) Saville Creek
         (viii) Mackunda Creek
         (ix) Mayne River
         (x) Whistling Duck Creek
         (xi) Spring Creek
         (xii) Farrars Creek
         (xiii) Morney Creek.
   (3) The special features in the wild river area are—
      (a) for the Georgina Basin;
         (i) Toko Gorge
         (ii) Mulligan River–Wheeler Creek Junction
         (iii) Georgina River–King Creek Floodout
(iv) Lake Torquinie–Lake Phillipi Aggregation
(v) Lake Mipia Aggregation
(vi) Muncoonie Lakes

(b) for the Diamantina Basin;
   (i) Elizabeth Springs
   (ii) Lake Constance and Diamantina Lakes Aggregation
   (iii) Bilpa Morea Clay pan Aggregation
   (iv) Diamantina Overflow Swamp
   (v) Birdsville–Durrie Waterhole Aggregation.

(4) The special features mentioned in subsection (3) are—

(a) for Georgina River–King Creek Floodout: a complex of floodplains, channels and low-lying swamps that provides significant habitat that is seasonally inundated via hydrologic connections with the wild river and one of its major tributaries

(b) for Lake Mipia Aggregation: an aggregation of large, permanent and ephemeral freshwater lakes, all of which provide significant aquatic refuge and wetland habitat and have strong hydrological connections with the wild river

(c) for Lake Torquinie–Lake Phillipi Aggregation: a complex of freshwater and saline lakes, clay pans, waterholes, floodplains and seasonally inundated swamp areas with extensive native pastures and habitat, linked via a major tributary of the wild river

(d) for Mulligan River–Wheeler Creek Junction: a low gradient floodplain with anatomising channels, lakes, clay pans, waterholes and areas of seasonally inundated swamp, that provides significant areas of aquatic and riparian habitat and supports a range of aquatic and terrestrial species

(e) for Muncoonie Lake: a large complex of low-lying swamps, deep permanent waterholes and temporary freshwater lakes that occur on the floodplain of the proposed wild river, an important source of permanent water and vital drought refuge

(f) for Toko Gorge: a geographically isolated source of permanent water and vital drought refuge that is hydrologically linked to the Georgina River, consisting of a gorge, waterhole, and ephemeral floodplain

(g) for Bilpa Morea Clay pan Aggregation: a large temporary freshwater lake with extensive areas of habitat that occurs on a clay pan, hydrologically connected via flood channels to the wild river

(h) for Birdsville–Durrie Waterhole Aggregation: an aggregation of large waterholes on a low lying, low gradient floodplain, including significant areas of aquatic and riparian habitat including areas of seasonally inundated swamp, that provides significant areas of aquatic and riparian habitat and supports a range of aquatic and terrestrial species

(i) for Diamantina Overflow Swamp: a vast, very low gradient floodplain and low lying swamp, prominent anatomising channels, and significant areas of habitat and native pastures that are seasonally inundated via hydrologic connections with the wild river

(j) for Elizabeth Springs: a cluster of artesian mound springs on an alluvial plain, supporting unique habitat types connected via a hydrological link to the wild river and some of its major tributaries

(k) for Lake Constance and Diamantina Lakes Aggregation: a complex of significant habitat areas including a gorge, extensive swamps, broad, permanent lakes and waterholes and a low gradient anatomising floodplain that is seasonally inundated via flooding of the wild river.

(5) The location of the boundaries of the wild river area mentioned in section 4; the wild rivers mentioned in subsection (1); the major tributaries mentioned in subsection (2); and the location of the special features mentioned in subsection (3) are—

(a) shown on the map in Schedule 1, which is indicative only
(b) detailed by data in digital electronic form by the department’s spatial information resource which may be inspected at the department’s offices, including at—
   (i) Longreach: Landsborough Highway
   (ii) Mount Isa: Suite 30, Level 1 Mount Isa House, Corner Camooweal and Mary Streets
   (iii) Cloncurry: 72 Uhr Street, Cloncurry
   (iv) Brisbane: Level 2, Corner of Main and Vulture Streets, (Landcentre) Woolloongabba.

6. **High preservation area, preservation area, floodplain management area, special floodplain management area, designated urban area and nominated waterways**

   (1) The wild river area contains the following areas—
      (a) high preservation areas
      (b) the preservation area
      (c) floodplain management areas
      (d) special floodplain management areas
      (e) designated urban areas.

   (2) The wild river area contains nominated waterways in the preservation area.

   (3) The location of the areas mentioned in subsection (1), and the location of the nominated waterways mentioned in subsection (2) are—
      (a) shown on the map in Schedule 2, which is indicative only; and
      (b) detailed by data in digital electronic form by the department’s Spatial Information Resource which may be inspected at the department’s offices, including at—
         (i) Longreach: Landsborough Highway
         (ii) Mount Isa: Suite 30, Level 1 Mount Isa House, Corner Camooweal and Mary Streets
         (iii) Cloncurry: 72 Uhr Street
         (iv) Brisbane: Level 2, Corner of Main and Vulture Streets, (Landcentre) Woolloongabba.
Chapter 3  Taking of natural resources

Part 1  Taking of water

7.  Water entitlements in the wild river area
    (1) The allocation of water that can be taken from within the wild river area for the Georgina Diamantina Basins will be regulated by the Water Resource (Great Artesian Basin) Plan 2006 and the Water Resource (Georgina Diamantina) Plan 2004.
    (2) Under the Water Act 2000, section 210, in deciding whether to grant or refuse an application or the conditions for a water licence in the wild river area, the chief executive must consider this declaration.
    (3) Subsection (2) does not limit the matters the chief executive may consider.

Part 2 Taking of other natural resources

8.  Application and scope of Part 2
    This part sets out requirements for the taking of natural resources in the wild river area other than those mentioned in Part 1.

9.  Quarry material allocations
    (1) This section applies to applications for the allocation of quarry material in the wild river area under the Water Act 2000.
    (2) For an application under the Water Act 2000, section 280, if any part of the application relates to the wild river area, the application is taken not to have been made unless the quarry material is to be used in the wild river area.
    (3) If any part of the application relates to a wild river area, the application will not be granted unless it can be shown that there is no other suitable source of material that is—
        (a) outside a watercourse; and
        (b) within a reasonable distance from where the quarry material will be used.
    (4) Under the Water Act 2000, section 282, as part of the criteria for deciding whether to grant or refuse an application or what should be the conditions of the allocation, the chief executive must consider this declaration.

10. Forest products
    (1) This section applies to—
        (a) the management of State forests, timber reserves and forest entitlement areas in the wild river area; and
        (b) getting forest products in the wild river area, under the Forestry Act 1959.
    (2) Under the Forestry Act 1959, section 33A, the chief executive must prepare a management plan for the management of state forests, timber reserves and forest entitlements areas in the wild river area.
    (3) For subsection (2), in preparing the plan, the chief executive must—
        (a) have regard to any relevant code of practice approved under section 44A; and
        (b) ensure the plan is not inconsistent with this declaration.
    (4) Under the Forestry Act 1959, section 44B, the chief executive must ensure that any lease, licence or permit granted, or any agreement or contract entered, for getting forest products in the wild river area, requires the getting of the forest products to be in accordance with—
        (a) the code approved by the chief executive under section 44A that applies for the area and any other requirement stated to apply in this declaration; or
(b) if a code of practice has not been approved—Part 11 of the Wild Rivers Code.

(5) For subsection (4) (a) there are no other requirements to apply to the wild river area.

(6) Under the Forestry Act 1959, subsection 44B, if the code approved by the chief executive under section 44A for the wild river area is inconsistent with Part 11 of the Wild Rivers Code, the code that gives a greater level of protection for the area prevails to the extent of the inconsistency.

(7) For this section, chief executive means the chief executive administering the Forestry Act 1959.
Chapter 4  Regulating activities

11. Application and scope of this chapter

(1) This chapter identifies those activities which are regulated and/or prohibited within the wild river area.

(2) Regulation of the activities in this chapter does not affect the application of any legal requirements under other legislation.

Part 1 Carrying out water works

Division 1 Taking or interfering with water in a watercourse, lake or spring

12. Taking or interfering with water in a watercourse, lake or spring (prohibited activities)

The following development is prohibited under the Sustainable Planning Act 2009, Schedule 1, item 12(a) and Schedule 1, item 12(b)—Development that is operational work that is, or allows the taking of, or interfering with, water under the Water Act 2000 and is assessable development prescribed under section 232(1) of the Sustainable Planning Act 2009, to the extent the development is—

(a) operational work in a wild river high preservation area or wild river special floodplain management area that interferes with the flow of water in a watercourse, lake or spring as defined under the Water Act 2000, in the area, other than operational work—

(i) for the maintenance of works as defined under the Water Act 2000; or

(ii) that increases the interference with water in the Lake Eyre Basin, to the extent the interference is necessary for taking water for town water supply demands; or

(iii) that is authorised wild river operational work for the area; or

(b) operational work in a wild river preservation area, other than authorised wild river operational work for the area, that interferes with the flow of water in a nominated waterway, as defined under the Wild Rivers Act 2005, and is not a dam or weir, as defined under the Water Act 2000.

Division 2 Taking or interfering with overland flow water

Subdivision 1  Taking overland flow water

13. Application of Subdivision 1

(1) This subdivision applies to the following works that involve taking overland flow water in the high preservation area, special floodplain management area and floodplain management area—

(a) operational work mentioned in the Sustainable Planning Regulation 2009, Schedule 3, Part 1, Table 4, item 3(c)(i); and

(b) operational work mentioned in the Sustainable Planning Regulation 2009, Schedule 3, Part 2, Table 4, item 1(b) (ii).

(2) This subdivision does not apply to—

(a) existing overland flow works; or

(b) the repair or maintenance of the following works provided the repair or maintenance does not alter the design or capacity of the works—

(i) existing overland flow works; or

(ii) works constructed under a development permit.

(c) works that are—

(i) on average at a height of 300 millimetres (mm) or less above ground; and

(ii) of a temporary nature; and
(iii) solely for the purpose of soil remediation.

14. Works that take overland flow water in the high preservation area, special floodplain management area and floodplain management area (regulated activities)

(1) Works that involve taking overland flow are assessable development for the Sustainable Planning Regulation 2009, Schedule 3, Part 1, Table 4, item 3(c) (i).

(2) For subsection (1) and under the Water Act 2000, section 966A, the applicable code that the assessment manager’s and any concurrence agency’s decision must comply with is Part 6B of the Wild Rivers Code.

(3) Subsection (1) does not apply to works mentioned in subsection (4).

(4) Where they comply with Part 6A of the Wild Rivers Code, the following works for taking overland flow water are self-assessable development for the Sustainable Planning Regulation 2009, Schedule 3, Part 2, Table 4, item 1(b)(ii)—

(a) operational work that is for stock or domestic purposes; and

(b) operational work that is for another purpose and for which a water entitlement has been granted from Category B Unallocated Water under the Georgina and Diamantina Resource Operations Plan.

15. Works that take overland flow water in the high preservation area or special floodplain management area (prohibited activities)

The following development is prohibited under the Sustainable Planning Act 2009, Schedule 1, item 12(c)—

operational work in the wild river high preservation area or a wild river special floodplain management area, that takes overland flow water for any purpose, other than—

(a) operational work that is for stock or domestic purposes and assessable or self-assessable under section 14 of this declaration; or

(b) operational work that is for another purpose and for which a water entitlement has been granted from Category B Unallocated Water under the Georgina and Diamantina Resource Operations Plan and is assessable or self-assessable under section 14 of this declaration.

Subdivision 2 Interfering with overland flow water

16. Application of Subdivision 2

(1) This subdivision applies to the following works that interfere with overland flow water in the floodplain management area or special floodplain management area—

(a) operational work mentioned in the Sustainable Planning Regulation 2009, Schedule 3, Part 1, Table 4, item 3(e);

(b) operational work mentioned in the Sustainable Planning Regulation 2009, Schedule 3, Part 1, Table 4, item 3(c)(i);

(c) operational work mentioned in the Sustainable Planning Regulation 2009, Schedule 3, Part 2, Table 4, item 1(d); and

(d) operational work mentioned in the Sustainable Planning Regulation 2009, Schedule 3, Part 2, Table 4, item 1(b)(ii).

(2) This subdivision does not apply to—

(a) existing overland flow works;

(b) the repair or maintenance of any of the following works if the repair or maintenance does not alter the design or capacity of the works—

(i) existing overland flow works; or

(ii) works constructed under a development permit;

(c) a stock yard or fence;

(d) an open drain or trench that is on average at a depth of less than 300 mm below ground;
(e) contour banks that are—
   (i) on average at a height of 300 mm or less above ground; and
   (ii) of a temporary nature; and
   (iii) solely for the purpose of soil remediation;
(f) works in or for a designated urban area; and
(g) works for a residential complex that is not any of the following—
   (i) specified works; or
   (ii) an off-stream storage for storing water taken from a watercourse, lake, spring or aquifer.

17. Works that interfere with overland flow water in the floodplain management area or special floodplain management area (regulated activities)

   (1) The following works that interfere with overland flow water in the floodplain management area or special floodplain management area are assessable development for the Sustainable Planning Regulation 2009, Schedule 3, Part 1, Table 4, item 3(e)—
      (a) specified works;
      (b) a borrow pit;
      (c) an off-stream storage for storing water taken from a watercourse, lake, spring or aquifer; and
      (d) a levee bank or other solid earth work for a commercial or industrial development or a non-domestic agricultural building.

   (2) For subsection (1) and under the Water Act 2000, section 966B, the applicable code that the assessment manager’s and any concurrence agency’s decision must comply with is Part 7B of the Wild Rivers Code.

   (3) Subsection (1) does not apply to works mentioned in subsection (4).

   (4) Where they comply with Part 7A of the Wild Rivers Code, the following works for interfering with overland flow water are self-assessable development for the Sustainable Planning Regulation 2009, Schedule 3, Part 2, Table 4, item 1(d)—
      (a) drainage works associated with the maintenance, repair or minor upgrade of road infrastructure;
      (b) a borrow pit; and
      (c) a levee bank or other solid earth work for a commercial or industrial development or a non-domestic agricultural building other than—
         (i) specified works; or
         (ii) an off-stream storage for storing water taken from a watercourse, lake, spring or aquifer.

18. Works that interfere with overland flow water in the floodplain management area or special floodplain management area (prohibited activities)

   The following development is prohibited under the Sustainable Planning Act 2009, Schedule 1, item 12 (d)—operational work that interferes with overland flow water in the floodplain management area or a wild river special floodplain management area, other than operational work that is assessable or self-assessable under section 17.

Part 2 In-stream works and activities

Division 1 Riverine protection permits

19. Application of Division 1

   (1) This Division applies to applications to the chief executive for a permit under the Water Act 2000, section 266, to do any of the following activities—
      (a) destroy vegetation in a watercourse, lake or spring;
(b) excavate in a watercourse, lake or spring; and
(c) place fill in a watercourse, lake or spring.

(2) For this subdivision, the chief executive means the chief executive administering the *Water Act 2000*.

20. **Destroying vegetation, excavating or placing fill in a watercourse, lake or spring (prohibited activities)**

Under the *Water Act 2000*, section 266, an application is taken not to have been made if any part of the application—

(a) relates to the wild river high preservation area, a wild river special floodplain management area or a nominated waterway in the preservation area; and

(b) relates to an activity other than—

(i) an activity necessary to control non-native plants or declared pests in the area; or
(ii) an activity necessary for specified works in the area; or
(iii) an activity that is a necessary and unavoidable part of installing or maintaining works or infrastructure required to support other development for which a development permit is not required, or if a development permit is required, the permit is held or has been applied for.

21. **Destroying vegetation, excavating or placing fill in a watercourse, lake or spring (regulated activities)**

Under the *Water Act 2000*, section 268, in deciding whether to grant or refuse an application for a permit to destroy vegetation, excavate or place fill in a watercourse, lake or spring, or what should be the conditions of the permit, if the application relates to a wild river high preservation area, a wild river special floodplain management area or a nominated waterway in a wild river preservation area, the chief executive must consider—

(a) this declaration; and
(b) Part 9 of the Wild Rivers Code.

**Division 2 Riverine quarry material extraction**

22. **Riverine quarry material extraction (regulated activities)**

(1) This section applies to a development application for operational work mentioned in the Sustainable Planning Regulation 2009, Schedule 3, Part 1, Table 5, item 1—all aspects of development for removing quarry material.

(2) For the *Water Act 2000*, section 966C, the assessment manager’s and any concurrence agency’s decision must comply with Part 10 of the Wild Rivers Code.

**Division 3 Waterway barrier works**

23. **Waterway barrier works (prohibited activities)**

The following development is prohibited in the wild river high preservation area or the wild river special floodplain management area under the *Sustainable Planning Act 2009*, Schedule 1, item 6 (b)—assessable development prescribed under section 232(1) of the *Sustainable Planning Act 2009*—to the extent it is development in the wild river high preservation area or a wild river special floodplain management area—operational work that is the constructing or raising of a waterway barrier works, other than operational work—

(a) for specified works in the area; or
(b) for the maintenance of an existing waterway barrier works; or
(c) that is the constructing or raising of temporary waterway barrier works associated with the carrying out of operational work mentioned in subparagraph (a) or (b); or
(d) that is the constructing of a new waterway barrier works, or the raising of an existing waterway barrier works, in the Lake Eyre Basin for storing water for town water supply demands; or
(e) that is authorised wild river operational work for the area.
24. Waterway barrier works (regulated activities)

(1) Where they comply with the relevant code for operational work for constructing or raising a waterway barrier works under the Fisheries Regulation 2008 Section 704(b) the following operational work is self assessable development for the Sustainable Planning Regulation 2009, Schedule 3, Part 2, Table 4, item 2A—operational work that is the construction or raising of waterway barrier works, if the waterway barrier works are—

(a) temporary; and
(b) necessary for the maintenance of—
   (i) existing specified works; or
   (ii) existing waterway barrier works.

(2) There are no wild river requirements for self assessable development mentioned in subsection (1).

(3) Subsection (4) applies to a development application for operational work mentioned in the Sustainable Planning Regulation 2009, Schedule 3, Part 1, Table 4, item 6—operational work that is the constructing or raising of waterway barrier works.

(4) Under the Fisheries Act 1994 section 76DA, the applicable code that the assessment manager’s and any concurrence agency’s decision must comply with is Part 8 of the Wild Rivers Code.

Division 4 Transport Infrastructure works

25. Transport Infrastructure works (prohibited activities)

(1) This section applies to works carried out in the wild river area under the Transport Infrastructure Act 1994.

(2) The Transport Infrastructure Act 1994 does not authorise the chief executive to carry out the following activities in the wild river area—

(a) for section 35, to carry out road works—extract quarry material from a watercourse.
(b) for section 39, to carry out road works to—
   (i) divert or construct a watercourse; or
   (ii) extract quarry material from a watercourse;
(c) for section 167, to carry out railway works to grant an approval under this section to—
   (i) divert or construct a watercourse; or
   (ii) extract quarry material from a watercourse;
(d) for section 306, to carry out bus way transport infrastructure works to—
   (i) divert or construct a watercourse; or
   (ii) extract quarry material from a watercourse.

(3) For this section, chief executive means the chief executive administering the Transport Infrastructure Act 1994.

Part 3 Mining and petroleum activities

Division 1 Mining tenements

Subdivision 1 Granting of mining tenements

26. Application and scope of Subdivision 1

This subdivision applies to the granting of mining tenements over certain parts of the wild river area under the Mineral Resources Act 1989, section 383.
27. Granting of mining tenements other than an exploration permit, mineral development licence or mining lease

If a mining tenement other than an exploration permit, mineral development licence or a mining lease is granted over land that includes the wild river area, the following parts of the wild river area are excluded from the land to which the mining tenement applies—

(a) the wild river high preservation area; and
(b) the wild river special floodplain management area; and
(c) nominated waterways in the preservation area.

28. Granting of exploration permit, mineral development licence or mining lease

(1) If an exploration permit is granted over land that includes the wild river area, exploration may be carried out—

(a) to the extent the exploration permit applies to the wild river high preservation area or the wild river special floodplain management area, other than watercourses and lakes—using only low impact activities; and
(b) to the extent the exploration permit applies to watercourses and lakes in the wild river high preservation area, wild river special floodplain management area or nominated waterways—using only limited hand sampling techniques.

(2) If a mineral development licence is granted over land that includes the wild river area, an authorised activity for the licence may be carried out—

(a) to the extent the licence applies to the wild river high preservation area or the wild river special floodplain management area, other than watercourses and lakes—using only low impact activities; and
(b) to the extent the licence applies to watercourses and lakes in the wild river high preservation area, wild river special floodplain management area or nominated waterways—using only limited hand sampling techniques.

(3) Subject to subsection (4), if a mining lease is granted over land that includes a wild river area, an authorised activity for the lease (other than an activity carried out for specified works) must not be carried out—

(a) on the surface of the land in the wild river high preservation area or the wild river special floodplain management area; or
(b) in a nominated waterway.

(4) If a mining lease is granted over land that includes a wild river area, an authorised activity for the lease (other than an activity carried out for specified works) may be carried out—

(a) to the extent the lease applies to the wild river high preservation area or the wild river special floodplain management area, other than watercourses and lakes—using only low impact activities; and
(b) to the extent the lease applies to watercourses and lakes in the wild river high preservation area, the wild river special floodplain management area or nominated waterways—using only limited hand sampling techniques.

(5) Subsections (3b) and (4b) do not apply in relation to a nominated waterway if—

(a) the mining lease is, or is included in, a project declared under the State Development and Public Works Organisation Act 1971, section 26, to be a significant project; and
(b) the report evaluating the environmental impact statement for the project shows—

(i) the relevant natural values of the wild river, included in the preservation area, will be preserved;
(ii) it is not reasonably feasible to take the natural resource under the lease by underground mining; and
(iii) the value of the natural resource is sufficient to warrant the grant of the lease over the nominated waterway.

Subdivision 2 Renewal of mining tenements

29. Application and scope of Subdivision 2

This subdivision applies to the renewal of mining tenements over certain parts of the wild river area under the Mineral Resources Act 1989, section 384.

30. Renewal of mining tenements other than an exploration permit, mineral development licence, mining lease or mining claim

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

(a) the wild river high preservation area;

(b) the wild river special floodplain management area; and

(c) the nominated waterways in the preservation area.

31. Renewal of exploration permit, mineral development licence, mining lease or mining claim

(1) This declaration does not regulate the renewal of a mining claim over the wild river area.

(2) If an exploration permit is renewed over land that, at the time of renewal, includes the wild river area, exploration may be carried out—

(a) to the extent the renewed exploration permit applies to the wild river high preservation area or the wild river special floodplain management area, other than watercourses and lakes—using low impact activities; and

(b) to the extent the renewed exploration permit applies to watercourses and lakes in the wild river high preservation area and the wild river special floodplain management area or nominated waterways—using only limited hand sampling techniques.

(3) If a mineral development licence is renewed over land that includes a wild river area, an authorised activity for the licence may be carried out—

(a) to the extent the renewed licence applies to the wild river high preservation area, or the wild river special floodplain management area, other than watercourses and lakes—using only low impact activities; and

(b) to the extent the renewed licence applies to watercourses and lakes in the wild river high preservation area, the wild river special floodplain management area or nominated waterways—using only limited hand sampling techniques.

(4) Subject to subsection (5), if a mining lease is renewed over land that, at the time of the renewal, includes a wild river area, an authorised activity of the lease (other than an activity carried out for specified works) must not be carried out—

(a) on the surface of the land in the wild river high preservation area or the wild river special floodplain management area; or

(b) in a nominated waterway.

(5) If a mining lease is renewed over land that, at the time of the renewal, includes a wild river area, an authorised activity for the lease (other than an activity carried out for specified works) may be carried out—

(a) to the extent the renewed lease applies to the wild river high preservation area or the wild river special floodplain management area, other than watercourses and lakes—using only low impact activities; and
(b) to the extent the renewed lease applies to watercourses and lakes in the wild river high preservation area, the wild river special floodplain management area or nominated waterways—using only limited hand sampling techniques.

(6) Subsections (4b) and (5b) do not apply in relation to a nominated waterway if—

(a) the mining lease is, or is included in, a project declared under the *State Development and Public Works Organisation Act 1971*, section 26, to be a significant project; and

(b) the report evaluating the environmental impact statement for the project shows—

(i) the relevant natural values of the wild river, included in the preservation area, will be preserved;

(ii) it is not reasonably feasible to take the natural resource under the lease by underground mining; and

(iii) the value of the natural resource is sufficient to warrant the grant of the lease over the nominated waterway.

**Subdivision 3 Conditions of mining tenements**

32. **Application and scope of Subdivision 3**

(1) This subdivision applies to the conditions placed on the grant of mining tenements in the wild river area under the following sections of the *Minerals Resources Act 1989*, sections 25, 81, 141, 194 and 276.

(2) To remove any doubt, the conditions set out in section 33 do not prevent the use of limited hand sampling techniques to the extent an exploration permit, mineral development licence or mining lease applies to watercourses, lakes and springs in the wild river high preservation area, the wild river special floodplain management area or nominated waterways.

33. **Conditions of mining tenements**

(1) Under the *Mineral Resources Act 1989*, section 25, if a prospecting permit is granted over land that includes the wild river area, the prospecting permit is subject to the condition that the activity must not occur within 20 lateral metres of a nominated waterway.

(2) Under the *Mineral Resources Act 1989*, section 81, if a mining claim is granted over land that includes the wild river area, the mining claim is subject to the condition that the activity must not occur within 20 lateral metres of a nominated waterway.

(3) Under the *Mineral Resources Act 1989*, section 141, if an exploration permit is granted over land that includes the wild river area the exploration permit shall be subject to a condition that the activity must not occur within 100 lateral metres of a watercourse, lake or spring for that part of the tenement granted over the wild river high preservation area or the wild river special floodplain management area.

(4) Under the *Mineral Resources Act 1989*, section 141, if an exploration permit is granted over land that includes the wild river area, the exploration permit is subject to the condition that the activity must not occur within 50 lateral metres of a nominated waterway.

(5) Under the *Mineral Resources Act 1989*, section 194, if a mineral development licence is granted over land that includes the wild river area, the mineral development licence is subject to the condition that the activity must not occur within 100 lateral metres of a watercourse, lake or spring for that part of the tenement granted over the wild river high preservation area or wild river special floodplain management area.

(6) Under the *Mineral Resources Act 1989*, section 194, if a mineral development licence is granted over land that includes the wild river area, the mineral development licence is subject to the condition that the activity must not occur within 50 lateral metres of a nominated waterway.

(7) Under the *Mineral Resources Act 1989*, section 276, if a mining lease is granted over land that includes the wild river area, the mining lease is subject to the condition that an authorised activity for the lease (other than an activity carried out for specified works) must not occur within 100 lateral metres of a watercourse, lake or spring for that part of the tenement granted over the wild river high preservation area or the wild river special floodplain management area.
(8) Under the *Mineral Resources Act 1989*, section 276, if a mining lease is granted over land that includes the wild river area, the mining lease is subject to the condition that an authorised activity for the lease (other than an activity carried out for specified works) must not occur within 100 lateral metres of a nominated waterway unless—

(a) the mining lease is, or is included in, a project declared under the *State Development and Public Works Organisation Act 1971*, section 26, to be a significant project; and

(b) the report evaluating the environmental impact statement for the project shows—

(i) the relevant natural values of the wild river, included in the preservation area, will be preserved;

(ii) it is not reasonably feasible to take the natural resource under the lease by underground mining; and

(iii) the value of the natural resource is sufficient to warrant the grant of the lease over the nominated waterway.

**Division 2 Environmental authority (mining activity)**

34. **Meaning of certain terms**

For this division—

(a) ‘Minister’ means the Minister responsible for the *Environmental Protection Act 1994*; and

(b) The terms ‘administering authority’ and ‘mining activities’ have the meaning as defined in Schedule 4 of the *Environmental Protection Act 1994*.

35. **Decision on environmental impact statement requirement**

(1) This section applies to the decision of an administering authority, as to whether an environmental impact statement is required for an application for mining activity in the wild river area.

(2) Under the *Environmental Protection Act 1994*, section 162, the administering authority must, in making the decision whether an environmental impact statement is required, consider if any part of the application relates to the wild river area—this declaration.

(3) Under the *Environmental Protection Act 1994*, section 162, an environmental impact statement is required for the application if any part of the application relates to mining activities (other than activities carried out for specified works)—

(a) below the surface of the wild river high preservation area or a wild river special floodplain management area; or

(b) under a nominated waterway in the preservation area.

(4) Under the *Environmental Protection Act 1994*, section 163, in making a decision whether an environmental impact statement is required for an application, the Minister must consider—if any part of the application relates to the wild river area—this declaration.

36. **Draft terms of reference for an environmental impact statement**

(1) This section applies to the submission of the draft terms of reference for an environmental impact statement under the *Environmental Protection Act 1994*, section 41—

(a) for applications for level 1 environmental authorities (mining activities); and

(b) where any of the operational land is within the wild river area.

(2) Under the *Environmental Protection Act 1994*, section 41, the proponent must submit to the chief executive draft terms of reference that must—

(a) include the following—

(i) any potential impacts of the activity on the relevant natural values; and

(ii) the manner in which the proponent proposes to minimise the impacts identified under (i); and

(b) if mining activities (other than activities carried out for specified works) are to be carried out below the surface in the wild river high preservation area or wild river special floodplain management.
area, or under a nominated waterway—include a statement of how the proponent proposes to
decide the minimum depth below the surface of the land under which the mining activities can be
carried out to comply with this declaration; and
(c) for a level 1 mining authority (mining lease), if mining activities (other than activities carried out
for specified works) are to be carried out in the wild river high preservation area or wild river
special floodplain management area, or under a nominated waterway—include in the draft terms of
reference for the environmental impact statement, the following matters—
(i) how the activity will occur at a sufficient depth so that there will be no collapse or subsidence of
the land above;
(ii) how there will be minimal impact on hydrologic connections between groundwater aquifers and
a watercourse, lake or spring in the wild river high preservation area or a nominated waterway;
(iii) how there will be no contamination of hydrologically-linked groundwater; and
(iv) an assessment of the structural elements of the underlying geology, including—
(A) identifying the location and extent of fault lines;
(B) identifying the depth and extent of alluvial material;
(C) identifying the depth and extent of bedrock;
(D) identifying the bedrock formations;
(E) identifying the extent of aquifers; and
(F) identifying the expected impacts, if any, on groundwater flow direction.

37. Decision about environmental management plan requirements

(1) This section applies to a decision on whether an environmental management plan is required for non-code
compliant applications for an environmental authority under the *Environmental Protection Act 1994*
in the wild river area.

(2) Under the *Environmental Protection Act 1994*, section 163B, the administering authority must decide
whether an environmental management plan is required for the application, and the authority must, in
making the decision, consider this declaration and the potential impact on the relevant natural values of
the following—
(a) a non-code compliant environmental authority (exploration);
(b) a non-code compliant environmental authority (prospecting); and
(c) a non-code compliant environmental authority (mining claim).

38. Content requirements for submitted environmental management plan

(1) This section applies to a submitted environmental management plan under the *Environmental Protection
Act 1994*—
(a) under section 189, for a non-code compliant application for environmental authority (exploration),
and a non-code compliant application for environmental authority (mineral development); and
(b) under section 203, for a non-code compliant application for environmental authority (mining lease).

(2) For the Environmental Management Plan mentioned in (1)(a) and (1)(b)—a submitted environmental
management plan must, to the extent the plan relates to mining activities in the wild river area, state the
way in which the applicant proposes to minimise any adverse effect of the mining activities on the wild
river area, having regard to this declaration.

39. Conditions to be imposed

(1) This section applies to the decision by the administering authority to impose additional conditions on the
following non-code compliant applications for environmental authorities under the *Environmental
Protection Act 1994*—
(a) under section 170, for applications for a level 2 mining project if no relevant mining tenement is a
mining claim or mining lease;
(b) under section 176, for applications (mining claim) for a level 1 mining project; and
(c) under section 210, for applications (mining lease) for a level 1 mining project.

(2) For applications mentioned in subsection (1)(a) the administering authority in deciding whether to impose an additional condition on the environmental authority, must consider to the extent the application relates to mining activities in the wild river area, this declaration, including the potential for—
(a) contaminated wastewater entering receiving waters of a watercourse, lake or spring in the wild river high preservation area or wild river special floodplain management area, or a nominated waterway; and
(b) the impact of contaminated wastewater on the natural values of the wild river area.

(3) For applications mentioned in subsection (1)(b) the administering authority in fixing proposed conditions for the draft environmental authority must consider, to the extent the application relates to mining activities in the wild river area, this declaration, and if the tenure area covers all or part of the high preservation area or wild river special floodplain management area, or a nominated waterway, the potential for—
(a) contaminated wastewater entering receiving waters of a watercourse, lake or spring in the wild river high preservation area or the wild river special floodplain management area, or a nominated waterway; and
(b) the impact of contaminated wastewater on the natural values of the wild river area.

(4) For applications mentioned in subsection (1)(c) the administering authority in fixing proposed conditions for the draft environmental authority must consider, to the extent the application relates to mining activities in the wild river area, this declaration, and if the tenure area covers all or part of the wild river high preservation area or the wild river special floodplain management area, or a nominated waterway, the potential for—
(a) contaminated wastewater entering receiving waters of a watercourse, lake or spring in the wild river high preservation area, or the wild river special floodplain management area, or a nominated waterway; and
(b) the impact of contaminated wastewater on the natural values of the wild river area; and
(c) if mining underground—
   (i) impacts on the relevant wild river natural values;
   (ii) collapse or subsidence of the land above;
   (iii) impacts on hydrologic connections between groundwater aquifers and watercourses, lakes or springs in the wild river high preservation area, or the wild river special floodplain management area or nominated waterways; and
   (iv) contamination of hydrologically linked groundwater.

40. Decision whether to grant or refuse application
(1) This section applies to the decision by the administering authority to grant or refuse the environmental authority under the Environmental Protection Act 1994.
(2) Under the Environmental Protection Act 1994, section 171, for non-code compliant applications for a level 2 mining project if no relevant mining tenement is a mining claim or mining lease, the administering authority in deciding to grant or refuse and to impose any additional conditions must consider, to the extent the application relates to mining activities in the wild river area, this declaration.
(3) Under the Environmental Protection Act 1994, section 173, for non-code compliant applications for environmental authority (mining claim) for level 1 mining project, the administering authority in deciding either to refuse or allow it to proceed under the Environmental Protection Act 1994, divisions 3 or 4, must consider, to the extent the application relates to mining activities in the wild river area, this declaration.
(4) Under the Environmental Protection Act 1994, section 193, for non-code compliant applications for environmental authority (exploration) or environmental authority (mineral development) for level 1
mining project, the administering authority, in deciding whether to grant or refuse the application or to impose a condition, must consider, to the extent the application relates to mining activities in the wild river area, this declaration.

(5) Under the *Environmental Protection Act 1994*, section 207, for non-code compliant applications for environmental authority (mining lease) for level 1 mining projects, the administering authority in deciding either to refuse or allow it to proceed under the *Environmental Protection Act 1994*, divisions 5 to 7, must consider, to the extent the application relates to mining activities in the wild river area, this declaration.

**Division 3  Fossicking activities**

41. Fossicking (prohibited activities)

(1) Under the *Fossicking Act 1994*, section 3, a protected area means, in the wild river area—

(a) the wild river high preservation area; or

(b) a nominated waterway in the preservation area.

(2) Under the *Fossicking Act 1994*, section 9 of that Act does not apply to a protected area.

**Division 4  Petroleum activities**

42. Environmental authority (petroleum activity)

(1) This section applies to new petroleum activities in the wild river area, authorised by an environmental authority (petroleum activities) regulated under the *Environmental Protection Act 1994*.

(2) Under the *Environmental Protection Act 1994*, section 309T, for a code compliant level 2 petroleum activity—

(a) the applicable codes are the codes mentioned in the *Environmental Protection Act 1994*, section 309T(2); and

(b) the following conditions apply—

(i) only limited petroleum activities (other than activities carried out for specified works) may occur in the high preservation area or the special floodplain management area; and

(ii) those listed in Schedule 4; and

(iii) petroleum activities (other than activities carried out for specified works) must not occur within—

(A) 200 lateral metres of a watercourse, lake or spring that is in the high preservation area or special floodplain management area; or

(B) 100 lateral metres of a nominated waterway; and

(iv) for activities carried out for pipelines or flow lines in the high preservation area or special floodplain management area:

(A) any interference with overland flow and the potential for any interference with overland flow, must be temporary; and

(B) works must be planned in such a way as to minimise the potential for, and duration of, interference with overland flow; and

(C) the activities must not interfere with water in a watercourse, lake or spring (other than activities that are of a temporary nature); and

(v) for activities carried out for pipelines or flow lines in a floodplain management area in the preservation area:

(A) any interference with overland flow and the potential for any interference with overland flow, must be temporary; and
(B) works must be planned in such a way as to minimise the potential for, and duration of, interference with overland flow; and

(C) the activities must not interfere with water in a nominated waterway (other than activities that are of a temporary nature).

(3) For deciding an application pursuant to section 309Z of the Environmental Protection Act 1994, the administering authority must consider this declaration if any part of the application relates to the wild river area.

(4) Under the Environmental Protection Act 1994, section 309Z, for a non-code compliant level 2 petroleum activity, the administering authority must include, for relevant petroleum activities for the authority carried out in the wild river area, the following conditions—

(a) only limited petroleum activities (other than activities carried out for specified works) may occur in the high preservation area or the special floodplain management area; and

(b) those listed in Schedule 4; and

(c) petroleum activities (other than activities carried out for specified works) must not occur within—

(i) 200 lateral metres of a watercourse, lake or spring that is in the high preservation area or special floodplain management area; or

(ii) 100 lateral metres of a nominated waterway; and

(d) for activities carried out for pipelines or flow lines in the high preservation area or special floodplain management area:

(i) any interference with overland flow and the potential for any interference with overland flow, must be temporary; and

(ii) works must be planned in such a way as to minimise the potential for, and duration of, interference with overland flow; and

(iii) the activities must not interfere with water in a watercourse, lake or spring (other than activities that are of a temporary nature); and

(e) for activities carried out for pipelines or flow lines in a floodplain management area in the preservation area:

(i) any interference with overland flow and the potential for any interference with overland flow, must be temporary; and

(ii) works must be planned in such a way as to minimise the potential for, and duration of, interference with overland flow; and

(iii) the activities must not interfere with water in a nominated waterway (other than activities that are of a temporary nature).

(5) Under the Environmental Protection Act 1994, section 310N, in deciding whether to grant or refuse the application for a level 1 petroleum activity, the administering authority must consider, if any part of the application relates to the wild river area, this declaration.

(6) Under the Environmental Protection Act 1994, section 310O, for a level 1 petroleum activity, the administering authority—must include, for relevant petroleum activities for the authority carried out in the wild river area, the following conditions—

(a) only limited petroleum activities (other than activities carried out for specified works) may occur in the high preservation area; and

(b) the conditions listed in Schedule 4; and

(c) petroleum activities (other than activities carried out for specified works) must not occur within—

(i) 500 lateral metres of a watercourse, lake or spring that is in the high preservation area; or

(ii) 200 lateral metres of a watercourse, lake or spring that is in the special floodplain management area; or
(iii) 100 lateral metres of a nominated waterway; and

(d) for activities carried out for pipelines or flow lines in the high preservation area or special floodplain management area:

(i) any interference with overland flow and the potential for any interference with overland flow, must be temporary; and

(ii) works must be planned in such a way as to minimise the potential for, and duration of, interference with overland flow; and

(iii) the activities must not interfere with water in a watercourse, lake or spring (other than activities that are of a temporary nature); and

(e) for activities carried out for specified works that are pipelines or flow lines in a floodplain management area in the preservation area:

(i) any interference with overland flow and the potential for any interference with overland flow, must be temporary; and

(ii) works must be planned in such a way as to minimise the potential for, and duration of, interference with overland flow; and

(iii) the activities must not interfere with water in a nominated waterway (other than activities that are of a temporary nature).

(7) Despite subsections (2)(b)(i), (2)(b)(ii), (2)(b)(iii), (4)(a), (4)(b), (4)(c), (6)(a), (6)(b) and (6)(c)—

(a) this declaration does not prohibit seismic activities from being undertaken anywhere within the Georgina and Diamantina Basins Wild River Area; and

(b) temporary campsites/workforce accommodation and infrastructure necessary to support their operation, are not prohibited within the special floodplain management area provided that they comply with the conditions set out in Schedule 4, and they do not occur within 200 lateral metres of a watercourse, lake or spring in the special floodplain management area.

(8) To remove any doubt, subject to the conditions listed in subsection (9) and other applicable conditions in this section, for example, the conditions for pipelines and flow lines above in 2(b)(iv), the construction of specified works is not prohibited by this declaration anywhere in the wild river area.

(9) Specified works must not be constructed across a watercourse in the high preservation area or special floodplain management area, or across a nominated waterway where an alternative watercourse crossing is already in existence and is within a reasonable distance.

Part 4 Other regulated activities

43. Residential, commercial or industrial development (regulated activities)

(1) This section applies to—

(a) a development application for a material change of use of premises, reconfiguring a lot or operational work; and

(b) to the extent—

(i) the application relates to the wild river area; and

(ii) the application is in relation to residential, commercial or industrial development; and

(iii) the proposed development is made assessable under—

(A) a local government planning scheme; or

(B) the Sustainable Planning Regulation 2009, Schedule 3, Part 1, Table 3, item 1; or

(C) the Sustainable Planning Regulation 2009, Schedule 3, Part 1, Table 4, item 2.
(2) This section does not apply to residential, commercial or industrial development in a designated urban area.

(3) For subsection (1) (b) (iii) (B) there is no applicable code for wild river matters.

(4) For all other applications, for the Wild Rivers Act 2005, section 43, the assessment manager’s decision must comply with Part 5 of the Wild Rivers Code.

44. Protected area management plans

(1) This section applies to a final management plan for a protected area under the Nature Conservation Act 1992.

(2) Under the Nature Conservation Act 1992, section 117, a final management plan for a protected area may, where this declaration applies to a part or all of the protected area, be inconsistent with this declaration only to the extent the management plan provides for a greater level of protection for the area than is provided for in this declaration.

45. Master planned areas

(1) This section applies to the identification of master planned areas.

(2) Under the Sustainable Planning Act 2009, section 132(6), the wild river area cannot be included in a master planned area.

46. Applications for authorities under the Fisheries Act 1994

(1) This section applies to an application for the issue of an authority under the Fisheries Act 1994, section 55.

(2) In considering an application for the issue of an authority, the chief executive must consider this declaration.

(3) For this section, chief executive means the chief executive administering the Fisheries Act 1994.

47. Aquaculture (prohibited activities)

The following development is prohibited under the Sustainable Planning Act 2009, Schedule 1, item 6(a)—Assessable development prescribed under section 232(1) of the Sustainable Planning Act 2009, to the extent it is development in the wild river high preservation area or the wild river special floodplain management area relating to a material change of use of premises for aquaculture.

48. Aquaculture (regulated activities)

(1) A material change of use of premises for aquaculture is self assessable development for the Sustainable Planning Regulation 2009, Schedule 3, Part 2, Table 2, item 1 if—the change of use of premises does not cause the discharge of waste into Queensland waters, and the aquaculture—

(a) is—

(i) of indigenous freshwater fish species mentioned in the Fisheries Regulation 2008, schedule 10C; and

(ii) in a catchment listed in that schedule for that species for aquarium display or human consumption only; and

(iii) carried out in ponds, or using above-ground tanks, that have a total water surface area of no more than 5ha; or

(b) is of indigenous freshwater fish for aquarium display or human consumption only, or non-indigenous freshwater fish for aquarium display only, and is carried out using only above-ground tanks that have—

(i) a floor area, excluding water storage area, of no more than 50m²; and

(ii) a roof impervious to rainwater; or

(c) is of indigenous marine fish for aquarium display only and is carried out using only above-ground tanks that have a total floor area, excluding water storage areas, of no more than 50m².
For subsection (1) under the Fisheries Regulation 2008, section 703, the applicable Code is the document called ‘Code for self-assessable development—Low impact aquaculture’.

Subsection (4) applies to a development application for a material change of use of premises for aquaculture mentioned in the Sustainable Planning Regulation 2009, Schedule 1, Part 1, Table 2, item 9.

For the Fisheries Act 1994, section 76DA, the assessment manager’s and any concurrence agency’s decision must comply with Part 2 of the Wild Rivers Code.

49. Release of non-indigenous fisheries resources

(1) This section applies to the release and possession of non-indigenous fisheries resources under the Fisheries Act 1994.

(2) Under the Fisheries Act 1994, section 90, a person must not unlawfully release non-indigenous fisheries resources, or cause non-indigenous fisheries resources to be placed or released, in a waterway or lake in the wild river area.

50. Agricultural activities (prohibited activities)

The following development in the wild river area is prohibited under the Sustainable Planning Act 2009, Schedule 1, items 1(a) and (c)—

(a) a material change of use of premises in a wild river area if the proposed use is for agricultural activities, to the extent the development is—

(i) in a wild river high preservation area; or

(iii) in a wild river preservation area or wild river special floodplain management area in relation to the production of a high risk species; or

(iv) in a wild river special floodplain management area and for agricultural activities that involve irrigation; or

(b) operational work for agricultural activities in a wild river area, if the operations are assessable development prescribed under section 232(1), to the extent the development is—

(i) in a wild river high preservation area; or

(ii) in a wild river preservation area or a wild river special floodplain management area in relation to the production of a high risk species.

51. Agricultural activities (regulated activities)

(1) The following developments in a wild river area is assessable development for the Sustainable Planning Regulation 2009, Schedule 3, Part 1, Table 2, item 11, and Schedule 3, Part 1, Table 4, item 9—

(a) making a material change of use of premises to the extent the premises is in a wild river area and the proposed use is for agricultural activities as defined under the Wild Rivers Act 2005; and

(b) operational work for agricultural activities.

(2) For subsection (1) and under the Wild Rivers Act 2005, section 42, the assessment manager’s and any concurrence agency’s decision must comply with Part 1 of the Wild Rivers Code.

52. Animal husbandry activities (prohibited activities)

The following development in the wild river area is prohibited under the Sustainable Planning Act 2009, Schedule 1, items 1(b) and (d)—

(a) a material change of use of premises in a wild river area if the proposed use is for animal husbandry activities, to the extent the development is in a wild river high preservation area or a wild river special floodplain management area; or

(b) operational work for animal husbandry activities in a wild river area, if the operations are assessable development prescribed under section 232(1), to the extent the development is in a wild river high preservation area or a wild river special floodplain management area.
53. **Animal husbandry activities (regulated activities)**

(1) The following development in the wild river area is assessable development for the Sustainable Planning Regulation 2009, Schedule 3, Part 1, Table 2, item 11—to the extent that section 52 does not apply—making a material change of use of premises to the extent the premises is in a wild river area and the proposed use is for animal husbandry activities, as defined under the *Wild Rivers Act 2005*;

(2) For subsection (1) and under the *Wild Rivers Act 2005* section 42, the assessment manager’s and any concurrence agency’s decision must comply with Part 1 of the Wild Rivers Code.

54. **Native vegetation clearing activities (prohibited activities)**

The following development is prohibited under the Sustainable Planning Act 2009, Schedule 1, item 3—assessable development prescribed under section 232(1) of the Sustainable Planning Act 2009, that is operational work that is the clearing of native vegetation and—

(a) is proposed in the wild river high preservation area; and

(b) is not for any of the following relevant purposes under the *Vegetation Management Act 1999*, section 22A—

(i) necessary to control non-native plants or declared pests; or

(ii) to ensure public safety; or

(iii) for establishing a necessary fence, firebreak, road or vehicular track, or for constructing necessary built infrastructure, (each relevant infrastructure) and the clearing for the relevant infrastructure can not reasonably be avoided or minimised; or

(iv) a natural and ordinary consequence of other assessable development for which a development approval was given under the repealed *Integrated Planning Act 1997*, or a development application was made under that Act, before 16 May 2003; or

(v) for fodder harvesting; or

(vi) for thinning; or

(vii) for clearing of encroachment; or

(viii) for clearing regrowth vegetation on freehold land, indigenous land or leases issued under the *Land Act 1994* for agriculture or grazing purposes, in an area shown as a registered area of agriculture on a registered area of agriculture map in a wild river high preservation area.

55. **Native vegetation clearing activities (regulated activities)**

(1) This section applies to a development application for operational works for clearing native vegetation mentioned in the Sustainable Planning Regulation 2009, Schedule 3, Part 1, Table 4, item 1—to the extent the application relates to a wild river high preservation area..

(2) For the *Vegetation Management Act 1999*, section 21, for the aspect of the application relating to the clearing of vegetation—

(a) the Sustainable Planning Act 2009, section 326, does not apply; and

(b) the assessment manager’s decision must comply with Part 12 of the Wild Rivers Code.

(3) Under the *Vegetation Management Act 1999*, section 17, the wild river high preservation area, other than an excluded part for the area, is taken to be declared to be an area of high nature conservation value and the declared area code is Part 12 of the Wild Rivers Code.

56. **Pest control notices**

(1) This section applies to the issuing of a pest control notice under the *Land Protection (Pest and Stock Route Management) Act 2002* for a class 3 pest.

(2) Under the *Land Protection (Pest and Stock Control Route Management) Act 2002*, section 78, the issuing entity may give the owner a written notice (a pest control notice) if the issuing entity reasonably believes
a class 3 pest on the owner’s land is causing, or as the potential to cause, an adverse economic, environmental or social impact on—
(a) the owner’s land that is, or is in or adjacent to, an environmentally significant area; or
(b) an environmentally significant area adjacent to the owner’s land.

(3) Under the *Land Protection (Pest and Stock Route Management) Act 2002*, section 78, environmentally significant area includes the wild river area.

57. Environmentally relevant activities (prohibited activities)

(1) The following development is prohibited under the *Sustainable Planning Act 2009*, Schedule 1, item 9—
(a) an environmentally relevant activity (ERA), or a material change of use of premises for an ERA;
(b) assessable development prescribed under section 232(1) of the *Sustainable Planning Act 2009*; and
(c) to the extent it involves development in waters in a wild river area that is for an extraction ERA, other than if the development application is accompanied by an allocation notice.

(2) The following development is prohibited under the *Sustainable Planning Act 2009*, Schedule 1, item 10—
assessable development prescribed under section 232(1) of the *Sustainable Planning Act 2009* and an ERA, or a material change of use of premises for an ERA, to the extent it involves development in a wild river high preservation area or a wild river special floodplain management area, other than for the following—
(a) a sewage ERA as defined under the *Environmental Protection Act 1994*, section 73AA(4);
(b) a water treatment ERA as defined under the *Environmental Protection Act 1994*, section 73AA(4);
(c) a dredging ERA;
(d) an extraction ERA, if the activity is a low impact activity carried out outside waters and is for specified works, or residential complexes or another commercial, industrial or residential purpose in a designated urban area;
(e) a screening ERA, if the activity is carried out outside waters and is for specified works, or residential complexes, in the area;
(f) a crude oil or petroleum product storage ERA, if the activity is for residential complexes in the area and is carried out outside a designated urban area; or
(g) an exempt environmentally relevant activity, as defined under the *Environmental Protection Act 1994*, section 73AA(4), in a designated urban area.

(3) The following development in the floodplain management area of the wild river area is prohibited under the *Sustainable Planning Act 2009*, Schedule 1, item 11—
(a) assessable development prescribed under section 232(1) of the *Sustainable Planning Act 2009*; and
(b) an ERA, or a material change of use of premises for an ERA that is an extraction ERA, in a wild river floodplain management area other than an ERA that is—
(i) a low impact activity carried out outside waters; and
(ii) for specified works, or residential complexes or another commercial, industrial or residential purpose in a designated urban area.

58. Environmentally relevant activities (regulated activities)

(1) The following development is self-assessable under the Sustainable Planning Regulation 2009, Schedule 3, Part 2, Table 5, item (1) (a)—Development for aspects of an extraction ERA or a screening ERA carried out in compliance with the code of environmental compliance called ‘Code of environmental compliance for certain aspects of extractive and screening industries (ERA 16)’, made under a regulation under the *Environmental Protection Act 1994*.

(2) For the *Environment Protection Act 1994*, section 73AA, to the extent that an application relates to development in the wild river area the assessment manager’s and any concurrence agency’s decision must—
(a) in assessing and deciding an application for development mentioned in section 57 (2)(a), or section 57 (2)(b), be satisfied there is no viable location for the development outside the high preservation area or the special floodplain management area; and

(b) comply with—

(i) Part 10 of the Wild Rivers Code for a dredging ERA or extraction ERA for the purpose of riverine quarry material extraction; and

(ii) for all other environmentally relevant activities, Part 3 of the Wild Rivers Code.

(3) Subsection (2) does not apply to development in the wild river area for—

(a) a sewage ERA or water treatment ERA, if the development is in a designated urban area; or

(b) an exempt ERA within a designated urban area.

59. Property development plans

The following development is prohibited under the Sustainable Planning Act 2009, Schedule 1, item 2—development that is—

(a) assessable development prescribed under section 232(1); and

(b) on land to which a property development plan under the Wild Rivers Act 2005 applies; and

(c) inconsistent with the property development plan.
Schedule 1  Wild river area features
Schedule 2 Areas
Schedule 3 Dictionary

**agricultural activities**—as defined under the *Wild Rivers Act 2005*. Generally—

1. Agricultural activities means
   a. cultivating soil; or
   b. planting, gathering or harvesting a crop, including a food or fibre crop; or
   c. disturbing the soil to establish non-indigenous grasses, legumes or forage cultivars; or
   d. using the land for horticulture or viticulture.

2. The term does not include—
   a. producing agricultural products for the domestic needs of the occupants of the land if the maximum area of the land on which the products are produced is the following—
      i. for fewer than 10 occupants of the land—0.25ha
      ii. for 10 or more but fewer than 50 occupants of the land—2ha
      iii. for 50 or more but fewer than 100 occupants of the land—4ha
      iv. for 100 or more occupants of the land—6ha
   b. producing agricultural products in a market garden, if the maximum area of land on which the products are produced in not more than 4ha
   c. baling or cutting pasture
   d. broadcasting seed to establish an improved pasture
   e. planting, gathering or harvesting a crop of pasture or grain species in the preservation area if the pasture or grain species is—
      i. only for animal feed
      ii. neither a high-risk nor a moderate-risk species for the wild river area of which the preservation area is a part
   f. improving pasture using low impact soil disturbance if the pasture species is neither a high-risk species nor a moderate-risk species for the wild river area
   g. forestry activities
   h. activities carried out for land rehabilitation or remediation
      Examples—deep ripping, shallow ponding
   i. blade ploughing in an area that, under the *Vegetation Management Act 1999*, is a category X area or category C area on a PMAV.

**allocation notice**—means an allocation notice given under the *Water Act 2000*, section 283

**animal husbandry activities**—as defined under the *Wild Rivers Act 2005*

**authorised wild river operational work**—as defined under Schedule 3 of the *Sustainable Planning Act 2009* for a wild river area, means operational work that is necessary for the carrying out of an activity, or the taking of a natural resource, that may be continued, or started and continued, under the *Wild Rivers Act 2005*, section 17(3) (a) as if the wild river declaration for the area had not been made

**crude oil or petroleum product storage ERA**—as defined under Schedule 3 of the *Sustainable Planning Act 2009*.

**dredging ERA**—as defined under Schedule 3 of the *Sustainable Planning Act 2009*

**excluded part**—as defined under the *Vegetation Management Act 1999*. Generally—excluded part, for a wild river high preservation area, means a part of the area that—
(a) is a category X area on a PMAV or a category C area; or
(b) is an area that, under section 20CA, the chief executive can make as a category X area on a PMAV; or
(c) is an area that, under section 20CA, the chief executive could make as a category X area on a PMAV if the area were not a declared area; or
(d) is regrowth that has not been cleared since 31 December 1989.

exempt environmentally relevant activity—as defined under section 73AA of the Environmental Protection Act 1994.

extent of the catchment—the area of land from which all water drains to a single lowest point

extraction ERA—as defined under Schedule 3 of the Sustainable Planning Act 2009

groundwater—means water that is—
   (i) artesian water
   (ii) subartesian water.

lake—as defined under the Water Act 2000

limited hand sampling techniques—as defined under the Mineral Resources Act 1989 section 382

limited petroleum activities—means the following petroleum activities

- well sites—where the drilling rig mast is less than 20 metres in height—not exceeding 1 hectare disturbance and multi-well sites not exceeding 1.5 hectare disturbance, or—where the drilling rig mast is greater than 20 metres—not exceeding 1.5 hectares disturbance and multi-well sites of 6 or more wells, not exceeding 3 hectares disturbance. Well sites may include the following infrastructure:
  - well pads;
  - water pumps and generators associated with well operations;
  - sumps for storing drilling mud;
  - flare pits;
  - ponds used to contain and / or store stimulation fluid;
- geophysical surveys (including seismic petroleum activities);
- ecological geological surveys (including seismic petroleum activities);
- gathering / flow pipelines from a well head to the initial compression facility;
- specified works including supporting access tracks; and
- communication and power lines that are necessary for the undertaking of petroleum activities and that are located within well sites, well pads and pipeline right of ways without increasing the disturbance area of petroleum activities.

Note—limited petroleum activities exclude:
- the construction of infrastructure for processing or storing petroleum or by-products;
- low hazard dams (that do not meet the limitations prescribed above);
- regulated dams;
- borrow pits
- compressor stations;
- campsites / workforce accommodation
- pipelines which are used to transport gas after the initial compression facility (e.g. trunk pipelines, transmission pipelines or pipelines that require a pipeline licence) except for those pipelines authorized under the conditions of Schedule D of the Environmental Authority;
- waste disposal; or

1 Not prohibited in the special floodplain management area subject to conditions
other supporting infrastructure for the project (e.g. sewage treatment plants).

low impact activity—for section 28 and 31 as defined under the Mineral Resources Act 1989 section 382.

low impact activity—for sections 57 as defined in the Sustainable Planning Act 2009—means a borrow pit of not more than 10 000m³

master planned area—means an area identified under the Sustainable Planning Act 2009, section 136 as a master planned area.

minor upgrade of road infrastructure—means upgrading existing infrastructure such as road resurfacing. This does not include increasing the height of an existing road whereby the increase in height results in increased interference with overland flows; or building new roads.

nominated waterway—as defined under the Wild Rivers Act 2005

non-code compliant applications—as defined under the Environmental Protection Act 1994

overland flow water—as defined under the Water Act 2000

project of state significance—means a project declared under the State Development and Public Works Organisation Act 1971, section 26, to be a significant project

quarry material—as defined under the Water Act 2000

residential complex—as defined under Schedule 3 of the Sustainable Planning Act 2009

screening ERA—as defined under Schedule 3 of the Sustainable Planning Act 2009

sewage ERA—as defined under section 73AA of the Environmental Protection Act 1994

specified works—as defined under the Wild Rivers Act 2005

spring—as defined under the Water Act 2000

started—for existing overland flow works, means—

(a) construction of the works had physically begun or, if construction had not physically begun, a contract had been entered into to begin construction

(b) an independently verifiable construction program existed for progressive construction towards completion of the works

(c) detailed design plans existed showing, amongst other things, the extent of the works

(d) if a permit under the Local Government Act 1993, section 940, was required for the works—the permit had been issued

(e) if a development permit was required for the works—the permit had been given

stock purposes—as defined under the Water Act 2000

temporary—means for 42(2), 42(4) and 42(6), the minimum time practicable.

temporary campsites/workforce accommodation—means unfixed campsites/workforce accommodation present at any location for a period of no more than 6 months

watercourse—as defined under the Water Act 2000

water entitlement—as defined under the Water Act 2000

water licence—as defined under the Water Act 2000

water treatment ERA—as defined under section 73AA of the Environmental Protection Act 1994

works—as defined under the Water Act 2000
Schedule 4 Conditions to be applied to an environmental authority for petroleum and gas activities

Note: Conditions are additional to regulated setbacks, and all conditions listed below must be met.

Conditions:

1. With the exception of temporary campsites/workforce accommodation, only limited petroleum activities are permitted. See definition: limited petroleum activities do not include dams (including dams to contain wetting front; aggregation dams; brine dams), or major production infrastructure.

2. Specified works in the HPAs and SFMAs must be co-located to the greatest possible extent.

3. Operationally generated waters must not be released to any surface waters within the SFMA.

4. Contaminants must not be directly or indirectly released to any waters.

5. Contaminants must not be directly or indirectly released to land.

6. Limited petroleum activities and temporary campsites/workforce accommodation must not increase the natural movement of sediment beyond the work area and must not increase the delivery of sediment to water either during or following construction activities.

7. Limited petroleum activities and temporary campsites/workforce accommodation must not:
   - concentrate flood flows in a way that will or may cause or threaten an adverse impact on wild river natural values; or
   - divert flood flows from natural drainage paths*; or
   - increase the local duration of floods; or
   - increase the risk of detaining flood flows.

*To meet this requirement:
   - Construction or operational works associated with the petroleum activity(ies) must not be located in a flood channel.
   - Overland flow diverted as a result of construction or operational works associated with the petroleum activity(ies) must exit the tenement at approximately the same location that the water exited the tenement prior to the works.

8. For limited petroleum activities and specified works carried out within the bed and banks of a watercourse, wetland, lake or spring, Limited petroleum activities including specified works must:
   - not result in disturbance to the bed and banks of a watercourse, wetland, lake or spring beyond the minimum area necessary for the purpose of the disturbance; and
   - be designed and undertaken by a suitably qualified person taking into account the matters listed in the ‘Planning Activities’ and ‘Impact Management During Activities’ sections of the Department of Environment
and Resource Management’s ‘Guideline—Activities in a watercourse, lake or spring associated with mining operations’ December 2010, as amended from time to time.

9. Upon cessation of the works described above (Condition 8), rehabilitation must commence immediately*.

* Progressive rehabilitation must commence immediately upon cessation of limited petroleum activities within the beds and banks of a watercourse, wetland, lake or spring.

10. There must be no introduction of weeds or pests as a result of the activity.

11. Any clearing of vegetation in a wildlife corridor or in a riparian zone must not be carried out in a way which isolates, fragments or dissects tracts of vegetation resulting in a reduction in the current level of ecosystem functioning, ecological connectivity (i.e. stepping stone or contiguous bioregional / local corridor networks) and / or results in an increase in threatening processes.

12. Waste must not be disposed of within the SFMA.
Note: waste includes, but is not limited to, operational by-products of any kind, including sewage, contaminant fluids, garbage—i.e. all waste including sewage must be removed from the SFMA.

13. Rehabilitation of disturbed land caused by the carrying out of the limited petroleum activity(ies) which is not required for the ongoing conduct of the limited petroleum activity(ies) must commence as soon as practicable, but not longer than three (3) months following the completion of any construction or operational works associated with the petroleum activity(ies).

14. Rehabilitated areas must:
- be a stable landform;
- exhibit no subsidence or erosion gullies;
- be re-profiled to a level consistent with surrounding soils;
- be re-profiled to original contours and established drainage lines;
- be visually consistent with the surrounding land features;
- be vegetated with species of the surrounding areas;
- feature communities that are to the same as those of the adjacent and surrounding areas;
- be vegetated with flora that is resilient and self-sustaining (demonstrated by reproduction and colonisation);
- be managed until plant communities are restored to natural functioning; and
- be free of any declared pest plants.

15. The size of any temporary campsites/workforce accommodation is limited to 2250m² and no more than 30 people are accommodated at any time; and all waste products associated with the establishment and operation of a temporary campsite/workforce accommodation are only temporarily stored, and must be physically removed from the special floodplain management area for disposal regularly.
Definitions for Schedule 4

**adverse impact** is a change from natural functioning

**bed and banks** for a watercourse or wetland means land over which the water of the watercourse or wetland normally flows or that is normally covered by the water, whether permanently or intermittently; but does not include land adjoining or adjacent to the bed or banks that is from time to time covered by floodwater

**clearing** for vegetation means removing, cutting down, ringbarking, pushing over, poisoning or destroying in any way including by burning, flooding or draining; but does not include destroying standing vegetation by stock, or lopping a tree

**contaminants** are chemicals or pollutants that are not naturally found in the area, and/or chemicals or pollutants at levels above those found naturally in the area

**disturbance to land** is—
- the covering, compaction, exposure, removal or stockpiling of soil or other material
- the destruction or removal of vegetation
- the carrying out of a mining activity in a watercourse or wetland
- the submergence of an area with a hazardous contaminant, tailings, or water

**land is disturbed if**—
- any operation that has made the land more susceptible to erosion
- the land use capability or suitability of the land is diminished; or
- the quality of water in a watercourse downstream of the land has been significantly reduced

**declared pest plants** are listed in Schedule 2 of the Land Protection (Pest and Stock Route Management) Regulation 2003

**ecosystem functioning** means the interactions between and within living and nonliving components of an ecosystem and generally correlates with the size, shape and location of an area of vegetation

**lake** means—
- a lagoon, swamp or other natural collection of water, whether permanent or intermittent; and
- the bed and banks and any other element confining or containing the water

**limited petroleum activities**—means the following petroleum activities:
- well sites—where the drilling rig mast is less than 20 metres in height—not exceeding 1 hectare disturbance and multi-well sites not exceeding 1.5 hectare disturbance, or—where the drilling rig mast is greater than 20 metres—not exceeding 1.5 hectares disturbance and multi-well sites of 6 or more wells, not exceeding 3 hectares disturbance. Well sites may include the following infrastructure:
  - well pads
  - water pumps and generators associated with well operations
  - sumps for storing drilling muds
  - flare pits
  - ponds used to contain and / or store stimulation fluid
- geophysical surveys (including seismic petroleum activities)
- ecological geological surveys (including seismic petroleum activities)
- gathering / flow pipelines from a well head to the initial compression facility
- specified works including supporting access tracks
• communication and power lines that are necessary for the undertaking of petroleum activities and that are
located within well sites, well pads and pipeline right of ways without increasing the disturbance area of
petroleum activities

Note—limited petroleum activities exclude:
– the construction of infrastructure for processing or storing petroleum or by-products;
– low hazard dams (that do not meet the limitations prescribed above);
– regulated dams;
– borrow pits;
– compressor stations;
– campsites / workforce accommodation;
– pipelines which are used to transport gas after the initial compression facility (e.g. trunk pipelines,
transmission pipelines or pipelines that require a pipeline licence) except for those pipelines authorized
under the conditions of Schedule D of the Environmental Authority;
– waste disposal; or
– other supporting infrastructure for the project (e.g. sewage treatment plants).

operationally generated waters means any water that is produced as a result of the petroleum and gas activity,
including water that is extracted from below the ground. It does not include natural runoff as a result of rainfall; it
does include rainfall that has been caught in an artificial impoundment.

pest means species—
• declared under the Land Protection (Pest and StockRoute Management) Act 2002;
• declared under Local Government model local laws; and
• which may become invasive in the future

rehabilitation means the process of reshaping and revegetating land to restore it to a stable landform and in
accordance with the acceptance criteria set out in this environmental authority and, where relevant, includes
remediation of contaminated land

specified works are as defined under the Wild Rivers Act 2005

spring means the land to which water rises naturally from below the ground and the land over which the water then
flows

suitably qualified person means a person who has professional qualifications, training, skills or experience
relevant to the nominated subject matter and can give authoritative assessment, advice and analysis to performance
relative to the subject matter using the relevant protocols, standards, methods or literature.

threatening processes means processes, features and actions that can have a detrimental effect upon the health and
viability of an area of vegetation (e.g. altered hydrology, land use practices, invasion by pest and weed species,
land degradation, edge effects and fragmentation)

watercourse has the meaning provided in section 5 of the Water Act 2000 and includes the bed and banks and any
other element of a river, creek or stream confining or containing water

wetland means a wetland as defined under the Queensland Wetlands Program and are areas of permanent or
periodic / intermittent inundation, with water that is static or flowing fresh, brackish or salt, including areas of
marine water, the depth of which at low tide does not exceed six (6) metres. To be classified as a wetland, the area
must have one or more of the following attributes:
• at least periodically, the land supports plants or animals that are adapted to and dependent on living in wet
conditions for at least part of their life cycle, or
• the substratum is predominantly undrained soils that are saturated, flooded or ponded long enough to develop
anaerobic conditions in the upper layers, or
• the substratum is not soil and is saturated with water, or covered by water at some time.

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2 Not prohibited in the special floodplain management area subject to conditions