Georgina and Diamantina Basins
Wild River Declaration 2011
Consultation Report
Prepared by: Water and Ecosystem Outcomes, Department of Environment and Resource Management

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December 2011
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Foreword

The Georgina and Diamantina Basins Wild River Declaration 2011 is an important step in preserving one of Australia’s most iconic river systems for current and future generations.

The decision to declare the basins a wild river area follows significant consultation with the stakeholders from across the basins. Since 2009, departmental staff have been out in the region talking to the community about wild rivers. The government is committed to the preservation of the Lake Eyre Basin river systems and the consultation process in the Georgina and Diamantina basins has been comprehensive. Soon after my appointment as Environment Minister earlier this year I had the opportunity to see first hand how committed the landholders of the Georgina and Diamantina basins are to its future.

Following the release of the Georgina and Diamantina Basins Wild River Declaration Proposal in August 2011, there have been more than 49 consultation meetings, including 14 public information meetings and forums and numerous individual meetings with Indigenous Traditional Owners, landholders, petroleum, gas and mining companies, local governments and tourism operators who have an interest in the basins. I have considered the outcomes from this consultation as well as the more than 3700 submissions received.

This consultation report details the information provided to me through consultation and submissions on the Georgina and Diamantina Basins Wild River Declaration Proposal and how these have been considered in the decision process. I am confident that this report provides clear feedback to you, the community and stakeholders of the Georgina and Diamantina basins.

I would like to acknowledge the Georgina Diamantina Cooper Aboriginal Group, the Local Governments in the area, the landholders and mining and petroleum tenement holders, for providing support to the consultation process and supplying valuable input.

I must also pay tribute to the Lake Eyre Basin Wild Rivers Advisory Panel (LEBWRAP) and the dedicated contribution of key stakeholders to the process. Panel members represent key groups from all over the basin and I thank them for their time and advice.

The purpose of the wild river declaration is to preserve the Georgina and Diamantina basins in Queensland in near natural condition—by ensuring sustainable use of the basins’ natural resources, as well as ensuring appropriate management of new development in the basins.

A wild river declaration provides a framework that balances the preservation of these rivers and their natural assets with the needs of the community that shares an interest in the Georgina and Diamantina basins.

In declaring the Georgina and Diamantina basins a wild river area, I acknowledge the past and present custodianship of the land and waters by Traditional Owners and the management of other landholders. Their stewardship and land management practice has ensured protection of the Channel Country and vast flood plains that make up the basins. The government’s declaration of the area as a wild river builds on this stewardship, provides for continued preservation of this region’s iconic river systems, and ensures the natural values that support sustainable grazing, tourism and other industries in the basins are safeguarded.

Vicky Darling
Minister for Environment
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1 Introduction

The *Wild Rivers Act 2005* was enacted to support the preservation of rivers that are in a natural or near-natural condition and to preserve the natural values of the Lake Eyre Basin. A wild river declaration under this legislation ensures appropriate management of new development activities and the way natural resources are accessed and taken in the wild river area.

The Georgina and Diamantina Basins Wild River Declaration 2011 was released on 16 December 2011. This declaration, along with the Cooper Creek Basin Wild River Declaration 2011, will ensure protection of the natural values of the rivers of the Lake Eyre Basin.

This consultation report accompanies the Georgina and Diamantina basins declaration and details the extensive consultation process undertaken by officers of the Department of Environment and Resource Management following the release of the Georgina and Diamantina Basins Wild River Declaration Proposal. The report summarises the many submissions, opinions and concerns received from stakeholders, including industry, government, Traditional Owners, community and special interest groups.

This consultation report presents information that demonstrates how the Minister fulfilled her legal obligation to ensure the wild river declaration proceeded only after prudent, fair and transparent consideration of consultation feedback and submissions, and provide responses to the concerns of stakeholders while protecting the wild river environment for today’s communities and for generations to come.

The report also covers several issues raised in the consultation process that are not specific to the Georgina and Diamantina basins. These issues, along with their responses, have been included to provide a broader perspective of the wild river declaration process and to foster a more comprehensive understanding of the wild river program.

1.1 Intent of the declaration

Under the Wild Rivers Act the Minister can propose any part of Queensland for consideration as a wild river area. A wild river area includes the wild river or rivers and their catchments.

A wild river area is declared through approval of a wild river declaration which is a statutory instrument that describes:

- the wild river area
- any wild river requirements
- in what circumstances parts of the Wild Rivers Code or other development assessment codes apply.

The Wild Rivers Code is a development planning document that specifies the outcomes that a development must meet for approval. These required outcomes aim to minimise impacts on the natural values that could otherwise result from development activities in the catchment.

Under the Wild Rivers Act, authorisations in place at the time of a wild river declaration are not subject to any wild river requirements. Declaration allows the continuation of essential and low-impact developments that are unlikely to adversely affect the natural values of the wild river area.

1.2 The declaration process

The process of declaring the Georgina and Diamantina basins as a wild river area included considerable consultation with stakeholders and communities over a period of two years. The process included the following activities:

- In 2009 the Department of Environment and Resource Management held a number of meetings in the region to discuss wild river issues for the Lake Eyre Basin. This included a stakeholder forum organised by the Remote Area Planning and Development Board (RAPAD).
In March 2010 the Wild Rivers Lake Eyre Basin Policy Consultation Paper was released for consultation and, based on feedback from stakeholders; amendments were subsequently made to the wild rivers framework in late 2010 through the *Water and Other Legislation Amendment Act 2010*.

On 26 August 2011, the Minister published a combined notice of intent to declare, and a declaration proposal notice for the Georgina and Diamantina basins, in statewide and local papers.

Consultation on the declaration proposal formally began on the date the notice was released and submissions were invited on the proposal. An overview report was released at the same time to provide stakeholders and the public with more background information on the declaration proposal.

A moratorium on mining, clearing of native vegetation, and water-related development, took effect for the proposed wild river area on 26 August 2011.

The submission period closed on 28 November 2011, and 3729 submissions were received by the department, including 3704 email letters.

Based on the issues raised in submissions, additional investigations were undertaken by the department, including additional consultation with respect to options for managing petroleum and gas activities in the most sensitive areas of the Basin.

The Minister considered the submissions received and the results of consultation, scientific reports and other relevant information, in deciding whether to declare the Georgina and Diamantina basins as a wild river area.

The declaration was gazetted on 16 December 2011.

### 1.3 Consultation program

Community consultation is central to the wild rivers declaration process, and extensive consultation has occurred on the proposal to declare the Georgina and Diamantina basins as a wild river area. Prior to the Minister releasing the wild river declaration proposal, an assessment of the Georgina and Diamantina basins and their natural values was undertaken, and preliminary consultations with stakeholders were held.

Consultation for declaring wild river areas in the Lake Eyre Basin started in 2009. The aim of this preliminary consultation was to provide background information about the wild rivers program and identify how the wild rivers framework could be most appropriately applied in the region. This process identified that policy and legislative changes would be required to accommodate the Lake Eyre Basin river systems within the wild rivers framework.

The Wild Rivers Lake Eyre Basin Policy Consultation Paper (policy paper) was released on 24 March 2010. The policy paper outlined the current wild rivers policy and proposed changes to the wild rivers framework. These changes as proposed in the policy paper were presented in response to community feedback gathered in 2009 and 2010 and aimed to ensure a best fit for the unique social and environmental characteristics of the area. Further on-ground consultation was undertaken on the policy paper following its release, and 19 submissions were received from stakeholders.

Issues raised in submissions and consultation on the policy paper, informed legislative amendments which were made to the wild rivers framework in late 2010 through the *Water and Other Legislation Amendment Act 2010*. The Georgina and Diamantina Basins Wild River Declaration Proposal reflected these legislative amendments.

On 26 August 2011, the Minister for Environment, the Honourable Vicky Darling MP, formally released the Georgina and Diamantina Basins Wild River Declaration Proposal for public consultation. Accompanying the declaration proposal was an overview report which provided additional background information on the region and the river systems, including details of natural values to be preserved.

Stakeholders were given information packs at the release of the declaration proposal. These contained copies of the proposal, the overview report, relevant background information, including details of consultation meetings and maps.

A range of consultation and communication strategies were implemented before and after the release of the declaration proposal, including public meetings, public forums, specific stakeholder meetings, and consultation through the Lake Eyre Basin Wild River Advisory Panel. Through these processes, a range of stakeholders had the opportunity to speak with government officers in locations throughout the basins. Stakeholders consulted, included
the local community, Traditional Owners and indigenous groups, local governments, graziers, mining and petroleum companies, tourism operators, conservation and environmental groups and business operators.

The forums, in particular, proved invaluable, giving stakeholders the opportunity to discuss a wider range of issues with senior departmental officers about their properties and to clarify concerns about the potential impacts of a wild river declaration on their businesses.

Given the potential interest of the mining industry, prior to the release of the declaration proposal, a number of individual information meetings were held with mining companies with interests in the basins. Following the release of the declaration proposal, two industry specific forums were offered, one in Brisbane and one in Mount Isa. However the forum at Mount Isa had a very small response and so was cancelled. Departmental officers travelled to Mount Isa though to meet with those parties that were interested in discussing wild rivers. The forum in Brisbane was well received, and a number of concerns were addressed through this forum.

Throughout the consultation period, there were many follow-up visits to clarify issues and to ensure stakeholder feedback was adequate and representative.

In all, 3729 submissions, which outlined a wide range of issues and viewpoints, were received during consultation on the declaration proposal.

Following the closing of the formal consultation period, consultation workshops and meetings were held with, and supplementary submissions received from the petroleum and gas industry, with respect to options for managing the cumulative impacts of increased petroleum and gas activities in the Lake Eyre Basin.

All issues raised during stakeholder consultation, and received in the submission process, were taken into consideration in preparing the Georgina and Diamantina Basins Wild River Declaration 2011.

### 1.4 Lake Eyre Basin Wild River Advisory Panel

The Lake Eyre Basin Wild River Advisory Panel (LEBWRAP) was formed to aid consultation by providing stakeholder input and views to the Minister and the Department of Environment and Resource Management on wild river matters pertaining to the Lake Eyre Basin river systems. In establishing the advisory panel, key Lake Eyre Basin stakeholder groups were identified and each group nominated members to represent them on the panel. In collaboration with RAPAD (Remote Area Planning and Development Board), the department made recommendations to the Minister who appointed the nominees to the panel.
There have been six meetings of LEBWRAP in 2011. LEBWRAP will have an ongoing role in the provision of advice on Lake Eyre Basin wild river issues.

## 2 Declaration proposal—issues and responses

This section of the consultation report summarises the issues raised during community consultation and in submissions on the Georgina and Diamantina Basins Wild River Declaration Proposal, followed by the government's response, and where relevant, how the issues were addressed in the final declaration. Issues raised included concerns about impacts of a wild river declaration on existing industries; mining and petroleum activities in the basins; definition of terms including ‘watercourses’; and views on the Wild Rivers Code.

### 2.1 Consultation

**Issue**

Submitters raised issues about the consultation process for the declaration proposal and finalisation of the declaration. Some stakeholders expressed that they were satisfied with the consultation process and appreciated being able to attend meetings and learn first-hand about the declaration process. The Georgina, Diamantina, Cooper Aboriginal Group gave specific recognition for the extensive consultation process carried out by the Department of.

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<thead>
<tr>
<th>Name</th>
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<tr>
<td>Mr Gerry Fogarty</td>
<td>Georgina Diamantina Cooper Aboriginal Group</td>
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<td>Ms Dot Gorringe</td>
<td>Georgina Diamantina Cooper Aboriginal Group</td>
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<tr>
<td>Cr Kelsey Neilson</td>
<td>Central West Regional Organisation of Councils /Remote Area Planning And Development Board</td>
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<td>Mr Bill Bode</td>
<td>Representing North Western Local Governments (non- Remote Area Planning And Development Board)</td>
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<td>Mr John te Kloot</td>
<td>AgForce Queensland</td>
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<td>Ms Toni Willmott</td>
<td>Georgina Diamantina Catchment Committee</td>
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<td>Mr Angus Emmott</td>
<td>Coopers Creek Catchment Committee</td>
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<tr>
<td>Prof Richard Kingsford</td>
<td>Lake Eyre Basin Scientific Advisory Panel</td>
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<tr>
<td>Mr Scott Gorringe</td>
<td>Lake Eyre Basin Community Advisory Committee (shared position)</td>
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<td>Ms Judith Harrison</td>
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<td>Mr Rupert Quinlan</td>
<td>Western Rivers Alliance</td>
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<td>Mr Trevor Whitelaw</td>
<td>Santos Ltd – representing the resources sector</td>
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<td>Mr Peter Douglas</td>
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<td>Cr John Cobb</td>
<td>Representing South Western Local Governments (non- Remote Area Planning And Development Board)</td>
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<td>Mr Stuart Mackenzie</td>
<td>Representing South Western Local Governments (non- Remote Area Planning And Development Board)</td>
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Environment and Resource Management, while another submitter asked for an increased level of consultation with Indigenous stakeholders.

Other stakeholders expressed views that:
- meetings should have been better advertised and specific for certain communities
- a longer consultation period was required
- all information was not presented to landholders in the Lake Eyre Basin prior to the close of public submissions.

Response

Community consultation is a legislative requirement of the *Wild Rivers Act 2005*. The department undertook an extensive consultation program before declaring the Georgina and Diamantina basins wild rivers. The consultation program included:
- 49 meetings and forums over a three month period throughout the basins both prior to and following the release of the declaration proposal
- property visits across the basins to discuss wild river issues with landholders
- meetings with Traditional Owners including meetings with the Georgina Diamantina Cooper Aboriginal Group
- establishment of the Lake Eyre Basin Wild Rivers Advisory Panel to represent key stakeholder groups in the basins in the provision of advice to the Minister and the department
- consultation with stakeholders based in South Australia.

Meetings and forums were advertised in local newspapers, radio and through local governments and other key stakeholder groups such as Desert Channels Queensland, AgForce and the Remote Area Planning and Development Board (RAPAD).

Prior to the formal consultation period, a series of consultation activities were conducted across the basins commencing in 2009, including release of the Wild Rivers Lake Eyre Basin Policy Consultation Paper in March 2010. After this first round of consultation, amendments to the Wild Rivers Act were made to address community concerns and ensure that the wild rivers framework was adapted to the unique channel country of south west Queensland.

Prior to the formal consultation period on the declaration proposal, Department of Environment and Resource Management staff regularly engaged with stakeholders to explain the wild rivers framework, providing draft maps and discussing property/tenure specific issues.

### 2.2 Appropriateness of wild river status for the Georgina and Diamantina basins

**Issue**

Some submitters stated that the Georgina and Diamantina rivers did not meet the requirements to be declared wild rivers as the rivers were somewhat degraded with narrowing of channels and brackish flows. A stakeholder from South Australia identified the importance of conserving natural rivers which cross state boundaries.

Other stakeholders were of the view that the near natural condition of the basins is as a result of effective management by landholders for more than 130 years. They submitted that they believed existing legislation provides adequate control to stop projects such as mining if they are likely to damage the environment. During consultation it was evident that the vast majority of stakeholders in the basin support river protection, however there was mixed views on whether the Georgina and Diamantina basins should be declared as a wild river area. There were some claims that the majority of landholders do not want the wild river declaration, but there were other claims that challenged this statement.
Response

The purpose of the Wild Rivers Act 2005 is, among other things, to provide for preservation of the natural values of the Lake Eyre Basin rivers. The Wild Rivers Act was developed in direct response to an identified legislative gap and a need to preserve Australia’s remaining undamaged river systems. No other legislation regulates development across a basin to preserve its natural values. Declaring wild river areas ensures that development in these areas is located and undertaken in the most appropriate way. The wild river declaration uses the approach suggested by stakeholders in that it strengthens existing legislation in a wild river area.

Most of the riverine functions of the Georgina and Diamantina basins wild river area are in near-natural condition. While in-stream values are considered to be largely intact, land use impacts, in particular historical grazing impacts are evident throughout the basins. However, because of the largely unobstructed flows, the preservation of in-stream natural values has conserved existing remnant vegetation and wildlife corridors in riparian areas and on the extensive floodplains. Unique wetlands and areas associated with floodplains such as native ephemeral pastures have also been preserved. The largely intact natural values and natural processes of the basins have maintained distinct, nationally important ecosystems and preserved the iconic 'boom and bust' ecological phenomena, providing a strong basis for a wild river declaration. There are few modifications to the natural flow and little impact on natural values overall. Natural values are discussed in the natural values assessment for the wild river area. This document is available on the department's website.

Although there have been some development impacts in particular areas, these are minimal. Overall there has been little impact upon the natural values of basins. The area is unique and of high environmental value, and as such is worthy of protection from inappropriate new development.

The declaration recognises the efforts of Traditional Owners, landholders and other stakeholders in preserving the basins’ unique natural values. It seeks to ensure that development trends do not pose a risk to environmental values. Wild river declaration also ensures that restrictions on development that could damage the environment are stated in the declaration. Under existing legislation, development proposals may go through a lengthy application process and require demonstrated community pressure to prevent inappropriate development. A wild river declaration ensures that projects posing a threat to the river systems have appropriate conditions applied or are prohibited in environmentally sensitive areas.

Wild river declaration provides clear rules about what development can occur and where, providing certainty to development proponents.

Managing new development across the basins ensures the natural values of the river systems are preserved and natural processes are maintained. Declaration of the Georgina and Diamantina basins will help ensure that the replenishment of native pastures through flooding continues to occur by maintaining natural flow volumes and variability across the basins.

2.3 Concern about potential impacts of declaration

Issue

Views were expressed that a wild river declaration would add an additional level of regulation over the basins. Another concern was that social and economic outcomes of a declaration were not considered in the declaration proposal process. It was also raised that industry should have had input into the potential impact analyses section of the Overview Report.

Response

The declaration process provided an opportunity for stakeholder input to help determine any potential negative impacts of a wild river declaration on residents and businesses in the Georgina and Diamantina basins. The overview report that was released with the declaration proposal outlined the potential impacts on future development for industries and governments, and stakeholders were able to provide feedback on potential impacts through the submission process.

The Georgina and Diamantina Basins Wild River Declaration is expected to have very little, if any, negative impact on the lifestyle of stakeholders in the basins. Overall, the declaration is expected to have positive socio-economic outcomes for communities in the area.
Existing activities are not affected by the wild river declaration—they can continue as normal, and there are limited wild river requirements in designated urban areas.

Grazing is a well-established industry in the basins and will be largely unaffected by the declaration. The wild river declaration aims to protect and maintain natural flow regimes and river floodplain linkages. This will, in turn, preserve the native pastures that rely on natural flooding regimes.

The wild river declaration could minimally affect some stakeholder groups, such as extractive industries. However the longer term benefits of declaration will support sustainable industries in the basins for generations to come. Future mining operations—primarily for companies holding exploration permits and wanting to advance to a more intensive operational stage—will find that wild river requirements apply at the operational stage depending on the location of the tenement.

Potential impacts on local governments relate to possible increased responsibility for assessment where local government is the assessment manager under a local planning scheme. There could also be additional costs associated with wild river requirements on local government works, particularly in managing the effects of roads on overland flow in the SFMA and floodplain management area (FMA). However overall benefits will be achieved through protection of environmental values and flow-on benefits to industries and communities in the basins.

Wild river declaration involves the use of existing legislative processes and does not add additional legislative burden.

The Queensland Government has also implemented initiatives which reduce regulatory burden on industry, landholders and governments, and complement wild rivers regulation. For example, OnePlan provides a framework to streamline and simplify regulatory requirements for landholders through existing property-level planning, farm management and best management practice systems. OnePlan has streamlined several guidelines for planning requirements, including those for pest management, cattle feedlots, piggeries, resource management loans, native animal management and business plans.

The impact analysis in the overview report was prepared using existing statistical and other information, as a basis for consultation. Comments received were considered in finalising the declaration. Specific issues of concern are further addressed in sections 2.7, 2.8, 2.9 and 2.10.

## 2.4 Consistency of regulation

### Issue

Stakeholders submitted that there appears to be inconsistency in regulation in that grazing is subject to more regulation than coal seam gas development, suggesting the latter has a larger footprint.

Others submitted that the Queensland Government should support other relevant state and territory governments to protect the Lake Eyre Basin through similar wild rivers regulation.

### Response

The level of regulation imposed under the wild rivers declaration is consistent with the potential impact of that activity on the natural values of the Georgina–Diamantina river system.

Grazing activities can still occur anywhere in the wild river area and are not subject to any setback conditions.

Surface mining on the other hand, which can have a significant impact on natural values, is prohibited in the most sensitive areas of the basins that is the nominated waterways, HPAs and SFMAs. While there is no ‘blanket ban’ on mining across the entire wild river area it is restricted in key areas because of its potential impacts.

When consultation on the Georgina and Diamantina basins commenced, conventional petroleum and gas activities had been long-established in the area, but coal seam gas was only emerging in the area. The original declaration proposal did not fully considered the potential cumulative impacts of a more expansive and intense petroleum and gas industry, and associated activities. In response to issues raised by a wide range of stakeholders, and in consideration of impacts on wild river values, additional options for managing the cumulative impacts of petroleum and gas activities, particularly coal seam gas activities, were provided to industry for consultation. As a result, the declaration provides that all petroleum and gas activities, including coal seam gas operations, will be managed in HPAs and SFMAs, where only 'limited petroleum activities' will be permitted, with setbacks of at least 200 metres from a watercourse. Production wells will not be permitted in the HPA.
The declaration also includes conditions on petroleum activities that specifically address the potential for impact on natural values.

With respect to other state and territory governments, the Queensland Government works closely with counterparts in South Australia and the Northern Territory regarding sustainable management of the Lake Eyre Basin, primarily through the Lake Eyre Basin Intergovernmental Agreement and the Lake Eyre Basin Ministerial Council.

2.5 Determination of boundaries, management areas and mapping of watercourses

Data used for determining wild river features

Issue
Some stakeholders expressed concern that there was a lack of scientific information to support the development of a wild river declaration for the Georgina and Diamantina basins.

Response
A range of scientific literature (referenced in the Georgina and Diamantina Basins Wild River Declaration Proposal 2011—Natural Values Assessment), local knowledge and stakeholder advice informed development of the Georgina and Diamantina Basins Wild River Declaration and associated mapping. Preliminary mapping, which was based on the best available information, was included as part of the declaration proposal. The mapping was determined using, among other things, satellite imagery, flood mapping, wetland mapping and geological data. Mapping in the declaration identifies those areas where specific wild river requirements are necessary for preserving the natural values of the basins.

The mapping in the Georgina and Diamantina Basins Wild River Declaration Proposal was released for public comment and responses received informed a review of the mapping for the area. The maps at Attachment A show the changes to the management areas.

Major tributaries

Issue
A number of rivers north of Mount Isa were recommended for inclusion in the Georgina and Diamantina basins wild river area. Local stakeholders also proposed that Sulieman Creek be listed as a major tributary. It was also suggested that the Hamilton river does not have all, or almost all, of its natural values intact and part of that catchment should be excluded from the wild river area.

Response
Wild rivers policy seeks to protect the natural values of the rivers of the Georgina and Diamantina basins and their major tributaries by managing new activities in the basins. The declaration identifies rivers of major importance (either in terms of size, stream flow or ecological significance to the area) and defines these as wild rivers and major tributaries. Particular requirements apply in and adjacent to these features.

Rivers north of Mount Isa are not located within the Georgina or Diamantina basins. The inclusion of Sulieman Creek as a major tributary cannot be justified on the basis of available data or satellite imagery. The Hamilton River is a major tributary of the Georgina River. Though this river is not in a 'near natural' state for its entire length; flows from the Hamilton River are important in maintaining the natural values of the river itself and of King Creek and the environmentally significant Georgina River–King Creek Floodout. These floodplains and wetland areas provide a significant amount of habitat during floods and support large colonies of waterbirds in most years. The Hamilton River has been retained in the declaration as a major tributary, and the river and its floodplains have been designated as a SFMA or as a FMA.

The Department of Environment and Resource Management recognises that the natural values of the Georgina and Diamantina basins have been compromised in some locations. Protection of the major tributaries in the basins under wild river declaration is important in preventing further degradation of the natural values of this area from intensive development.
High preservation areas

Issue
A number of submitters raised concerns regarding the extent of the high preservation area (HPA) in the declaration proposal, some suggesting that the area of the HPA should be reduced and some proposed that the area should be increased. Stakeholder feedback suggested the inclusion of Middle, Elizabeth and Pring and Sulieman Creeks as HPAs. It was also suggested that a number of springs in the vicinity of Warendra Creek should be included in the HPA. One submitter stated that the Act allows for up to 1 km wide HPA buffers from each side of the wild rivers and major tributaries though this should not be the default measure.

Response
The HPA in the Georgina and Diamantina basins wild river area encompasses the wild rivers major tributaries and special features, and an area of 500 metres each side of the wild rivers major tributaries and special features. In the HPA the natural values of the wild river area are most sensitive to development. Changes to the natural values in the HPA are likely to result in impacts on natural values elsewhere in the basins. To prevent further impact on wild river natural values some activities are prohibited in these areas.

It was suggested that Middle Creek contributed as much flow to the Burke River as the Burke River and Wills Creek at the confluence of the Burke and Wills. However further investigation identified that this would not be the case, and Middle Creek is retained as a Nominated Waterway.

Through consultation, Sulieman Creek was identified as another significant creek that should be protected as a major tributary. The headwaters of Sulieman Creek are the rocky ranges in the Dajarra region and has a catchment area of about 1600 km². The creek has anastomosing channels in the lower reaches before the confluence with Wills Creek. There are no permanent or semi-permanent waterholes identified in Sulieman Creek. Though it is likely that the system contributes significant flows into Wills Creek it is considered that the designation as a nominated waterway provides ample protection for this system.

It was recommended that Elizabeth and Pring Creek should be included in the HPA as these are two headwater streams that provide important flows into the top of the Georgina River. However these are relatively small streams in the context of the Georgina River Basin, and therefore are not included as HPAs.

There maybe a number of springs east of Warendra Creek, some of these are included in the Hamilton River HPA, but there may be other springs that have not been identified that are outside of this area. The HPA has not been extended in this area due to a lack of supporting data.

Special floodplain management areas

Issue
Stakeholders submitted that the special floodplain management area (SFMA) should be smaller and some said that the SFMA was unjustified. It was also suggested that the Bulla Bulla waterhole should be included within the SFMA or HPA.

Response
The SFMA encompasses extensive anastomosing channels and floodplain areas. As with the HPA, wild river natural values in the SFMA are most sensitive to development, and specific high impact development activities are prohibited in this area.

The SFMA corresponds to the Channel Country and covers less than eight per cent of the basins. The area has been defined using the best available information and the SFMA is considered necessary to support the preservation of this unique area in its natural state.

The Bulla Bulla Waterhole is mapped in the spatial database that is already within the SFMA. It is found within the Hamilton River southwest of Hamilton.
**Floodplain management areas**

**Issue**

Opinions expressed included a view that the floodplain management areas (FMAs) in the Georgina and Diamantina basins are too extensive and do not reflect true floodplain areas.

Stakeholders submitted that the FMA should be smaller and should be removed from some areas, and there should be no increase in the extent of the proposed FMA.

Landholders in the area of Moonah Creek provided advice about the flooding characteristics of the area which suggested that the proposed FMA should be reduced in this area. Landholders in the vicinity of Middle Creek provided information on the extent of the FMA in this location.

Additionally a stakeholder noted that the FMA in the vicinity of the Hamilton River overlapped existing mining infrastructure and proposed new project areas.

**Response**

The FMA includes areas of the basins that are subject to flooding and require particular rules for managing interference with flood flows, from, or to, a wild river, major tributary, special feature or nominated waterway. Activities that interfere with overland flow in the FMA and SFMA are managed under the declaration.

The proposed FMAs were mapped using the best science, data and information available to the department. Information including local knowledge obtained during consultation was used to determine any inconsistencies in the mapping. Available data was reassessed and the size of FMAs was reduced and or/refined in a number of locations.

The proposed FMA along Moonah Creek originally encompassed a large area between the Georgina River, Moonah Creek and Jayah Creek (see Attachment 1, Figure 1A). This original designation was based on the existence of channels and evidence of historical flooding. A re-assessment and more detailed analysis of satellite imagery supports the revision of the extent of the FMA in this area. The revised FMA is now confined to the banks of Moonah Creek and the Georgina River (see Attachment 1, Figure 1B).

The proposed FMA at the joining of the Burke River and Wills Creek, which previously encompassed the lower half of Middle Creek (see Attachment 1, Figure 2A), has been refined after feedback from local landholders. Originally determined by the flat profile between the Burke River and Wills Creek and local flooding characteristics, after input from landholders with a property located between these two watercourses, flood events are no longer thought to occur on a regular basis in the previous designation. The FMA has been revised accordingly to follow the banks of the Burke River and Wills Creek more closely and no longer encompasses Middle Creek (see Attachment 1, Figure 2B).

The proposed FMA in the vicinity of the Hamilton River has not been amended and no information was provided that the mapping of this management area is inaccurate. No issues were identified in relation to impacts on the existing mining infrastructure in the area as wild river requirements are not retrospective. With regard to future proposed activities in this area, the Department of Environment and Resource Management will continue to work with the company concerned to minimise any unforeseen impacts.

**Subartesian management area**

**Issue**

A view was expressed that a wild river declaration for the Georgina and Diamantina Basins should include a subartesian management area. There was also a view that management of surface water and Great Artesian Basin groundwater should be integrated and addressed in the declaration.

**Response**

There are no subartesian management areas in the Georgina and Diamantina Basins Wild River Declaration. The Water Resource (Great Artesian Basin) Plan 2006 manages artesian water in the area. Extraction of subartesian water that is connected to surface water and not connected to artesian water is currently managed under the Water Resource (Georgina and Diamantina) Plan 2004. It is considered that the current water resource plans sufficiently...
manage both artesian and sub-artesian water and inclusion in the declaration would duplicate existing management processes.

**Nominated waterways**

**Issue**
Some submitters agreed with the extent of nominated waterways, while others disagreed with the proposed nominated waterways. Stakeholders provided information on the extent of Warenda Creek and suggested the inclusion of Worroona Creek, Whistler Creek and the upper reaches of the Buckley River as nominated waterways. A stakeholder raised a concern that mapping in the declaration proposal had incorrectly identified the upper extent of Limestone Creek.

**Response**
The selection of nominated waterways is based on information from scientific literature and from catchment drainage characteristics. Additional channels have been added as nominated waterways in the vicinity of Warenda Creek (already a nominated waterway), based on the input from stakeholders and analysis of satellite imagery. The additional channels also have characteristics that are indicative of significant flow contributions to the Hamilton River. The HPA mapping in the declaration proposal already encompasses some of the Worroona Creek, Whistler Creek and the upper reaches of the Buckley River area. The inclusion of these additional streams as nominated waterways cannot be justified on the basis of available data or satellite imagery.

Regarding the upstream extent of the Limestone Creek, the map in schedule 1 of the declaration proposal showed the extent of the nominated waterway—rather than the upstream extent of Limestone Creek. Nominated waterways are similar to a management area in that they are mapped to designate areas with particular requirements for development.

**Special features**

**Issue**
Concerns raised in relation to special features included that:

- the government should not be able to nominate features for protection on individual properties without input or consultation
- special feature boundaries are too inflexible to allow for correction of potential errors.

**Response**
The special features are important in maintaining the natural values of the Georgina and Diamantina river systems. They include in-stream and off-stream features that have significant hydrological connections to the wild rivers, major tributaries or nominated waterways. Special features were identified using the best available data and then nominated in the declaration proposal, giving stakeholders an opportunity to provide feedback. Submissions on the special features were then considered in preparation of the final declaration.

**Designated urban areas**

**Issue**
It was proposed that designated urban areas (DUA) should be increased in size to accommodate potential urban growth. Diamantina Shire Council submitted additional information on the extent of the DUA at Bedourie and Birdsville.

**Response**
A city, town, or settlement that contains development for residential, industrial, retail, commercial, sporting, recreation or community purposes may be designated as an urban area for the purposes of wild river regulation. The extent of DUAs in the Georgina and Diamantina basins are consistent with local government planning schemes where possible, and as such include additional areas for future growth. Local governments usually manage development within these areas.
The Water and Other Legislation Amendment Act 2010 made several amendments to the Wild Rivers Act 2005 to facilitate response and enable changes to DUAs to reflect changes in town planning schemes. Therefore a change to a DUA is a minor amendment that will follow a change to a town planning scheme.

After consultation with the Diamantina Shire Council, the Birdsville DUA was extended to include the local airstrip and racetrack (see Attachment 1, Figures 4A and 4B) and the Bedourie DUA was extended to include the local airstrip (see Attachment 1, Figures 3A and 3B).

**Watercourse mapping**

**Issue**

Views of submitters included that requirements such as setbacks, which require identification of watercourses and their outer banks, are problematic when these outer banks of watercourses are often not well defined.

**Response**

The definition of a watercourse, to which setback requirements relate, is set out in the Water Act 2000 and is not changed by the declaration of the Georgina and Diamantina Basins as a wild river area. Amendments to the Water Regulation 2002 made in 2010, clarified how a watercourse is determined. These amendments relate primarily to determining if the feature has defined beds and banks and an identifiable outer bank, in which case it is classified as a watercourse. Where there is doubt about whether a drainage feature is a watercourse, a case-by-case assessment may be required.

Wild river requirements for development in the preservation area usually relate to nominated waterways which are spatially defined for ease of identification and certainty of requirements. Watercourses in the Channel Country of the Georgina and Diamantina Basins do not always have defined beds and banks and are therefore difficult to map. In some cases, even for nominated waterways, advice from the Department of Environment and Resource Management may be required to correctly determine the position of the outer banks of the waterway.

**2.6 Impacts on sustainable development opportunities**

**Issue**

Some submitted that a wild river declaration would impede sustainable development and limit diversification potential for existing industries. Concerns were also raised that the wild rivers framework should include Ecologically Sustainsable Development (ESD) as a guiding principle. It was suggested that only conservation outcomes were considered in the declaration process and that social and economic factors were not adequately considered.

**Response**

Sustainable development is encouraged in the wild river area and supported by the declaration. A wild river declaration ensures the management of high impact developments and therefore mitigates risk for sustainable industries in the basins. An analysis of potential impacts was included in The Georgina and Diamantina Basins Proposed Wild River Area Overview Report. This analysis was included in the overview report to assist stakeholders identify social and economic concerns. In making a decision to proceed with the declarations, all issues identified in the consultation process were considered. The ‘assessment bar’ in wild river areas is necessarily higher because of the need to ensure natural values in these special parts of Queensland are preserved. The approach taken through the declaration reflects a best practice approach that will ensure expensive environmental rehabilitation is not required in the future and environmental quality—which is well known to provide social benefit—is preserved for future generations. If unforeseen impacts of declaration are identified, amendments to the declaration can be made in response, through a consultative process.
2.7 Agriculture

Impacts of a declaration on agriculture

Issue
Stakeholders submitted that a wild river declaration places unnecessary restrictions on primary producers in the normal management of their properties, particularly those whose properties lie in the HPA.
Some felt that agricultural activities should be defined by an authorised water entitlement, not by the area of land under irrigation at the time of declaration, as this could potentially inhibit water use efficiency strategies.
Submissions included a request to have the definition of existing agricultural activities extended to a 15 year timeframe.

Response
All current agricultural practices will continue unaffected by wild rivers declaration. However the wild rivers framework reflects the recognition that intensive agricultural activities within close proximity to river systems can result in impacts on river functions and the ecosystems they support. Although agricultural activities involving soil cultivation are restricted in the most sensitive parts of the wild river area, these activities have minimal requirements outside of the HPAs and SFMAs. Nevertheless amendments were made to the Wild Rivers Act 2005 in 2010 after consultation with key stakeholders in the region. Key elements of the amendments gave recognition to the existing agricultural industry in the Lake Eyre Basin and included:

- Providing certainty for landholders wishing to undertake vegetation clearing on parts of their property where they had previously obtained a Category X Property Maps of Assessable Vegetation, ensuring fodder harvesting and thinning can be undertaken even in a HPA.
- Ensuring that works associated with land rehabilitation and soil remediation are not inadvertently captured by the definition of agriculture in the Wild Rivers Act and restricted in a wild river area.

New agricultural activities are prohibited in the HPA and include: cultivating soil; planting, gathering or harvesting a crop, including a food or fibre crop; disturbing the soil to establish non-indigenous grasses, legumes or forage cultivars; and using the land for horticulture or viticulture.
However the following practices are not classed as an agricultural activity under the Wild River Act and as such are not regulated under the Act or the declaration:

- baling or cutting pasture
- broadcasting seed to establish an improved pasture
- planting, gathering or harvesting a crop of pasture or grain species in a preservation area if the species is for animal feed only; this must not be a high-risk nor moderate-risk species for the wild river area in question
- improving pasture using low-impact soil disturbance if the pasture species is not high risk or moderate risk for the wild river area
- forestry activities
- land remediation activities such as ripping and shallow ponding, or blade ploughing in the area shown as Category X or Category C on a property map of assessable vegetation.

The term 'agricultural activity' does not include producing agricultural products for the domestic needs of the land occupants if the maximum area of the land in question is:

- 0.25 hectares (for fewer than 10 occupants of the land)
- two hectares (for 10 or more but fewer than 50 occupants of the land)
- four hectares (for 50 or more but fewer than 100 occupants of the land)
- six hectares (for 100 or more occupants of the land).
The term does not include producing agricultural products in a market garden if the maximum area of land in question is no more than four hectares.
Broadcasting of seed, pasture improvement using low-impact soil techniques, and deep ripping on clay pans as part of soil remediation works, are all permissible in the SFMA. Although pasture or grain species for animal feed (a fodder crop) would be prohibited in the HPA, a fodder crop could be grown in the SFMA if irrigation was not required. If undertaken in a preservation area fodder cropping has no wild river requirements.

The Department of Environment and Resource Management has considered timeframes for existing agricultural activities relevant to the Lake Eyre Basin and a ten year timeframe is considered sufficient. However the department will keep a watching brief over this issue and may amend the timeframe if necessary.

**Impacts of agriculture**

**Issue**

Submitters expressed concern regarding the impacts of agriculture on natural values and proposed that a wild river declaration should ensure sustainable agricultural activities by, for example, restricting overstocking.

**Response**

New agricultural activities are prohibited in the HPA and include: cultivating soil; planting, gathering or harvesting a crop, including a food or fibre crop; disturbing the soil to establish non-indigenous grasses, legumes or forage cultivars; and using the land for horticulture or viticulture.

A wild river declaration is a development planning tool and applies through a development authorisation process. As grazing does not require an authorisation it is outside the scope of the wild river declaration.

**2.8 Tourism**

**Issue**

Some stakeholders pointed out that tourism is a major growth area in the basins and they felt that the potential opportunities and impacts of this industry are not adequately addressed in wild rivers legislation. Conversely, others stated that uncontrolled tourism is damaging rivers and riparian vegetation in the basins and that rapid growth in this industry would have harmful effects. Some stakeholders submitted that development of riverfront land for tourism, such as cabins or caravans, should not be affected by a declaration.

**Response**

The near-natural state of the rivers in the Lake Eyre Basin helps support a tourism industry worth more than AU$80 million per annum and there are significant further economic benefits that could be derived from nature-based tourism in the basin.

Developments such as tourist cabins can be constructed anywhere in a wild river area, provided Wild Rivers Code requirements are met. The code currently includes suggested setbacks to achieve required outcomes, but there are no mandatory requirements for this type of development established in the code. Alternative solutions can be proposed that allow for a development to be sited close to a river, provided the required outcomes are addressed.

The regulation of camping is a local government issue which is outside the scope of the declaration. However, the Queensland Government will continue to support local governments, regional organisations and community groups in managing tourism through a number of schemes. These include the Minor Tourism Infrastructure Scheme, which establishes roadside facilities such as refuse bins, shaded picnic areas and waste management points to manage the impacts of tourism, and the Green Army initiative, which funds labour costs associated with tourism works under the Tourism Action Plan 2012.

**2.9 Mining**

**Impact of mining regulation**

**Issue**

A range of submissions were received in relation to the appropriate regulation of mining activities in the Georgina and Diamantina basins. These views ranged from calls for more restrictions on mining, to calls for fewer restrictions.
Some suggested that there had already been too many legislative amendments to accommodate mining, and that more controls on mining are required to ensure that wild river natural values are not impacted, including additional requirements to ensure water resources are not contaminated from mining activities. Some submitted that mining should not be permitted in the HPA, SFMA, FMA and nominated waterways. Other views were that mining activities should be set back 200 metres from watercourses, and that measures should be put in place on mining activities in the preservation area to prevent impacts on wild river values.

Conversely, others have proposed that rivers should be protected through existing mining legislation and that mining activities should be allowed to occur where current environmental safeguards are in place.

Some submitters expressed views about wild river declaration impacts on existing mining activities, specifically that upgrading access tracks in a HPA and SFMA would be restricted.

Some were of the view that all future activities on existing mining tenements should be classed as pre-existing activities for the purpose of the declaration.

Some stakeholders submitted that as the North West Province is an important mineral resource precinct, wild river declaration will discourage exploration. Others expressed views that promoting the viability of exploration in a HPA is misleading as any future mining activities will be restricted in this area.

It has also been suggested that a blanket restriction on surface mining in the HPA and SFMA is excessive and that without access through the HPA and SFMA to underground mines these areas will be effectively 'sterilised', and is inconsistent with the state’s Greenfield Project.

Some submitted that wild river declaration may impact on the success of the North West Queensland Indigenous Resource Industry Initiative.

Stakeholders submitted that wild river declaration is less flexible than the assessment process under the Environmental Protection Act, and proposed that there should be scope for project specific assessment and trade-offs between environmental and economic values in the HPA and SFMA.

Stakeholders were also concerned about the cumulative impact of both wild rivers policy and strategic cropping land policy.

More generally, views were expressed that some future mining concepts might not be realised in the HPA and SFMA—impacting maximum industry development scenarios with flow on socio-economic impacts.

**Response**

Given the varying views on the appropriate regulation of mining in wild river areas, the final wild river declaration for the Georgina and Diamantina basins aims to strike a balance between protecting wild river natural values and allowing certain mining activities to still occur in the wild river area. Wild rivers policy does not ‘lock up’ river basins, but it does ensure that intensive development will not impact on the most sensitive parts of the basins.

The wild rivers framework utilises existing legislative mechanisms to achieve its purpose. This is less complex and more effective than making specific reference and additional conditions for each individual area in the regulating legislation. Existing legislation does not specifically address the requirement to preserve the natural values; however it does provide the mechanism to do so.

The **Mineral Resource Act 1989** was recently amended to ensure that specified works, such as access tracks, can occur anywhere in the wild river area.

Existing mining tenements, which include existing major mines, will not be affected by the wild river declaration. However, the declaration will have some impact on mining operations that are not yet authorised. For example, companies holding exploration permits and seeking to progress to a more intensive operational stage, such as mining leases, will find that wild river requirements apply at that stage.

By retaining the capacity to identify resources through exploration in all parts of a wild river area, the declaration provides for new technologies which may emerge, enabling access to the resource without putting the wild river natural values at risk. Amendments to the Mineral Resource Act in 2006 and 2010 were made in consultation with key stakeholders to provide for exploration in these areas. Should in the future significant resource be identified through exploration, and further scientific evidence emerge showing the resource can be accessed without impacts on natural values, the Wild River Act includes a process to amend the declaration in response.
The most significant impacts on future mining activities will be associated with the prohibition of surface mining in the HPA and SFMA. Surface mining in a HPA and SFMA poses significant threats to all wild river natural values including the natural flow of water, the physical integrity of the system including the beds and banks of watercourses, and water quality. However, it is important to note that the HPA and SFMA make up approximately 12 per cent of the Georgina and Diamantina Basins' wild river area and there are few restrictions on surface mining in the remaining wild river area. Fewer requirements apply to mining activities outside the sensitive HPA and SFMA, and generally relate to setbacks from nominated waterways. Prohibition of surface mining in these key parts of a wild river area is vital for preserving wild river natural generations for future generations.

Underground mining may occur in a HPA, SFMA, or nominated waterway; however access must be outside these areas. An Environmental Impact Statement is required to address how the activity will avoid impacts on natural values, such as hydrologic connection between groundwater and surface water. In most areas the HPA is 500 metres each side of the channel and access is permitted outside these areas. Considering the HPA makes up less than four per cent of the wild river area this provision is not expected to have a significant impact on mining development in the wild river area.

By and large flexibility is retained under the declaration; however some mandatory requirements such as the prohibition on surface mining in the HPA and SFMA are considered appropriate given the importance of preserving the natural values in the wild river area. The requirements are considered an appropriate balance the protection of wild river natural values, while still allowing appropriate mining activities to continue.

Regarding perceived inconsistencies between the state's promotion of the Greenfield project, and declaration of these areas, the Department of Environment and Resource Management and the Department of Employment, Economic Development and Innovation continue to work collaboratively to ensure the goals of both these important initiatives can be met. Areas released and supported as part of the collaborative drilling program have been identified and little impact is expected. It is important to note that almost 90 per cent of the area remains outside of HPAs or SFMAs and the wild rivers framework does not lock out or inappropriately limit mining in these areas.

Regarding the concern about the cumulative impact of both wild rivers policy and strategic cropping land policy, there is no strategic cropping land in the Georgina and Diamantina Basins wild river area.

Notably, mining companies have continued to make applications in the ten existing wild river areas in Cape York and Gulf of Carpentaria, and the Government has continued to approve and grant mining tenements in wild river areas.

While parts of the Georgina and Diamantina Basin do overlap with the North West Minerals Provence, this is not expected to have a significant impact on industry development. The overlap occurs in the upper part of the catchment, where nominated waterways and relatively narrow HPAs make up the bulk of the areas where surface mining is restricted. The larger areas where surface mining is not permitted—the SFMAs—are located in the lower catchment. In this area, mineral resources have not been widely explored, as they have in the upper catchment. In these areas, the very nature of the SFMAs would present significant barriers to the establishment and operation of open cut mines.

For these reasons, the wild river declaration is not expected to have a significant impact on the overall size, value or employment provided by the mining industry in the Lake Eyre Basin. It will, however, direct future mining activity away from the most ecologically sensitive parts of the basins.
2.10 Petroleum and gas activities

A range of submissions were received in relation to the regulation of petroleum and gas activities in the Georgina and Diamantina Basins, in particular the coal seam gas (CSG) industry.

Concerns about impacts of non conventional petroleum and gas activities (including coal seam gas and shale gas)

Issue

There is widespread concern across the Lake Eyre Basin about the emergence and expansion of new petroleum and gas industry sectors, particularly the CSG industry. Many stakeholders in the Georgina and Diamantina basins were concerned about the conditions for this activity which were set out in the declaration proposal. Stakeholders were concerned that the conditions proposed for petroleum and gas activities would not sufficiently protect the basins from perceived adverse impacts associated with the extraction of CSG, shale gas and other unconventional gasses. A number of submitters proposed that there should be no coal seam gas development in the HPA, SFMA, FMA, and nominated waterways.

In recognition of the importance of supporting a sustainable petroleum and gas industry in Queensland, while also protecting the natural values of wild river areas, the Queensland Government has improved regulation of the CSG industry through an overhaul of the regulatory framework. This includes raising the standards relating to hydraulic fracturing (fraccing) and the use of benzene, toluene, ethylbenzene, and xylenes (BTEX) fluids, and landholder notification requirements. The improvements also include requirements for CSG producers to manage associated water in a sustainable way, to undertake baseline groundwater assessment, and to develop underground water impact reports.

Wild river requirements for new petroleum and gas activities apply to a range of extraction types including conventional gas, shale gas and CSG. These requirements are applied through additional conditions on the environmental authority for the operation. The limitations apply through the use of a definition of ‘limited petroleum activities’ which will ensure that higher impacting activities (for example refineries and large storage dams) cannot be located in HPAs and SFMAs, while lower impacting activities, such as well pads, and pipelines can be constructed subject to the conditions in the wild river declaration.

When consultation on the Georgina and Diamantina basins commenced, conventional petroleum and gas activities had been long-established in the area, but the coal seam gas industry was only emerging in the area. The original declaration proposal did not fully consider the potential cumulative impacts of multiple well sites and associated activities. In response to issues raised by a wide range of stakeholders, and in consideration of impacts on wild river values, additional options for managing the cumulative impacts of petroleum and gas activities were provided to industry for consultation.

Taking into account industry and other stakeholder feedback, and based on scientific assessment of the risks to wild river values presented by a more intense and expansive petroleum and gas industry, the Georgina and Diamantina Basins Wild River Declaration further regulates petroleum and gas activities by setting back level 2 petroleum and gas activities (lower impact exploration) 200 metres from watercourses, and setting back level 1 (production) activities outside of the HPA 500 metres from watercourses. In the SFMA, both level 1 and level 2 activities will be required to be set back 200 metres from watercourses. Beyond the 200 metre setback distance in the HPA and SFMA, prescriptive requirements will apply. These requirements will establish a balance between protecting wild river natural values while allowing for the ecologically sustainable development of the petroleum and gas industry.

Prescriptive conditions are included as part of the environmental authority for petroleum activities issued under the *Environmental Protection Act 1994*. These conditions address potential impacts on natural values, including:

- waterhole sedimentation from drilling, roads and other infrastructure
- floodplain fragmentation
- wastewater disposal which could affect the natural flow regime and turbidity of water
- degraded water quality from disposal of contaminants and waste water.
These conditions will promote best practice and innovation in the HPA and SFMA, which constitute only a small but important portion of the wild river area.

**Concerns about restrictions on petroleum and gas activities**

**Issue**

A number of issues were raised regarding proposed restrictions on petroleum and gas activities as set out in the Georgina and Diamantina basins declaration proposal. Additionally following the identification of substantial stakeholder concerns that the original declaration proposal did not fully consider the potential cumulative impacts of multiple well sites and associated activities—it was recognised that the proposed requirements did not adequately address the potential impacts of new and emerging petroleum and gas industry sectors in the Lake Eyre Basin.

In response to the issues raised by a wide range of stakeholders, and in consideration of impacts on wild river values, additional options for managing the cumulative impacts of petroleum and gas activities were provided to industry for consultation. Discussions were also held with other key stakeholders regarding these options.

In response to additional options put forward during the consultation period, supplementary submissions by industry raised concerns in relation to the options discussed. These supplementary submissions and discussions were also considered in determining appropriate requirements.

Some submitters expressed a view that wild rivers legislation should not limit opportunities to develop petroleum and gas resources in the area, and in particular exploitation of petroleum and gas reserves in SFMAs and HPAs. Concerns were expressed regarding the proposed setbacks for petroleum and gas activities from a watercourse, lake or spring in a HPA, SFMA or nominated waterway. Though some submitters considered an increase in setbacks in the HPA, from 100 metres (as proposed) to 200 metres, was reasonable, there was no support for an increase in setbacks in the SFMA from the 100 metres proposed, or for exclusion of production activities in the HPA.

One of the options canvassed as part of the consultation process was the introduction of an area based limitation on disturbance, for example limiting the disturbance with HPAs and SFMAs to one per cent of that part of the HPA or SFMA to which a environmental authority for petroleum and gas applied. There was no industry support for this approach—or for other area based limitations focused on attempting to spread any disturbance, thereby limiting the intensity of impact in any one area.

Concerns were also raised in relation to limitations on the size of individual well pads, with some stakeholders suggesting that well pads up to five hectares may be required for multi-well sites and for shale gas exploration and production. The size of well pads in relation to the height of drilling rig masts, and safety requirements was also raised as a key concern.

There was no industry support for a regulatory approach based on the assessment level of the environmental authority (‘level 1’ equates to higher impact activities such as production whereas ‘level 2’ generally corresponds to lower impact exploration activities). It was felt that this approach did not consider that many lower impact activities would be captured as level 1 because irrespective of the impact of a particular project component, the level of the authority was dependent on the highest impacting component of that project. Also exploration in HPAs and SFMAs was considered of less value if production facilities could not be established in these areas after a production tenement is granted.

A number of alternatives were put forward by industry stakeholders including changing the definition of ‘limited petroleum activities’, reducing setbacks for some activities and introducing a new category of activities that could be considered ‘supporting activities’. It was proposed that these activities (potentially subject to setbacks) would include work camps, nodal compression stations and borrow pits. Undertaking these works and establishing these types of infrastructure in the HPA or SFMA was not provided for in the original declaration proposal.

In addition to options for prescriptive conditions such as area based limitations, and limitations on permisssable well pad sizes, feedback was also received on a range of other conditions designed to prevent impacts on natural values. These additional conditions included for example, that ‘operationally generated waters’ must not be released to waters (due to potential impacts on flow regimes), contaminants must not be released to waters or land, there must be no introduction of weeds and pests as result of the activity, and flood flows must not be impacted by the activity. With some notable exceptions (such as limitation on well pad size), these conditions were largely considered consistent with existing environmental authority conditions.
Views were also expressed that seismic activities should be allowed within 100 metres of watercourses and lakes in a HPA and SFMA and within 100 metres of a nominated waterway. Industry submissions and consultation feedback relating to petroleum and gas regulation almost universally made the point that the existing regulatory framework was considered sufficient. Other comments included that wild river requirements were impractical and complex and would curtail petroleum production; that the proposed wild river requirements should be simplified to enable petroleum companies to comply with regulatory requirements in a cost-effective and environmentally sound manner; and that locating production infrastructure away from the petroleum or gas well may reduce the efficiency of gas extraction.

Conversely, a range of submitters have argued that petroleum activities, particularly CSG developments, should be excluded from HPAs, SFMAs, FMs and nominated waterways. Many submitters also argued that CSG and shale gas operations should be excluded from the entire wild river area (see previous issue).

Response
The Queensland Government recognises the need to develop appropriate regulation of petroleum and gas activities, in particular CSG and shale gas developments.

The petroleum industry is well established in western Queensland and many petroleum tenements overlap the wild river area, under existing environmental authorities. Though requirements do exist for petroleum and gas activities they are relevant for environmental authorities across Queensland and may not specifically address potential impacts on wild river natural values.

It is important that risks posed to wild river natural values from petroleum and gas activities are managed appropriately. These risks include habitat fragmentation and disruption to wildlife corridors caused by construction activities, and water contamination through release of waste products including waste water.

Existing petroleum production tenements will not be affected by the wild river declaration; however there will be restrictions on petroleum activities where authorisations are granted subsequent to declaration. Large scale infrastructure, such as refineries, are prohibited in a HPA and SFMA; which make up only 12 percent of the entire wild river area. There is no prohibition on production infrastructure within the remaining wild river area, subject to a valid petroleum lease and environmental authority.

The most significant impacts of a wild river declaration on future petroleum production activities in the basins are likely to be associated with the limitations on large scale infrastructure, and setbacks from watercourses and lakes for most activities where the activities overlap a HPA or SFMA.

The Georgina and Diamantina Basins Wild River Declaration regulates petroleum and gas activities by setting back level 2 petroleum and gas activities (lower impact exploration) 200 metres from watercourses, and setting back level 1 (production) activities outside of the HPA 500 metres from watercourses. In the SFMA, both level 1 and level 2 activities will be required to be set back 200 metres from watercourses. Beyond the 200 metre setback distance in the HPA and SFMA, prescriptive requirements will apply. These requirements will establish a balance between protecting wild river natural values while allowing for the ecologically sustainable development of the petroleum and gas industry.

Prescriptive conditions are included as part of the environmental authority for petroleum activities under the Environmental Protection Act 1994. These conditions address potential impacts on natural values, including:

- waterhole sedimentation from drilling, roads and other infrastructure
- floodplain fragmentation
- wastewater disposal which could affect the natural flow regime and turbidity of water
- degraded water quality from disposal of contaminants and waste water.

These conditions will promote best practice and innovation in the HPA and SFMA, which constitute only a small but important portion of the wild river area.

After taking into account feedback and submissions, the declaration includes certain activities which were excluded in the declaration proposal. Given the much smaller area of HPA (four percent) and the environmental sensitivity in this area, these activities will not be allowed in a HPA; however some activities which are required to support well site development, pose minimal additional risk to the wild river natural values and are permitted in a SFMA.
Temporary work camps, though not included in the definition of ‘limited petroleum activities’ will be permitted in a SFMA as long as these can meet the prescriptive conditions. This inclusion addresses industry concerns regarding the safety of personnel working in remote areas. It will allow temporary work camps to be located in proximity to well sites, and as such, staff will not be required to travel to and from locations outside of the SFMA, which is up to 60 km wide in some areas. However nodal compressors and borrow pits are not permitted in an SFMA.

Seismic activities are permitted in all parts of the wild river area, including within 200 metres of a watercourse, as seismic lines are a low-impact activity. It is required that these activities be undertaken in an environmentally responsible manner in the wild river area.

With respect to well pad size and safety issues raised, the wild river declarations will set maximum well site disturbance areas 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. Activities in the well pads will be subject to the prescriptive conditions.

Definition of a ‘watercourse’

Issue
Petroleum and gas industry stakeholders expressed concerns about the definition of ‘watercourse’ under the Water Act 2000, and how this would be applied in the Georgina and Diamantina basins given its unique network of interconnected channels. Concerns were voiced that implementing wild river requirements relating to setbacks in the Channel Country may be difficult given the ambiguity in the definition of ‘watercourse’.

Response
Contemporary environmental authorities already condition any structure that needs earthworks (that is, well pads) to be set back from a wetland, lake or spring and the high bank of a watercourse. The definition of a watercourse doesn't change from the definition industry currently uses, as set out in the Water Act 2000.
Departmental staff will continue to work with petroleum companies to assist in determining watercourses in the channel country.

Interference with overland flow in petroleum and gas activities

Issue
Limitations on crossing floodplains or channels, with pipelines, was also an issue of concern to some submitters. Others stated that temporary interference to overland flows should be allowed so that pipelines could be laid and maintained. Some stated that petroleum activities should be allowed where there was no interruption to overland flow, and that restrictions in the HPA and SFMA should be limited to protecting flow in a nominated waterway or protecting overland flow in a FMA.

Response
Stakeholder concerns have been addressed by allowing petroleum activities carried out for pipelines and flow lines to occur in the HPA, SFMA, and FMA, if interference with overland flow will only be for a temporary period. As such, works must be planned in a way that minimises the potential for, and duration, of interference with overland flow. These activities may also only interfere with water in a watercourse, lake or spring in the HPA or SFMA, or water in a nominated waterway in the FMA, if the activities are of a temporary nature.
These changes allow companies to bury new pipelines and flow lines as a sensible and practical component of their operations.

Previously authorised activities

Issue
Concerns were raised that when an Environmental Authority is amended to include additional areas—or new activities, wild river requirements would also be applied to activities that were previously authorised.

Response
A cornerstone of the wild rivers framework is that declaration requirements are not retrospective. To provide certainty to concerned stakeholders, the relevant section of the declaration now states that the requirements under that section apply only to new petroleum activities in the wild river area, authorised by an environmental authority (petroleum activities) regulated under the *Environmental Protection Act 1994*.

**Geothermal energy**

**Issue**
The view was expressed that wild river requirements for geothermal activities needed to be better communicated. Some stakeholders were of the belief that, as the Georgina and Diamantina Basins Wild River Declaration Proposal and overview report had no specific reference to this type of activity, geothermal exploration could occur in a HPA or SFMA.

Geothermal exploration companies have indicated that limitations on infrastructure in wild river areas could impact on future operations at the production stage.

**Response**
It is expected that the proposed Georgina-Diamantina wild river declaration would have minimal impacts on the emerging geothermal industry, because the industry is still in its infancy, the impacts of large-scale production in wild river HPAs and SFMAs are not completely understood and require further consideration. In order to assist geothermal industry development, the Queensland Government will work with the industry to ensure that the industry is supported in the transition from exploration stages to production stages, while mitigating the impacts on wild river natural values.

2.11 Dams

**Issue**
Some stakeholders in the region have expressed the view that the Georgina and Diamantina Basins Wild River Declaration should allow for the construction of small in-stream dams for stock or domestic purposes. Others were concerned that existing dams are having a negative impact on the basins as they attract feral animals and cause roads to flood and scouring around infrastructure.

**Response**
Under the declaration, in-stream dams for town water supply are not prohibited anywhere in the area. Additionally, the declaration will not affect the construction of in-stream dams for any purpose on nominated waterways. Under the *Sustainable Planning Act 2009*, most in-stream dams for stock and domestic purposes would be prohibited in a HPA or SFMA because they interfere with the flow of water in a watercourse. Scientific evidence suggests that construction of even relatively small in-stream dams on river channels of the Georgina and Diamantina basins would likely pose a risk to the natural values of the rivers. This would include alteration of the natural flow regime of the rivers and interruption to natural flows, sediments, nutrients and aquatic plants and animals, leading to fundamental changes in channel characteristics, habitat availability and flow regimes.

Given the potential for adverse impacts on wild river natural values, in-stream dams for stock or domestic purposes will be prohibited in HPAs and SFMAs. This approach is consistent with the Water Resource (Georgina and Diamantina) Plan 2004 (WRP) and the Lake Eyre Basin Intergovernmental Agreement.

However, recognising the complexity of this issue, and its importance to local landholders, the Lake Eyre Basin Wild Rivers Advisory Panel has been invited to assist the Department of Environment and Resource Management in examining the feasibility of allowing small, low impact in-stream stock and domestic structures. Key factors to be considered in the analysis will be the appropriate locational requirements, size and depth limits, and construction considerations to ensure wild river natural values are preserved. The outcomes of this further review may lead to a change in the current position.

Existing authorised in-stream dams and weirs are not affected by the wild river declaration. Further, in-stream dams may be constructed in nominated waterways, although their size is limited under the WRP and a water licence and development permit is still required for any in-stream storage.
In regards to the concern about 'riparian rights'; under section 20(3) of the Water Act 2000 an owner of land adjoining a watercourse, lake or spring, or where overland-flow water has been collected into a dam, may take water for stock or domestic purposes without a permit. These riparian rights and are not affected by a wild river declaration. However, riparian rights are rights of access only. The construction of in-stream barriers such as dams and ring tanks would be subject to requirements of the Water Act, WRP and the Georgina and Diamantina Basins Wild River Declaration 2011.

2.12 Desilting of waterholes

**Issue**
Concerns were raised that the continued clearing out of waterholes in creeks and gullies must be allowed to continue as this permits a wider distribution of grazing pressures.

**Response**
Clearing a natural waterhole to maintain a more permanent water supply is not permissible development in the wild river area. However off-stream dams for stock and domestic purposes may be constructed anywhere in a wild river area with no wild river requirements, provided the dam complies with the self-assessable part of the Wild Rivers Code.

2.13 Roadworks

**Issue**
Stakeholders expressed concerns that infrastructure such as bridgeworks is causing erosion, and culverts of an insufficient size are causing floodwaters to back up.

**Response**
Wild River requirements that ensure infrastructure such as roads are constructed in a way that maintains important flood flow linkage with the river system, apply to all development proponents including state and local governments. Wild river requirements do not apply to existing roadworks unless they are significantly upgraded.

2.14 Quarry material

**Issue**
Concerns were raised that a wild river declaration would place onerous restrictions on in-stream quarrying enterprises.

**Response**
Existing quarrying allocations for in-stream material will not be affected by the Georgina and Diamantina Basins Wild River Declaration and quarry material can still be accessed from new locations with a development permit. There are few restrictions on accessing riverine quarry material in the basins; however material extracted under new allocations can only be used in the Georgina and Diamantina Basins wild river area. The Department of Environment and Resource Management will keep a watching brief to determine if the impacts of this requirement are significantly problematic.

Existing off-stream operations will also be unaffected by the wild river declaration and new off-stream quarrying operations can be established. The requirement relating to using the material in the basins does not apply where the source is off-stream.
2.15 Works that interfere with overland flow

Issue
Some submitters proposed that the prescribed depths for ponding banks and borrow pits needed to be reviewed.

Response
Wild river requirements relating to interference with overland flow apply only in SFMAs and FMAs. Contour banks of up to 0.3 metres high, and trenches with an average depth of less than 0.3 metres, are exempt development under the wild river declaration.

Borrow pits are considered self-assessable development if they comply with part 7a of the Wild Rivers Code. The code is currently under review and it is proposed that requirements for borrow pits will be that they are constructed to best practice standards; that natural wetlands near the pit are maintained in a natural state; and that the pit is bunded to maintain natural drainage patterns. This is especially important in the Georgina and Diamantina basins because of the low relief of the area and the local impact of obstructions to overland flow. This proposed amendment also will allow greater flexibility for state and local governments to maintain the road network in remote parts of Queensland.

The 500mm limitation on self-assessable borrow pits has been removed from the declaration and is currently under review in the code.

Land remediation activities such as ripping and shallow ponding or blade ploughing in the area shown as Category X or Category C on a property map of assessable vegetation, is classed as an agricultural activity under the Wild Rivers Act and as such is not regulated under the Act or in the declaration.

2.16 Vegetation management

Issue
A view was expressed that the clearing of native vegetation in a HPA for the erection of fence lines should be self-assessable development.

Response
Wild river requirements relating to native vegetation clearing apply only in a HPA, which overlaps only four per cent of the Georgina and Diamantina Basins. Nevertheless, in line with the Queensland Government’s commitment to reduce regulatory burden, consideration will be given to providing for fences to be constructed without a development permit. Maintenance of existing fences is not subject to wild river regulation.

The Department of Environment and Resource Management is currently trialling Area Management Plans (AMPs) for native vegetation clearing.

An AMP is an integrated plan that details the way a landholder or group of landholders will manage native vegetation on their properties. Once a plan is approved, clearing carried out under the plan will not require further approval under the Vegetation Management Act 1999. An AMP provides landholders with a process to comply with the framework in a way that reduces administrative burden, provides more clarity, certainty and flexibility, and is consistent with current rules and regulations.

More information on these plans is available on the department’s website at <www.derm.qld.gov.au>.

2.17 Risk species

Issue
Stakeholders were concerned that commenting on the declaration proposal was difficult in the absence of a risk species list, and that any future list should not include buffel grass.

Response
There is no list of high or medium risk plant species in the Georgina and Diamantina Basins Wild River Declaration. The future development of a list would require amendment to the declaration and would only occur only through extensive consultation.

Concerns that buffel grass should not be listed are noted and will be considered as the list is developed.
3 Issues outside the declaration

3.1 Compensation

Issue
A view was expressed that the costs of wild river protection should be borne by the state and federal governments, not by local governments, and that local governments should be compensated for extra costs associated with complying with wild river requirements. Another submitter was concerned that there is no provision for payment of compensation for loss of future use rights as a result of wild river declaration.

Response
A wild river declaration is unlikely to increase regulatory burden for local governments. All wild river requirements aim to implement a best practice framework and as such will result in economic benefits in the long term.

A declaration under the Wild Rivers Act does not in any way affect development rights or entitlements which were held before the wild river declaration was made. Therefore, the Act does not include any compensation provisions.

3.2 Property values

Issue
Views were expressed that wild river declaration reduces business viability thereby reducing land values in a wild river area.

Response
There is no indication that wild river declarations have had an impact on property values in existing wild river areas. Although some types of development are prohibited in a HPA or a SFMA, existing uses and land management activities can continue unaffected by the wild river declaration for the Georgina and Diamantina basins. The declaration does not regulate grazing, and landholders can continue to access water for stock and domestic purposes. The maintenance and construction of fences, stockyards and other property infrastructure, as well as management of regrowth vegetation, can continue with minimal impact from the wild river declaration.

The State Valuations Service has advised that there is no evidence that wild river declarations have impacted property valuations. The State Valuations Service also advised that one of the strongest determinants of the value of rural properties is access to reliable water supplies.

The department is aware that some banks have informed customers that they wish to be notified if land is included in a wild river area. The department has held discussions with a number of banks to ensure that they have a clear understanding of the implications of a wild river declaration. The department has also held a forum with members of the Australian Banking Association to discuss the impact of wild river declarations. Association members expressed the view that wild river declarations and proposals have had no impact on property valuations in rural and western Queensland.

3.3 Pest and weed management and support package

Issue
Stakeholders in the Georgina and Diamantina basins have advocated that the State Government should provide more funding for weed and pest management in the basins, and that a complementary package for this purpose should accompany any wild river declaration.
Response
The Queensland Government has a Biosecurity Strategy and has Biosecurity Officers located in regional Queensland. The officers work in collaboration with local governments and regional natural resource management groups to undertake weed and pest management control. The Queensland Government also provides funding to local organisations for regional pest and weed programs. Weed and pest management is outside the scope of a wild river declaration.

Other state and federal government initiatives for the management of pest plant and animal species in the Lake Eyre Basin include the allocation of funding for pest and weed control to Desert Channels Queensland under the Q2 Coasts and Country Program, the Caring for our Country program, and the Reclaim the Bush—a Pest Offensive program.

The Queensland Government will continue to consider the most effective way to manage pests and weeds to ensure the most effective protection of wild river values.

3.4 Water resource plan issues

Issue
Numerous stakeholders submitted that water should be made available to Indigenous people for economic purposes in the Lake Eyre Basin. Others expressed views that water needed to be available for town growth.

Response
Water allocations in the Georgina and Diamantina basins are outside the scope of wild river declaration and are dealt with under the water resource plan for the basins.

The Water Resource (Georgina and Diamantina) Plan 2004 reserves water for town use and accounts for population increases and town growth.

The recently revised Water Resource (Cooper Creek) Plan 2011 provides a 200 megalitre reserve of water for Indigenous economic purposes. This indicates the government's willingness to set aside a reserve of water for Indigenous economic purposes under a water resource plan and this will influence the establishment of unallocated water reserves in the revision of the Georgina and Diamantina water resource plan in 2014.

3.5 Cultural heritage

Issue
Views were expressed more could be done to protect cultural heritage sites from degradation by livestock trampling. Others suggested that a wild river declaration would place unwarranted restrictions on fossicking activities for cultural purposes. Stakeholders also expressed concern that removal of sand and gravel from rivers in the wild river area would have an impact on cultural heritage values.

Response
Indigenous cultural heritage, which includes significant areas, objects or evidence of occupation, is primarily recognised and afforded protection in Queensland under the Aboriginal Cultural Heritage Act 2003. Particular cultural heritage sites can be nominated for protection under this legislation. The intent of the Wild Rivers Act is to preserve the natural values of a nominated river and its basin. Although the Act does not deal directly with cultural values, the designation of HPAs and SFMAs confers an additional level of protection on cultural places and values where they are closely associated with rivers and other water bodies.

The recording and mapping of Queensland cultural heritage is undertaken by the department’s Cultural Heritage Coordination Unit in accordance with the Queensland Cultural Heritage Strategy. Outcomes include a statewide cultural heritage map showing more than 200 cultural heritage sites. The Cultural Heritage Coordination Unit also records cultural heritage information in the Aboriginal and Torres Strait Island cultural heritage database and register. This database includes information about physical and non-physical elements of Aboriginal and Torres Strait Island cultural heritage, details of additional documents, and images and maps associated with cultural heritage sites.
Fossicking is prohibited only in the HPA and nominated waterways in order to prevent degradation of the natural values of the area. This provision is consistent with the appropriate restrictions on mining activities. There are no wild river requirements on fossicking in a SFMA and preservation area.

Where ‘fossicking’ for cultural heritage purposes is exempt from requiring a fossicking permit, this will continue.

### 3.6 Wild River Rangers

**Issue**
Some community members expressed an expectation that Wild River Rangers should form part of the Lake Eyre Basin wild river package, consistent with commitments in Cape York and the Gulf of Carpentaria. Stakeholders were of the view that Wild River Rangers should be Indigenous people and that they should be managed at a local level by local Elders, or existing local Aboriginal Corporations, or a specific newly created entity.

**Response**
The Minister has decided to extend the Wild River Ranger program to the Lake Eyre Basin. A pilot project with an initial 10 Indigenous Wild River Rangers will be employed to work in partnership with local government, Queensland government agencies, natural resource management bodies and land managers to care for and promote the world-class natural values of the wild river area. This will include working with land managers to deliver priority on-ground weed and pest animal projects. Decisions on how the program will be implemented will be decided through consultation undertaken with key stakeholders.

### 3.7 Review of legislation

**Issue**
Some submitters felt that the Wild Rivers Act should include a 10-year review mechanism that allows for public submissions. Conversely, views were submitted that the integrity of the Act should be maintained and not undergo further amendment.

Submissions included the view that baseline data should be obtained now, in order for the current five year reporting to be effective.

**Response**
A wild river declaration is a statutory instrument—it is not subordinate legislation. Only subordinate legislation, such as regulations or water resource plans, requires a 10-year review.

The Wild Rivers Act does include a requirement for five-yearly reporting on the effectiveness of a declaration. This includes detailing any amendments made to the declaration and any relevant research relating to the area’s natural values. The results of these reports will be made publicly available.

A number of different monitoring programs are currently underway in the Lake Eyre Basin. These programs will provide data for any review that is undertaken. The Lake Eyre Basin Wild Rivers Advisory Panel has been invited to meet yearly, and this group will have input into future reviews.

### 3.8 Wild Rivers Code

**Code use and review**

**Issue**
Submissions included views that the Wild Rivers Code (code) is too complex and technical. Another view was that the code is not prescriptive enough and that there is too much scope for interpretation. Some stakeholders expressed the view that natural values should be measureable. Others submitted that the code should be expanded to include provisions for managing the impacts of tourism. Some stakeholders proposed that code provisions should be self-assessable.

There were views that the code should be developed by landholders and that a draft code should have been made available for consultation and completed before the Georgina and Diamantina basins wild river declaration is made.
Response
Amendment to the code is outside the scope of the Georgina and Diamantina basins declaration process. However, the Department of Environment and Resource Management has commenced a review of the code and will consider all issues raised during this process.

Through this review, the department aims to simplify language and respond to concerns about code requirements. Landholders and local governments, the Lake Eyre Basin Wild River Advisory Panel and AgForce have provided input to the review.

All input on the code to date, from both the Lake Eyre Basin and from existing wild river areas elsewhere, is being considered in the code review.

Applicability to the Lake Eyre Basin

Issue
Stakeholders were of the view that the Wild Rivers Code does not address the conditions and land management issues of the Lake Eyre Basin.

Response
The Wild Rivers Code was developed for state-wide applicability. The Department of Environment and Resource Management has commenced a review of the code. Issues relevant to the code highlighted during consultation on the Cooper Creek and Georgina-Diamantina basins wild river declaration proposals, as well as issues highlighted during Cape York consultation, will be considered in the review.

Overland flow calculation worksheet

Issue
Views were expressed that the formulas for determining the appropriate volumes of a self-assessable dam were not appropriate, and that the size limits for new stock and domestic dams were too small for Lake Eyre Basin conditions.

Some stakeholders were of the view that the calculation worksheet used to assess requirements for a dam taking overland flow is not appropriate for the Lake Eyre Basin. Some submitters were concerned that calculation formulas for allowable volumes in self-assessable dams did not consider properties managed by rotational grazing. Others submitted views that the storage capacity of dams that are self-assessable should be extended from three to five years supply. Some were of the view that water consumed by native animals should be factored into the water requirement worksheet.

Response
The calculation worksheet (see Schedule 2 of the Wild Rivers Code) applies statewide for self-assessable overland flow dams. It accounts for evaporation rates, and stock and domestic water consumption. It does not account for water consumption by native animals. Any changes to the worksheet to account for native animals or rotational grazing will be considered in a statewide context.

Storages that take overland flow for stock and domestic purposes are self-assessable. If the proposed work meets the requirements of the self-assessment code construction can be undertaken with no wild river requirements. Landholders can apply for a development permit to construct a larger dam if they feel a stock or domestic dam taking overland flow needs to be bigger than the size provided in worksheet calculations. The application is then assessed by the Department of Environment and Resource Management.

The Wild Rivers Code, including the relevance and appropriateness of the state-wide calculation worksheet, is currently being reviewed.
Code requirements for wing-walls and earth tanks

Issue
Comments were received that specifications of 200 metres or less for wing-walls (diversion banks) in the Wild Rivers Code was inadequate to enable capture of dry-season flows and that walls of up to one or two kilometres long are necessary in the region to direct water into storages.

Response
The 200 metre restriction on wing-walls under the Wild Rivers Code is a mandatory requirement only if the dam is self-assessable. A longer wing-wall may be considered where a landholder is willing to obtain a development permit for construction of the dam. Any decision will be based on relevant criteria including the preservation of natural values of the basins.

These issues will be considered in the Wild Rivers Code review which is currently under way. A final position will be based on practical and viable outcomes.

3.9 Development assessment

Issue
The concept of a one-stop shop for development permits was raised in submissions. Some submitters considered that assessment requirements could be simplified.

Response
Regulatory requirements in declared wild river areas are implemented through existing development assessment processes. State agencies and local governments will apply the requirements of the declaration, the Wild Rivers Code and other development assessment codes, as a part of existing development assessment and conditioning processes.

Generally, no additional paperwork is required when undertaking a new development or securing development approvals in a wild river area. The only new approvals required are intensive animal husbandry (a feedlot style development), or new agricultural development (not normal grazing activities). Assessment requirements remain largely the same as outside wild river areas. Existing assessment agencies still assess applications, as in the past. After a wild river declaration, agencies also assess against wild river requirements, the requirements of a local government planning scheme and any other relevant legislation. Essentially, the applicant’s role has not changed—neither has the role of the assessing agency.

It is the responsibility of the Queensland Government to ensure development activities are undertaken in an appropriate way. To ensure this, legislation is enacted to manage developments and activities so adverse impacts such as land degradation are prevented or minimised. These outcomes are achieved through various Acts such as the Water Act 2000 and the Vegetation Management Act 1999.

The government creates exemptions for some routine and low-risk activities so they can be carried out without a permit (self-assessable codes). Where developments exceed these codes, or people are unable or unwilling to comply with self-assessable requirements, a permit is required.

The Department of Environment and Resource Management is continuously looking at ways to improve its service delivery and simplify access to information and services. To achieve this, initiatives such as the Queensland Regulatory Simplification Plan have been implemented. This initiative seeks to reduce unnecessary and excessive legislative requirements and to streamline administrative and procurement processes. The plan includes subprograms such as:

- the Greenrape Reduction project—a review of Queensland’s environmental protection legislation
- the On-line Service Delivery Strategy
- OnePlan—the Queensland Government’s Blueprint for the Bush which seeks to streamline property-level rural planning processes that address regulatory requirements.
3.10 Property development plans

Issue
Views were expressed that financial support and technical help could be provided to landholders preparing property development plans. Others were of the view that these plans are a loophole for large scale development and should be removed from wild rivers regulation.

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

Landholders proposing a development that would be prohibited as a result of a declaration should contact the Department of Environment and Resource Management and assistance will be provided to help identify if a property development plan is appropriate to address the issue, and if so to provide advice on preparing and submitting a plan.

3.11 World Heritage listing

Issue
Concerns were raised that the wild river declaration may be the first step in seeking World Heritage listing of the Lake Eyre Basin.

Response
The World Heritage nomination for the Lake Eyre Basin is not an intention of the Queensland Government.

3.12 Definitions and terminology

Issue
Some submitters maintained that definitions for terms including 'watercourse', 'drainage channel' and 'drainage features' should be consistent across all legislation. Others stated that language should be consistent across different regulatory instruments and that layman's language should be used rather than technical terms.

Response
The wild rivers framework uses terminology consistent with other relevant legislation; however it is acknowledged that the definitions used may be confusing.

Amendments made in 2010 to the Water Regulation 2002 clarified how a watercourse is determined. These amendments relate primarily to determining if the feature has defined beds and banks and an outer bank (in which case it is a watercourse). Where there is doubt about whether a drainage feature is a watercourse, a case-by-case assessment may be required.

The department strives to continuously improve communication and align terminology where possible. Feedback will be taken on board and terms simplified where possible in future reviews.

3.13 Compliance and regional staffing

Issue
Some stakeholders submitted that 'self-monitoring' is ineffective and there needs to be an independent ongoing monitoring program in wild river areas to provide early warning of breaches of legislative requirements including unlawful discharges.
The view was expressed that there was a lack of oversight in the region from the Department of Environment and Resource Management, and that more staff were needed to enforce the increased regulatory regime and ensure compliance with wild river requirements.

Some stakeholders said the government needed a greater profile in western Queensland, including extensions officers to provide technical support to landholders.

**Response**

Implementation of the wild rivers framework does not require additional allocation of resources to ensure compliance. As with other regulatory frameworks, the onus remains with development proponents to comply with existing legal requirements.

Although not a wild river issue, increased regional staffing will be considered by the department when reviewing resourcing arrangements and departmental budget priorities.

The department is continually improving monitoring and compliance strategies in key areas such as mining and coal seam gas development, vegetation management, waste management and land management.

The announcement of funding for 10 wild river ranger positions will contribute significantly to the protection of wild river values and to landholder understanding of the wild rivers framework.

### 3.14 Alternative investment strategies

**Issue**

There were views that money spent on wild rivers could be better spent on improving rural infrastructure, Landcare activities, roads and healthcare.

**Response**

It is widely accepted that investing in preserving ecosystem functions is more effective, and costs are far less than rehabilitation after the damage has been done. The government continues to invest heavily in regional Queensland and a number of programs are achieving good land management outcomes and advancing the social and economic wellbeing of rural communities. Examples of such programs include weed and pest management funding to Desert Channels Queensland and funding for road construction in the basins.

### 3.15 Policy genesis

**Issue**

Some stakeholders expressed concern that wild rivers legislation was developed in response to pressure from 'green groups'.

**Response**

The wild rivers program represents the progression of an internationally recognised need to preserve our remaining environmental heritage.

Wild rivers legislation is based on the results of more than 15 years work by governments across Australia to refine their approach to the management of water and river systems. This approach was initiated in 1992 when the Australian Heritage Commission—directed by the Australian Government—facilitated a national project: The Identification of Wild Rivers. The aim of this project was to help state government agencies identify rivers in near-pristine condition and to encourage protection and proper management of the river basins. The Australian Government initiative identified the need for state-specific river protection policies and was a major driver for the development of Queensland’s wild rivers policy.


Wild river declarations are implemented to ensure development is managed to maintain the natural values of wild rivers.
Attachment 1: Maps showing main management area changes
Figure: Proposed Georgina and Diamantina Basins wild river management areas—showing key areas where management areas were refined.
Figure: Final Georgina and Diamantina Basins wild river management areas—showing key areas where management areas were refined.
Figure 1A: Proposed Moonah Creek floodplain management area
Figure 1B: Final Moonah Creek floodplain management area
Figure 2A: Proposed Burke River—Wills Creek floodplain management area
Figure 2B: Final Burke River—Wills Creek floodplain management area
Figure 3A: Proposed Bedourie Designated Urban Area
Figure 3B: Final Bedourie Designated Urban Area
Figure 4A: Proposed Birdsville Designated Urban Area
Figure 4B: Final Birdsville Designated Urban Area