



# **Wild Rivers Act 2005**

**Reprinted as in force on 28 February 2007**

**Reprint No. 1C revised edition**

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This Act is reprinted as at 28 February 2007. The reprint shows the law as amended by all amendments that commenced on or before that day (Reprints Act 1992 s 5(c)).

The reprint includes a reference to the law by which each amendment was made—see list of legislation and list of annotations in endnotes. Also see list of legislation for any uncommenced amendments.

This page is specific to this reprint. See previous reprints for information about earlier changes made under the Reprints Act 1992. A table of reprints is included in the endnotes.

**Also see endnotes for information about—**

- **when provisions commenced**
- **editorial changes made in earlier reprints.**

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Revised edition indicates further material has affected existing material. For example—

- a correction
- a retrospective provision
- other relevant information.



## Queensland

# Wild Rivers Act 2005

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# **Wild Rivers Act 2005**

[as amended by all amendments that commenced on or before 28 February 2007]

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

### **Part 1 Preliminary**

#### **Division 1 Introduction and purpose of Act**

##### **1 Short title**

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

##### **2 Commencement**

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

##### **3 Purpose of Act**

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

- (3) Through the framework mentioned in subsection (2), this Act and other Acts achieve the purpose mentioned in subsection (1) by—
- (a) providing for the regulation of particular activities and taking of natural resources in a wild river and its catchment to preserve the wild river's natural values; and
  - (b) having a precautionary approach to minimise adverse effects on known natural values and reduce the possibility of adversely affecting poorly understood ecological functions; and
  - (c) treating a wild river and its catchment as a single entity, linking the condition of the river to the health of the catchment; and
  - (d) considering the effect of individual activities and taking of natural resources on a wild river's natural values; and
  - (e) considering the cumulative effect of activities and taking of natural resources affecting a wild river area when further activities or taking are proposed; and
  - (f) if a wild river crosses a State border—working with the other State to encourage preservation of the wild river's natural values in the other State.

#### **4 Act binds all persons**

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

## **Division 2 Interpretation**

### **5 Definitions**

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



## 6 Meaning of *nominated waterway*

- (1) A *nominated waterway*, for a wild river declaration, is the part of a drainage channel in the preservation area that—
- (a) is between the upstream and downstream limits, described in the wild river declaration, of the drainage channel; and
  - (b) extends laterally to the outer banks of the drainage channel.

- (2) In this section—

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

*Examples—*

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

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

*floodplain* means an area of relatively flat land—

- (a) next to a drainage channel; and
- (b) covered by water when water overflows from the drainage channel.

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

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

*scour mark* means—

- (a) a mark made on a bank of a drainage channel by the sweeping action of suspended sediments in water during high flows; or

- (b) a mark that can be identified by weathering stains, or the absence of lichens, on erosion-resistant surfaces of a bank of a drainage channel.

*Example of an erosion-resistant surface—*

rock

## **Part 1A                      Codes**

### **Division 1                      Wild rivers code**

#### **6A                      What is the *wild rivers code***

- (1) The *wild rivers code* is the ‘Wild Rivers Code’ made by the Minister on 30 January 2007, or that code as amended from time to time under this division.
- (2) The wild rivers code is a statutory instrument under the *Statutory Instruments Act 1992*.

#### **6B                      Code amendments**

- (1) The Minister may amend the wild rivers code.
- (2) Subject to section 6C, an amendment of the wild rivers code takes effect when—
  - (a) it is approved by the Governor in Council; and
  - (b) the approval is gazetted.
- (3) The Minister must table a copy of the amendment in the Legislative Assembly within 14 sitting days after the Governor in Council’s approval of the amendment is gazetted.
- (4) In this section—

*amend* includes replace.

**6C Code amendments not requiring gazettal or tabling**

- (1) This section applies if the Minister amends the wild rivers code and the amendment is a minor amendment or permitted amendment of the code.
- (2) The amendment takes effect when it has been approved by the Governor in Council.
- (3) The requirements of section 6B do not otherwise apply for the amendment.
- (4) In this section—

*minor amendment*, of the wild rivers code, means an amendment that is only to correct a minor error in the code or to make another change that is not a change of substance.

*permitted amendment*, of the wild rivers code, means an amendment of—

- (a) a provision of the code about a suggested way of achieving a required outcome under the code; or
- (b) a definition in a dictionary in the code; or
- (c) a provision of the code to make it consistent with a regional vegetation management code under the *Vegetation Management Act 1999*.

**6D Publication of wild rivers code**

The chief executive must keep a copy of the wild rivers code available for inspection by the public—

- (a) at the department's head office and regional offices during office hours on business days; and
- (b) on the department's web site.

**Division 2 Codes generally****6E Code for IDAS**

If a wild river declaration includes a reference to the wild rivers code or another code, then, in relation to IDAS, the code is a code for IDAS.

## **Part 2 Wild river areas**

### **Division 1 Declaring wild river areas**

#### **7 Minister may declare wild river areas**

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

*Note—*

See section 16 for when a declaration has effect.

#### **8 Public notice of intention to declare wild river area**

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

#### **9 Moratorium period**

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

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

## 10 Application of moratorium

- (1) During the moratorium period, a moratorium has effect in the way stated in subsections (2) to (4) in the proposed wild river area.
- (2) For the *Water Act 2000*, the notice of intent is taken to be a moratorium notice and, to the extent stated in the notice—
  - (a) an application for the grant of a water entitlement for taking water in a watercourse, lake or spring or interfering with the flow of water, or taking overland flow water or subartesian water, in the proposed wild river area, will not be accepted or, if received before the moratorium period and not decided, will not be decided if granting the application would have 1 or more of the effects mentioned in that Act, section 26(2)(a) to (f); and
  - (b) new works must not be started and completed works must not be raised, enlarged, deepened or changed if the works would have an effect mentioned in that Act, section 26(5)(a) to (d).

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

## **11 Public notice about declaration proposal**

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

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

## **12 Content of declaration proposal**

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

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

### **13 Matters Minister must consider**

- (1) In preparing a wild river declaration, the matters the Minister must consider include—
- (a) the results of community consultation on the declaration proposal; and



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

#### **14 Content of wild river declaration**

- (1) A wild river declaration must include, but is not limited to, the following information—
- (a) a description of the wild river and wild river area;
  - (b) the natural values of the wild river that the declaration is intended to preserve (the *relevant natural values*);
  - (c) details of any special features of the area;
  - (d) the location of the high preservation area and preservation area;
  - (e) the location of any floodplain management area;
  - (f) the location of any subartesian management area;
  - (g) the location of any designated urban area;
  - (h) the major tributaries of the wild river;
  - (i) the location of any nominated waterway;
  - (j) any carrying out of activities or taking of natural resources that are prohibited or regulated in the wild river area under the declaration;
  - (k) the matters that must be considered in deciding whether to allow the carrying out of an activity or the taking of a natural resource in the wild river area;

- (l) the types of works for taking overland flow water in the wild river area that are assessable or self-assessable development under the *Integrated Planning Act 1997*;
  - (m) if there is a floodplain management area in the wild river area—the types of works for interfering with overland flow water in the floodplain management area that are assessable or self-assessable development under the *Integrated Planning Act 1997*;
  - (n) if there is a subartesian management area in the wild river area—the types of works for taking subartesian water in the subartesian management area that are assessable or self-assessable development under the *Integrated Planning Act 1997*;
  - (o) information about water available for future consumptive purposes and the priorities for use or reservation of the water;
  - (p) any threshold limits for carrying out activities or taking natural resources in the wild river area;
  - (q) any plant species that has a high risk of having an adverse impact on the relevant natural values;
  - (r) any plant species that has a moderate risk of having an adverse impact on the relevant natural values;
  - (s) where a detailed map of the wild river area, showing the wild river and the areas mentioned in paragraphs (c) to (i), may be obtained.
- (2) A wild river declaration may state that all or part of a code for IDAS is an applicable code for development stated in the wild river declaration.

*Note—*

See section 6E (Code for IDAS) and the *Integrated Planning Act 1997*, schedule 10, definition *code*.

- (3) A wild river declaration may include a process for granting, reserving or otherwise dealing with unallocated water in the wild river area.
- (4) A wild river declaration may include more than 1 wild river in the wild river area.

**15 Deciding whether to make declaration**

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

**16 Approval of wild river declaration**

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

**17 Effect of declaration on activities and taking natural resources**

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

- (c) carrying out an agricultural activity or animal husbandry activity in the area.
- (2) Subsection (3) applies despite—
  - (a) any other provision of this Act; or
  - (b) any provision of another Act to the extent it regulates or prohibits the carrying out of an activity or the taking of a natural resource because of a declaration or a moratorium under this Act.
- (3) The person may continue, or start and continue, to carry out the activity or take the natural resource under the authorisation as if the declaration had not been made.

## **18 Applications received but not decided**

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

## **Division 2 Amending wild river declarations**

### **19 Amending a wild river declaration**

- (1) The Minister may amend a wild river declaration.
- (2) Without limiting subsection (1), the Minister must amend the declaration if the Minister is satisfied the purpose of this Act

is not being met in the wild river area to which the declaration relates.

*Note—*

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

## **20 Public notice of intention to amend wild river declaration**

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

## **21 Moratorium period**

- (1) If a moratorium will have effect under a notice of intent, the moratorium period for the notice of intent is the following period—
  - (a) from the later of the following—
    - (i) the day stated in the notice as the start of the moratorium;
    - (ii) the day the notice is published;
  - (b) until the earliest of the following—
    - (i) the day the wild river amendment declaration has effect;
    - (ii) the day the Minister decides under section 27 not to make an amendment declaration;
    - (iii) the day that is 12 months after the later of the days mentioned in paragraph (a) (the *12 month period*)

or, if the Minister has extended the 12 month period, the day to which the period has been extended.

- (2) The Minister may, before the 12 month period expires, extend the period by not more than 12 months by publishing a notice (a *moratorium extension notice*).

## **22 Application of moratorium**

During the moratorium period, a moratorium has effect in the wild river area, and any area proposed to be included in the wild river area, in the way stated in section 10(2) to (4) but only to the extent stated in the notice of intent.

## **23 Public notice about amendment proposal**

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

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

## **24 Discretionary content of amendment proposal**

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

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

## **25 Matters Minister must consider**

- (1) In preparing a wild river amendment declaration, the matters the Minister must consider include—
  - (a) the results of community consultation on the amendment proposal; and
  - (b) all properly made submissions about the amendment proposal; and

- (c) any water resource plan or resource operations plan that applies to all or part of the wild river area.
- (2) To the extent a water resource plan or a resource operations plan applies to all or part of the wild river area, the amendment declaration must not be inconsistent with the water resource plan or the resource operations plan other than in relation to the matters mentioned in section 14(1)(k) to (p) and (3).
- (3) Subsection (1) does not limit the matters the Minister may consider.

## **26 Content of wild river amendment declaration**

- (1) A wild river amendment declaration must include, but is not limited to, the following information—
  - (a) the title of the wild river declaration to which the amendment relates;
  - (b) details of the amendment to the declaration including—
    - (i) any changes to the existing boundaries of the parts of the wild river area; or
    - (ii) any addition of an area to, or removal of an area from, the wild river area; or
    - (iii) any amalgamation of the wild river area with all or part of another wild river area; or
    - (iv) any activities or taking of natural resources to which a property development plan relating to the amendment applies.
- (2) For subsection (1)(b)(iv), it is sufficient if the property development plan is identified, whether or not the activities or taking are specifically stated in the amendment.

## **27 Deciding whether to make amendment declaration**

- (1) After considering the matters mentioned in section 25 and any other matters the Minister considers appropriate, the Minister may—
  - (a) declare an amendment to the wild river declaration; or



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

## **28 Approval of wild river amendment declaration**

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

## **29 Effect of amendment declaration on activities and taking natural resources**

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

natural resource because of a declaration or a moratorium under this Act.

- (3) The person may continue, or start and continue, to carry out the activity or take the natural resource under the authorisation as if the amendment of the declaration had not been made.

### **30 Applications received but not decided**

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

### **31 Minor amendments of wild river declaration**

- (1) The Governor in Council may approve an amending wild river declaration without sections 20 to 26 applying if the amendment is only to—
  - (a) correct a minor error in the wild river declaration; or
  - (b) make another change in the declaration that is not a change of substance; or
  - (c) make a minor change to the existing boundary of any of the following areas in the wild river area—
    - (i) the high preservation area;
    - (ii) the preservation area;

- (iii) a floodplain management area;
- (iv) a subartesian management area;
- (v) a designated urban area; or

*Example of a minor change—*

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

- (d) make a minor change to the extent of a nominated waterway in the wild river area; or
  - (e) change a reference in the declaration to a code for carrying out activities or taking natural resources in the wild river area.
- (2) However, for subsection (1)(c) and (d), the Minister must, before declaring an amendment of the wild river declaration or deciding not to proceed with declaration of the amendment, consult with each owner of land, and each holder of an exploration permit or mining claim, in the wild river area whose land or interests may be affected by the proposed amendment.
- (3) In this section—

*exploration permit* see the *Mineral Resources Act 1989*, schedule.

*mining claim* see the *Mineral Resources Act 1989*, schedule.

## **Division 2A            Property development plans**

### **Subdivision 1        Applying for and obtaining approval of proposed property development plan**

#### **31A    Application of sdiv 1**

This subdivision applies if—

- (a) a person proposes to carry out activities on, or take natural resources from, land owned by the person within a wild river area; and
- (b) all or some of the activities or the taking of resources is prohibited under a wild river declaration.

### **31B Application for approval of proposed property development plan**

The person may apply to the Minister for approval of a proposed property development plan (the *proposed plan*) that, on approval, will for the purposes of subdivision 2, apply—

- (a) for a period of 10 years from the approval; and
- (b) to stated activities that may be carried out, or natural resources that may be taken from, the land that is within the wild river area.

*Note—*

An approval of a proposed plan is not in itself a development approval under the *Integrated Planning Act 1997*, or another approval under another Act, for carrying out an activity or taking a natural resource. See also sections 43A and 43B.

### **31C Requirements for application**

- (1) The application must—
  - (a) be in the approved form; and
  - (b) attach a copy of the proposed plan; and
  - (c) be accompanied by the fee prescribed under a regulation.
- (2) The proposed plan must comply with section 31D.

### **31D Required information for proposed plan**

- (1) For section 31C(2), the proposed plan must state each of the following—
  - (a) the title of the wild river area;

- (b) the activities, or taking of natural resources, to which the plan applies;
- (c) the nature, extent and location of the activities or the taking;
- (d) the time frame for completion of the activities or the taking;
- (e) the land (***relevant land***) owned by the person within the wild river area;
- (f) any other land owned by the person that is contiguous with the relevant land;
- (g) the infrastructure on, use of and types of vegetation on, the relevant land;
- (h) whether or not the person may reasonably carry out the activities, or the taking, without an amendment of the wild river declaration;
- (i) the nature and extent of any adverse impact that is likely to result from the activities, or the taking, on the natural values of the relevant wild river, and how the adverse impact may be minimised;
- (j) the nature and extent of any other thing proposed to be done in addition to the activities, or the taking, that would result in a beneficial impact on the natural values of the relevant wild river;

*Note—*

The inclusion of the other thing is only for the purpose of satisfying the requirement under section 31E(b) for approval of the proposed plan. The inclusion is not in itself a development approval under the *Integrated Planning Act 1997*, or another approval under another Act, for doing the thing.

- (k) any other restrictions applying to, or approvals needed for, the carrying out of the activities or the taking.
- (2) In this section—

***relevant wild river***, in a wild river area, includes—

- (a) the wild river and the major tributaries of the wild river; and

- (b) any nominated waterways and special features of the wild river area.

### **31E Approval of proposed plan**

The Minister may approve the proposed plan, with or without conditions, for the purpose of subdivision (2) only if the Minister is satisfied—

- (a) the carrying out of the activities or the taking under the plan—
  - (i) may not reasonably be carried out without amending the wild river declaration; and
  - (ii) is likely to be completed within 10 years of the grant of the approval; and
- (b) the carrying out of the activities or taking, and anything mentioned in section 31D(1)(j), will not have an overall adverse impact on the natural values of the wild river to which the plan applies; and
- (c) the environmental benefits of the plan justify the approval of the plan.

## **Subdivision 2 Operation of property development plan**

### **31F Amendment of wild river declaration**

- (1) The Minister may, under division 2, amend the declaration for the wild river area mentioned in a property development plan to accommodate the carrying out of the activities, or taking of the natural resources, to which the plan applies.
- (2) This section does not limit section 19.

### **31G Application of property development plan**

For the purposes of sections 43A and 43B, a property development plan is taken to apply to the land, within the wild river area mentioned in the plan, that was owned by the person

who applied for approval of the plan when the application was made.

*Note—*

See also sections 43A (Effect of property development plan on particular development applications) and 43B (Effect of property development plan on particular applications under the Water Act 2000).

## **Division 3                      Revoking wild river declarations**

### **32            Revoking a wild river declaration**

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

### **33            Deciding whether to revoke declaration**

- (1) After considering all properly made submissions about a

proposed revocation and any other matters the Minister considers appropriate, the Minister may—

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

### **34 Approval of revocation of wild river declaration**

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

### **35 Effect of revocation on activities and taking natural resources**

- (1) This section applies if, immediately before the revocation of a wild river declaration for a wild river area takes effect, a person is—
  - (a) carrying out an activity or taking a natural resource in the area under another Act or law (an *authorisation*); or
  - (b) authorised by a licence, permit or other approval document held by the person under another Act or law to carry out an activity or take a natural resource in the area (also an *authorisation*).



- (2) On the revocation of the wild river declaration, the authorisation is no longer subject to any conditions or requirements that applied to it because of the declaration.

### **36 Effect of revocation on applications received but not decided**

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

## **Division 4 Miscellaneous**

### **37 Relationship with water resource plans**

- (1) To the extent the matters mentioned in section 14(1)(k) to (p) and (3) in a wild river declaration are inconsistent with an existing water resource plan or a resource operations plan for all or part of the wild river area, the wild river declaration prevails.
- (2) Otherwise, to the extent a wild river declaration is inconsistent in any other way, the water resource plan or resource operations plan prevails.

### **38 Minister must prepare report on consultation process**

- (1) Within 30 business days after a wild river declaration is approved, amended or revoked, the Minister must prepare a report about the consultation process for the approval, amendment or revocation (a *consultation report*).

- (2) The consultation report must include a summary of issues raised during the consultation process and how the issues have been dealt with.

### **39 Copies of documents to be available for public inspection**

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

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

#### **40 Report by Minister on wild river declarations**

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

- (4) A report under this section may relate to more than 1 wild river declaration.

## **Part 3    Activities and taking natural resources in wild river areas**

### **41                          Classification of wild river area into high preservation area and preservation area**

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

### **42                          Effect of classification on particular development applications**

- (1) This section applies to a development application for—
  - (a) a material change of use of premises for agricultural or animal husbandry activities mentioned in the *Integrated Planning Act 1997*, schedule 8, part 1, table 2, item 11; or
  - (b) operational work for agricultural or animal husbandry activities mentioned in the *Integrated Planning Act 1997*, schedule 8, part 1, table 4, item 10.

- (2) Subsection (3) applies if any part of the application relates to—
  - (a) development in the high preservation area in a wild river area; or
  - (b) development in the preservation area of a wild river area in relation to the production of a high risk species.
- (3) Despite the *Integrated Planning Act 1997*, section 3.2.1—
  - (a) the application is taken not to be a properly made application for that Act; and
  - (b) the assessment manager must refuse to receive the application.
- (4) Subsection (5) applies—
  - (a) to an application not refused under subsection (3); and
  - (b) to the extent the application relates to development in the preservation area in a wild river area; and
  - (c) despite the *Integrated Planning Act 1997*, chapter 3, part 3, division 4 and sections 3.5.4, 3.5.5, 3.5.13 and 3.5.14.
- (5) For the application, the assessment manager's and any concurrence agency's decision must comply with the applicable code mentioned in the wild river declaration for the area.

#### **43 Effect of declaration on particular development applications**

- (1) Subsection (2) applies—
  - (a) to a development application for a material change of use of premises, reconfiguring a lot or operational work; and
  - (b) to the extent—
    - (i) the application relates to a wild river area; and
    - (ii) the application is in relation to residential, commercial or industrial development; and
    - (iii) the proposed development is made assessable under—

- (A) a local government planning scheme; or
  - (B) the *Integrated Planning Act 1997*, schedule 8, part 1, table 3, item 1 or table 4, item 2; and
  - (c) despite the *Integrated Planning Act 1997*, sections 3.5.4, 3.5.5, 3.5.13 and 3.5.14.
- (2) For the application, the assessment manager's decision must comply with the applicable code mentioned in the wild river declaration for the area.
  - (3) This section does not apply to residential, commercial or industrial development in a designated urban area.

**43A Effect of property development plan on particular development applications**

- (1) This section applies to a development application that—
  - (a) relates to land to which a property development plan applies; and
  - (b) is for assessable development under any of the following provisions of the *Integrated Planning Act 1997*, schedule 8, part 1—
    - table 1, item 2
    - table 2, items 1, 8 and 11
    - table 4, items 1A to 1G, 3, 5, 6 to 8 and 10
    - table 5, items 1 and 4.
- (2) Despite the *Integrated Planning Act 1997*, section 3.2.1, unless the application is consistent with the property development plan—
  - (a) the application is taken not to be a properly made application for that Act; and
  - (b) the assessment manager must refuse to receive the application.

**43B Effect of property development plan on particular applications under the Water Act 2000**

- (1) This section applies to an application under the *Water Act 2000*, section 266 or 280, that relates to land to which a property development plan applies.
- (2) Despite the *Water Act 2000*, unless the application is consistent with the property development plan, the chief executive of the department in which that Act is administered must refuse to receive the application.

**44 Relationship with other Acts**

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

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

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

**46 Meaning of *Aurukun project***

- (1) The *Aurukun project* means the project for the extraction, transportation and processing of bauxite on land that is more

or less the land described as ‘restricted area 315’ (RA315) under this Act.

- (2) The project includes the construction and operation of works, for example mining equipment, electricity generation plants and related distribution infrastructure, pipelines, telecommunications infrastructure, water storage and distribution infrastructure, buildings, conveyors, roads or railways on land near Aurukun and Weipa.

#### **47 Meaning of *PNG pipeline project***

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

## **Part 5 Miscellaneous**

#### **48 Meaning of *specified works***

- (1) The object of this provision is to provide a definition of *specified works* for a provision of any other Act that refers to specified works in relation to regulating or prohibiting the carrying out of an activity or the taking of a natural resource because of a declaration or a moratorium under this Act.
- (2) *Specified works* means—
  - (a) infrastructure and works prescribed under a regulation to be necessary for disaster management; or



- (b) desnagging that is the minimum necessary to allow safe navigation of a marked navigable channel; or
- (c) the following infrastructure and works—
  - (i) roads;
  - (ii) railways;
  - (iii) jetties and boat ramps for use by the public;
  - (iv) works for the rehabilitation of land, including, for example, rehabilitation of abandoned mines;
  - (v) infrastructure for the transmission or distribution of electricity;
  - (vi) pipelines;
  - (vii) conveyor belts;
  - (viii) cables;
  - (ix) other infrastructure, prescribed under a regulation, that relates to the transportation, movement, transmission or flow of anything through a wild river area including, for example, goods, materials, substances, matter, particles with or without charge, light, energy, information and anything generated or produced.

#### **49 Delegation by Minister**

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

#### **50 Delegation by chief executive**

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

#### **51 Regulation-making power**

- (1) The Governor in Council may make regulations under this Act.

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

## **Part 6**

# **Declaration and validation of particular matters for Wild Rivers and Other Legislation Amendment Act 2007**

### **52 Definition for pt 6**

In this part—

*prepared declaration* means any of the following documents, made by the Minister on 30 January 2007—

- (a) ‘Fraser Wild River Declaration 2007’;
- (b) ‘Gregory Wild River Declaration 2007’;
- (c) ‘Hinchinbrook Wild River Declaration 2007’;
- (d) ‘Morning Inlet Wild River Declaration 2007’;
- (e) ‘Settlement Wild River Declaration 2007’;
- (f) ‘Staaten Wild River Declaration 2007’.

### **53 Validation of particular matters**

- (1) A published notice is taken to be, and to have always been, a valid notice of intent under section 8 and a valid declaration proposal notice under section 11 for the proposed wild river area to which the published notice relates, published on the same day as the published notice was published.
- (2) The ‘Amendment to Notice of Intent to Declare for the Fraser Wild River Area’ dated 18 July 2006 (the *amending notice*) is taken to be, and to have always been, a valid amendment of the notice of intent included in ‘Notice of Intent to Declare and Declaration Proposal Notice for the Fraser Wild River

Area' dated 9 December 2005, published on the same day as the amending notice was published.

- (3) A notice published, or purportedly published, by the Minister extending a moratorium period that relates to a published notice is taken to be, and to have always been, a valid moratorium extension notice under section 9.
- (4) A proposal prepared, or purportedly prepared, by the Minister for a proposed wild river area under a published notice and mentioned in the published notice is taken to be, and to have always been, a valid declaration proposal for the proposed wild river area under section 11.
- (5) In this section—

***published notice*** means any of the following notices published, or purportedly published, under sections 8 and 11—

- (a) 'Notice of Intent to Declare and Declaration Proposal Notice for the Hinchinbrook Wild River Area' dated 8 December 2005;
- (b) 'Notice of Intent to Declare and Declaration Proposal Notice for the Settlement, Gregory, Morning Inlet and Staaten Wild River Areas' dated 9 December 2005, but only to the extent the notice refers to the proposed Settlement, Gregory and Morning Inlet Wild River Areas;
- (c) 'Notice of Intent to Declare and Declaration Proposal Notice for the Fraser Wild River Area' dated 9 December 2005;
- (d) 'Notice of Intent to Declare and Declaration Proposal Notice for the Staaten Wild River Area' dated 8 December 2006.

#### **54 Particular documents taken to be wild river declarations**

- (1) Each prepared declaration is taken to be a wild river declaration for this Act.
- (2) Despite section 16(2), the declaration has effect on the commencement of this section.

- (3) Sections 16(3) and 38 do not apply to the declaration.
- (4) The Minister must as soon as practicable after this section commences publish a copy of each prepared declaration on the department's website.

## Schedule                      Dictionary

### section 5

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

*agricultural activities*—

- 1 *Agricultural activities* means—
  - (a) cultivating soil; or
  - (b) planting, gathering or harvesting a crop, including a food or fibre crop; or
  - (c) disturbing the soil to establish non-indigenous grasses, legumes or forage cultivars; or
  - (d) using the land for horticulture or viticulture.
- 2 The term does not include—
  - (a) producing agricultural products for the domestic needs of the occupants of the land if the maximum area of the land on which the products are produced is the following—
    - (i) for fewer than 10 occupants of the land—0.25ha;
    - (ii) for 10 or more but fewer than 50 occupants of the land—2ha;
    - (iii) for 50 or more but fewer than 100 occupants of the land—4ha;
    - (iv) for 100 or more occupants of the land—6ha; or
  - (b) baling or cutting pasture; or
  - (c) broadcasting seed to establish an improved pasture; or
  - (d) planting, gathering or harvesting a crop of pasture or grain species in a preservation area if the pasture or grain species is—

## Schedule (continued)

- (i) only for animal feed; and
- (ii) neither a high risk species nor a moderate risk species for the wild river area of which the preservation area is a part; or
- (e) improving pasture using low impact soil disturbance if the pasture species is neither a high risk species nor a moderate risk species for the wild river area; or
- (f) forestry activities.

***amendment proposal*** see section 23.

***amendment proposal notice*** see section 23.

***animal husbandry activities***—

1 *Animal husbandry activities* means—

- (a) breeding, keeping, raising or caring for animals, for commercial purposes, that—
  - (i) rely on prepared, packaged or manufactured feed or irrigated or ponded pastures; and
  - (ii) are kept in a pen, yard, enclosure, pond, cage, shed, stables or other confined area or structure; or
- (b) establishing a feedlot, piggery or dairy.

2 The term does not include—

- (a) grazing; or
- (b) raising livestock for the domestic needs of the occupants of the land; or
- (c) keeping livestock, for example horses, necessary for working the land; or
- (d) giving livestock supplementary feed, including, for example, by using roller drums, blocks, licks or protein meals—
  - (i) to maintain the livestock's survival; or
  - (ii) to improve the livestock's fertility; or

## Schedule (continued)

- (iii) for an activity associated with an activity mentioned in item 1; or

*Example—*

weaning

- (iv) if the livestock is predominantly reliant on native or improved pasture for feed—to prepare the livestock for sale; or

(e) aquaculture; or

(f) environmentally relevant activities.

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

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

*Example of standing—*

a person's classification level in the public service

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

***Aurukun project*** see section 46.

***catchment*** includes a sub-catchment.

***consultation report*** see section 38.

***declaration proposal*** see section 11.

***declaration proposal notice*** see section 11.

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

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

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

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

## Schedule (continued)

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

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

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

***high risk species***, for a wild river area, means a plant species listed in the wild river declaration for the area as a plant species that has a high risk of having an adverse impact on the natural values of the wild river area that the declaration is intended to preserve.

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

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

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

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

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

***moderate risk species***, for a wild river area, means a plant species listed in the wild river declaration for the area as a plant species that has a moderate risk of having an adverse impact on the natural values of the wild river area that the declaration is intended to preserve.

***moratorium extension notice***—

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



## Schedule (continued)

***moratorium period***—

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

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

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

***notice of intent***—

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

***owner***, of land, means any of the following, and includes the occupier of the land—

- (a) the registered proprietor of the land;
- (b) the lessee or licensee under the *Land Act 1994* of the land;
- (c) the holder of a mineral development licence or mining lease under the *Mineral Resources Act 1989*;
- (d) the person or body of persons who, for the time being, has lawful control of the land, on trust or otherwise;
- (e) the person who is entitled to receive the rents and profits of the land.

***PNG pipeline project*** see section 47.

***prepared declaration*** see section 52.

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

***properly made submission*** means a submission that—

- (a) is in writing and is signed by each entity who made the submission; and

## Schedule (continued)

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

**property development plan** means a plan approved under section 31E.

**proposed plan**, for part 2, division 2A, subdivision 1, see section 31B.

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

**publish**, for a notice, means publish the notice—

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

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

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

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

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

**specified works** see section 48.

## Schedule (continued)

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

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

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

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

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

***wild river area*** means—

- (a) an area declared under part 2 as a wild river area; or
- (b) an area shown as a wild river area in a prepared declaration.

***wild river declaration*** means—

- (a) a declaration approved under part 2; or
- (b) a declaration that under section 54 is taken to be a wild river declaration.

***wild river document*** see section 39.

***wild river report*** see section 40.

***wild rivers code*** see section 6A.

## Endnotes

### 1 Index to endnotes

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### 2 Date to which amendments incorporated

This is the reprint date mentioned in the Reprints Act 1992, section 5(c). Accordingly, this reprint includes all amendments that commenced operation on or before 28 February 2007. Future amendments of the Wild Rivers Act 2005 may be made in accordance with this reprint under the Reprints Act 1992, section 49.

### 3 Key

#### Key to abbreviations in list of legislation and annotations

Key	Explanation	Key	Explanation
AIA	= Acts Interpretation Act 1954	(prev)	= previously
amd	= amended	proc	= proclamation
amdt	= amendment	prov	= provision
ch	= chapter	pt	= part
def	= definition	pubd	= published
div	= division	R[X]	= Reprint No.[X]
exp	= expires/expired	RA	= Reprints Act 1992
gaz	= gazette	reloc	= relocated
hdg	= heading	renum	= renumbered
ins	= inserted	rep	= repealed
lap	= lapsed	(retro)	= retrospectively
notfd	= notified	rv	= revised edition
o in c	= order in council	s	= section
om	= omitted	sch	= schedule
orig	= original	sdiv	= subdivision
p	= page	SIA	= Statutory Instruments Act 1992
para	= paragraph	SIR	= Statutory Instruments Regulation 2002
prec	= preceding	SL	= subordinate legislation
pres	= present	sub	= substituted
prev	= previous	unnum	= unnumbered

## 4 Table of reprints

Reprints are issued for both future and past effective dates. For the most up-to-date table of reprints, see the reprint with the latest effective date.

## 5 List of legislation

### **Wild Rivers Act 2005 No. 42**

date of assent 14 October 2005

ss 1–2 commenced on date of assent

remaining provisions commenced 2 December 2005 (2005 SL No. 287)

amending legislation—

### **Mineral Resources and Other Legislation Amendment Act 2006 No. 31 s 1, pt 7**

date of assent 1 June 2006

commenced on date of assent

### **Wild Rivers and Other Legislation Amendment Act 2006 No. 59 pts 1–2, s 85 sch**

date of assent 7 December 2006

commenced on date of assent

### **Wild Rivers and Other Legislation Amendment Act 2007 No. 8 pts 1–2**

date of assent 28 February 2007

commenced on date of assent

## 6 List of annotations

### **Division 1—Introduction and purpose of Act**

**div hdg** ins 2006 No. 59 s 3

#### **Purpose of Act**

**s 3** (prev s 5) renum 2006 No. 59 s 6

amd 2006 No. 59 s 85 sch

#### **Act binds all persons**

**s 4** prev s 4 om 2006 No. 59 s 5

pres s 4 (prev s 6) renum 2006 No. 59 s 6

### **Division 2—Interpretation**

**div hdg** ins 2006 No. 59 s 7

#### **Definitions**

**s 5** (prev s 3) renum 2006 No. 59 s 4

(prev s 6A) renum 2006 No. 59 s 6

amd 2006 No. 59 s 85 sch

#### **Meaning of “nominated waterway”**

**s 6** ins 2006 No. 59 s 8

**PART 1A—CODES****pt 1A (ss 6A–6E)** ins 2007 No. 8 s 3**Application of moratorium****s 10** amd 2006 No. 59 ss 9, 85 sch**Content of declaration proposal****s 12** amd 2006 No. 59 s 10; 2007 No. 8 s 4**Matters Minister must consider****s 13** amd 2006 No. 59 s 85 sch; 2007 No. 8 s 5**Content of wild river declaration****s 14** amd 2006 No. 59 s 11; 2007 No. 8 s 6**Effect of declaration on activities and taking natural resources****s 17** amd 2006 No. 59 s 12**Code for IDAS****s 17A** ins 2006 No. 59 s 13  
om 2007 No. 8 s 7**Public notice of intention to amend wild river declaration****s 20** amd 2007 No. 8 s 8**Moratorium period****s 21** amd 2007 No. 8 s 9**Application of moratorium****s 22** amd 2006 No. 59 s 85 sch**Public notice about amendment proposal****s 23** amd 2007 No. 8 s 10**Discretionary content of amendment proposal****prov hdg** amd 2007 No. 8 s 11(1)**s 24** amd 2007 No. 8 s 11(2)**Matters Minister must consider****s 25** amd 2006 No. 59 s 85 sch; amd 2007 No. 8 s 12**Content of wild river amendment declaration****s 26** sub 2007 No. 8 s 13**Minor amendments of wild river declaration****s 31** amd 2006 No. 59 s 14; 2007 No. 8 s 13A**Division 2A—Property development plans****div 2A (ss 31A–31G)** ins 2007 No. 8 s 13B**Relationship with water resource plans****s 37** amd 2006 No. 59 s 85 sch; 2007 No. 8 s 14**Copies of documents to be available for public inspection****s 39** amd 2007 No. 8 s 15**Classification of wild river area into high preservation area and preservation area****s 41** amd 2006 No. 59 s 15

**Effect of classification on particular development applications**

s 42            amd 2006 No. 59 s 16

**Effect of declaration on particular development applications**

s 43            amd 2006 No. 59 s 17

**Effect of property development plan on particular development applications**

s 43A          ins 2007 No. 8 s 15A

**Effect of property development plan on particular applications under the Water Act 2000**

s 43B          ins 2007 No. 8 s 15A

**Meaning of “Aurukun project”**

s 46            amd 2006 No. 31 s 23

**Meaning of “specified works”**

s 48            amd 2006 No. 59 s 18

**PART 6—DECLARATION AND VALIDATION OF PARTICULAR MATTERS FOR WILD RIVERS AND OTHER LEGISLATION AMENDMENT ACT 2007**pt hdg        prev pt 6 hdg om R1 (see RA ss 7(1)(k) and 40)  
pres pt 6 hdg ins 2007 No. 8 s 16**Definition for pt 6**s 52            prev s 52 om R1 (see RA ss 7(1)(k) and 40)  
pres s 52 ins 2007 No. 8 s 16**Validation of particular matters**

s 53            ins 2007 No. 8 s 16

**Particular documents taken to be wild river declarations**

s 54            ins 2007 No. 8 s 16

**SCHEDULE—DICTIONARY**

(prev sch 2) renum 2006 No. 59 s 19(5)

amd 2006 No. 59 s 85 sch

def “**agricultural activities**” amd 2006 No. 59 s 19(2)–(3); 2007 No. 8 s 17(3)–(4)def “**animal husbandry activities**” amd 2006 No. 59 s 19(4)def “**designated urban area**” ins 2006 No. 59 s 19(1)def “**high risk species**” ins 2006 No. 59 s 19(1)

sub 2007 No. 8 s 17(1)–(2)

def “**low impact soil disturbance**” ins 2006 No. 59 s 19(1)def “**moderate risk species**” ins 2006 No. 59 s 19(1)

sub 2007 No. 8 s 17(1)–(2)

def “**nominated waterway**” ins 2006 No. 59 s 19(1)def “**owner**” ins 2007 No. 8 s 17(2)def “**prepared declaration**” ins 2007 No. 8 s 17(2)def “**property development plan**” ins 2007 No. 8 s 17(2)def “**proposed plan**” ins 2007 No. 8 s 17(2)def “**wild river area**” sub 2007 No. 8 s 17(1)–(2)

def “**wild river declaration**” sub 2007 No. 8 s 17(1)–(2)

def “**wild rivers code**” ins 2007 No. 8 s 17(2)

**SCHEDULE 1—CONSEQUENTIAL AND MINOR AMENDMENTS OF OTHER  
ACTS**

om R1 (see RA s 40)