



# Wild rivers guide

## Mining and exploration

This guide outlines wild river requirements for certain mining activities in a wild river area. Note this guide only summarises the requirements. Please refer to the wild river declaration and relevant legislation for exact requirements.

For the purpose of this guide, the term 'mining activity' includes activities authorised under a mining claim, prospecting permit, exploration permit, mineral development licence or mining lease. It does not include gas and petroleum activities or fossicking activities.

Contact a Wild Rivers Officer (phone 4039 8281, 4039 8332 or email [wild.rivers@nrw.qld.gov.au](mailto:wild.rivers@nrw.qld.gov.au)) if you:

- want more information about a wild river requirement;
- want help to interpret these requirements for your mining situation;
- want a copy of a wild river declaration (available at [www.nrw.qld.gov.au/wildrivers](http://www.nrw.qld.gov.au/wildrivers));
- are intending a development activity that is not covered by this guide.

### What is a wild river?

A wild river has all, or almost all, of its natural values intact. That is, the river system has very little disturbance or development instream or within its catchment, but does not necessarily imply pristine condition. The natural values of importance to a wild river are:

- hydrology – rivers flowing freely and are well connected to their floodplains and shallow aquifers, ie no dams or levees;
- geomorphology - stable bed and banks with a natural movement of sediments along the river to estuaries and floodplains;
- water quality - sufficient to meet human and ecological needs;
- riparian vegetation - trees, shrubs and sedges to protect stream banks and to provide food and habitat for native animals; and
- wildlife corridors - connected areas of natural habitat within and along the river system to allow native animals to migrate within their natural ranges.

Under the Wild Rivers Act, the Minister for Natural Resources and Water can declare a wild river area through a public planning process. The wild river declaration (a statutory instrument), in conjunction with relevant legislation, will set restraints on certain types of future development in the wild river area in order to preserve the wild river natural values.

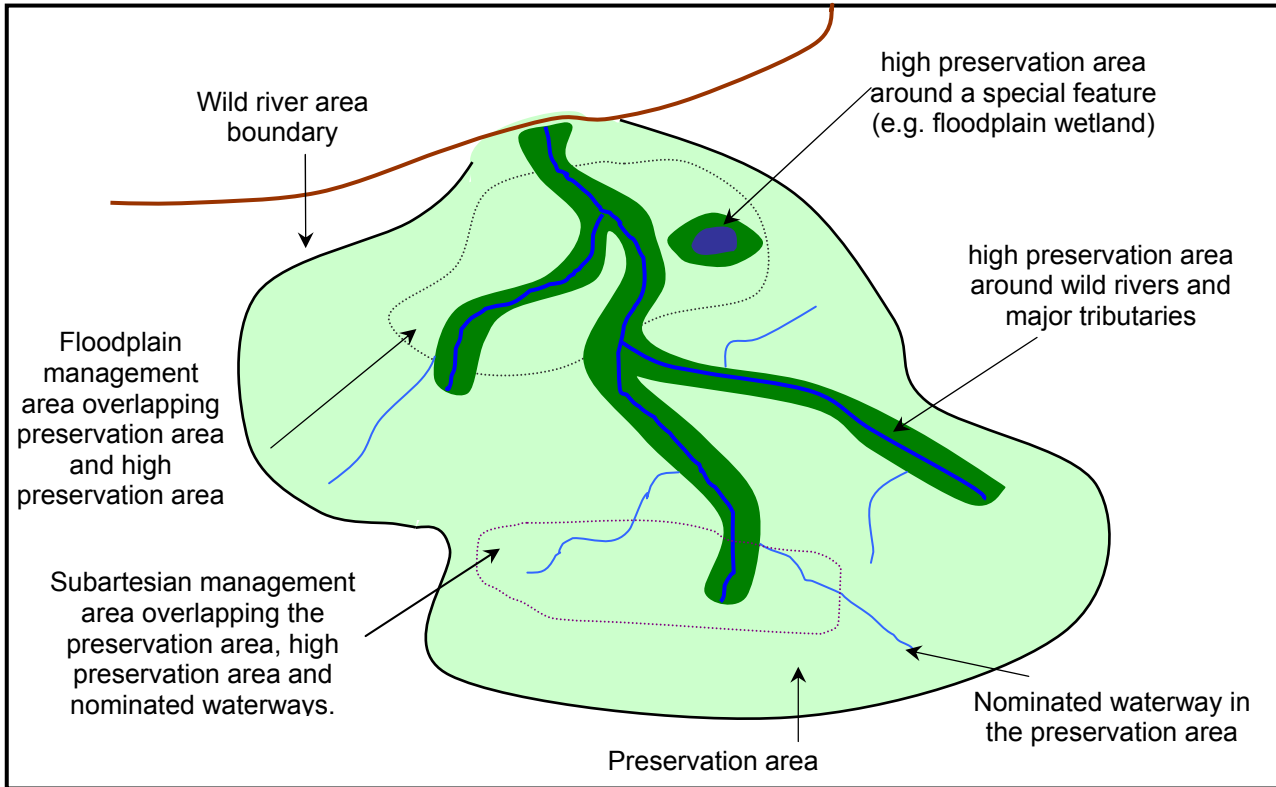
### Wild river areas

A wild river area usually includes the whole river catchment or drainage basin. It would have clear boundaries and include a number of management areas for wild river purposes (see Figure 1):

- *High preservation area*: the area within and up to one kilometre each side of the wild river, its major tributaries and special off-stream features, such as floodplain wetlands.
- *Preservation area*: the wild river area outside of the high preservation area.
- *Floodplain management area*: the key parts of floodplains that are strongly connected to the wild river's natural hydrology. Such an area may overlap high preservation and preservation areas.
- *Subartesian Management Area*: the area of a sub-artesian aquifer that is strongly connected to the wild river's natural hydrology. Such an area may overlap high preservation and preservation areas.

A wild river area can also contain *nominated waterways*. These are secondary tributaries or streams in preservation areas that have been designated for wild river purposes. They can have tidal and non-tidal reaches.

These management areas and nominated waterways are important as they dictate whether or not a proposed mining activity is prohibited or subject to the requirements of the declaration. They are shown in the wild river declaration. Also their boundaries are available on MERLIN as well as the Information Queensland gateway (<http://www.information.qld.gov.au/index.html>).



**Figure 1- Wild river management areas**

It is important that you can locate your planned activity in relation to these areas and waterways. A Wild Rivers Officer can provide you with detailed maps or global positioning system (GPS) coordinates (datum GDA94) of their boundaries. Alternatively, you can ask an officer to check the relative location of your planned activity, if you give them the GPS coordinates (including the datum used) of the work site.

### When wild river requirements apply

Wild river requirements are applied when a mining tenement is granted or renewed in a wild river area under the *Mineral Resources Act 1989*<sup>1</sup>. Tenements existing at the time of a declaration are not affected until they are renewed or amended.

Also wild river requirements are applied when an environmental authority is granted under the *Environmental Protection Act 1994*<sup>2</sup>.

The requirements apply to the mining activity itself as well as to any associated development activities such as constructing dams, pipelines and roads.

For the purpose of the Environmental Protection Act, all mining activities except mining claims, prospecting permits, or exploration permits in a preservation area, become level 1 mining projects. Mining claims and prospecting permits will be level 2 mining projects whilst an exploration permit in the preservation area will be level 1 or 2 dependent on the level of impact.

<sup>1</sup> See sections 25, 81, 141, 194, 276 and 382 – 386A.

<sup>2</sup> See sections 41, 150, 151, 162, 163-163B, 169, 170, 171D, 173, 175, 176, 189, 193, 203, 207, 210, 223 and 225.

### Existing mining activities

Mining activities being carried out under an authorisation existing at the time of declaration are not affected by the declaration until that authorisation is renewed. It is most likely that any established mining operation would be excluded from high preservation areas to prevent any impact on that part of the tenement on renewal.

Any associated infrastructure (such as a road, dam, etc) existing in the wild river area at the time of declaration is not affected by the declaration until it is modified or expanded. Any wild river requirements will depend on the location of the works and their impact on wild river natural values.

The Wild Rivers Act<sup>3</sup> does not apply to the Aurukun Bauxite project and a wild river declaration does not effect existing authorisations, for example a special agreement Act.

### Wild river requirements

#### Mining tenements

Wild river requirements either prohibit or restrict mining activities in (and under) high preservation areas and nominated waterways. A few wild river restrictions also apply outside these two features. Hence mining tenements will refer to these features if they are present.

<sup>3</sup> See sections 17, 45 and 46

Note that tenements will not be 'sub-divided' by these features if they pass through the tenement area. The tenements remain intact even though certain mining activities are prohibited or limited within and under these features. Note that any rents are not payable on the area of the features if mining activity is prohibited in or under them.

Effectively tenements will be 'conditioned' to limit access within high preservation areas and nominated waterways as explained below.

## Mining leases

This section relates to activities authorised under a mining lease.

Surface mining in a high preservation area is not permitted. This includes entry pits for underground mining.

Underground mining beneath a high preservation area is subject to wild river requirements. These include no disturbance of the surface, ie entry pits must be outside the high preservation area. Also the activity would be subject to an environmental impact statement (EIS) which assesses:

- the risk of mine collapse and subsidence;
- impacts on any hydraulic connection between sub-artesian aquifers and the wild river; and
- impacts on the quality of water in sub-artesian aquifers connected to the wild river.

The environmental safeguards identified through an EIS must be applied to the mining operation.

Surface mining in a nominated waterway is not permitted unless it is a mining project of state significance. Such projects must be approved under the *State Development and Public Works Organisation Act 1971*, but only where an EIS can demonstrate:

- the wild river values will be preserved;
- the resource cannot be accessed via underground mining; and
- the resource is of sufficient value to warrant the grant of a mining lease in such a sensitive location.

Underground mining beneath a nominated waterway is subject to same wild river requirements as for mining beneath a high preservation area (see above).

Mining activity adjacent to a nominated waterway may be required to be located away from the outer banks of the waterway feature. The minimum distance will be set as a tenement condition via the declaration (typically 100m).

## Mineral development licences

This section relates to activities authorised under a mineral development licence.

In a high preservation area such activity is not permitted.

In a nominated waterway such activity is not permitted.

Adjacent to a nominated waterway such activity may be required to be located away from the outer banks of the waterway feature. The minimum distance will be set as a tenement condition via the declaration (typically 50m).

## Exploration permits

This section relates to activities authorised under an exploration permit.

In a high preservation area only limited hand sampling will be permitted within watercourses or lakes. Generally this means:

- samples up to 20kg;
- only using non-mechanical means; and
- digging less than 1m deep, removing less than 1m<sup>3</sup> and at sites at least 250m apart.

Outside of watercourses and lakes only 'low impact' exploration will be permitted in a high preservation area, provided it is:

- undertaken as a Level 1 mining activity;
- consistent with an approved environmental management plan; and
- located a minimum distance from the high banks of a watercourse or lake, as set via the declaration (typically 100m).

Low impact exploration includes aerial, seismic and drilling activity but not pit excavation or bulk sampling.

In a nominated waterway only limited hand sampling will be permitted.

Adjacent to a nominated waterway such activity may be required to be located away from the outer banks of the waterway feature. The minimum distance will be set as a tenement condition via the declaration (typically 50m).

## Mining claims

This section relates to activities authorised under a mining claim.

In a high preservation area such activity is not permitted if the tenement is granted after the wild river is declared.

In a nominated waterway such activity is not permitted if the tenement is granted after the wild river is declared.

Adjacent to a nominated waterway such activity may be required to be located away from the outer banks of the waterway feature. The minimum distance will be set as a tenement condition, on grant or renewal, via the declaration (typically 20m).

### Prospecting permits

This section relates to activities authorised under a prospecting permit.

In a high preservation area such activity is not permitted.

In a nominated waterway such activity is not permitted.

Adjacent to a nominated waterway such activity may be required to be located away from the outer banks of the waterway feature. The minimum distance will be set as a tenement condition via the declaration (typically 20m).

### Water supplies

A wild river declaration does not affect water entitlements and permits that were existing in the wild river area at the time of declaration.

A declaration will set the total amount of water that can be allocated in that part of a wild river area not covered by a water resource plan. Hence access to new entitlements for water from streams, overland flow and aquifers (in a subartesian management area) will be limited. All new entitlements will be allocated through a market-based system.

The declaration may restrict the purposes for which future allocations can be made. For example, it may 'reserve' a certain quantity for future urban or ecotourism purposes.

There are no wild river requirements for the works to pump or divert water from a stream or aquifer in the wild river area.

### Instream dams and weirs

There are no wild river requirements under the *Water Act 2000*<sup>4</sup> to build a new in-stream dam or weir in a preservation area, including in a nominated waterway.

Such structures are not permitted in a high preservation area, regardless of the purpose of the structure, eg water supply, tailings, etc.

### Off-stream dams

There are no wild river requirements under the *Water Act*<sup>5</sup> for constructing a new off-stream dam outside a floodplain management area or a high preservation area. Off-stream dams (such as gully dams) are built outside of a watercourse to catch overland flow. They are not ring tanks or 'turkey nests' designed to simply hold water.

In a floodplain management area, such a dam and any associated works will be limited in size and location by the declaration and the *Wild Rivers Code*.

In a high preservation area such a dam for mining purposes will be limited to a certain capacity that would be set in the wild river declaration.

### Mine transport infrastructure

New transport infrastructure within a wild river area for mining activities, such as roads, rail, pipelines, conveyors and powerlines, are classified as specified works and therefore can be developed in high preservation areas as well as in preservation areas. These will be subject to wild river requirements outlined in the declaration. The requirements aim to minimise the impact on the wild river natural values:

Specified works include:

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

A port or any other infrastructure that relates to transportation can be prescribed as specified work under a regulation.

### Moratorium

During the period that a proposed wild river declaration is under consideration, wild river requirements will apply to mining tenement dealings as if the wild river area had been declared<sup>6</sup>. Dealings are not suspended.

<sup>4</sup> See section 966A

<sup>5</sup> See section 966A

<sup>6</sup> See Wild Rivers Act sections 9 and 10