

Public Notice

Notice of Intent to Declare and Declaration Proposal Notice for the Lockhart Basin Wild River Area *Wild Rivers Act 2005 (Sections 8 – 11)*

Notice is given that the Minister for Natural Resources and Water intends to declare the Lockhart Basin Wild River Area and has prepared the Lockhart Basin Wild River Declaration Proposal for the proposed Lockhart Basin Wild River Area.

1. The wild rivers for the proposed Lockhart Basin Wild River Area are the Claudie River, Lockhart River, Nesbit River, Chester River and Rocky River.
2. It is proposed to declare the Lockhart Basin Wild River Area in order to preserve the following natural values of the proposed wild rivers:
 - (a) hydrologic processes;
 - (b) geomorphic processes;
 - (c) riparian function;
 - (d) wildlife corridor function; and
 - (e) water quality.

Clause 11 of this Notice states where further information including copies of the declaration proposal and information on the natural values of the proposed wild rivers, can be obtained.

3. The map below shows by way of lines and shading:

- (a) the proposed wild river area;
- (b) the proposed high preservation areas; and
- (c) the proposed preservation area.

4. The map below is indicative only. Further information about the exact location of the proposed wild river area, proposed high preservation areas and proposed preservation area may be inspected at the Department of Natural Resources and Water ('the department') offices at 5B Sheridan Street, Cairns; 167 Walsh Street, Mareeba; and 41 George Street, Brisbane.

5. A moratorium ('moratorium period') will commence to have effect from **24 July 2008** until the earliest of the following:

- (a) the day the wild river declaration for the proposed wild river area has effect;
- (b) the day the Minister decides under section 15 of the *Wild Rivers Act 2005* not to make a declaration;
- (c) the day that is 12 months after the day the moratorium is stated in this Notice to commence to have effect or, if the Minister has extended the 12 month period, the day to which the period has been extended.

6. The moratorium applies to applications for native vegetation clearing, mining activities and taking or interfering with water in order to protect the natural values of the proposed wild rivers pending a decision by the Minister to declare or not proceed with declaring the proposed Lockhart Basin Wild River Area as a wild river area.

7. The moratorium has the following effect in the proposed wild river area:

- (a) for the *Water Act 2000*, this Notice is taken to be a moratorium notice and:
 - (i) applies to the following water—
 - (A) water in a watercourse or lake;
 - (B) water in springs not connected to artesian water or subartesian water connected to artesian water;
 - (C) overland flow water;
 - (D) subartesian water not connected to artesian water;

Note: the terms 'water in a watercourse or lake', 'spring', 'overland flow water', 'artesian water' and 'subartesian water' in this Notice are as defined in Schedule 4 of the *Water Act 2000*.

- (ii) subject to clause 8 of this Notice, an application for the grant of a water entitlement 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 following effects on the water to which the application relates—

- (A) increase the amount of water that may be taken;
- (B) change the location from which water may be taken;
- (C) increase the rate at which water may be taken;
- (D) change the flow conditions under which water may be taken;
- (E) increase or change the interference with the water;
- (F) change the purpose for which the water may be taken or interfered with.

- (iii) subject to clause 10 of this Notice, new works must not be started and completed works must not be raised, enlarged, deepened or changed if the works would have 1 or more of the following effects—

- (A) increase the amount of water being taken or that could be taken; or
- (B) change the location from which water is being taken or could be taken; or
- (C) increase the rate at which water is being taken or could be taken; or
- (D) increase or change the interference with the water.

Note: 'works' means works as defined in schedule 4 of the *Water Act 2000* and includes works that take or interfere with water such as pumps, dams, weirs, ring tanks, embankments, excavations, diversion facilities and subartesian bores.

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

- (i) the proposed wild river area is taken to be a wild river area; and
- (ii) the proposed high preservation area is taken to be a high preservation area; and
- (iii) the proposed preservation area is taken to be a preservation area.

8. Clause 7(a)(ii) of this Notice does not apply to an application—

- (a) to renew, reinstate, replace or transfer a water entitlement under sections 220, 221, 222 or 229 of the *Water Act 2000*;
- (b) to subdivide a water entitlement under section 225 of the *Water Act 2000*, provided that the subdivision would not have an effect mentioned in clause 7(a)(ii)(A), (C), or (D) of this Notice.
- (c) for a water licence under section 206 of the *Water Act 2000*—
 - (i) made by a petroleum tenure holder;
 - (ii) for a water licence to take water for the purposes listed in clause 9 of this Notice provided that the total additional volume of water taken annually from the proposed Lockhart Basin Wild River Area does not exceed—
 - (A) for purposes in clause 9(a) to (c) – 250 megalitres
 - (B) for purposes in clause 9(d) – 100 megalitres

9. The following are purposes for clause 8(c)(ii) of this Notice—

- (a) a significant project declared under section 26 of the *State Development and Public Works Organisation Act 1971*; or
- (b) a mining tenement granted under the *Mineral Resources Act 1989* or any other Act related to mining; or
- (c) a petroleum tenure under the *Petroleum Act 1923*, or the *Petroleum and Gas (Production and Safety) Act 2004*; or
- (d) for town water supply;

10. Clause 7(a)(iii) of this Notice does not apply to works for—

- (a) taking or interfering with water under a water licence; or
- (b) taking water for stock or domestic purposes; provided that where the works are for taking or interfering with overland flow water, the works are constructed in accordance with section 5 of the 'Code for Self Assessable Development for Taking Overland Flow Water for Stock and Domestic Purposes'; available from <www.nrw.qld.gov.au/water/management>; or
- (c) taking of water authorised under sections 20(2), 20(3), 20(4), or 20(5) of the *Water Act 2000*; or
- (d) replacing an existing subartesian bore with a subartesian bore provided that—
 - (i) replacement subartesian bores are sited within 10 metres of the existing subartesian bore that is being replaced; and
 - (ii) the replacement bore is no deeper than the existing subartesian bore; and
 - (iii) the existing bore that is replaced is properly decommissioned immediately upon the completion of the construction of the replacement bore; or
- (e) taking water for town water supply; or
- (f) taking or interfering with overland flow water that is waste from agricultural or industrial processes, provided the storage capacity of the works does not exceed that necessary to meet—
 - (i) the requirements of an authority issued under the *Environmental Protection Act 1994*; or
 - (ii) published industry best practice environmental guidelines; or
- (g) taking or interfering with subartesian water or overland flow water by the Department of Main Roads as part of a schedule of works submitted to the department;
- (h) an activity:
 - (i) authorised, or associated with an activity authorised, under mining tenement granted pursuant to the *Mineral Resources Act 1989* or any other Act related to mining; or
 - (ii) authorised under the *Petroleum Act 1923*.

11. Copies of the declaration proposal and overview report may be inspected at the department website <www.nrw.qld.gov.au/wildrivers>; at the department offices at 41 George Street, Brisbane, 167 Walsh Street, Mareeba and 5B Sheridan Street, Cairns; and at the Lockhart River Aboriginal Shire Council office at Lockhart River and Cook Shire Council office at 10 Furneaux Street, Cooktown.

12. A free CD copy of, or further information about, the declaration proposal may be obtained from the department by phoning (07) 4039 8332 or (07) 4039 8283.

13. A written submission about the declaration proposal may be made by any entity. A submission is one that—

- (a) is in writing and is signed by each entity who made the submission; and
- (b) is received on or before the last day for the making of the submission which is **5.00 pm Friday 21 November 2008**; 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 clause 14 of this Notice.

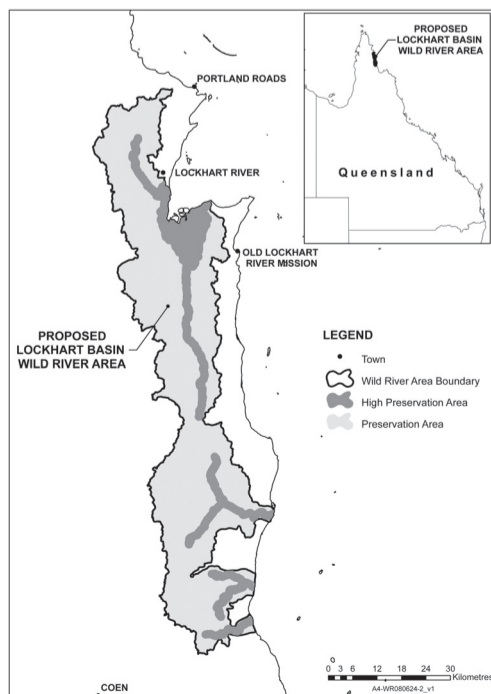
14. Submissions must be made to:

Minister for Natural Resources and Water
(Attention: Wild Rivers Officer)
Department of Natural Resources and Water
PO Box 937, Cairns Qld 4870; or
faxed to 07 4039 8447 or
emailed to wild.rivers@nrw.qld.gov.au.

[Note: Submissions should identify information that is considered confidential. The department will endeavour to maintain the confidentiality of information that is identified in this way, however submissions are subject to the *Freedom of Information Act 1992* and information may be required to be released upon requests made under this Act. Furthermore, other legal obligations, such as processes of the courts or natural justice may also override confidentiality.]

Dated this 23 July 2008.

Craig Wallace MP
Minister for Natural Resources and Water And Minister Assisting the Premier in North Queensland



Queensland Government
Natural Resources and Water