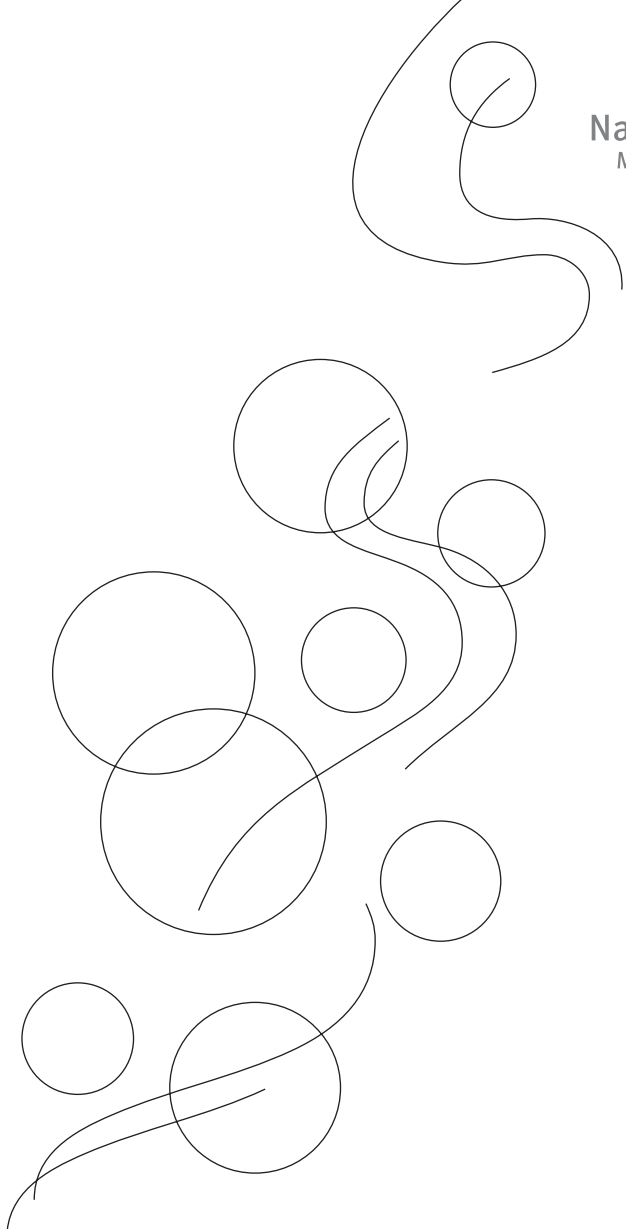




Settlement wild river

declaration 2007



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Part 1 – Preliminary

1 *Short title*

This wild river declaration for the Settlement Wild River Area may be cited as the *Settlement Wild River Declaration 2007*.

2 *Commencement*

This declaration commences on assent of the *Wild Rivers and Other Legislation Amendment Act 2007*.

3 *Definitions*

The dictionary in Schedule 4 defines particular words used in this declaration.

Part 2 – Areas to which the declaration applies

4 *Wild river features*

- (1) The wild rivers for the wild river area are—
 - (a) Settlement Creek;
 - (b) Moonlight Creek;
 - (c) Syrell Creek;
 - (d) Passmore Creek;
 - (e) Cliffdale Creek;
 - (f) Eight Mile Creek; and
 - (g) Lagoon Creek.
- (2) The wild rivers mentioned in subsection (1) are as shown on the map in Schedule 1.
- (3) The major tributary of the wild river area is—
 - (a) Arthurs Creek.
- (4) The major tributary mentioned in subsection (3) is as shown on the map in Schedule 1.
- (5) The special features of the wild river area are—
 - (a) Lagoon Creek Floodplain Complex;
 - (b) Cliffdale Creek Floodplain Complex;
 - (c) Moonlight Creek Wetland Aggregation;
 - (d) Southern Gulf Wetland Aggregation;
 - (e) Wentworth Wetland Aggregation; and
 - (f) Coastal Wetland Complex.
- (6) The special features mentioned in subsection (5) are wetlands and floodplain complexes connected to the wild rivers and major tributaries during flood events.
- (7) The special features mentioned in subsection (5) are as shown on the map in Schedule 1.
- (8) Further detail on the special features mentioned in subsection (5) may be obtained from the department.

5 Areas

- (1) The wild river area contains the following areas -
 - (a) the high preservation area;
 - (b) the preservation area; and
 - (c) the floodplain management area.
- (2) The wild river area contains nominated waterways in the preservation area.
- (3) The location of the boundaries of the wild river area and the areas mentioned in subsection (1), and the location of the nominated waterways mentioned in subsection (2), are
 - (a) shown on the map in Schedule 2, which is indicative only; and
 - (b) detailed by data in digital electronic form held by the department's Spatial Information Resource which may be inspected at the department's offices, including at -
 - i Mareeba; Court House Building, 167 Walsh Street;
 - ii Cairns; 3rd Floor William McCormack Place, 5B Sheridan Street;
 - iii Central Office Brisbane; Level 2 Mineral House, 41 George Street.
- (4) There is no subartesian management area or designated urban area in the wild river area.

Part 3 – Taking of natural resources

6 Taking of natural resources

Sections 7 to 9 describe the wild river requirements that must be considered in deciding whether to allow the taking of certain natural resources in the wild river area. These sections deal with the allocation of resources that can be taken, rather than the actual physical taking of the resource which is regulated by Part 4.

7 Water entitlements

- (1) This section does not apply to water to which the *Water Resource (Great Artesian Basin) Plan 2006* applies.
- (2) The chief executive must consider the matters mentioned in subsection (4) in deciding an application for a water licence, where the water source is not regulated under a water resource plan.
- (3) A water resource plan or resource operations plan covering all or part of the wild river area must require the matters mentioned in subsection (4) to be considered by the chief executive when dealing with unallocated water under the *Water Act 2000* in that part of the plan area that is the wild river area.

- (4) For subsections (2) and (3), the following matters apply—
 - (a) the impact the taking of, or proposed taking of, water may have on the following—
 - (i) water quality;
 - (ii) movement of fish and other aquatic animals; and
 - (iii) natural movement of sediment.
 - (b) maintaining stream flows to preserve the following—
 - (i) longitudinal connectivity of low flow habitats throughout the river system;
 - (ii) natural seasonality of flows and zero flows;
 - (iii) the replenishment of refuge pools that enable movement of instream biota;
 - (iv) lateral connectivity between the river and adjacent riverine environments, including floodplains; and
 - (c) contributions from aquifers to the flow of water in watercourses.
- (5) For this section the chief executive is the chief executive of the department that administers the *Water Act 2000*.

8 *Quarry material allocations*

As part of the criteria listed in section 282 of the *Water Act 2000* (for deciding application for allocation of quarry material), a reasonable distance for subsection (3)(b) is taken to be 10km.

9 *Forest products*

- (1) In accordance with sections 33A, 44A and 44B of the *Forestry Act 1959*—
 - (a) a management plan prepared for any State forest, timber reserve and forest entitlement area must have regard to part 11 of the *Wild Rivers Code*.
 - (b) part 11 of the *Wild Rivers Code* is a relevant code for any lease, licence or permit granted on state lands, or any agreement or contract entered, for the getting of forest products.
- (2) For the code mentioned in subsection (1) the applicable setbacks and slopes are listed in Schedule 3.

Part 4 – Regulating activities

10 *Carrying out of activities*

Sections 11 to 32 describe the wild river requirements that must be considered in deciding whether to allow the carrying out of an activity in the wild river area.

Division 1 Carrying out water works

11 *Taking or interfering with water in a watercourse, lake, or spring*

- (1) The code mentioned in section 62(a) of the *Water Regulation 2002* is an applicable code for operational works that allows the taking of water from, or interfering with, water in a watercourse or lake, or water in a spring that is self-assessable development under the *Integrated Planning Act 1997*, schedule 8, part 2, table 4, item 1(a).
- (2) There is no applicable code for wild river matters for operational works, not covered by subsection (1), that is assessable development under the *Integrated Planning Act 1997*, schedule 8, part 1, table 4, item 3(a).

12 *Taking of overland flow water*

- (1) This section applies in the high preservation area and the floodplain management area.
- (2) The following parts of the *Wild Rivers Code* are an applicable code for the self-assessable and assessable development mentioned in subsections (3) and (4)—
 - (a) Part 6A for operational works that are self-assessable development; and
 - (b) Part 6B for operational works that are assessable development.
- (3) Operational works that allows the taking of overland flow water for stock or domestic purposes and complies with the applicable code mentioned in subsection (2)(a) is self-assessable development for the *Integrated Planning Act 1997*, schedule 8, part 2, table 4, item 1(b).
- (4) Operational works that allows the taking of overland flow water, other than work mentioned in subsection (3), and complies with the applicable code mentioned in subsection (2)(b) is assessable development for the *Integrated Planning Act 1997*, schedule 8, part 1, table 4, item 3(c)(i).
- (5) An application for the operational works mentioned in subsection (4) in the high preservation area may only be lodged for the following—
 - (a) for stock or domestic purposes; or
 - (b) for any purpose using small scale works.
- (6) For this section small scale works are works that allow the taking of overland flow water and have a capacity of not more than 250ML.
- (7) Subsection (4) does not apply to—
 - (a) existing overland flow works; or
 - (b) the repair or maintenance of either of the following works if the repair or maintenance does not alter the design of the works—
 - (i) existing overland flow works; or
 - (ii) works constructed under a development permit.

13 Interfering with overland flow water

- (1) This section applies in the floodplain management area.
- (2) The following parts of the *Wild Rivers Code* are an applicable code for the self-assessable and assessable development mentioned in subsections (3) and (4)—
 - (a) Part 7A for operational works that are self-assessable development; and
 - (b) Part 7B for operational works that are assessable development.
- (3) The following operational works that allows the interfering with overland flow water is self-assessable development for the *Integrated Planning Act 1997*, schedule 8, part 2, table 4, item 1(c)—
 - (a) a borrow pit that is equal to, or less than, 500 mm deep and complies with the applicable code mentioned in subsection (2)(a),
 - (b) a levee or other solid earth work for a commercial or industrial development or a non-domestic agricultural building that complies with the applicable code mentioned in subsection (2)(a); and is not any of the following—
 - (i) specified works; or
 - (ii) an off-stream storage for storing water taken from a watercourse, lake, spring or aquifer.
- (4) Operational works that allows the interfering with overland flow water, other than the work mentioned in subsection (3), is assessable development for the *Integrated Planning Act 1997*, schedule 8, part 1, table 4, item 3(d).
- (5) An application for the operational works mentioned in subsection (4) may only be lodged for the following—
 - (a) specified works;
 - (b) an off-stream storage for storing water taken from a watercourse, lake, spring or aquifer;
 - (c) a levee or other solid earth work for a commercial or industrial development or a non-domestic agricultural building that does not comply with the requirements of the code mentioned in subsection (2)(a).
- (6) Subsections (3) and (4) do not apply to—
 - (a) existing overland flow works;
 - (b) the repair or maintenance of either of the following works if the repair or maintenance does not alter the design of the works—
 - (i) existing overland flow works; or
 - (ii) works constructed under a development permit.
 - (c) a stock yard or fence;
 - (d) an open drain or trench that is on average at a depth of less than 300 mm below ground;
 - (e) works for a residential complex that is not any of the following:
 - (i) specified works; or
 - (ii) an off-stream storage for storing water taken from a watercourse, lake, spring or aquifer.

Division 2 In-stream works and activities

14 Destroy vegetation, excavate or place fill in a watercourse, lake or spring

In deciding whether to grant or refuse an application under section 269 of the *Water Act 2000*, the chief executive must consider Part 9 of the *Wild Rivers Code* as criteria under section 268 of the *Water Act 2000*.

15 Waterway barriers

Part 8 of the *Wild Rivers Code* is an applicable code for an application for operational work that is the constructing or raising of a waterway barrier and is assessable development under the *Integrated Planning Act 1997*, schedule 8, part 1, table 4, item 6.

16 Works in declared fish habitat areas

- (1) Part 4 of the *Wild Rivers Code* is an applicable code for an application for the following works in a declared fish habitat area—
 - (a) building work that is assessable development under the *Integrated Planning Act 1997*, schedule 8, part 1, table 1, item 2; and
 - (b) operational work that is assessable development under the *Integrated Planning Act 1997*, schedule 8, part 1, table 4, item 7.
- (2) There is no applicable code for wild river matters for applications for the following works in a declared fish habitat area—
 - (a) building work that is self-assessable development under the *Integrated Planning Act 1997*, schedule 8, part 2, table 1, item 3; and
 - (b) operational work that is self-assessable development under the *Integrated Planning Act 1997*, schedule 8, part 2, table 4, item 3.

17 Riverine quarry material extraction

Part 10 of the *Wild Rivers Code* is an applicable code for an application for all aspects of removing quarry material from a watercourse or lake that is assessable development under the *Integrated Planning Act 1997*, schedule 8, part 1, table 5, item 1.

Division 3 Activities in tidal areas

18 Remove, damage or destroy marine plants

- (1) Part 4 of the *Wild Rivers Code* is an applicable code for an application for operational work for the removal, destruction or damage of marine plants that is assessable development under the *Integrated Planning Act 1997*, schedule 8, part 1, table 4, item 8.
- (2) There is no applicable code for wild river matters for applications for operational work for the removal, destruction or damage of marine plants that is self-assessable development under the *Integrated Planning Act 1997*, schedule 8, part 2, table 4, item 4.

19 Works in a Coastal Management District

Part 4 of the *Wild Rivers Code* is an applicable code for an application for operational work that is tidal work or work within a coastal management district and is assessable development under the *Integrated Planning Act 1997*, schedule 8, part 1, table 4, item 5.

Division 4 Mining and petroleum activities

Subdivision 4A Mining tenements

20 Conditions on mining tenements

- (1) This section applies to the conditions placed on the grant or renewal of mining tenements in the wild river area under sections 25, 81, 141, 194 and 276 of the *Mineral Resources Act 1989*.
- (2) An exploration permit shall be subject to a condition that low impact activities, associated with the exploration permit, must not occur within 100 lateral metres of a watercourse or lake for that part of the tenement granted or renewed over the high preservation area.
- (3) Conditions on that part of the tenement granted or renewed over the preservation area are to include—
 - (a) for prospecting permits and mining claims, activity must not occur within 20 lateral metres of a nominated waterway;
 - (b) for exploration permits and mineral development licences, activity must not occur within 50 lateral metres of a nominated waterway; or
 - (c) for mining leases, activity must not occur within 100 lateral metres of a nominated waterway.
- (4) Subsections (2) and 3(b) do not apply to exploration activities carried out within a watercourse or lake using limited hand sampling techniques.
- (5) Subsection (3)(c) does not apply to activities for a project mentioned in subsections 383(4), 383(5), 384(4) or 384(5) of the *Mineral Resources Act 1989*.

Subdivision 4B Environmental authority (mining activity)

21 Decision on environmental impact requirement

- (1) Subsection (2) must apply to decisions on an application for an environmental authority (mining lease) where part of the application relates to activity beneath a high preservation area or nominated waterway as per subsection 162(3A) of the *Environmental Protection Act 1994*.
- (2) An environmental impact statement must be carried out and address those issues listed in subsections 13(2) and (3).

22 Terms of reference for an environmental impact statement

- (1) This section applies to the submission of the draft terms of reference for an environmental impact statement for applications for Level 1 environmental authorities (mining leases) that relate to activity beneath a high preservation area or a nominated waterway as per section 41 of the *Environmental Protection Act 1994*.

- (2) In assessing the draft terms of reference the chief executive must be satisfied that the terms of reference will explicitly stipulate a process to investigate—
 - (a) how the activity will minimise any impacts on and help preserve the natural values;
 - (b) how the activity will occur at a sufficient depth so that there will be no collapse or subsidence of the land above;
 - (c) that there will be minimal impact on hydraulic connections between subartesian aquifers and a watercourse or lake in a high preservation area or a nominated waterway; and
 - (d) that there will be no contamination of hydraulically-linked subartesian water.
- (3) The terms of reference must direct the environmental impact statement to assess the structural elements of the underlying geology, including—
 - (a) identifying the location and extent of fault lines;
 - (b) identifying the depth and extent of alluvial material;
 - (c) identifying the depth and extent of bedrock;
 - (d) identifying the bedrock formations;
 - (e) identifying the extent of aquifers;
 - (f) identifying the expected impacts, if any, on groundwater flow direction.
- (4) The chief executive must be satisfied that the environmental impact statement will determine a minimum safe working depth below which mining can occur and not result in—
 - (a) impacts on the natural values;
 - (b) collapse or subsidence of the land above;
 - (c) impacts on hydraulic connections between subartesian aquifers and a watercourse or lake in a high preservation area or a nominated waterway; and
 - (d) contamination of hydraulically-linked subartesian water.
- (5) For this section the chief executive is the chief executive of the department that administers the *Environmental Protection Act 1994*.

23 *Decision about environmental management plan requirement*

An environmental management plan (under section 163B of the *Environmental Protection Act 1994*) must be made for the following environmental authorities if the tenure area covers all or part of the wild river area—

- (a) non-code compliant environmental authority (prospecting);
- (b) non-code compliant environmental authority (mining claim); and
- (c) non-code compliant environmental authority (exploration).

24 *Conditions to be imposed*

- (1) Subsection (2) applies to conditions imposed—
 - (a) under section 170 of the *Environmental Protection Act 1994* for environmental authorities issued for Level 2 mining projects;

- (b) under section 176 of the *Environmental Protection Act 1994* for draft environmental authorities (mining claim) issued for non-code compliant Level 1 activities; and
 - (c) under section 210 of the *Environmental Protection Act 1994* for draft environmental authorities (mining lease) issued for non-code compliant Level 1 activities.
- (2) The following conditions should be imposed if the tenure area covers all or part of the high preservation area or nominated waterway—
- (a) contaminated wastewater must not enter receiving waters of a watercourse or lake in a high preservation area or a nominated waterway;
 - (b) for environmental authorities mentioned in subsection (1)(c), the minimum depth below the surface where activities can occur as determined by an environmental impact statement as mentioned in subsection 13(4).

Subdivision 4C *Petroleum activities*

25 *Environmental authority (petroleum activity)*

- (1) This section applies to an environmental authority (petroleum activities) in the wild river area under the *Environmental Protection Act 1994*.
- (2) Under subsections 97(b) and 113(b) of the *Environmental Protection Act 1994*, the preservation of the natural values must be considered as part of the criteria for decision.
- (3) Under subsections 93(2A), 98(2) and 114(2) of the *Environmental Protection Act 1994* the following conditions must be imposed—
 - (a) in the high preservation area—
 - (i) a Level 2 petroleum activity must not occur within 200 lateral metres of a watercourse or lake; and
 - (ii) a Level 1 petroleum activity must not occur within 1 lateral kilometre of a watercourse or lake.
 - (b) in the preservation area, a petroleum activity must not occur within 100 lateral metres of a nominated waterway.

Division 5 *Other activities*

26 *Commercial fishing*

In deciding whether to refuse or issue an authority under subsection 55(2) of the *Fisheries Act 1994*, the chief executive of the department administering the *Fisheries Act 1994* must consider the impacts the operation may have on the natural values.

27 Aquaculture

- (1) Part 2 of the *Wild Rivers Code* is an applicable code for an application for making a material change of use of premises for aquaculture that is assessable development under the *Integrated Planning Act 1997*, schedule 8, part 1, table 2, item 8.
- (2) For the code mentioned in subsection (1) the applicable setbacks and slopes are listed in Schedule 3.

28 Agricultural activities

- (1) Part 1 of the *Wild Rivers Code* is an applicable code for an application for—
 - (a) making a material change of use of premises for agricultural activities that are assessable development under the *Integrated Planning Act 1997*, schedule 8, part 1, table 2, item 11; and
 - (b) operational work for agricultural activities that are assessable development under the *Integrated Planning Act 1997*, schedule 8, part 1, table 4, item 10.
- (2) For the code mentioned in subsection (1) the applicable setbacks and slopes are listed in Schedule 3.

29 Animal husbandry activities

- (1) Part 1 of the *Wild Rivers Code* is an applicable code for an application for making a material change of use of premises for an animal husbandry activity that is assessable development under the *Integrated Planning Act 1997*, schedule 8, part 1, table 2, item 11.
- (2) For the code mentioned in subsection (1) the applicable setbacks and slopes are listed in Schedule 3.
- (3) There is no applicable code for wild river matters for operational work for animal husbandry activities that are assessable development under the *Integrated Planning Act 1997*, schedule 8, part 1, table 4, item 10.

30 Native vegetation clearing

- (1) Part 12 of the *Wild Rivers Code* is an applicable code for an application for operational work for clearing native vegetation that is assessable development under the *Integrated Planning Act 1997*, schedule 8, part 1, table 4, items 1A to 1G.
- (2) For the code mentioned in subsection (1) the applicable setbacks and slopes are listed in Schedule 3.

31 Environmentally relevant activities

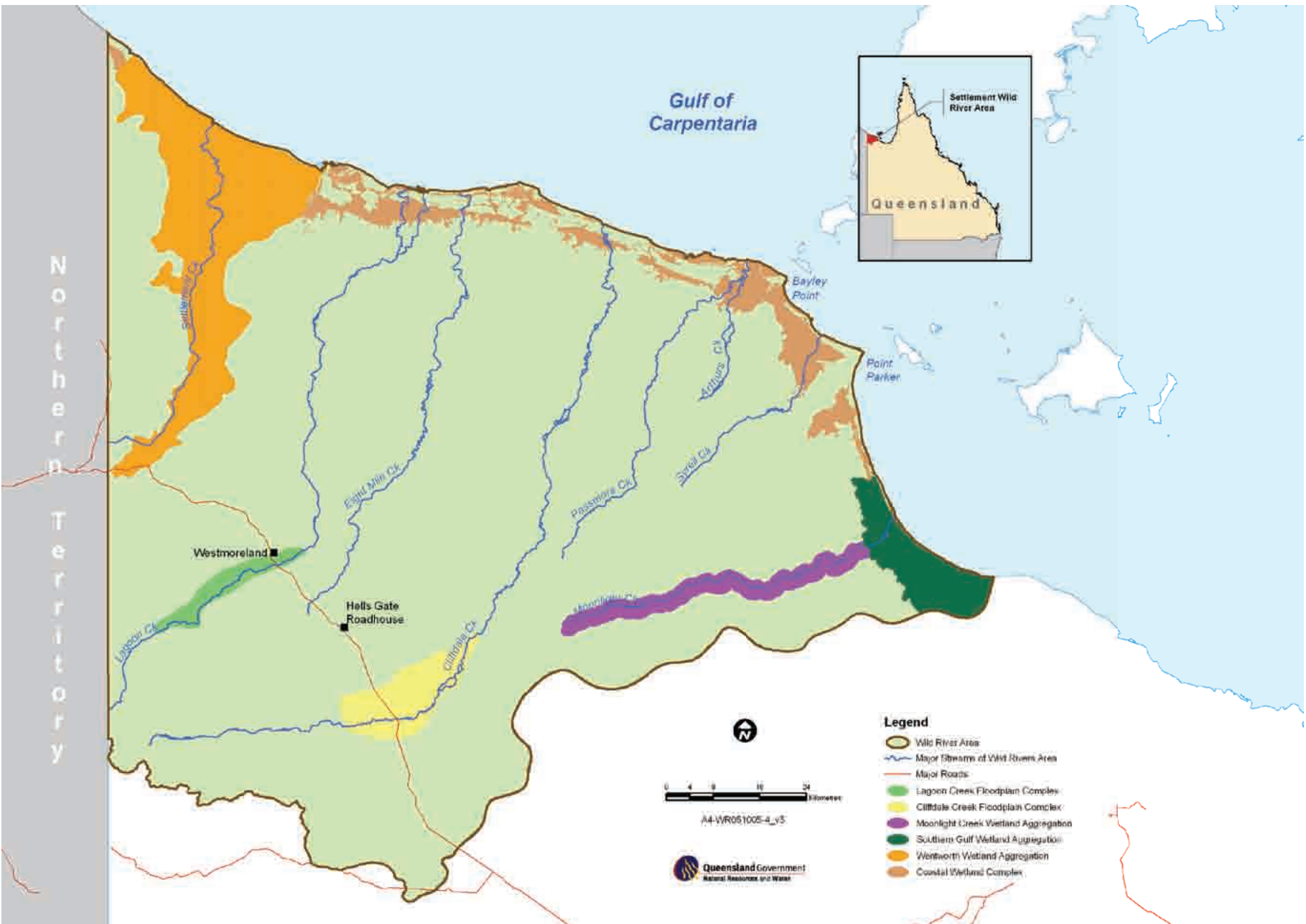
- (1) Assessable development, under the *Integrated Planning Act 1997*, in a wild river area is—
 - (a) making a material change of use of premises for an environmentally relevant activity (schedule 8, part 1, table 2, item 1); and
 - (b) various aspects of development for an environmentally relevant activity where a code of environmental compliance has been made under the *Environmental Protection Regulation 1998* (schedule 8, part 1, table 5, item 4).

- (2) For an application for the assessable development mentioned in subsection (1), an applicable code is—
 - (a) Part 10 of the *Wild Rivers Code* for environmentally relevant activities 19 and 20 for the purpose of riverine quarry material extraction; and
 - (b) Part 3 of the *Wild Rivers Code* for environmentally relevant activities other than those mentioned in subsection (2)(a).
- (3) For the code mentioned in subsection (2) the applicable setbacks and slopes are listed in Schedule 3.

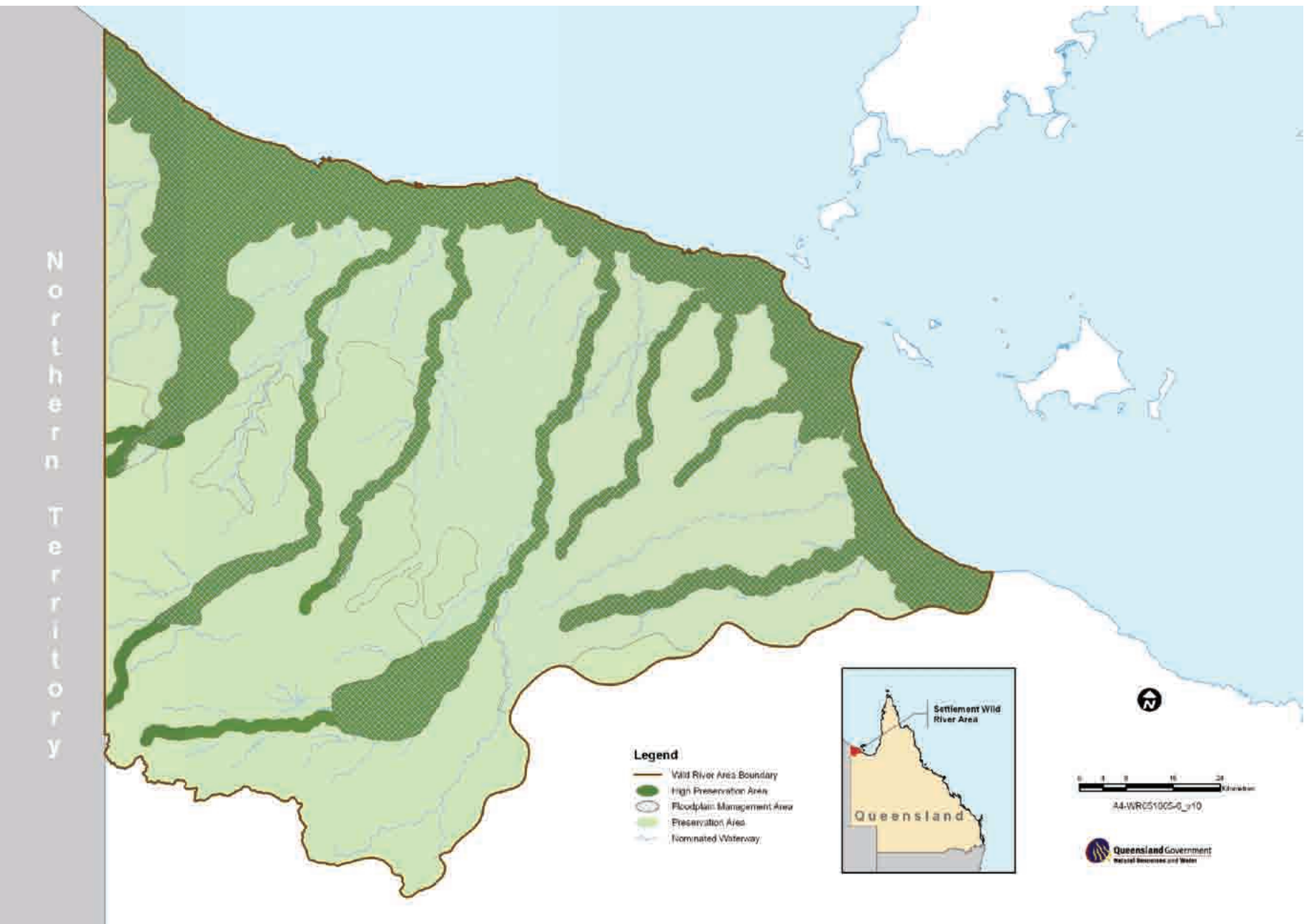
32 Residential, commercial or industrial development

- (1) Part 5 of the *Wild Rivers Code* is an applicable code for an application for residential, commercial or industrial development that is—
 - (a) operational work for the reconfiguring of a lot where it is assessable development under the *Integrated Planning Act 1997*, schedule 8, part 1, table 4; item 2; and
 - (b) a material change of use of premises where it is assessable under a local government planning scheme.
- (2) For the code mentioned in subsection (1) the applicable setbacks and slopes are listed in Schedule 3.
- (3) There is no applicable code for wild river matters for reconfiguring a lot where it is assessable development under the *Integrated Planning Act 1997*, schedule 8, part 1, table 3; item 1.

Schedule 1 – Wild river features



Schedule 2 – Areas



Schedule 3 – Setbacks and slopes

Part 1 Wild River Code requirements for development activities other than vegetation clearing

1 Setbacks

The minimum setback distance for probable solutions, for the *Wild Rivers Code*, other than for Part 12, is 200 metres.

2 Slopes and soil stability

The maximum slope value for probable solutions, for the *Wild Rivers Code*, other than for Part 12, is outlined in table 1.

Table 1

Soil stability class*	Soil characteristics	Slope of Land
Stable	Soils that are Calcarosols, Rudosols (lithosols, shallow stony soils), Organosols (peats, organic soils), Dermosols (structured loams, prairie soils, rendzinas, red and yellow podzolics), Ferrosols (krasnozems, eucrozems, xanthozems), non saline Hydrosols (humic gleys), Podosols (podols, humus podols, coloured sands), Tenosols (lithosols, alluvial soils, earthy sands); OR Soils with no dispersible layers; OR Soils with dispersible layers where the dispersible layer is located at a depth greater than 45 centimetres.	10%
Unstable	Soils that are Chromosols (podzolics, acid and neutral texture contrast soils), shallow Dermosols, saline Hydrosols (Solonchacks), Kandosols (red, yellow and grey earths), shallow Tenosols, Vertosols (cracking clays, black, grey, red and brown), Kurosols; OR Soils with a dispersible layer located between 25 and 45 centimetres deep; OR Soils less than 45 centimetres deep.	3%
Very Unstable	Soils that are Sodosols (Solodic soils, Solodised solonetz); OR Soils with a dispersible layer located less than 25 centimetres deep; OR Soils less than 25 centimetres deep.	1%

* Where a soil meets the characteristics of two soil stability classes then the less stable class must be used.

Part 2 *Wild River Code requirements for vegetation clearing activities*

3 *Acceptable Solutions for Part 12 of the Wild Rivers Code*

- (1) The minimum setback distances for acceptable solutions for Part 12, section W of the *Wild Rivers Code* are—
 - (a) stream order 5 or greater – 200 metres;
 - (b) stream order 3 or 4 – 100 metres; and
 - (c) stream order 1 or 2 – 50 metres.
- (2) The minimum setback distance for acceptable solutions for Part 12, other than section W, of the *Wild Rivers Code* is 200 metres
- (3) The maximum slope value for acceptable solutions for sections E, P, R and W for the *Wild Rivers Code* are—
 - (a) stable soils – 10%;
 - (b) unstable soils – 3%; and
 - (c) very unstable soils – 1%.

Schedule 4 – Dictionary

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

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

department, is the department that administers the *Wild Rivers Act 2005*.

domestic purposes, as defined under the *Water Act 2000*.

existing overland flow works means—

- (a) for works that allow the taking of overland flow water, works that—
 - (i) were in existence on the date this declaration has effect; or
 - (ii) were lawfully started by the date this declaration has commenced.
- (b) for works interfering with overland flow water, works that —
 - (i) were in existence on the date this declaration has effect; or
 - (ii) were lawfully started by the date this declaration has commenced.

lake, as defined under the *Water Act 2000*.

limited hand sampling techniques, as defined under the *Mineral Resources Act 1989*.

hydraulically-linked subartesian water, means subartesian water, as defined under the *Water Act 2000*, where there is a direct connection between subartesian water and water in a watercourse or lake to the extent that—

- (a) if the aquifer is full and water is removed from the watercourse or lake, subartesian water begins, within approximately 1 day, to flow to the surface, replacing the water in the watercourse or lake removed; or
- (b) if the aquifer is not full water in the watercourse or lake begins, within approximately 1 day, to seep into the aquifer causing the water level in the aquifer to rise.

natural values mean the following—

- (a) hydrological processes include the natural flow of water, including subartesian water, in a catchment and its river system to the sea, wetlands or adjacent floodplains. These processes include hydrological connectivity between the river system, aquifers and adjacent floodplains;
- (b) geomorphic processes include the natural erosion, transport and deposition of sediments by water along a river system to its estuary or terminal wetland. Natural geomorphic processes contribute to the physical integrity of a river system, including bed and bank stability and channel alignment;
- (c) riparian function includes the provision of physical integrity, aquatic habitat, pollution control, food sources for water and land-based fauna and links between in-stream and land-based ecosystems. Most riparian function is provided by vegetation, which includes trees, shrubs, grasses, and sedges;
- (d) wildlife corridor function includes sufficient areas of natural habitat within and along the river system to allow native fauna to safely migrate within their natural ranges. These habitat areas may be deep pools connected by low water flows or riparian vegetation; and
- (e) water quality is the physical, chemical and biological attributes of water that affect its ability to support certain values and uses.

nominated waterway, as defined under the *Wild Rivers Act 2005*.

operational works that allows the interfering with overland flow water includes works for a purpose other than taking overland flow water that—

- (a) incidentally result in a minor increase in the infiltration of water; or
- (b) where there is no benefit to a landholder in terms of additional water captured (for example, where a road or a flood-mitigation levee alters flow paths or small volumes of water captured by contour banks constructed for soil conservation purposes).

It also does not include works used solely to take water from a storage to pump or divert the water on to land for irrigation purposes.

operational works that allows the taking of overland flow water includes—

- (a) storages, sumps, drains, embankments, channels and pumps for taking, or that can be used for taking, overland flow water; and
- (b) storages that are connected to the works mentioned in subparagraph (a); and
- (c) works that make, or that can be used to make, the original connection between the storages mentioned in subparagraph (b) and the works mentioned in subparagraph (a).

overland flow water, as defined under the *Water Act 2000*.

preserve means to keep intact, or maintain unchanged or as close as practicable in an unaltered state.

residential complex, as defined under the *Environmental Protection Act 1994*.

slope, is a measure of the upward or downward incline of the land surface over any 30 metre length in the application area.

specified works, as defined under the *Wild Rivers Act 2005*.

spring, as defined under the *Water Act 2000*.

started, for existing overland flow works, means—

- (a) construction of the works had physically begun or, if construction had not physically begun, a contract had been entered into to begin construction; and
- (b) an independently verifiable construction program exists for progressive construction towards completion of the works; and
- (c) detailed design plans existed showing, among other things, the extent of the works; and
- (d) if a permit under the Local Government Act 1993, section 940 was required for the works—the permit had been issued; and
- (e) if a development permit was required for the works—the permit had been given.

stock purposes, as defined under the *Water Act 2000*.

stream order, as defined in the *Regional Vegetation Management Codes* approved under the *Vegetation Management Act 1999*.

unallocated water, is water that is identified in a water resource plan or resource operations plan as water that may be granted, reserved or otherwise dealt with for meeting future water requirements in the plan area.

watercourse, as defined under the *Water Act 2000*.

water in a watercourse or lake, as defined under the *Water Act 2000*.

water licence, as defined under the *Water Act 2000*.

