

CTS 02637/09

Department of Environment and Resource Management
MINISTERIAL BRIEFING NOTE

AdvisorOK
Dated	1 / 1
Approved/Not Approved/Noted	
Further information required	
Minister
Dated	1 / 14 / 09

TO: The Honourable Minister

THROUGH: Acting Director-General *Obust 1.04.09*
Deputy Director, General Water and Catchment Division
Obust 1.04.09

FROM: General Manager, Water Allocation and Planning

SUBJECT: The wild river declarations for the Archer, Stewart and Lockhart Basins and Governor-in-Council documents for approval to declare three wild river areas.

RECOMMENDATION

It is recommended that the Minister:

- **Approve** the declarations of the Archer basin, Stewart basin and Lockhart basin as wild river areas, and the progression of documents to the Governor-in-Council for final approval and gazettal, and
- **Note** the submissions and results of consultation on the three declaration proposals for the mentioned basin areas.

BACKGROUND

The Archer, Lockhart and Stewart basins were proposed as wild river areas by Notices of Intent effective from 23 July 2008. At this public announcement, declaration proposals were released and the public and interested parties were invited to make submissions on the declaration proposals. The submission period for all three basins closed on 21 November 2008.

The Minister received 3602 submissions, with 2826 submissions considered to be properly made.

Section 15 of the *Wild Rivers Act 2005* (the Act) states that the Minister may declare an area to be a wild river area after considering:

- the results of community consultation on the declaration proposals
- all properly made submissions about the declaration proposals, and
- any water resources plan or resource operations plan that applies to all or part of the proposed wild river area.

No water resource plan or resource operations plans apply to any part of the three proposed wild river area.

Attached is a list of all submissions and the outcomes of the consultation meetings (Attachment E). Also attached is a discussion paper which summarises the results of the consultation process and changes to the declarations as a result of consultations and submissions (Attachment A). A table of issues raised during the consultation process is also attached (Attachment B).

These wild river declarations will have effect when they are approved by the Governor-in-Council; and the approvals are notified in the gazette (section 16 of the Act). The Minister must table a copy of the declarations in the Legislative Assembly within 14 sitting days after the declarations are approved.

Within 30 business days after the wild river declarations are made, the Minister must prepare a report about the consultation process. The consultation report must include a summary of issues raised during the consultation process and how the issues have been dealt with (section 38 of the Act).

KEY ISSUES

- There has been a mixed response to the declaration proposals from stakeholders.
- Conservation groups are positive about the declarations and have suggested additional areas of high preservation area.
- Mining interests and other developers feel future development opportunities will be limited by the declarations, potentially resulting in reduced viability of proposed projects.

- Traditional Owners generally support some aspects of the declarations, especially the proposed requirements for new mining activities; however, peak Indigenous bodies have expressed concerns about impacts on future, and as of yet undefined, development opportunities.
- Concerns have been raised by Traditional Owners on the term 'wild' as being derogatory in the sense that it can mean there is no human presence in these areas, and it has been referred to as reflecting previously held concepts of '*terra nullis*'.
- Local governments have expressed concerns about potential increases in haulage costs for quarry material used for construction of town buildings where suitable material must be sourced from watercourses.
- Pastoralists recognise that the wild river declarations will have limited impact on their operations.
- Many stakeholder groups suggest that increased resources should be available for the management of weeds and pests if the areas are declared as wild river areas.
- It is proposed that there be some changes to the declaration proposals to reflect some issues raised in the consultation process. The changes will include an increase in the high preservation area in the Archer and Stewart basins, as well as a decrease in the high preservation area in a different part of the Stewart basin. These changes are described in the attached discussion paper (Attachment A).
- There were amendments made to the text of all declaration proposals in regard to wild river requirements for Environmentally Relevant Activities. These changes are consequential as a result of amendments to section 73AA of the *Environment Protection Act 1994*.
- The following documents have been provided to Executive Council Team to progress through to Governor-in-Council approval:
 - Executive Council Minute
 - Explanatory Memorandum
 - Executive Council Minute Additional Information Memo
 - Gazette Notice, and
 - Copy of this Ministerial Briefing Note.
- The Executive Council Minute Additional Information Memo is provided for the Director-General, the Minister's Advisor's and the Minister. It is not for submittal to the Governor-in-Council.
- The other documents will be provided to the Governor-in-Council for approval after receiving the Minister's approval.
- A media release is attached for the Minister's consideration, (Attachment C) as well as a question and answer sheet to assist with potential media enquiries (Attachment D).

RESOURCE/IMPLEMENTATION IMPLICATIONS

- An implementation plan has been developed for the release of the Declarations. This will entail a number of meetings with regional departmental officers and other State agencies to outline new processes for assessment of development applications.
- A model for this plan has previously been implemented and tested with previous declarations in the Gulf.
- The implementation plan is resourced and accounted for through existing budgets.

PROPOSED ACTION(S)

- Subject to the Minister's approval, the department will progress the abovementioned documents to the Governor-in-Council for approval.

MINISTER'S COMMENTS

Discussion Paper: Archer, Stewart, and Lockhart River basins Wild River Declaration proposals Consultation; Issues and Proposed changes for Declaration

BACKGROUND

• *Context*

1. Three new wild river areas (all on Cape York Peninsula) were proposed in July 2008. The (then) Minister for Natural Resources and Water, nominated the Archer, Lockhart and the Stewart River basins as proposed wild river areas by Notices of Intent effective from 23 July 2008. At this public notification, declaration proposals were released and the public and interested parties were invited to make a submission on the declaration proposals. The submission period closed on 21 November 2008.
2. In preparing the declarations, consideration has been given to the results of community consultation as well as the 3602 submissions received.
3. The purpose of the wild river declarations is to preserve the wild river's natural values by managing future development activities and resource use in the wild river area.
4. The Premier and the Minister for Natural Resources and Water have made a commitment that identified potential wild river areas on Cape York Peninsula will be dealt with by December 2010. The Archer, Stewart, and Lockhart River basins are the first three of these areas.

ISSUES

5. There have been some changes made to the Declarations from the original proposals as a result of the community consultation process in the Archer and Stewart River basins. Changes were also made to the text of all declaration proposals in regard to the management of development of Environmentally Relevant Activities. These changes are a consequence of amendments made to the *Environment Protection Act 1994*, section 73AA.

• *Archer River Basin amendments*

6. The Archer Basin Wild River Declaration Proposal identified three separate coastal wetland areas as special features; these were the Lower Archer Wetland Complex; the Love River Estuarine Complex and the Kirke River Estuarine Complex. Further analysis of these areas indicated strong hydrological connectivity, and therefore the special feature has been increased to recognise this connectivity.
7. Attack Creek which was proposed as a nominated waterway, is now recognised as a major tributary, and therefore is within the high preservation area.

Stewart River Basin amendments

8. Little Stewart Creek which was proposed as a nominated waterway, is now recognised as a major tributary, and therefore is within the high preservation area.
9. Traditional owners in the vicinity of Breakfast Creek, in the Stewart River basin, argued that a history of past grazing has resulted in extensive vegetation clearing which may have compromised the natural values of this river. The department is aware that the Traditional Owners are in the process of developing a property development plan under the *Cape York Peninsula Heritage Act 2007*, and there are aspirations to progress development opportunities in this area. After a review of this area, the department has proposed reducing the boundary of the high preservation area to 500 metres each side of Breakfast Creek. This reflects:
 - that the existing riparian vegetation has been reduced in some areas as a result of historical grazing activities (though this is not expected to have impacted on natural values over the whole system);
 - a risk based approach that acknowledges a 500 metres high preservation area has a high chance of preserving the integrity of the natural values of this stream; and
 - consistency with the Government's commitment to advance Indigenous economic development.
10. The decision to proceed with the declarations described is consistent with timeframes set by the (then) Minister for Natural Resources and Water and the Premier based on consideration of the timing of other programs on Cape York Peninsula and advice from the Cape York Tenure Resolution Implementation Group¹.
11. A Moratorium under the Wild Rivers Act is currently in effect in the proposed wild river areas. The moratorium limits the granting of water authorisations and construction of associated works, the granting and renewal of mining tenements, and the clearing of native vegetation. The moratorium took effect on 24 July 2008 and remains in place until a decision on whether to declare, or not declare these areas, is made.
12. The wild river declarations set out reserves of water to be available for future economic development including a reserve for the purpose of helping Indigenous Communities achieve their social and economic aspirations, in accordance with the *Cape York Peninsula Heritage Act 2007*.
13. A perception exists that wild river declarations are similar to the declaration of a National Park in that all development is prohibited in a wild river area. This is not the case. A wild river declaration limits the type of development that can occur in close proximity to identified wild rivers and major tributaries as well as some important connected features (within the high preservation area). Development can continue but must comply with Wild Rivers Code requirements which are aimed at ensuring catchment based activities do not impact on the wild river's natural values.

¹ The Cape York Tenure Resolution Group is a multi-stakeholder group convened by the Queensland Government to oversee the Land Tenure Resolution program. It was chaired by the Minister for Tourism, Regional Development and Industry, and other members are the Minister for Sustainability, Climate Change and Innovation, the Minister for Natural Resources and Water, and representatives of Indigenous and conservation groups

14. The Wild Rivers Act requires that a wild river area include the catchments of the identified wild rivers. Whilst initial investigations are conducted at the Basin scale, some parts of the Archer, Lockhart and Stewart River basins have not been included in the wild river areas as they are not wild river catchments. For example, discrete coastal catchments which do not include an identified wild river have not been included in the wild river area. Conservation groups believe that a wild river area should automatically correspond to a river basin, and that catchment and basin are interchangeable terms. The department asserts that there is a difference and that all parts of a catchment drain to a single lowest point, whilst a basin can include multiple river systems, which may drain to different points (often different parts of the coast). Catchments within a river basin are often grouped together because of similarities in drainage *characteristics*. This is the case in a number of the basins on Cape York Peninsula. To comply with legislation, a wild river area can only include the catchments of the wild rivers of the basin.
15. Some organisations have questioned the integrity of the science behind the declaration proposals and argue that the State should present technical arguments to defend any decisions to declare. The department has responded that the accompanying Overview reports are information documents to assist people to understand any potential implications of a declaration. It was determined that a scientific report would not be readily understood, and therefore would add little to the consultation process. The State does concede that there is limited information on these remote areas, but the lack of development and human pressure has maintained these river systems in a state where all, or almost all, of their natural values are intact. Analysis of existing data, including digital mapping, technical reports and aerial photography support this assertion.

CONSULTATION

16. Well over 200 meetings with stakeholders have taken place since early 2006, with over 100 meetings to discuss the declaration proposals since their release in July 2008.
17. The department received 3602 submissions, of which 2577 of these were facilitated through The Wilderness Society's website.

• *Community*

18. All Leaseholder, landholders, Land Trusts and others with property interests in the proposed areas were provided with a wild rivers information pack. This pack included a declaration proposal, an information report, fact sheets and a property map showing the proposed wild river management areas.
19. Face to face consultation has taken place with relevant stakeholders both prior to and following the release of the declaration proposals. These stakeholders include peak community bodies such as Balkanu Cape York Development Corporation, Cape York Land Council, AgForce, The Wilderness Society, Queensland Resources Council, individual mining company representatives, pastoralists, the Coen and Cooktown Chambers of Commerce, Cape York Sustainable Futures, the KULLA and Mangkuma Land Trusts, Ayapathu, Kaanju, Wik Mungkan, and Lamalama Traditional Owners.

20. The department had engaged Balkanu Cape York Development Corporation to assist with identifying and facilitating meetings with relevant Traditional Owners.

- ***Government***

21. The Cook, Lockhart River and Aurukun Shire Councils were sent an information package that included the declaration proposals and overview reports as well as other supporting information. Additionally a number of follow up meetings have taken place with these local governments to discuss the declaration proposals in detail.
22. Government agencies were notified of the declaration proposals at the time of their release and directed to the proposals available on the department's website. Further discussions and face to face meetings have taken place with key government agencies including the Department of the Premier and Cabinet, Environmental Protection Agency (including the Queensland Parks and Wildlife Service), Department of Infrastructure and Planning, Department of Primary Industries and Fisheries, Department of Main Roads, Department of Mines and Energy and the Department of Tourism, Regional Development and Industry.
23. The Commonwealth Department of Environment, Water, Heritage and the Arts, and the National Taskforce for Northern Australia were briefed on the Wild Rivers Act as well as the process and role of a wild river declaration.
24. Crown Law had provided advice on the declaration proposals.

RESULTS OF CONSULTATION

Conservation groups

25. Conservation groups are supportive of the declaration proposals. However these groups argue that additional high preservation areas should be included in all final declarations. Few of the suggested changes are appropriate given the need to ensure consistent application of methodology. However further analysis of the coastal area between the Loye and Kirke rivers (both identified as potential wild rivers in the Archer Basin Declaration Proposal) suggests this area may be appropriate for inclusion in the final Archer Basin declaration as it is an important wetland system linking these river systems during the wet season. For this reason this area has been included within the Archer River High Preservation Area (see clause 6).
26. The Wilderness Society raised that a number of watercourses, identified as nominated waterways in the declaration proposals could be considered as major tributaries. After closer inspection it was agreed that their case was sound on the following streams which have now been included as major tributaries (see clauses 7 and 8):
 - Attack Creek (Archer River basin)
 - Little Stewart Creek (Stewart River basin)
27. Conservation groups also argue that wild river areas should correspond to whole basins. For example, with regard to the Lockhart Basin Wild River Area, they believe it should be extended to include small and discrete coastal

catchments. For the Archer Basin Wild River Area they believe that it should be extended downstream of the Archer River to include the Archer Bay area. However in order to adhere to the requirements of the Wild Rivers Act, only the catchments of the identified wild rivers have been included in the wild river area. The department does not support the view that 'catchment' and 'basin' are completely interchangeable terms.(see Clause 14)

28. The Wilderness Society stated a concern that dams and weirs could be constructed in nominated waterways in a wild river area. It should be noted that this provision was part of a range of agreements reached between the Wilderness Society, the Queensland Resources Council and the State during the development of the *Wild Rivers and Other Legislation Amendment Act 2006*. Any changes would require further legislative amendment and therefore cannot be dealt with through the declaration process.

Traditional Owners

29. Through direct consultation with Traditional Owners, the feedback received indicated that most Traditional Owners are positive about preserving environmental (and cultural) values of country which in part is provided by a wild river declaration. They are particularly supportive of the restrictions on mining resulting from a wild river declaration. However Traditional Owners also want Government to actively manage other issues that they believe are more relevant to their day to day lives - being the more visible, rather than future or perceived threats. Other issues they believe are currently impacting on the riverine environments include:

- Over fishing and commercial fishing in general by non Indigenous interests.
- Camping in river beds and potentially near sacred or culturally significant sites, and
- Feral animals and weeds.

On the whole these issues are dealt with at the operational, or management level, rather than at the development control level, and are outside the scope of a wild river declaration.

30. While there appears little on-ground progression of development aspirations, there is some level of expressed concern that future (aspirational) development of Indigenous enterprises will be limited within high preservation areas. This applies to agricultural developments and small scale aquaculture (for example instream "grow out cages" for crabs and perhaps small pond aquaculture for barramundi). The suggested responses to these concerns are:

- Existing areas of agriculture are not affected by a wild river declaration. Also, in an existing area, even if left untouched for a number of years, regrowth can continue to be cleared provided the area is registered with the department as an existing enterprise. Agricultural development can continue to be established outside the high preservation area. The *Cape York Peninsula Heritage Act 2007* expressly provides opportunities for Indigenous agricultural development activities.
- *The Fisheries Act 1994*, which regulates aquaculture activities in a wild river area, does not differentiate aquaculture activities regardless of the scale of operation. Therefore, while the concerns about aquaculture have

- been noted, addressing this issue would require a legislative amendment and cannot be addressed through the declaration process.
31. Traditional owners are very supportive of the Wild River Rangers program and would like to see it expanded. The Wild River Rangers initiative has the potential to deal with the concerns raised in clause 29.
 32. In tidal parts of a declared wild river area, jetties and boat ramps may be constructed provided they are available for public use. These are considered *specified works* as defined in the Wild Rivers Act. Specified works, which also include infrastructure such as roads, are permitted anywhere in a wild river area provided the requirements of the Wild Rivers Code are met. However new *private* jetties and boat ramps are not considered specified works under the current definition. This is to prevent impacts on wild river natural values. Some concerns have been raised about these limitations, particularly for access to some areas of Indigenous land that has restricted access rules. It is regarded as inappropriate to effectively allow or "encourage" public access to this restricted Indigenous land. While these concerns have been noted, it cannot be addressed through the declaration process. However an amendment of the *Wild Rivers Regulation 2007* could resolve the issue. Such an amendment is expected to be considered.
 33. Traditional Owners have expressed some desire to thin regrowth in areas of proposed high preservation area within jointly managed National Parks (Cape York Peninsula Aboriginal Land). This activity is not constrained by a wild river declaration; however, a National Park (Cape York Peninsula Aboriginal Land) has to be managed as a National Park (*Nature Conservation Act 1992 S 19AA*) therefore any vegetation management activity would have to be consistent with National Park management principles.
 34. Some Traditional Owners and Indigenous organisations argue that a wild river declaration will affect Native Title rights. Section 44 of the Wild Rivers Act expressly states a declaration cannot, either directly or through other legislation, impact on native title rights.
 35. Peak Indigenous Bodies recognise the benefits of a wild river declaration in preserving traditional country. However they have a number of concerns including:
 - Reduced future development opportunities for Indigenous communities resulting from the declarations and erosion of economic benefits resulting from recent tenure resolution.
 - Further disempowerment of traditional owners who have only recently been given back responsibility for their own country.
 - Lack of recognition within the Wild Rivers Act of Indigenous cultural values.
 - Terminology issues, such as:
 - *preservation area* which they believe conservation groups could interpret to justify future World Heritage listing over these areas, and that the term reflects an area where no development can take place when this is not the case, and
 - *wild* is considered inappropriate and demeaning as it can be interpreted as applying to an area where there is no human habitation.
 36. The government has a number of strategies and programs in place to facilitate Indigenous economic independence and continues to work with communities throughout the Cape. The government firmly believes the wild rivers

declarations can compliment economic growth while retaining the environmental integrity of these important areas. Economic opportunities associated with tourism, chartered recreational fishing tours, and beef cattle (as examples) will benefit from the declaration of these areas. The Indigenous water reserve set out in the declarations; provide an important resource to assist Indigenous communities to meet their economic and social aspirations. The government has responded to concerns about the management of these areas through the implementation of the Wild Rivers Ranger program which provides long term employment and training for Indigenous communities. See also clause 30 in regard to the *Cape York Peninsula Heritage Act 2007*.

37. It is not possible to alter fundamental elements of wild river terminology without extensive amendment of a range of legislation and amendments to existing declarations. This is outside the scope of the declaration process.
38. The government recognises the importance of these river systems to Traditional Owners, and is committed to inclusive consultation with this key stakeholder group. This desire to engage Traditional Owners directly, as well as a number of other government initiatives including the Cape York land tenure resolution process, the *Cape York Peninsula Heritage Act 2007*, the *Aboriginal Cultural Heritage Act 2003* and *Torres Strait Islander Cultural Heritage Act 2003* are indicative of the government's commitment to recognition of the significance of Indigenous connection to country.
39. Two key Cape York Indigenous representative bodies, the Cape York Land Council and Balkanu Cape York Development Corporation have stated that they believe that the Notices of Intent of 23 July 2008 are invalid, and there has been a suggestion of a legal challenge. The department has sought advice on this issue. The advice received was to the effect that a challenge on these grounds was unlikely to be successful. Despite this it is likely that these two organisations will publicly voice their opposition to the declarations.
40. These Indigenous organisations have also questioned the integrity of the science behind the declaration proposals. See Clause 15.

Pastoralists

41. Feedback from pastoral leaseholders received during the consultation process was that although they have reservations about wild river declarations, they recognise there are likely to be few impacts on their business activities. A wild river declaration does not limit those activities that provide essential provisions for stock and/or domestic requirements such as access to water. No submissions were received from this sector.

Mining Interests

42. Mining interests are concerned about potential impacts of the declarations on their business activities. There is some concern that the combination of wild river declarations and new National Parks (on Cape York Peninsula) is effectively locking up a great deal of mineral wealth.
43. Submissions were received from the Queensland Resources Council, and a small number of mining companies. The areas of concern include:
 - Lack of scientific information to support declaration proposals (see clause 13 for response).

- Opposition to a one kilometre high preservation buffer width.
 - Opposition to additional areas being mapped as high preservation areas.
44. The Wild Rivers Act states that the wild river, the major tributaries of the wild river, and any special features in the wild river area plus an area up to one kilometre either side of the wild river, its major tributaries and any special features are included in the high preservation area. For the three wild river areas it is asserted that due to the intact natural values of the wild rivers, the maximum width of protection is justified, the exception being Breakfast Creek for the reasons stated in Clause 9.
45. The opposition to an increase in the area of high preservation area was considered in reaching the decision as described in clause 6.
46. The QRC argue that ports should be included as part of the definition of specified works. This would require legislative changes and is not seen as necessary as any new port facility could be dealt with on an individual basis through a regulation if the State felt that it was warranted.
47. Part of the area of land that is the Aurukun Project (CHALCO) extends into the proposed Archer Basin Wild River area. The Wild Rivers Act expressly exempts the project from the application of the Act.
48. One submission challenged the mapping of the Archer River basin boundary, but on inspection it was determined that the original mapping was correct and followed the watershed boundary.

Local governments

49. Because of the potentially severe impacts on wild river natural values resulting from extraction of riverine quarry material, these developments are restricted in a wild river area. New allocations of quarry material will not be allowed from tidal areas within a wild river area. Applications for allocations of quarry material from non-tidal watercourses may be accepted if in relation to specified works or residential complexes². Councils feel the limitations on new allocations for riverine sand and gravel material for town infrastructure (buildings) will result in additional haulage costs.
50. However:
- It is still possible to obtain allocations for quarry material, from watercourses, for the construction of town roads.
 - It is still possible to obtain quarry material, from outside of watercourses, for any purpose.
 - There is little current development in any of the townships associated with the proposed wild river areas (Aurukun, Lockhart River and Coen), and
 - Any existing quarry material allocations can continue in a wild river area.
51. Councils are also concerned about potential increases in workload resulting from a wild river declaration. Wild river requirements are integrated into existing development assessment processes so an increase in workload is likely to be minimal.
52. The Lockhart Aboriginal Council was the only local government in the area to make a submission. Lockhart and Aurukun Aboriginal Councils and Cook

² Residential complexes include outstations and pastoral homesteads, however do not include buildings within a designated urban area, or buildings outside of the wild river area.

Shire Council each have parts of the council land within the three wild river areas.

Other development interests

53. Development interests (other than mining) in Cape York are limited. There is some interest in the development of a biofuels industry which could be impacted if proposed to be situated within a high preservation area. A number of business plans and contracts for such developments have been provided to the department during the consultation phase. These will be recognised as existing undertakings under the Wild Rivers Act and will not be affected by the declarations.
54. Owners of the Archer River Roadhouse have expressed concerns about the impacts of the Archer Basin declaration on the value of their property. There is no evidence that a wild river declaration de-values a property, and this is unlikely given the potential for increased tourism activities in the area. The owners also feel a declaration would limit a variety of potential future business activities. Departmental officers have met with the owners of the Archer River Roadhouse on a number of occasions and the previous Minister had also met with the owners to discuss their submission. The previous Minister advised the owners that most of the activities they described could continue, and there were only a few issues that would be impacted by a wild river declaration.

Table Of Issues raised during Consultation (Including Submissions)

Overarching Issue	Specific Issues Raised	Contributors	Comment
Declaration Specific Issues			
Water Reserves	Climate change projections should be considered	ACF	Water Reserves have not changed as a result of these assertions.
	Unallocated water should be available to joint management of NP and ecotourism	AHRC	
	Unallocated water reserves haven't followed the 1% rule of thumb	ACF	
	Unallocated water reserves equivalent to what 'a single' mining operation would require	MS, KEN	
Overland Flow Water	Include overland flow water in water reserves	QWPS, QCC, TWS	No change as the management is seen as adequate in low development potential areas.
	Off stream dams other than for stock & domestic use (e.g. tourism)	ARR and raised during consultation	
	Volumetric take (include in water reserves, and nothing to limit take)	QCC, QWPS, TWS	
Water Licence Conditions	Conditions on licence consistent with the Gulf WRP	QCC, QWPS, TWS	Is the case, water act provisions apply
Designation of Management Areas	Minimalist approach to mapping	QCC, TWS and raised during consultation	The mapping reflects a consistent application of methodology + improvements in data scale.
	Wetlands not mapped	QCC, TWS, QWPS, ACF,	
	Inconsistent approach with those areas already declared	QCC, TWS, QWPS, ACF, HSoc and raised during consultation	
	Management areas too small or large	QCC, TWS, QWPS, HSoc, QRC, GA, MS, BEER, HUY, KEN, BTOA, BTOS, BTOL, ARR and raised during consultation.	
	Additional Designated Urban Areas	ARR	
	Special Feature Areas (what does this mean?)	TOAR, AWC, QRC, BEER, KEN	
No explanation of HPA's – arbitrary?	QRC, BTOS, BTOA, BTOL, CYLC		

Table Of Issues raised during Consultation (Including Submissions)

		and raised during consultation	
Selection of Nominated Waterways	Nominated waterways based on natural values/hydrological input, rather than area	TWS	As above
	Selection of	KEN, BEER	
National Parks	National Parks exempt from proposed declared areas (HPA removed from NP; vegetation thinning & fire management, IMAs will be impacted)	AHRC, BTOS, BTOL, BTOA, DDB and raised during consultation	The dept. sees no conflict between Nat park management and wild river objectives.
	National Parks already provide a green outcome	BTOS, BTOL, BTOA	
Code Issues			
	Difficult to understand language, and the perceived intent of the code	CYSF and raised during consultation	Beyond Scope of the Wild Rivers Declaration
	General Code Issues in relation to any section of the WR code	ARR, TWS, QWPS, QCC, ACF, AHRC, BTOA, BTOL, BTOS and raised during consultation	
Act Related Issues			
Determination of a Wild River area boundary	Catchment versus Basin	QWPS, LRASC, TWS, ACF, CYLC	Beyond Scope of the Wild Rivers Declaration
	Entire areas excised	QCC, TWS, QWPS, ACF, HSoc and raised during consultation	
	Wild River boundary changed/different/rationale for selection	GA. QRC, CYLC, BEER	
			The Department disagrees with the assertions made
Instream Dams and Weirs	On nominated waterways (amend Fisheries Act – to WR criteria e.g. waterway barrier works on nominated waterway)	QCC, QWPS, TWS	Beyond Scope of the Wild

Table Of Issues raised during Consultation (Including Submissions)

	Works for taking in a PA must comply with the code	QCC, TWS	Rivers Declaration
Incorporation of Cultural Values	Implications of the term 'wild'	AHRC, DDB	Beyond Scope of the Wild Rivers Declaration
	Cultural values/TO's aren't recognised	QCC, LRASC, ACF, AHRC, BTOL, BTOS, BTOA, DDB and raised during consultation	
	Fails to recognise culturally important places	TWS, QWPS	
Mining	Exemption of Aurukun project	QCC, QWPS, TWS, ACF	Beyond Scope of the Wild Rivers Declaration
	Large scale mining shouldn't continue / restrict mining impacts	AHRC, and raised during consultation	
	Mining should not over-rule protective legislation	BTOA	
	Fossicking in HPA	Raised during consultation	
	Why does government issue mining tenements if one half of government wants Wild river restrictions?	Raised during consultation	
Small scale development	Undue restrictions on small scale commercial agriculture	AHRC, BTOL, BTOA, BTOS, HUY and raised during consultation	Beyond Scope of the Wild Rivers Declaration
	Outstation development activities restricted/prohibited	TOAR	
	Restrictions on aquaculture in HPA	BTOL, BTOS, BTOA and raised during consultation	
Private Jetties and Boat Ramps	Highly restrictive for outstations and potential ecotourism	LRASC, AHRC, BTOL, BTOA, BTOS and raised during consultation	Beyond Scope of the Wild Rivers Declaration The department proposes to initiate a Wild River Regulation

Table Of Issues raised during Consultation (Including Submissions)

			amendment to address this issue
Vegetation Clearing	Permit requirements in HPA/PA unclear and convoluted	AHRC, BTOL, BTOS, BTOA	Beyond Scope of the Wild Rivers Declaration
	Commercial harvest of vegetation for TO's (production of artefacts for sale)	AHRC, BTOL, BTOA, BTOA	
	Clearing of regrowth should be exempt in HPA /PA	ARR and raised during consultation	
	Thinning in HPA	BTOA, BTOS, BTOL and raised during consultation	
	Single house exemption, necessary built infrastructure and no suitable alternative site	Raised during consultation	
Wild Rivers Terminology	"free flowing"? are dry rivers really a wild river?	CYSF and raised during consultation	Beyond Scope of the Wild Rivers Declaration
	'Preservation' areas	BTOS, BTOL, BTOA	
Riverine Quarry Material	No in HPA, and other management areas	QCC, TWS and raised during consultation	Beyond Scope of the Wild Rivers Declaration
	Local Government access to quarry material	LRASC and raised during consultation	
Specified Works	Include ports and other related infrastructure	QRC	Beyond Scope of the Wild Rivers Declaration
	Airstrips	Raised during consultation	
Other Act Issues	ERA's 15 & 16 – need to demonstrate there is no suitable alternative outside the HPA	QCC, TWS and raised during consultation	Beyond Scope of the Wild Rivers Declaration
	ERA 11 & 28 should not be restricted in HPA	ARR and raised during consultation	
	Residential, commercial and industrial development (not with local govt.	QCC, TWS	

Table Of Issues raised during Consultation (Including Submissions)

	to assess)		
	Declarations under the WR Act should be in accordance with the NCA	AHRC	
	Commercial agriculture in HPA e.g. hay paddocks, biodiesel trees etc	Raised during consultation .	
	Water Act should be amended to WR criteria	QCC, TWS, QWPS	
Other Issues			
Management of Wild River areas	Wild River Rangers	LRASC, QWPS, TWS, CYSF, AHRC, BTOA, BTOS, BTOL and raised during consultation	Beyond Scope of the Wild Rivers Declaration The engagement of Wild River Rangers is on-going
	Resources must be provided for land management to protect natural and cultural values (currently inadequately managed and protected, e.g. unregulated campers, feral animals, weeds, commercial fishing, boat speed limits, quad bikes, tourist around sacred burial sites, rubbish)	TOAR, AWC, BTOA, BTOS, BTOL and raised during consultation	
	Research and monitoring (create a field officer position)	AWC	
	Inter-agency communication re. implementation	AHRC	
	INCRMP	TWS, QWPS	
	Flow/stream monitoring	ACF	
Future economic opportunities	Commercial harvest for TOs (production of artefacts for sale)	AHRC, BTOS, BTOL, BTOA and raised during consultation	Beyond Scope of the Wild Rivers Declaration The declaration
	Aid research and implementation activities (for economic development)	CYSF and raised during consultation	
	Personnel for industry development and assistance with activities in WR areas (to assist Indigenous people)	AWC	

Table Of Issues raised during Consultation (Including Submissions)

	Affect sustainable tourism	CYSF, ARR	of a Wild River Area will not restrict all economic development opportunities, especially in the preservation areas
	Aquaculture, water supply and sustainable development opportunities	CYSF	
	Rights to economic development/ WR stifles economic opportunities for Indigenous people (e.g. aquaculture in HPA)	AHRC, TOAR, AWC, DDB, BEER and raised during consultation	
	Inequality between Indigenous versus non-Indigenous eg additional 22A purpose	Raised during consultation	
	Reduction of job creation for local communities	MS; GA, BEER, KEN	
	Reduction of mining economic opportunities	GA and raised during consultation	
	Decrease in property values	ARR and raised during consultation	
	Welfare reform should be done in conjunction with Wild Rivers	Raised during consultation	
	There should be compensation money available if you are taking away development rights	Raised during consultation	
	Locking up areas	Raised during consultation	
Native Title and Indigenous Rights	Impacts on human rights, access, use, occupancy, management, conservation, cultural and development rights	AHRC, CYLC, CYSF, BTOL, BTOA, BTOS, ACF and raised during consultation	Beyond Scope of the Wild Rivers Declaration
	No impact on Indigenous rights and interests (protected under other Acts)	AHRC	The <i>Wild Rivers Act 2005</i> does not impact on Native Title Rights
Increase Local Government workloads	Imposition of additional works for LG with additional assessments (LG already under resources and doesn't have the capacity)	LRASC and raised during consultation	Beyond Scope of the Wild Rivers Declaration
	Substantial resources required including personnel and training - development assessment and land use planning	LRASC	
	Changes in land tenure has resulted in decrease in rate base but council	Raised during consultation	

Table Of Issues raised during Consultation (Including Submissions)

	still has to deliver services		
Property Development Plans	No capacity to develop and prepare	LRASC, BTOA, BTOS, BTOL	Beyond Scope of the Wild Rivers Declaration
	Delays to economic developments	LRASC	
	Fee for processing PDP	LRASC	
	Provisions made to assist PDP construction including financial assistance	LRASC, BTOA, BTOS, BTOL and raised during consultation	
	No PDP's in HPA	TWS	
	PDP can't cater for all circumstances	ARR	
Nomination and supporting material	Not accounting for previous land use and clearing	CYSF	Beyond Scope of the Wild Rivers Declaration The department always examines the best available information
	Other Commonwealth studies	LRASC, BTOS, BTOA, BTOL	
	Overview Report had insufficient provision of data on natural values	QRC, BTOL, BTOA, BTOS, CYLC	
	Insufficient data on water flows (esp. historical data)	QRC, BTOS, BTOL, BTOA	
	Information Sparse, misquoted and invalid	BTOA, BTOS, BTOL, CYLC, LRASC	
	Insufficient data on management areas	QRC	
	Definition of project of state and regional significance	QRC	
	Water Regulation 2002 not available for comment during consultation/submission period (for granting unallocated water – Sch 6)	QRC	
	Catchment Condition included as natural value	BTOS, BTOA, BTOL, CYLC	
	River by river assessment	LRASC, CYLC	
Consultation	Provision of information post declaration (brochures & signs)	TWS	Beyond Scope of the Wild Rivers Declaration Consultation was extensive on Cape York Peninsula with
	Inclusive post-submission engagement/consultation (clear information on benefits & extent of restrictions)	ACF, AHRC, TOAR, AWC, BTOA, BTOS, BTOL	
	Fact sheets not simple, and inconsistent referencing	CYSF, CCE	
	Prefer an all inclusive approach; contrary view	CYSF and raised during consultation	
	Consultation inadequate	CCE, AHRC, TOAR, AWC, CYLC, DDB and raised during consultation	

Table Of Issues raised during Consultation (Including Submissions)

	Consultation should involve attendance money/ money for submissions	Raised during consultation	over 100 meeting held The fact sheets are currently being reviewed in order to redraft them in the simplest language possible
	Include Indigenous peoples in the development and policies/declarations	AHRC, TOAR	
	Funds/resources should be provided to Council to construct submission	Raised during consultation	
	Imposition of legislation and policy arrangements on Indigenous people without information	AHRC	
	No consultation on the Wild Rivers Bill	Raised during consultation	
Future of Wild Rivers	Recognition of 10 remaining rivers to be nominated	QWPS	Beyond Scope of the Wild Rivers Declaration
	Wenlock River (no mining in this region)	QWPS, TWS	
	Other potential wild river areas (e.g. Paroo River, Cooper Creek)	QWPS and raised during consultation	
	Watson and Ward Rivers	TOAR, AWC and raised during consultation	
	Why is the government picking up CY and not other areas of QLD? ("Why is the government spending money on these rivers systems when the money could go towards rehabilitation of the Annan and Endeavour Rivers. Why arent we considering those rivers at risk.")	Raised during consultation	
Miscellaneous	Mechanisms for TO's to derive royalties from commercial operations (e.g. such as fishing)	TOAR	Beyond Scope of <i>Wild Rivers Act 2005</i>

Table Of Issues raised during Consultation (Including Submissions)**Contributor Key:**

AABE – Aurukun Aboriginal Business Enterprise

ABP – Aurukun Bauxite Project

AC – Aurukun Council

ACF – Australian Conservation Foundation

AHRC – Australian Human Rights Commission

All TO – Traditional Owners Archer, Stewart and Lockhart Basins

ARR – Archer River Roadhouse

AWC – Aurukun Wetland Charters

BEER – Beersheeba Mining Company P/L

BTOS – Balkanu Traditional Owners Stewart

BTOA – Balkanu Traditional Owners Archer

BTOL – Balkanu Traditional Owners Lockhart

CCC – Coen Chamber of Commerce

CYLC – Cape York Land Council

CYLC – Cape York Land Council

CYSF – Cape York Sustainable Futures

EF – Evergreen Fuels

GA – Gulf Alumina

HSoc – Humane Society

HUY – Huybers

KEN – Kendall Resources Limited

KLT – Kulla Land Trust

LRASC – Lockhart River Aboriginal Shire Council

MS – Mineral Sands

TWS – The Wilderness Society

QCC – Qld Conservation Council

QRC – Qld Resources Council

QWPS – Wildlife Preservation Society of Qld

TOAR – Traditional Owners Archer River

TOAW – Traditional Owners Archer and Wenlock Basins

TOCR – Traditional Owners Claudie River



Media Release

Three more wild river basins to be preserved

Wild river areas for the Stewart, Lockhart and Archer Basins have been declared on Cape York Peninsula, Natural Resources, Mines and Energy Minister Stephen Robertson announced today.

"The declaration of these areas covering a total of 18,641 sq km, will ensure that the natural values of the river systems in these areas are now better protected for future generations," Mr Robertson said.

Since the proposal to declare these basins as wild river areas was announced in July last year, more than 3600 submissions were received and Department of Environment and Resource Management (formerly Natural Resources and Water) field staff have conducted more than 100 consultation meetings across the Cape about the proposals.

"These wild river areas, which have largely been untouched by development, are a vital part of our natural heritage. They have unique features worth protecting, including free flowing rivers, wetlands and ecosystems only found on Cape York Peninsula."

Mr Robertson said the declaration of a wild river under the *Wild Rivers Act 2005* did not preclude all future development in a wild river area.

"We recognise there are people living and working in these areas, and there is a significant Indigenous presence with a strong connection to this country that goes back tens of thousands of years," he said.

"The Cape York community can continue to enjoy the benefits of development with activities such as mining, grazing, fishing, eco-tourism, outstation development and indigenous cultural activities still able to occur.

"These declarations are about ensuring the wild river's natural values are preserved by ensuring that any future development is undertaken responsibly.

"The State Government is committed to protecting the unique biodiversity of our environment, as part of Toward Q2: Tomorrow's Queensland vision.

"Our unique Wild Rivers legislation (the *Wild Rivers Act 2005*) aims to protect Queensland's wild rivers for the enjoyment of current and future generations of Queenslanders as well as for the rest of the world."

Contact: xxxxxxxxxxxxxxxx

Question and Answer Sheet

Wild River Area Declarations for the Archer, Stewart and Lockhart Basins.

- **Will the wild river declarations affect existing operations?**

The declarations will not affect any authorised operations and developments existing at the time of the declarations being made. These are expressly protected under the Wild Rivers Act.

- **What changes have occurred between the declaration proposals and the declarations for:**
 - The Archer

In the Archer River Basin Wild River Area, additional protection has been afforded to the wetlands that link the Love, Archer and Kirke rivers during the wet season. This maintains important connectivity between these systems, which is important for the hydrologic integrity of the area's river systems.

Additionally, Attack Creek - which was proposed as a nominated waterway - is a major tributaries and has been included in the High Preservation Area.

- The Stewart

In the Stewart Basin Wild River Area, Little Stewart River has been included in the High Preservation Area. This was proposed as a nominated waterway.

After analyses of Breakfast Creek, it was determined to reduce the High Preservation Area width to 500m each side of Breakfast Creek. This decision reflects a risk-based approach that acknowledges there is still has a high chance of preserving the integrity of the natural values and the Government commitment to advance Indigenous economic development.

- The Lockhart

There have been no changes to the Lockhart Basin Wild River Area.

- **How many submissions were received?**

3618 submissions were received in total. The submissions have been analysed and appropriate changes and suggestions were taken on board prior to the declarations being made.

- **Will this effect essential services?**

Essential services such as roads, and sewerage and water treatment facilities can still proceed anywhere in a wild river area provided certain wild river requirements are met.

- **Will this affect access to quarry material for councils?**

Councils will be able to continue all authorised extraction of quarry material.

Off-stream extraction can occur in all parts of a wild river area. However, if proposed in a High Preservation Area or a Floodplain Management Area (FMA) the extraction must be small scale and for roads or outstations.

New allocations can be obtained for riverine quarry material for construction of town infrastructure such as roads.

- **How will this affect the Government's initiative for joint management of National parks with the Traditional owners?**

Any new tourism developments established in the national parks through the joint management arrangements will be required to comply with the Wild Rivers Code. However, these can still be established anywhere in a wild river area. Indeed the declaration will provide water surety for these developments and help their promotion in new and existing markets.

Indigenous Management Agreements developed as part of the joint management process must still be consistent with the purpose and principles set out in the Nature Conservation Act, so it is unlikely that the wild river declaration would conflict with the terms of these agreement.

- **Is there any impact on Native Title?**

The declarations will not impact on native title rights. These rights are explicitly protected under the Wild Rivers Act.

- **Is there any impact on cultural heritage rights or day-to-day traditional activities?**

Cultural heritage rights will not be affected by the declarations. Day-to-day traditional activities such as camping, hunting, fishing or the use of traditional fish traps are also not affected.

- **Are there any impacts on grazing operations?**

There are no impacts on existing grazing operations and new grazing operations can be established in the wild river areas. Associated developments such as establishing creek crossings or putting in dams may have to comply with the Wild Rivers Code. Water can continue to be accessed for stock or domestic purposes.

- **What does this mean for tree clearing in the High Preservation Area?**

The declarations will help to preserve important riparian vegetation by limiting native vegetation clearing within the High Preservation Area..

In circumstances where clearing can occur (and does require a clearing permit)

the requirements of the Wild Rivers Code must be met. This ensures that the clearing is undertaken in an appropriate manner, and is limited to necessary clearing.

You can still clear for matters of public safety as well as for fences, firebreaks, roads and tracks. Clearing associated with the establishment of buildings such as outstations and homesteads can still occur. Encroaching vegetation can still be cleared.

No wild river requirements under the Vegetation Management Act apply in the preservation area, however, the clearing of marine plants such as mangroves anywhere in a wild river area will be limited.

- **What about clearing weeds?**

No wild river requirements apply to the control of declared non-native weeds and pests in a wild river area, and clearing permits can still be issued where it is necessary to clear native vegetation to access weeds.

- **Will this stop landholders from building dams on their land?**

New in-stream dams and weirs are prohibited within the High Preservation Area.

Off-stream dams for watering stock or for a domestic purpose can still be constructed and usually do not require a permit. Larger dams for these purposes may have to comply with the Wild Rivers Code.

Dams for other purposes can still be built outside the High Preservation Area, though a permit is required. The Wild Rivers Code will apply.

- **Are there any economic opportunities that will result from the wild river declarations?**

The 'Wild River' image will be beneficial for eco-tourism enterprises, providing additional marketing opportunities.

Organic farming and other agricultural businesses such as export beef that relies on a "clean and green image" will benefit from a wild river declaration.

The provision of water reserves to help Indigenous communities provides a further avenue for economic development.

- **Will all development in a wild river area be prohibited from occurring?**

Some high impact developments will be prohibited in the High Preservation Areas, however development can still proceed in the greater part of the wild river areas if wild river requirements are met.