

Risk criteria and standard conditions

Exploration for minerals and extractive minerals

Document title	Risk criteria and standard conditions
Contact details	Mining Division
Approved by	Minister for Environment, Climate Change and Water Security
Date approved	31 July 2024
Document review	As required
TRM number	42-D24-6034

Version	Date	Author	Changes made
1.0	25/07/2024	Mining Division	Version 1

Contents

1. Introduction	4
2. Risk criteria	4
3. Standard conditions	4
4. Standard licence application	4
5. Modified licence application.....	4
6. Tailored licence application	4
7. Application forms	5
8. Definitions.....	5
9. Risk criteria	6
10. Standard conditions.....	7
11. Definitions	11

1. Introduction

This document sets out risk criteria and standard conditions for **exploration for minerals and extractive minerals**. Mining operators that plan on conducting exploration involving a substantial disturbance to land are required to hold an environmental (mining) licence (**licence**) under the *Environment Protection Act 2019* (**EP Act**). The declared risk criteria and approved standard conditions inform what category of licence (standard, modified or tailored) a mining operator will need to apply for. A flowchart depicting the role of risk criteria, standard conditions for licence pathways is at: [Licence categories for mining activities | NT.GOV.AU](#)

2. Risk criteria

If a mining operator can operate within the constraints set out in the risk criteria, the mining operator is eligible for a standard or modified licence. If a mining operator cannot operate within the constraints set out in the risk criteria, the mining operator must apply for a tailored licence.

If a **mining activity** does not meet the risk criteria, a mining operator may consider reducing the scale of activities or excluding activities so that the **mining activity** will meet the risk criteria.

The risk criteria are declared under the Act and are to be construed having regard to the Act and other relevant legislation.

3. Standard conditions

The standard conditions specify the outcomes which must be achieved when carrying out exploration under a standard condition licence. If the activity is unable to be carried out in accordance with the standard conditions, a modified or tailored condition licence will be required to undertake the activities.

The standard conditions are approved under the Act and are to be construed having regard to the Act and other relevant legislation.

4. Standard licence application

If the activity can meet all risk criteria, a standard licence application can be made for a licence that is subject to all standard conditions. Applicants are required to complete an application form – environmental (mining) licence – exploration activities – standard conditions.

5. Modified licence application

If an activity can meet all the risk criteria, but one or more of the standard conditions needs to be varied to suit the operational needs of the applicant, an application can be made for a licence that is subject to modified conditions. Applicants are required to complete an application form - environmental (mining) licence – exploration activities – modified conditions.

6. Tailored licence application

Activities which cannot meet the risk criteria must be the subject of a tailored licence. Applicants are required to complete an application form - environmental (mining) licence – tailored conditions.

7. Application forms

The relevant application forms can be downloaded from the Northern Territory's website at: [Apply for an environmental \(mining\) licence | NT.GOV.AU](#)

8. Definitions

All **bold** terms are defined along with other industry terminology used in the risk criteria and standard conditions.

9. Risk criteria

1. The **mining activity** does not have a **significant impact** on the environment and does not cause any of the following:
 - i. **substantial disturbance** of more than 10 hectares, including access tracks used for the **mining activity**;
 - ii. the excavation (excluding drilling) of more than 1000 tonnes of material.
Note: If the mining activity involves more than the above limits, a tailored condition licence will be required. If the mining activity may have a significant impact on the environment, environmental impact assessment will be required. If the mining activity is proposed in an area which is already affected by other impacts, it may be that the mining activity will have a significant impact on the environment as a result of its cumulative effect.
2. The **mining activity** does not **interfere with a waterway**.
3. The **mining activity** is not located in and does not impact any of the following:
 - i. a Commonwealth reserve as defined in section 528 of the *Environment Protection and Biodiversity Conservation Act 1999* (Cth);
 - ii. an area on the Park under the *Nitmiluk (Katherine Gorge) National Park Act 1989* (NT);
 - iii. a sanctuary or marine park as defined in section 3 of the *Coburg Peninsula Aboriginal Land, Sanctuary and Marine Park Act 1981* (NT); or
 - iv. a declared protected environmental area or an area the subject of a declaration of prohibited action under the *Environment Protection Act 2019* (NT).
4. The **mining activity** is not located in an area of, and does not impact, **sensitive or significant vegetation**.

10. Standard conditions

General conditions	
1.	The mining activity must not be inconsistent with any of the following: <ul style="list-style-type: none"> (a) the risk criteria; (b) the requirements of a certificate, permit, approval or other authority required for the mining activity under another law.
2.	The mining activity must be carried out in accordance with leading practice .
3.	The mining operator must ensure that appropriate enquiries are made to enable the accurate identification of features for the purpose of exclusion and buffering to reduce the risk of negative impacts from the mining activity . <i>Note: This may include undertaking appropriate surveys and field verification of desktop assessments of natural resource features including vegetation, trees, soil, waterways, sinkholes, springs, threatened species habitat etc. and making enquiries with relevant bodies in relation to sacred sites and culturally significant trees or features. This may require expert survey or advice.</i>
4.	The mining activity must not involve any of the following: <ul style="list-style-type: none"> (a) a brownfield mine site, legacy mine feature or a legacy mine site; (b) uranium or naturally occurring radioactive materials; (c) blasting; (d) dredging.
5.	The mining activity must not be located in and must not impact any of the following: <ul style="list-style-type: none"> (a) the Alligator Rivers Region as defined in section 3(1) of the <i>Environment Protection (Alligator Rivers Region) Act 1978</i> (Cth); (b) an area of land declared to be a park or reserve under either section 9(4), section 12 or section 24 of the <i>Territory Parks and Wildlife Conservation Act 1976</i>; (c) an area of land managed under either section 73 or section 74 of the <i>Territory Parks and Wildlife Conservation Act 1976</i>; (d) land held by the Conservation Land Corporation.
6.	The mining activity must not involve excavations (excluding drilling) more than 2m in depth from the natural surface of the land .
7.	The mining activity must not be within 1000m of a residence or community, and must not have traffic, noise, dust, light, nuisance or other impacts on a residence or community.
Flora and Fauna	
8.	The mining activity must not be located in and must not impact a site of conservation significance and must not damage any cave .
9.	The mining activity must not be carried out inside a 250m buffer, from the outer edge of any area or instance of sensitive or significant vegetation .

10.	<p>(a) If the mining activity involves clearing of vegetation, that clearing must not be clearing of a tree which has a diameter greater than 40cm at 1.2m high or is a culturally significant tree.</p> <p>(b) The mining activity may only involve other clearing of native vegetation subject to the following:</p> <ul style="list-style-type: none"> i. it does not impact on sensitive or significant vegetation; ii. it responds to the land capability and suitability for the intended activity (e.g. with respect to siting of tracks/roads and infrastructure); iii. it responds to the presence of sacred sites within the meaning of the <i>Northern Territory Aboriginal Sacred Sites Act 1989</i>, and declared heritage places and archaeological sites within the meaning of the <i>Heritage Act 2011</i>; iv. it responds to the presence of threatened wildlife and essential habitats within the meaning of the <i>Territory Parks and Wildlife Conservation Act 1976</i>; v. it does not impact on drainage areas, wetlands and waterways; vi. it does not cause habitat fragmentation or impacts on native wildlife corridors, caves, sinkholes, wetlands/swamps and is low risk to biodiversity; vii. it does not impact on highly erodible soils; viii. it minimises the extent of any vegetation clearing (including grasses, trees and shrubs) and retains appropriate buffers and vegetation corridors (which, for the avoidance of doubt, must not be less than the minimum buffer in Condition 9 in relation to sensitive or significant vegetation of any kind); and ix. it keeps surface disturbance as low as reasonably practicable.
Soils and surface water	
11.	<p>Where soil disturbance occurs as a result of a mining activity:</p> <ul style="list-style-type: none"> (a) topsoil quality is maintained for subsequent use in rehabilitation; and (b) topography (landform slope) must be reinstated to a state as similar to the pre-disturbance state as is reasonably practicable.
12.	<p>The use, storage and disposal of:</p> <ul style="list-style-type: none"> (a) fuel; (b) chemicals; (c) drilling fluids; (d) intercepted or contaminated groundwater; and (e) any drill cuttings or samples which may produce acid or metalliferous drainage, <p>must meet each of the following requirements:</p> <ul style="list-style-type: none"> (f) it is in accordance with relevant Australian Standards; and (g) it does not result in any environmental harm.
13.	<p>The mining activity must be carried out in such a manner that:</p> <ul style="list-style-type: none"> (a) prevents a change to surface water quality (including surface water runoff not captured within the mining site) having a detrimental effect on the environment as a result of contamination, sedimentation or inundation caused by the mining activity; and

<p>(b) minimises the risk of erosion (sheet, rill, gully, tunnel, wind) within the mining site and surrounding land.</p>
<p>14. The mining activity must not involve the discharge of any waste to water.</p>
<p>Groundwater</p>
<p>15. Where multiple aquifers are encountered, the mining activities must be carried out in a manner which ensures that waters of different aquifers do not mix.</p>
<p>16. The mining activity must not occur inside a 500m buffer from the outer edge of any:</p> <ul style="list-style-type: none"> (a) sinkholes; or (b) springs.
<p>Rehabilitation</p>
<p>17. The mining activity must:</p> <ul style="list-style-type: none"> (a) ensure drill pads and access tracks constructed through cut and fill methods are rehabilitated such that pre-disturbance topography (landform slope) is reinstated; and (b) as soon as reasonably practicable, restore drill holes by sealing and filling in a manner that: <ul style="list-style-type: none"> i. prevents vertical migration of water within the drill hole and surface subsidence ii. restores controlling geological conditions that existed before the drill hole was drilled.
<p>18. The mining activity must involve each of the following:</p> <ul style="list-style-type: none"> (a) commencement of rehabilitation of any area disturbed by a mining activity as soon as reasonably practicable; (b) progressive rehabilitation if practicable; (c) commencement of rehabilitation no later than 12 months following completion of the mining activity on the area disturbed; and (d) maintaining the area disturbed to achieve a safe, stable and non-polluting state during any period of inactivity (including care and maintenance) before rehabilitation is complete.
<p>19. All disturbed areas from any mining activity are stable and rehabilitated to a landform similar to that of pre-disturbance conditions, and where that is not practicable each of the following must be achieved:</p> <ul style="list-style-type: none"> (a) the land is safe for humans and fauna; (b) the land is stable, without erosion gullies and supports appropriate vegetation; (c) there is no ongoing contamination to waters; (d) the maintenance requirements for the land are no greater than for the land before it was disturbed; (e) surface drainage patterns are consistent with the regional drainage function; (f) final rehabilitated landscapes are comparable to appropriate reference vegetation communities and consistent with the post-mining environment; and (g) no infrastructure (including roads and tracks) from mining activities is to be left on a mining site.
<p>Records and reporting</p>

20.	Within 12 months each year from the anniversary of the licence issue date the mining operator must submit a completed exploration compliance report for the preceding 12 month period.
21.	Within 30 business days of completing mining activities (including any land clearing and access track installation) the mining operator must submit a completed disturbance report and related spatial data.
22.	The mining operator must keep records to demonstrate the risk criteria and licence conditions have been met and such records must be kept: <ul style="list-style-type: none">(a) in Australia;(b) for 5 years following the mining activity having been completed; and(c) in a manner that enables provision on request within 14 days.

11. Definitions

Term	Definition
access authority	means an authority granted under section 84(4) of the <i>Mineral Titles Act 2010</i> .
acid and metalliferous drainage	means sulfate containing drainage water from mining activities and may be acidic and/or have high concentrations of dissolved metals as a result of the exposure of sulfide minerals to oxygen and water.
brownfield mine site	means an area of land on which mining activities have been carried out on and may or may not include legacy mine features (any plant, infrastructure, engineered feature that was built or used to carry out a mining activity and is no longer used to carry out a mining activity). This term includes legacy features of mining which require particular consideration for management of their environmental impact, but excludes historic disturbance or features of exploration activities.
care and maintenance	means a period when any of the following mining activities permitted by an environmental (mining) licence for a mining site are not being carried out on that site: (a) exploration for minerals or extractive minerals; (b) mining of minerals or extractive minerals; (c) extraction of extractive minerals; (d) processing of minerals, extractive minerals, tailings, spoil heaps or waste dumps; (e) operations and works in connection with exploration or mining generally; (f) the construction, maintenance and use of infrastructure authorised by an access authority.
cave	includes any underground opening or cavity with a cross-sectional area greater than 0.25m ² and a minor access measurement greater than 0.4m.
controlling geological conditions	means that drillholes must be appropriately completed and abandoned to restore, as far as practicable, the controlling geological conditions that existed before the hole was drilled to prevent: (a) contamination of any aquifers through entry of pollutants from the surface; (b) interconnection between aquifers; (c) degradation of natural hydrostatic conditions (maintain pre-drilling pressures); and (d) any physical hazard resulting from an open hole which could become a hazard to small animals and stock.
clearing of native vegetation	means the removal or destruction, by any means, of native vegetation on an area of land, other than: (a) the removal or destruction of a declared weed within the meaning of the <i>Weeds Management Act 2001</i> or of a plant removed under the <i>Plant Health Act 2008</i> ; (b) the lopping of a tree; (c) the harvesting of native vegetation planted for harvest; (d) in the course of Aboriginal traditional use, including the gathering of food or the production of cultural artefacts; (e) by fire;

Term	Definition
	<p>(f) the removal or destruction of native vegetation occurring on a site previously cleared in accordance with a lawful permit or authority; or</p> <p>(g) incidentally through mowing an area previously cleared of native vegetation;</p> <p>and includes the selective removal of a species of plant, a group of species of plants, a storey or group of storeys in whole or in part.</p>
contaminant	<p>means a solid, liquid or gas or any combination of such substances and includes:</p> <p>(a) noise, odour, heat and electromagnetic radiation;</p> <p>(b) a prescribed substance or prescribed substances; and</p> <p>(c) a substance having a prescribed property or prescribed class of properties.</p>
disturbance report	<p>means a report completed in accordance with the <i>Disturbance Report Template and Guideline</i> and submitted to MineralInfo.DEPWS@nt.gov.au identifying the location of:</p> <p>(a) drill hole locations; and</p> <p>(b) surface disturbance undertaken for mining activities, including any campsite and access tracks.</p>
exploration	<p>means an activity that is carried out under any of the following under the <i>Mineral Titles Act 2010</i>:</p> <p>(a) a mineral exploration licence;</p> <p>(b) a mineral exploration licence in retention;</p> <p>(c) an extractive mineral exploration licence;</p> <p>(d) a mineral authority to the extent that it authorises exploration for minerals or extractive minerals;</p> <p>(e) a non-compliant existing interest to the extent that it authorises exploration for minerals.</p> <p><i>Note: exploration is a type of mining activity focussed on the search for mineral or extractive mineral deposits by all methods of search for or evaluating deposits, except by fossicking. Common exploration activities may involve:</i></p> <ul style="list-style-type: none"> • <i>drilling activities</i> • <i>surface excavations including costeans and trenches</i> • <i>scrape and detect activities</i> • <i>bulk sample pits</i> • <i>campsites, hydrocarbon and water storage, sumps and laydown areas</i> • <i>clearing for access tracks, drill pads, site preparation</i> • <i>groundwater bores</i> • <i>rehabilitation of disturbance associated with exploration activities</i>
exploration compliance report	<p>means a report completed in accordance with the <i>Exploration Compliance Reporting Template and Guideline</i> and submitted to MineralInfo.DEPWS@nt.gov.au as required by the guideline.</p>
extractive mineral	<p>(a) soil, sand, gravel, rock or peat; or</p> <p>(b) another substance prescribed by regulation under the <i>Mineral Titles Act 2010</i>.</p>

Term	Definition
interfere with a waterway	<p>interfere with a waterway means any of the following:</p> <ul style="list-style-type: none"> (a) cause a material change to the shape of a waterway; (b) cause a material change to the volume, speed or direction of the flow or likely flow of water in or into a waterway; (c) cause an alteration to the stability of the bed or banks of a waterway, including by the removal of vegetation. <p><i>Note: There is a guideline entitled 'Interference with a waterway guideline' published by the department.</i></p>
leading practice	<p>means the best available current practice promoting sustainable development, which is defined and expanded upon in <i>A guide to leading practice sustainable development in mining</i>, July 2011 (Australian Centre for Sustainable Mining Practices), and associated handbooks.</p> <p>For the purposes of the risk criteria and standard conditions, the term also includes the following:</p> <ul style="list-style-type: none"> • the exercise of that degree of skill, care, prudence, foresight and operating practice which would reasonably and ordinarily be expected from a skilled and experienced mining operator engaged in exploration under the same or similar circumstances; • implementing well known controls in the exploration industry such as: <ul style="list-style-type: none"> ○ studies, fieldwork, surveys, dataset review, enquiries and planning to gather all pertinent information in relation to the land and activities proposed; ○ community engagement and cultural and heritage recognition and protection; ○ drill holes are securely capped immediately after being drilled; ○ ensuring no fauna entrapments from open excavations or sumps; ○ vehicle hygiene measures employed to prevent introduction and spread of weeds and pathogens; ○ removal of waste and rubbish and disposed of at an appropriate waste management facility; ○ sumps lined or tanks of appropriate size to contain water, sediment and drilling fluids encountered during drilling; ○ dust management and erosion and sediment controls implemented on site; ○ vegetation and topsoil stockpiled appropriately for rehabilitation purposes.
legacy mine feature	<p>any plant, infrastructure, engineered feature or other feature that:</p> <ul style="list-style-type: none"> (a) was built or used to carry out a mining activity; and (b) is no longer used to carry out a mining activity; and (c) in relation to which no mining security is held under Part 7, Division 1A or the <i>Environment Protection Act 2019</i>; and (d) is not in the Ranger Project Area.
legacy mine site	<p>an area of land on which mining activities have been carried out but no mining security is held under Part 7, Division 1A of the <i>Environment Protection Act 2019</i> in relation to those activities and which there is no current extractive mineral lease, extractive mineral permit, mineral authority, mineral lease, or non-compliant existing interest.</p>

Term	Definition
mineral	<p>(1) A mineral is:</p> <ul style="list-style-type: none"> (a) any of the following naturally occurring substances that is obtainable by mining: <ul style="list-style-type: none"> (i) an inorganic element or compound (for example, an inorganic carbonate compound); (ii) an organic carbonate compound; or (b) coal, lignite, oil shale or salt; or (c) another substance prescribed by regulation under the <i>Mineral Titles Act 2010</i>. <p>(2) However, none of the following is a mineral:</p> <ul style="list-style-type: none"> (a) an extractive mineral; (b) petroleum as defined in section 5(1) of the <i>Petroleum Act 1984</i>; (c) water; (d) another substance prescribed by regulation under the <i>Mineral Titles Act 2010</i>.
mineral interest	<ul style="list-style-type: none"> (a) a mineral title; (b) a non-compliant existing interest; (c) a Part III authority (see s5(1) of the <i>Atomic Energy Act 1953 (Cth)</i>); (d) the special mineral lease granted under the <i>Mining (Gove Peninsula Nabalco Agreement) Act 1968</i>; (e) a mineral lease or exploration licence validated or granted under the <i>McArthur River Project Agreement Ratification Act 1992</i>.
mining activity	<p>(1) Each of the following is a mining activity:</p> <ul style="list-style-type: none"> (a) exploration for minerals or extractive minerals; (b) mining of minerals or extractive minerals; (c) extraction of extractive minerals; (d) processing of minerals, extractive minerals, tailings, spoil heaps or waste dumps; (e) decommissioning, remediation and rehabilitation of a site on which an activity referred to in paragraphs (a) to (d) has been or is being carried out; (f) operations and works in connection with the activities in paragraphs (a), (b), (c), (d) and (e), including: <ul style="list-style-type: none"> (i) the removal, handling, transport and storage of minerals, extractive minerals, substances, contaminants and waste; and (ii) the construction, operation, maintenance and removal of plant, infrastructure and engineered features; (g) the construction, maintenance and use of infrastructure authorised by an access authority; (h) operations and works in connection with exploration or mining generally; (i) operations for the monitoring, management and maintenance during a care and maintenance period of a site on which an activity in paragraphs (a) to (h) has been or is being carried out.

Term	Definition
	<p>(2) In addition to the activities mentioned in subsection (1), an activity (an associated activity) is a mining activity if:</p> <ul style="list-style-type: none"> (a) the activity is related to a mining activity mentioned in subsection (1); and (b) is carried out on an area of land other than an area mentioned in the definition of mining site, paragraph (a) or (d). <p>(3) Despite subsections (1) and (2), aerial surveying is not a mining activity.</p> <p>For the purposes of the risk criteria and the standard conditions, mining activity is confined to exploration.</p>
mining operator	<p>mining operator, for a mining site, means:</p> <ul style="list-style-type: none"> (a) a mining operator for the mining site appointed by the title holder under section 124D of the EP Act; or (b) if the title holder is a mining operator for the mining site under section 124D of the EP Act – the title holder.
mining site	<p>an area of land:</p> <ul style="list-style-type: none"> (a) in respect of which a person holds a mineral interest and on which a mining activity mentioned in section 13A(1) has been, is being or will be carried out; or (b) in respect of which a person holds an access authority; or (c) on which an associated activity is being or will be carried out; or (d) that is declared by the Minister, by <i>Gazette</i> notice, to be a mining site for this Act.
native vegetation	<p>means terrestrial and intertidal flora indigenous to the Northern Territory including grasses, shrubs and mangroves.</p>
natural surface of the land	<p>means the undisturbed ground surface before excavation.</p>
records	<p>includes but is not limited to:</p> <ul style="list-style-type: none"> (a) all records related to measurement criteria demonstrating compliance with the environmental (mining) licence (b) water usage and source (c) any sinkholes or springs identified in the course of the activity (d) evidence showing drill holes encountering multiple or confined aquifers were grouted with concrete (or records of surveying, sealing and decommissioning of boreholes) (e) evidence that water bores drilled were conducted by licensed water drillers under the <i>Water Act</i> (f) dated and georeferenced before and after photos of rehabilitation (g) outcomes of rehabilitation inspections and monitoring programs (h) certificates associated with the disposal of waste (i) vehicle and equipment logs (j) records of and copies of reports about recordable and notifiable incidents (k) certificates associated with the disposal of waste

Term	Definition
	<p>(l) geospatial files as shapefiles consisting of polygons identifying the location of disturbance, access tracks and roads, significant trees and patches of vegetation and/or buffers applied to avoid listed species, or their habitat or cultural heritage sites</p> <p>(m) evidence of a fire management plan and staff trained in response, activities not undertaken during extreme/catastrophic fire danger ratings</p>
sensitive or significant vegetation	<p>Sensitive vegetation is a term applied to ecosystems easily impacted by neighbouring or adjacent land uses or management. Significant vegetation includes spatially restricted habitat types that are important to a relatively large number of wildlife species. Many significant vegetation types are also sensitive.</p> <p>For the purposes of the risk criteria and standard conditions, sensitive and or significant vegetation includes: rainforest, monsoon vine forest or vine thicket; sandsheet heath; riparian vegetation; mangroves; wetlands; and vegetation containing large trees.</p> <p>Professional advice and survey (e.g. from/by a suitably qualified and experienced ecologist) may be required to determine the presence of sensitive/significant vegetation and its extent, including the outer edge, from which buffers should be applied.</p>
significant impact	<p>a significant impact of an action is an impact of major consequence having regard to:</p> <p>(a) the context and intensity of the impact; and</p> <p>(b) the sensitivity, value and quality of the environment impacted on and the duration, magnitude and geographic extent of the impact.</p>
site of conservation significance	<p>means an area of conservation importance in the Northern Territory as recorded at:</p> <p>https://nt.gov.au/environment/environment-data-maps/important-biodiversity-conservation-sites/conservation-significance-list</p>
substantial disturbance	<p>includes any of the following:</p> <p>(a) land clearing;</p> <p>(b) earthworks, including cutting, filling, excavating or trenching;</p> <p>(c) aboveground works, including works for building roads, buildings, bridges, railways or airstrips or works for establishing conveyors, pipelines, telephone lines or power lines;</p> <p>(d) underground works, including works in connection with tunnels, wells, pipelines, conduits or cables;</p> <p>(e) waterworks, including works in connection with dams, impoundments, canals or the drainage or alteration of river or creek banks, water courses or shorelines;</p> <p>(f) extracting resources from the surface of the land, underground, riverbeds or under the sea;</p> <p>(g) stockpiling ore, overburden, waste materials or by-products;</p> <p>(h) establishing seismic lines, drill pads, drill holes, grids, tracks or costeans;</p> <p>(i) establishing a camp for the workers;</p> <p>(j) blasting;</p> <p>(k) active remote sensing and seismic techniques in water, including seismic surveys in the marine environment;</p> <p>(l) an activity that is likely to have a significant impact on flora or fauna.</p>

Term	Definition
waste	<p>(a) a solid, a liquid or a gas; or</p> <p>(b) a mixture of such substances,</p> <p>that is or are left over, surplus or an unwanted by-product from any activity (whether or not the substance is of value) and includes a prescribed substance or class of substances under the <i>Waste Management and Pollution Control Act 1998</i>.</p>
waterway	<p>means any of the following:</p> <p>(a) a river, creek, stream or watercourse;</p> <p>(b) a natural channel in which water flows, whether or not the flow is continuous;</p> <p>(c) a channel formed wholly or partly by the alteration or relocation of a waterway described in paragraph (a) or (b);</p> <p>(d) a lake, lagoon, swamp or marsh, whether formed by geomorphic processes or modified by works:</p> <p style="padding-left: 20px;">(i) in which water collects, whether or not the collection is continuous; and</p> <p style="padding-left: 20px;">(ii) into, through or out of which a current (which forms the flow or part of the flow of a river, creek, stream or watercourse) passes, whether or not that passage is continuous;</p> <p>(e) land on which, as a result of works constructed on a waterway described in paragraph (a), (b) or (c), water collects, whether or not the collection is continuous;</p> <p>(f) land which is intermittently covered by water from a waterway described in paragraph (a), (b), (c), (d) or (e), but does not include any artificial channel or work which diverts water away from such a waterway;</p> <p>(g) if any land described in paragraph (f) forms part of a slope rising from the waterway to a definite lip, the land up to that lip;</p> <p>(ga) shallow groundwater immediately underlying the bed or banks of a waterway;</p> <p>(h) land declared under section 5(1) to be a waterway.</p> <p><i>Note: There is a guideline entitled 'Interference with a waterway guideline' published by the department.</i></p>