



# Fraser wild river declaration 2007 explanatory notes

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## Introduction

These explanatory notes provide a ‘plain English’ description of the *Fraser Wild River Declaration 2007*. They aim to assist a reader’s interpretation of the declaration. These notes do not replace or override the declaration, which is a statutory instrument under the *Wild Rivers Act 2005* (the Wild Rivers Act).

For ease of use, the numbering of these notes corresponds to that used in the declaration.

Note: The declaration does not cover all development and resource issues that are regulated under the wild rivers framework. Some issues are dealt with directly by an Act, without reference to the declaration, for example, fish stocking. Appendix 1 of these notes describes these additional requirements in detail.

Also the declaration does not mention matters that are prohibited by an Act, for example, that aquaculture cannot occur within the high preservation area. The declaration is focused on activities that can occur and outlines any wild river constraints on those activities. These notes explain prohibitions as well as wild river constraints.

The purpose of the declaration is to manage future development activity and resource use in the wild river area in order to preserve the wild river’s natural values. Broadly, these natural values are:

- hydrological processes (unimpeded runoff, stream flow, floodplain flow, aquifer recharge and spring discharge);
- geomorphic processes (unimpaired movement of sediments along the river system resulting in stable bed and banks and sediment delivery to estuaries, floodplains and downstream reaches);
- water quality (of sufficient physical, chemical and biological quality to meet human and ecological needs);
- riparian function (intact riparian trees, shrubs and sedges to protect stream banks and to provide food and habitat for native animals); and
- wildlife corridor function (sufficient areas of natural habitat within and along the river system to allow native fauna to migrate within their natural ranges).

## Part 1 – Preliminary

### *1 Short title*

This section states the name of the declaration.

### *2 Commencement*

The declaration commenced 28 February 2007.

### *3 Definitions*

The dictionary in schedule 6 of the declaration defines particular words used in the wild river declaration.

## Part 2 – Areas to which the declaration applies

### 4 *Wild river features*

The main features of the Fraser Wild River Area (the ‘wild river area’) are the wild rivers themselves and certain special features. These are shown on the map in schedule 1 of the declaration.

#### *Wild rivers*

The wild rivers are — Wanggoolba Creek, Bogimbah Creek, Woonggang Creek, Tumbowah (Yankee Jack) Creek, Eli Creek, Yidney Creek, Coongul Creek, Yeerall Creek, Gerrowea Creek, Bowarrady Creek, Boon Boon Creek, Dundonga Creek, Bennett Creek and Ungowa Creek. These rivers provide the important hydrologic, geomorphic and ecologic linkages between the island and the sea.

#### *Special features*

Special features are off-stream areas that have strong hydrologic connections to the river system and play a significant role in maintaining the natural values. The special features of the wild river area are — the Fraser Island Lake System, Coastal Wetlands Complex and the peat swamps of Moon Point, Coongul, Towoi, and Wathumba.

The lake system encompasses a number of freshwater lakes such as Yankee Jack Lake in the south to Manoolcoong Lake in the north. A map of each of the lakes included in the system is given in schedule 1. The wetted areas around these lakes support a diversity of riparian vegetation. They are also key watering points for wildlife moving across the island. The coastal wetland complex and peat swamps are distributed along the west coast. These wetlands and swamps are important for filtering pollutants and stabilising the bed and banks of the wild rivers draining into the coastal zone. They also provide important breeding and feeding grounds and corridors for fish and other native fauna moving between the estuaries and the freshwater reaches of wild rivers.

### 5 *Areas*

The wild river area is made up of the Fraser Island basin. The coastal boundary of the Island is included in the wild river area.

Different areas are identified in the wild river area for management purposes. These management areas are:

- high preservation area;
- preservation area;
- subartesian management area; and
- designated urban area

There is no floodplain management area or nominated waterways for the wild river area.

The map in schedule 2 of the declaration shows the wild river area and its management areas. The exact location of the boundary of the areas and nominated waterways is held in digital electronic form by the department and may be inspected at the department’s offices, or downloaded from the Information Queensland website <[www.information.qld.gov.au](http://www.information.qld.gov.au)>.

#### *High preservation area*

The high preservation area (HPA) is generally based on a one kilometre wide buffer each side of, and including, the wild rivers and their major tributaries. The HPA also covers the areas of the special features. As future developments in the HPA would have the most

immediate and significant impact on natural values, the most stringent wild river constraints apply to new development activities in this area

#### *Preservation area*

The preservation area (PA) makes up the remainder of the wild river area outside of the HPA. As future developments in the PA would have indirect impacts on natural values, some development constraints apply in the PA.

#### *Subartesian management area*

The subartesian management area covers the whole island. The area is designated to preserve subartesian aquifers that provide significant base flow discharge into the river systems. These low flows can be particularly important in maintaining wildlife movement and water quality during dry periods. The taking of subartesian groundwater in the area is restricted in order to maintain the important base flow discharge in watercourses, lakes and springs.

The subartesian management area covers the same area as the Fraser subartesian area declared under the *Water Regulation 2002*. The wild river declaration does not alter any requirements under the *Water Regulation 2002* for a water licence or development permit. However, the declaration does change the process to be used to obtain a licence to take subartesian water (see section 9).

#### *Designated urban areas*

The designated urban areas of Kingfisher Bay, Eurong, Orchid Beach and Happy Valley are shown in schedule 2 of the declaration. Limited wild river requirements apply to new developments in these areas.

## **Part 3 – Taking of natural resources**

### **6**     *Taking of natural resources*

Sections 7-10 of the declaration outline requirements that will apply to people wanting to take water and quarry material in the wild river area. These constraints do not apply to licences, allocations, notices and permits (to take these types of resources) that existed at the time of declaration.

These wild river requirements will complement any constraints applied under the *Nature Conservation Act 1992* for taking resources in the Great Sandy National Park. Also any management plan for these protected areas must be consistent with the declaration or provide a greater level of protection than the declaration.

### **Division 1**   *Taking of water*

#### **7**     *Water to which this division applies*

The requirements of Division 1 of the declaration apply to surface water in non-tidal watercourses, lakes and springs as well as freshwater in non-artesian aquifers below the surface of the island. The requirements do not apply to overland flow water (water that runs across the land outside of streams) in the wild river area.

## **8 Total volume of water to be allocated**

The total volume of water that can be held under water entitlements in the wild river area at any time is 720 megalitres<sup>1</sup> per year (ML/year). Water entitlements are expressed as the maximum amount of water that can be taken in any year during the life of the entitlement. This total volume is called the ‘total water cap’ for the wild river area.

The total water cap does not apply to the take of water for stock or domestic purposes. Hence any volumes allocated or taken for these purposes are not ‘counted’ as part of this cap. While not capped, taking water for these purposes is subject to the *Water Act 2000*. For example, the taking of subartesian water for stock purposes requires a water licence.

Of the total water cap, no more than 220 ML/year can be allocated at any time for purposes other than eco-tourism and town water supply. This is called the ‘general purpose cap’ and ensures at least 500 ML/year is set aside for eco-tourism and town water supply needs, which are expected to be the major water demands in the wild river area. There is no limit to the purposes for which the ‘general purpose’ water may be used, eg irrigation, industrial, etc.

Unallocated water is the term used to describe the amount of water within the relevant caps that has not been allocated at that time. The amount will decrease as more entitlements are taken up and increase when any entitlement is surrendered, cancelled or expired. For example, some 357 ML/year had been allocated at the time of declaration. Section 9 provides a process for allocating unallocated water in the wild river area.

## **9 Granting, reserving and dealing with unallocated water**

A water licence for 50ML/yr will be granted under the *Water Act 2000* to the Environmental Protection Agency for the purpose of eco-tourism in the Great Sandy National Park. This volume forms part of the total water cap.

The process for releasing all other unallocated water in the wild river area is given in Schedule 4.

## **Division 2 Taking of other natural resources**

### **10 Quarry material allocations**

Quarry material extraction can have a direct impact on the geomorphic, water quality and wildlife corridor natural values and an indirect impact on the riparian and hydrology natural values. In the non-tidal reaches of watercourses throughout the wild river area the allocation of new riverine quarry material is prohibited under the *Water Act* unless for specified works (e.g. for a road or railway) or residential complexes (e.g. outstations, homesteads, resorts).

A new allocation for these purposes will not be granted if suitable non-riverine sources are available within a 3km haulage distance of where the material is to be used. Hence there is a preference to access non-riverine sources in order to minimise the need to disturb riverine environments.

In estuary and tidal reaches of watercourses in the wild river area, no new quarry material allocations will be granted under the *Coastal Protection and Management Act 1995*<sup>2</sup>. These areas are particularly sensitive to quarry material operations.

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<sup>1</sup> Megalitre is one million litres, which is about the volume of a standard olympic swimming pool.

<sup>2</sup> See section 73(3) of the *Coastal Protection and Management Act 1995*.

The renewal of a quarry material allocation, existing at the time of declaration, will not be affected by the wild river requirements.

Note that an allocation notice does not authorise the holder to physically remove quarry material. A development permit must also be held. See sections 11, 16 and 24.

## Part 4 – Regulating activities

### 11 *Carrying out of activities*

Sections 12-25 of the declaration outline the wild river requirements that will apply to certain types of new development activity in the wild river area. These will not apply:

- to any development activity (undertaken or planned) that was authorised at the time of declaration by a valid permit or licence;
- to any agriculture or animal husbandry development that existed at the time of declaration and did not require a permit or licence when established; and
- to activities that do not require a development permit, licence or authorisation, for example, mustering, camping, etc.

Depending on the type of development activity and the proposed location for the activity, the activity may:

- have no wild river requirements at all;
- need to comply with wild river requirements, as outlined in the declaration; or
- not be permitted at all, as outlined in an Act or the declaration.

Those types of development that pose minimal threat to the natural values will generally have no wild river requirements.

Most new development<sup>3</sup> activities that will be subject to wild river requirements in the declaration are new activities and are assessable under the *Integrated Planning Act 1997* (IPA). Under the IPA, these development activities fall into one of two categories depending on the type of development; self-assessable or code-assessable. Activities that are not assessable through the IPA, (such as in-stream activities requiring a riverine protection permit under the Water Act), are regulated through other applicable Acts. All development is required to meet wild river requirements before the development can be approved.

Those types of new development activities that would have a significantly adverse impact on the wild river natural values are prohibited in the HPA. The mechanism for prohibiting such activities is to deem the application as not being properly made and the assessment manager must refuse to receive it.

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<sup>3</sup> Development is broadly defined under the *Integrated Planning Act 1997* as one or more of the following activities:

- carrying out building work – e.g. building a house or demolishing an office block;
- carrying out plumbing or drainage work – e.g. installing domestic plumbing and house drainage;
- carrying out operational work – including clearing vegetation, fill excavating, or otherwise undertaking work in, on, over, or under premises (e.g. engineering works required for the construction of a new road or a water reticulation system);
- reconfiguring a lot – e.g. subdivision of lot boundaries or creating an access easement; or
- making a material change of use – including starting a new use, increasing the intensity of use, and re-establishing a new use (e.g. changing use of land from agricultural purposes to a commercial development).

Most activities in the PA are not prohibited, with some being subject to wild river requirements. Development activities listed as code or self-assessable development in the declaration must comply with the requirements of the Code or any other specified codes before the development can proceed. The requirement to comply with the Code does not negate the need to comply with other codes for specific development activities. The assessment manager is legally bound to consider the applicable codes mentioned in the declaration when assessing a new development activity.

The triggers for assessment of development from a wild rivers perspective are specified in the declaration. The specific requirement for each relevant activity is explained in the following sections.

Approvals to carry out activities in the wild river area are still subject to existing legislative requirements. It is the responsibility of the person carrying out an activity to ensure they comply with all existing local, state, and federal legislative processes. For example, an industrial development that is subject to wild river requirements may also need to consider the requirements of the *Aboriginal Cultural Heritage Act 2003* and obtain necessary approvals under the *Environmental Protection Act 1994*.

At the time of declaration, the wild river area contains part of Great Sandy National Park and other protected areas. The carrying out of activities in these protected areas is also subject to the requirements of the *Nature Conservation Act 1992*. The management plan for the national park may be inconsistent with the declaration only to the extent that the management plan provides for a greater level of protection for the area than is provided for in the declaration.

## ***Division 1 Carrying out water works***

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

Water extraction is directly linked to the hydrology natural value and indirectly to the water quality and geomorphic natural values.

Operational work to take water from a non-tidal watercourse, lake, or spring, for purposes other than for riparian water access for stock or domestic use, is assessable development and requires a development permit. There are no wild river requirements for such works.

Approval can not be granted under the Water Act to build a dam or weir in a non-tidal watercourse or lake within the HPA for any purpose.

Approval can not be granted under the Water Act for operational work to divert (or re-align) the flow in a non-tidal watercourse or lake in the HPA or in a nominated waterway. Such works include moving the channel, redirecting water through the new channel, excavating the banks to cause the redirection of water, and canal developments.

In addition to the requirements under the Water Act, a watercourse cannot be diverted for road works, railways and busway transport infrastructure under the *Transport Infrastructure Act 1994*<sup>4</sup>.

Note that operational work to take water from a non-tidal watercourse, lake or spring for riparian water access for domestic purposes is self-assessable development and there are no

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<sup>4</sup> See sections 39, 167 and 306 of the *Transport Infrastructure Act 1994*.

wild river requirements. No development permit is required, but the work must comply with the *Self-assessable Code for the Development of Riparian Water Access Works on a Watercourse, Lake or Spring*.

## ***Division 2 In-stream works and activities***

### ***13 Destroy vegetation, excavate or place fill in a watercourse, lake or spring***

Disturbing riverine environments can have a direct impact on the geomorphic, water quality, riparian and wildlife corridor natural values and an indirect impact on the hydrology natural value.

Under the Water Act, a riverine protection permit is needed to destroy vegetation, excavate or place fill in a watercourse, lake or spring. In the wild river area, an application for a riverine protection permit in the HPA or nominated waterway can only be made if it relates to:

- specified works;
- the control of non-native plants or declared pests;
- an unavoidable part of installing or maintaining authorised works; or
- infrastructure that is needed to support other developments for which a development permit is not required, is held, or has been applied for before the declaration commenced.

Any riverine protection permit granted for the above purposes will be subject to Part 9 of the Code. There are no wild river requirements for riverine protection permits on watercourses outside of nominated waterways or the HPA.

### ***14 Waterway barriers***

Waterway barriers can have a direct impact on the wildlife corridor and geomorphic natural values and an indirect impact on the water quality, riparian and hydrology natural values.

New operational work for constructing or raising a waterway barrier (such as a weir) in the wild river area is assessable development. Such work is prohibited<sup>5</sup> in the HPA under the *Fisheries Act 1994* (the Fisheries Act) and code-assessable in the PA. An application for a development permit must comply with Part 8 of the Code before approval can be given.

### ***15 Works in declared fish habitat areas***

Works that disturb fish habitat areas can have a direct impact on the riparian wildlife corridor and geomorphic natural values and an indirect impact on the water quality and hydrology values.

There are wild river constraints on operational work in declared fish habitat areas unless the works are self-assessable.

Self-assessable works are those for:

- the purpose of maintaining existing structures;
- educational purposes; or
- research purposes.

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<sup>5</sup> See section 76DA of the *Fisheries Act 1994*.

In the HPA, such work for other purposes is prohibited<sup>6</sup> unless it is for specified works (which will require a development permit). An application for a development permit must comply with Part 4 of the Code before approval can be given.

In the PA, such work is code-assessable (requiring a development permit). An application for a permit must comply with the requirements under Part 4 of the Code before development approval can be given.

### **16 Riverine quarry material extraction**

Quarry material extraction can have a direct impact on the geomorphic, water quality and wildlife corridor natural values and an indirect impact on the riparian and hydrology natural values.

This section applies to new development to extract riverine quarry material in the wild river area if it is not an environmentally relevant activity (which is covered in section 24).

Such development can only occur if an allocation notice under the Water Act is held (see section 10). All aspects of the extraction operation are assessable development. An application must comply with Part 10 of the Code before a development permit can be granted.

A development permit existing at the time of declaration is not affected. However, operators wishing to move an existing operation to a new site within the watercourse will be required to comply with the Code for the new site.

In addition to the above requirements, quarry material cannot be extracted under the *Transport Infrastructure Act 1994*<sup>7</sup>.

## **Division 3 Activities in tidal areas**

### **17 Remove, damage or destroy marine plants**

The loss of marine plants can have a direct impact on the geomorphic, riparian and wildlife corridor natural values and an indirect impact on the hydrology and water quality natural values.

New operational works that remove, destroy or damage marine plants (defined under the Fisheries Act) are prohibited<sup>8</sup> in the wild river area unless the activity is either:

- code-assessable development; or
- self-assessable development.

Such activity is code assessable development if it is:

- for specified works; or
- necessary to install authorised works or infrastructure where a development permit is not required (or if a permit is required is held or had been applied for at the time of declaration).

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<sup>6</sup> See section 76DC of the *Fisheries Act 1994*

<sup>7</sup> See sections 35, 39, 167 and 306 of the *Transport Infrastructure Act 1994*.

<sup>8</sup> See section 76DB of the *Fisheries Act 1994*.

An application for a permit must comply with the requirements under Part 4 of the Code before development approval can be given.

Such activity is self-assessable development if it is:

- associated with the maintenance of existing structures;
- for educational purposes;
- for research purposes; or
- required for monitoring the impact of development on marine plants.

There are no wild river requirements for self-assessable operational works.

### **18 Works in a coastal management district**

Works in tidal areas can have a direct impact on the geomorphic, hydrology, riparian and wildlife corridor natural values and an indirect impact on the water quality natural value.

Part of the Wide Bay Coastal Management District<sup>9</sup> is within the wild river area. Tidal work for specified works is assessable development under the *Coastal Protection and Management Act 1995*. An application for a development permit must comply with Part 4 of the Code before approval can be given.

Tidal operational works for any other purpose is prohibited<sup>10</sup> in the wild river area.

## **Division 4 Other activities**

### **19 Commercial fishing**

The natural values of the wild river area must be considered when a new commercial fishing authority is granted under the Fisheries Act for all or part of the wild river area. This requirement does not apply to the renewal, trading or leasing of commercial licences existing at the time of declaration, or to the collection of brood stock for hatcheries.

### **20 Aquaculture**

Establishing an aquaculture facility can have a direct impact on the water quality natural value and an indirect impact on the wildlife corridor and riparian natural values.

A material change of use to establish an aquaculture facility under the Fisheries Act in the wild river area is assessable development. Those facilities assessed as ERAs are dealt with under section 24. A new aquaculture development is prohibited<sup>11</sup> in the HPA and assessable in the PA. An application for a development permit must comply with Part 2 of the Code before approval can be given. Setback distances for the code are listed in schedule 3 of the declaration.

### **21 Agricultural activities**

Establishing an agricultural area can have a direct impact on the geomorphic and water quality natural values and an indirect impact on the wildlife corridor and riparian natural values.

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<sup>9</sup> Coastal management districts are declared under the *Coastal Management and Protection Act 1995*.

<sup>10</sup> See section 104A of the *Coastal Protection and Management Act 1995*.

<sup>11</sup> See section 76DA of the *Fisheries Act 1994*.

Agricultural activities relate to the establishment of new plant production areas, other than forestry, for commercial purposes, including the expansion of existing areas. This includes developments such as cropped areas, market gardens and orchards.

The following are not agricultural activities for the purpose of wild rivers:

- producing agricultural products for the domestic needs of the occupants of the land;
- baling and/or cutting pasture;
- broadcasting seed to establish improved pasture and pasture improvement using low impact techniques (e.g. direct drilling and crocodile seeders); or
- fodder production in the PA where a development permit is not required.

A new agricultural activity is prohibited in the HPA<sup>12</sup> and assessable in the PA. To establish new agricultural activities in the PA it is necessary to first apply to make a material change of use of the land. An application for a development permit must comply Part 1 of the Code before approval can be given. Setback distances and land slopes for the Code are listed in schedule 3 of the declaration.

Fodder production in the PA is not subject to wild river requirements in the PA if it includes pasture and grain species that are cultivated, harvested, lightly processed and used solely for animal feed.

Where crop rotation practices are used, all areas included in the rotation scheme would be considered as part of that agricultural development.

## **22 Animal husbandry activities**

Establishing an animal husbandry facility can have a direct impact on the geomorphic and water quality natural values and an indirect impact on the wildlife corridor and riparian values.

Animal husbandry activities are the establishment of animal production facilities for commercial purposes (other than aquaculture and ERAs), such as crocodile farms, lamb feedlots and emu farms. It does not include the establishment of open paddocks for the grazing of livestock.

Establishing pens and yards for domestic and working animals, temporarily holding stock and supplementing the nutritional needs of livestock is not animal husbandry for wild river purposes.

To establish a new animal husbandry facility in the wild river area, it is necessary to first apply to make a material change of use of the land. New animal husbandry development is prohibited in the HPA<sup>13</sup> and assessable in the PA. An application for a development permit must comply with Part 1 of the Code before approval can be given. Setback distances and land slopes for the Code are listed in schedule 3 of the declaration.

The declaration does not specify any wild river requirements for operational works related to animal husbandry development, e.g. earthworks.

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<sup>12</sup> See section 42 of the *Wild Rivers Act 2005*.

<sup>13</sup> See section 42 of the *Wild Rivers Act 2005*.

### **23 Native vegetation clearing**

This section applies to native vegetation clearing in the HPA. There are no wild river requirements for native vegetation clearing in the PA.

The loss of native vegetation in the high preservation area can have a direct impact on the geomorphic, riparian and wildlife corridor natural values and an indirect impact on the hydrology and water quality natural values.

Native vegetation under the *Vegetation Management Act 1999* (the Vegetation Management Act) does not include marine plants (see section 17). Clearing includes removing (pushing, pulling, cutting, etc) and destroying (ring-barking, burning, etc) vegetation.

Operational work for clearing native vegetation in the HPA is assessable and requires a development permit. The HPA is taken to be an area of high nature conservation value and clearing is only permitted under section 22A (2A) of the Vegetation Management Act for the following relevant purposes:

- to control non-native plants or declared pests (e.g. clearing for control of lantana);
- to ensure public safety (e.g. removal of trees that are likely to fall into public spaces such as parks and roads, endangering human life);
- to establish a necessary fence, firebreak, road or other built infrastructure;
- as a natural and ordinary consequence of other approved development or proposed development for which an application was made before 16 May 2003;
- for clearing encroachment (e.g. for clearing an invading woody species from a natural grassland); or
- for clearing re-growth in an area of registered agriculture.

An application must comply with Part 12 of the Code before approval can be given. Setback distances and land slopes for the Code are listed in schedule 3 of the declaration

There are no wild river requirements in relation to mechanisms for the control of declared weeds and pests in the wild river area, provided native vegetation is not cleared. Under the *Land Protection (Pest and Stock Route Management) Act 2002* a pest control notice may also be issued for a Class 3 pest; notices may be issued for Class 1 or 2 pests under existing processes.

### **24 Environmentally relevant activities**

This section does not apply to ERAs that are mining or petroleum activities.

An ERA can have a direct impact on the water quality, geomorphic, riparian and wildlife corridor natural values and an indirect impact on the hydrology natural value.

Making a material change of use of premises for new ERAs in the wild river area is assessable development.

New ERAs are prohibited in the HPA<sup>14</sup> except:

- ERA 15 (sewage treatment) and 16 (municipal water treatment plant);
- ERA 19 (dredging);

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<sup>14</sup> See section 73AA of the *Environmental Protection Act 1994*.

- ERA 20 (extracting rock and other material) in a watercourse or lake if an allocation notice is held under the *Coastal Protection and Management Act 1995 or the Water Act*;
- ERA 20 (extraction) if small-scale, off-stream and for specified works; and
- ERA 22 (screening) if undertaken off-stream.

ERAs that are not prohibited in the HPA are assessable development.

In the PA, new ERAs are assessable development except ERA 20 which is prohibited in-stream unless an allocation notice is held.

For ERAs that are assessable in the HPA and the PA, applicants must obtain a development permit. An application for a development permit must comply with Part 3 of the Code before approval can be given. However if the development is an ERA 19, 20 or 22 for the purposes of riverine quarry material extraction, Part 10 of the Code applies. Setback distances and land slopes for the Code are listed in schedule 3 of the declaration.

In the designated urban areas of Kingfisher Bay, Eurong, Orchid Beach and Happy Valley, ERA 28 (motor vehicle workshop), 14 (crematorium) and all Level 2 ERAs other than ERA 1 (aquaculture), 2 (cattle feedlotting), 3 (pig farming), 4 (poultry farming), 20 (extraction), 22 (screening) and 59 (asphalt manufacturing), are exempt from wild river requirements.

## **25 Residential, commercial or industrial development**

Residential, commercial and industrial developments can have a direct impact on the water quality, geomorphic and hydrology natural values and an indirect impact on the riparian and wildlife corridor natural values.

This section does not apply to the designated urban areas of Kingfisher Bay, Eurong, Orchid Beach and Happy Valley.

There are no wild river requirements for reconfiguring a lot in the wild river area. Reconfiguring a lot includes the subdivision or amalgamation of lots, or the realignment of boundaries or creation of an easement. However, wild river requirements apply to development applications relating to operational work associated with the reconfiguring a lot in the wild river area. Such work refers to the physical activities required to reconfigure the lot, for example construction of an access track or road.

There are no wild river requirements for a material change of use of land, unless the change of use is assessable development under the relevant local government planning scheme. Material change of use of land could apply to new residential, commercial or industrial development.

There are no wild river requirements for operational work in relation to new residential, commercial or industrial development, unless the operational works is made assessable development under the relevant local government planning scheme.

Where work is assessable, an application for a development permit must comply with Part 5 of the Code before approval can be given. Setback distances and land slopes for the Code are listed in schedule 3 of the declaration.

There are no wild river requirements for building, plumbing, or drainage works in the wild river area.

## **Schedule 1 – Wild river features**

This schedule shows the wild rivers and special features of the wild river area in map form.

## **Schedule 2 – Areas**

This schedule shows the management areas, including the HPA, PA, SMA and designated urban area in map form. The exact location of management area boundaries is available from the department as global positioning system (GPS) coordinates.

## **Schedule 3 – Setbacks and slopes**

This schedule details the setback distances and land slope requirements outlined in the Code that relate to the wild river area.

Required outcomes are listed in the Code as requirements that must be met for a particular type of development activity. They are broadly linked to the preservation of one or more of the wild river natural values. The Code also lists preferred ways of achieving each required outcome. These are referred to as probable solutions.

The vegetation clearing component of the Code, has performance requirements rather than required outcomes, and acceptable solutions rather than probable solutions. This difference reflects the different terminology used by the Regional Vegetation Management Codes, made under the *Vegetation Management Act 1999*. Despite the difference in terminology, the different Parts of the Code operate in the same way.

## **Schedule 4 – Releasing unallocated water**

### ***1 General provisions***

This schedule sets out the process for releasing unallocated water in the wild river area. It is the process that will be used by the Department of Natural Resources and Water (the department) to assess any application for a new water entitlement. The process does not apply to applications for water for stock or domestic purposes.

As the total amount of water that can be allocated in the wild river area is capped, the demand for water entitlements may eventually exceed the total water cap or the general purpose cap. Hence the process for releasing new water entitlements needs to be fair and transparent. Market-based methods (tenders and fixed price) have been adopted to allow applicants to compete equally for the resource. This is consistent with the national water reforms adopted in 1994. The method used will depend on the demand for entitlements at various times.

There is no limit on the amount of water that a person can bid or apply for. Artificially limiting requests can skew the open market process and create opportunities for dishonest practices. Any bid that will cause the total water cap or the general purpose cap to be exceeded will be reduced accordingly.

## **2      *Initiation of the process for making the water available***

Unallocated water will not become available in the wild river area until an initial expression of interest is received. Once an indication of demand is received the department must use the tender process detailed in Division 1 for the first sale of water. After that sale, the department can use either the tender process or the fixed price process for subsequent sales, depending on the demand for new entitlements from time to time.

### ***Division 1   Tender process***

#### **3      *Interested parties to apply for unallocated water***

When the department receives an expression of interest for unallocated water, it will publish a notice inviting other interested parties to also apply. This will ensure all parties have the same opportunity to bid for the water. The notice will be published in the local newspaper and publicly displayed at local government offices. It will contain information on the water available for sale, the application process, closing date and how tenders will be evaluated.

#### **4      *Process to issue unallocated water***

The department will determine a reserve price per megalitre for the tender. This figure will not be available to applicants and may be changed at any time. Bids that are below this price will not be accepted. Also bids that do not provide the information outlined in Section 8 will not be accepted. If the bids in total will cause either of the caps to be exceeded, the department can reduce the bids accordingly, having regard to the likely highest value use of the water and the purpose of the Wild Rivers Act.

#### **5      *Tenders for unallocated water***

The process for submitting a tender is dealt with in Division 3 and the process used by the department for issuing a water licence and finalising conditions is detailed in Division 4.

### ***Division 2   Fixed price process***

#### **6      *Process to issue unallocated water***

The department will determine a fixed price per megalitre and make this figure publicly available. The results of any previous tender process may be used by the department to determine the fixed price. Applications, supported by the information required in Section 8, will be considered in the order in which they are received by the department. An application that will cause either of the caps to be exceeded will be reduced by the department accordingly. The department cannot allocate water that will exceed either cap. The applicant will be required to pay the fixed price if their application is successful. If the department receives a number of fixed-price applications and believes this represents sufficient demand to justify a tender process, the department can replace the fixed-price process with a tender process.

#### **7      *Fixed price for unallocated water***

The process for applying for unallocated water at a fixed price is detailed in Division 3 and the process used by the department for issuing a water licence and finalising conditions is detailed in Division 4.

### ***Division 3 Process for applying for unallocated water***

#### ***8 Tenders or fixed price application for unallocated water***

A tender bid or fixed-price application must be made using the form on the department's website, be accompanied by the non-refundable processing fee and contain the following information:

- an outline of the proposal to take the water (eg overview of planned water use);
- the source and location of water (eg stream name and location of the take);
- the proposed maximum annual take, method and rate of take (eg 10 ML/yr by pump at 20 litres/second);
- the purpose for which the water is to be used (eg irrigation);
- evidence of how the water is to be used efficiently (eg drip feed irrigation); and
- whether other sources of water are suitable alternatives (eg recycling, rainwater tanks, etc).

A tender bid must also include the tender price in dollars per megalitre.

The department may request additional information. If the information is not supplied within 30 business days of the request, the tender bid or fixed price application will lapse.

#### ***9 Process to issue unallocated water***

In assessing a tender bid or fixed-price application, the department must consider the impact that taking the water will have on the following wild river natural values:

- water quality – water that is of sufficient quality to meet human, animal and plant needs
- hydrological processes – this includes the natural variability of flows (such as the duration, frequency, magnitude and timing of flows that are critical for preserving wildlife movement, riparian vegetation and water quality) and connections to floodplains during wet-season flood events
- geomorphic processes – including the natural transport of sediment along watercourses and across floodplains to maintain stream integrity such as bank stability
- wildlife corridors – to allow fish and other aquatic animals to move along streams and between floodplain, marine, wetland and riverine environments
- riparian functioning – including inundation of riparian vegetation during wet season events.

### ***Division 4 Finalisation of conditions and issuing of a water licence***

#### ***10 Process for setting conditions on water licences***

When a tender bid or fixed-price application has been successful, the department will then determine any conditions for the proposed water licence. The department may use the information provided with the bid/application and any information subsequently requested to determine these conditions.

If the proposed conditions are not accepted by the bidder/applicant within a specified time frame, the tender or fixed price application will lapse.

#### ***11 Public notification of successful bidders***

Once the processes detailed in Divisions 1, 2, and 3 have been finalised, the department will publicly advertise a notice about the proposed water licence:

- on the department's website;
- in a newspaper distributed throughout the wild river area; and
- at relevant local government offices.

The details of the proposed licence, including draft conditions, and the process for lodging a written submission, will be included in the notice.

**12 *Review of submissions and settling of applications and tenders***

The department must consider all valid submissions and any other matters considered appropriate when deciding to:

- grant the water licence;
- amend the draft conditions on the proposed licence; or
- decide not to issue the water licence.

The department will advise the applicant of any amended conditions. If the applicant does not accept the amended conditions within a specified time frame, the tender or fixed-price application will lapse and no water licence will be issued.

**13 *Finalisation of sale and issuing of a water licence***

If the department grants the water licence, the applicant must pay for the water within 10 working days of being notified. The department must issue the licence once payment is received in full.

## **Schedule 5 – Granted water licence**

A water licence to take up to 50 megalitres/year of water for ecotourism purposes within the Great Sandy National Park will be granted to the Environmental Protection Agency, under section 212 of the Water Act, in accordance with section 9 of the declaration.

## **Schedule 6 – Dictionary**

This schedule presents a glossary of terms used in the declaration.

## Appendix 1 – Other wild river requirements

This appendix outlines certain activities which are constrained by wild river requirements but not mentioned in the declaration. The declaration only addresses those activities that are subject to specific limits or Code requirements. Those dealt with in this appendix are either directly prohibited or subject to a requirement under an Act, irrespective of the declaration. The purpose of this appendix is to make readers aware of these other wild river requirements.

### *Fish stocking*

Under the Fisheries Act, a person is not permitted to release non-indigenous fish (i.e. those species not occurring naturally in Fraser Island streams) into waterways and lakes in the wild river area. This includes the use of live bait for recreational fishing. For example, if a recreational fisherman wants to fish using freshwater prawns as bait, those prawns would have to occur naturally in the wild river area, whether personally caught in the area or bought commercially.

The declaration does not affect recreational fishing or existing laws relating to recreational fishing catch limits or equipment, except the type of live bait used. Also, there are no wild river requirements for fishing from the banks of a watercourse, from a boat within the river or camping along rivers, including the storage of fuels and refuelling boats.

### *Operational work for taking subartesian water*

In the wild river area, works for taking subartesian water (i.e. bores) for all purposes except domestic purposes are assessable development (as stated in the *Water Regulation 2002*, Schedule 11). There are no wild river requirements for such works (i.e. current *Water Act 2000* provisions apply).

### *Projects of state significance*

Development applications for projects of state significance under the *State Development and Public Works Organisation Act 1971* must be assessed against the applicable codes identified in the declaration.

### *Activities not permitted in national parks*

The following activities have wild river requirements but are not permitted in national parks and so have not been listed in the declaration:

- mining and petroleum activities
- forestry
- fossicking