



Wild rivers

Field guide for graziers

October 2007

Purpose of this guide

This guide explains the implications of wild rivers for graziers. It should be read in conjunction with the relevant declaration and the *Wild Rivers Code*.

The Department of Natural Resources and Water (the department) encourages suggestions from graziers about how this guide can be improved.

Please contact a Wild Rivers Officer (phone 4039 8281, 4039 8332 or email wild.rivers@nrw.qld.gov.au) if you:

- want more information about wild rivers;
- are intending to undertake a development activity that is not covered by this guide;
- want a copy of the wild river declaration and the code, which set out the legal requirements; or
- want help to interpret these requirements for your situation.

What is a wild river?

A wild river is a river system that has all, or almost all, of its natural values intact. That is, the river system is virtually untouched and in almost pristine condition. Wild rivers are important because they:

- help sustain healthy ecosystems for our native plants and animals
- support sustainable economic activities, such as grazing, fishing and eco-tourism
- provide unique opportunities for recreation and tourism.

Wild river areas

Wild river areas usually include the river drainage basin. They have clear boundaries and are divided into a number of management areas (see Figure 1) including:

- *High preservation area*: the area within and up to one kilometre each side of the wild river, its major tributaries and special off-stream features, such as floodplain wetlands.
- *Preservation area*: the wild river area outside a high preservation area.
- *Floodplain management area*: the floodplain areas that have a strong hydrologic connection to the river system. A floodplain management area may overlap a high preservation area or a preservation area.
- *Subartesian management area*: the aquifer areas that have a strong hydrologic connection to the river system. A subartesian management area may overlap a high preservation area and/or a preservation area.

- **Designated urban areas:** a wild river declaration may include a designated urban area to encompass any town or village in the wild river area. Certain types of development activity are exempt from wild river requirements in these areas.

A wild river area can also contain *nominated waterways*. These are secondary tributaries or streams in preservation areas that have been designated for wild river purposes. The streams are mapped in a wild river declaration.

The affect, if any, of a wild river declaration on a development depends on whether the development would be in a high preservation area, floodplain management area, or in (or near) a nominated waterway. A wild rivers officer can provide you with detailed maps or global positioning system (GPS) coordinates for wild river area boundaries and nominated waterways so that you can determine how a proposed development would be affected, if it would be affected at all. Alternatively, you can ask an officer to check the location of your planned activity if you give them the GPS coordinates of

the proposed work site.

What is a wild river declaration?

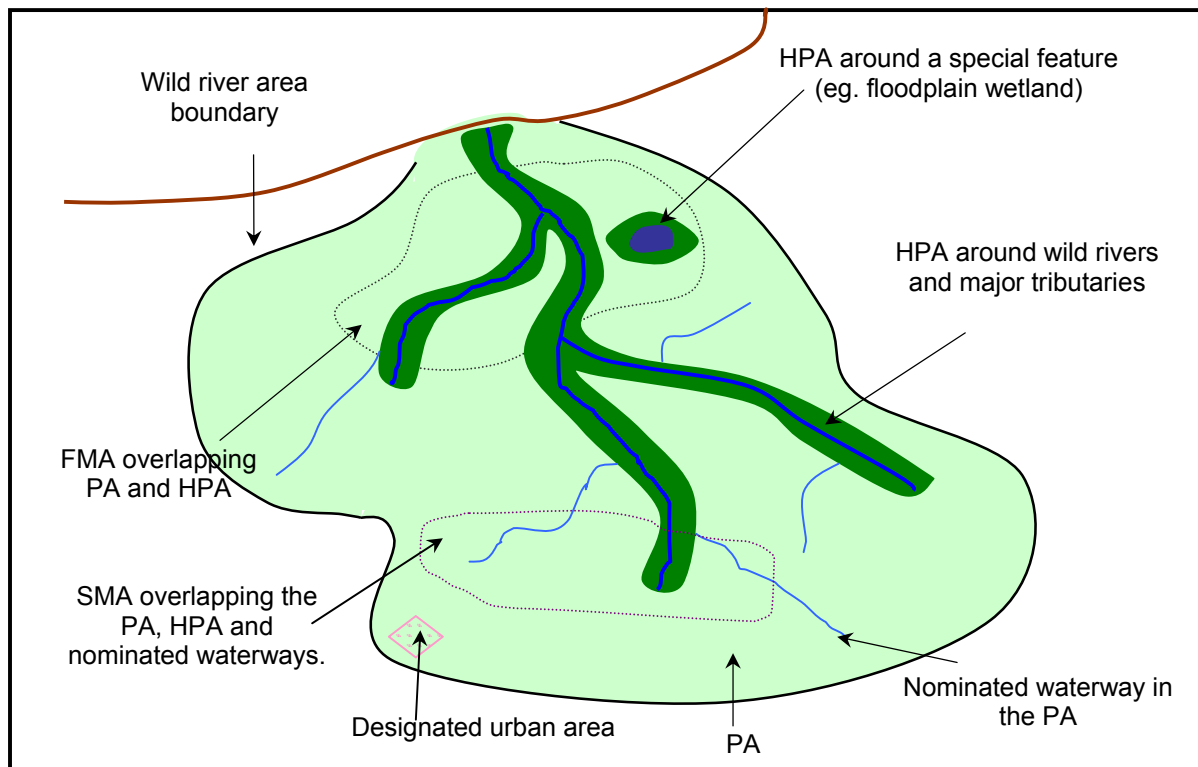
When a river is declared wild, under the Wild Rivers Act, a document called a wild river declaration is produced that outlines where certain types of new development can occur in the wild river area and under what conditions.

Development activities include infrastructure (such as dams, roads or buildings), activities (such as tree clearing or quarrying) or administrative decisions (such as land subdivision or rezoning).

The declaration states:

- the extent of the wild river area, including management areas and any nominated waterway;
- rules or limits that must be observed for assessing development activities in the wild river area; and
- if there are any Wild Rivers Code requirements (see the *Wild Rivers Code* for more information).

Diagram 1- Wild river management areas



When and how do wild river rules apply?

Wild river requirements do not apply to:

- day-to-day activities (such as feeding stock, weaning, refuelling machinery or fishing and camping along the rivers); or
- developments existing at the time of declaration (such as dams, feedlots, and fences).

Wild rivers requirements for different types of development activities are applied through existing assessment processes under relevant pieces of legislation. For example, vegetation clearing in a wild river area will still be assessed under the Vegetation Management Act.

Wild rivers provisions apply only to new development activities. This may include a change or expansion of an existing development. New developments or activities must be suitable for the area they are proposed. Some will require an application for a permit which will be assessed under the Wild Rivers Code. The code covers a number of different activities.

The code contains a 'purpose' and a series of required outcomes or performance requirements a proposed development or activity must achieve. These outcomes are broadly linked to preserving one or more of the wild river natural values.

A probable solution is provided for most required outcomes. An application that complies fully with a probable solution will satisfy the required outcome.

Whilst some provisions are mandatory, alternative solutions for most activities will be considered where the applicant can demonstrate that the alternative will achieve the Wild Rivers Code's required outcomes.

Setbacks and land slopes

The Wild Rivers Code protects the natural values of a river system by specifying minimum setbacks and maximum land slopes for most types of development.

A *setback* is the minimum distance that the development needs to be located away from the outer banks of a watercourse in a high preservation area or a nominated waterway. This helps to preserve the riparian and wildlife corridor along the stream and reduces the risk of water pollution reaching the stream. Smaller setbacks may be approved where the applicant can demonstrate that a wild river will be protected, perhaps through offsets or mitigation measures (such as bunds to contain runoff).

As development on steeply sloping land can lead to soil erosion and increased turbidity of adjacent waterways, wild river laws restrict development on sloping sites. Under the code requirements, the *maximum land slope* at a development site would typically be between 1 and 10%, depending on soil type. Development may occur on steeper slopes where the applicant can demonstrate how erosion risks can be mitigated, perhaps through site stabilisation measures (such as contour banks and other soil conservation measures).

A-Z summary of wild rivers

Buildings

New buildings (including houses, cottages, and sheds) can be erected in a wild river area. If the development is included in a local government planning scheme, a permit is needed with setback requirements from the high banks of a watercourse in a high preservation area, or a nominated waterway in a preservation area.

If the development involves the clearing of native vegetation – see *Clearing*.

If the development involves the construction of a bund or levee in a floodplain management area – see *Levees*.

Clearing

Under the *Vegetation Management Act 1999*, broadscale clearing in Queensland was ceased. This means that clearing of assessable vegetation for purposes other than relevant purposes (see s22A of the Vegetation Management Act) can not occur.

Wild river provisions only apply in high preservation areas. They do not impose any additional requirements on clearing native vegetation in a preservation area.

Within high preservation areas clearing necessary to maintain existing infrastructure including airstrips, buildings, fences, helipads, roads, stock yards and watering facilities, does not require a permit.

In a high preservation area, native vegetation clearing applications can only be accepted for the following purposes:

- necessary to control non-native plants or declared pests;
- public safety;
- establishing a necessary fence, firebreak, road or vehicular track, or for constructing necessary built infrastructure, if there is no suitable alternative site for the fence, firebreak, road, track or infrastructure;
- clearing for encroachment;
- clearing regrowth on freehold land, indigenous land and leases issued for agricultural and grazing purposes within agricultural areas (eg cultivation) that existed at the time of the declaration and are registered.

Wild rivers provisions for native vegetation clearing applications depend on the purpose of the clearing and can include:

- providing setbacks from watercourses and wetlands;
- limiting mechanical clearing to stable slopes;
- ensuring areas of remnant vegetation remain connected;
- ensuring clearing does not contribute to increased salinisation or disturb acid sulfate soils;
- maintaining endangered or of concern regional ecosystems;
- maintaining critical habitat areas; and
- protecting mature trees.

Under the *Water Act 2000* a permit is required to destroy native vegetation within non-tidal watercourses. In a high preservation area, or within nominated waterways in a preservation area, a permit can only be issued for the following purposes:

- that necessary to control weeds or declared pests;
- for specified works (eg roads, pipelines, powerlines); or
- that necessary to install or maintain authorised works (eg a boat ramp).

Wild river provisions for permits issued under the *Water Act* to destroy instream native vegetation (other than for weed and pest management) are that:

- clearing is limited to the area required for final works plus 5m each side; and
- cleared areas that are not required for final works are to be treated to facilitate natural revegetation by native species.

See *Crossings* if ramps have to be cut into stream banks for access.

For control of non-native weeds and pests – see *Weed and Pest Management*.

Crops

A permit is needed to establish new agricultural areas (e.g. for crops or orchards) in a preservation area, other than for certain fodder crops – see *Fodder*. Establishing a new agricultural area involves re-shaping the land, cultivating soil, planting crops, or using the land for horticulture or viticulture. The Wild Rivers Code sets out setbacks and slopes but the harvesting of crops is not affected.

New agricultural areas are not permitted in a high preservation area. However, an agricultural area existing in a high preservation area at the time of a wild river declaration can continue to be used and maintained – see *Clearing*.

Improving existing pastures in a preservation area and high preservation area is permitted – see *Improved Pasture*.

If you need to clear native vegetation – see *Clearing*.

Wild rivers does not affect new domestic agriculture (such as a house garden) in a high preservation area or a preservation area.

Crossings

A permit is needed to construct a new vehicle or stock crossing in a watercourse, if the work involves earthworks or native vegetation clearing within the outer banks.

If the crossing is in a high preservation area or in a nominated waterway, wildlife corridors, riparian areas, stream banks and bed are to be protected by ensuring:

- the crossing is located on a relatively straight reach of the stream;
- the crossing is at streambed level or, if raised, includes culverts at bed level to allow the stream to flow during low flows;
- the crossing is orientated to within 10° of perpendicular to the stream channel;
- the crossing does not disturb any natural streambed controls (such as bars and riffles);
- the crossing has scour protection on the downstream edge;
- the entry and exit ramps face downstream; and
- the clearing of vegetation in the stream and riparian zone is limited to the width of the works plus 5m each side.

Dams – in-stream

All new in-stream dams or weirs in a preservation area need a licence to interfere with the flow and a permit for construction of the works. Wild river requirements under the *Fisheries Act* include the control of erosion and sediment, as well as maintenance of fish passage.

If you need to clear native vegetation – see *Clearing*.

In-stream dams and weirs are not permitted in a high preservation area.

Dams – off-stream

Wild rivers does not affect the construction of a new off-stream dam outside a floodplain management area or high preservation area. Off-stream dams (such as gully dams) are built to catch overland flow. They are not ring tanks – see *Dams (ring tanks)*.

A permit is not required for construction of an off-stream dam in a floodplain management area or high preservation area for livestock and domestic purposes, provided the dam bank is not a referable structure under the Water Act and it is no larger than what is necessary to meet your livestock and domestic requirements. You must also notify the department of the works on their completion. In addition:

- works are not to be located in a major flood channel;
- works must be setback at least 200m from the outer banks of a watercourse in a high preservation area or a nominated waterway;
- any diversion bank used to direct water into the dam cannot be longer than 200m; and
- any drain or trench used to direct water into the dam must average less than 30cm deep below the original ground level.

If the works do not meet these specifications, a permit is required with these additional requirements:

- the works are not longer than 500m across the floodway;
- the works are not closer than 200m from any other off-stream dam or levee;
- the works do not concentrate overland flows to the extent that causes soil erosion; and
- the works and storage area are fully contained within the property boundaries.

If you need to clear native vegetation – see *Clearing*.

Off-stream dams are not permitted in a high preservation area other than for stock or domestic purposes or for any purpose using small scale works (the size of which is set in a wild river declaration) . A permit is required if you are constructing an off-stream dam in a floodplain management area for purposes other than livestock or domestic use and the requirements above will apply.

Dams – ring tanks

In a floodplain management area you need a permit to construct a new ring tank if it will significantly interfere with floodplain flows – see *Levees*. Ring tanks do not catch overland flow (like off-stream dams) but are used to store water harvested from any source. Wild rivers laws do not apply to maintaining a ring tank existing at the time of a wild river declaration, provided it is not enlarged.

There are no wild river restrictions on constructing a new ring tank outside a floodplain management area. However, if you need to clear native vegetation – see *Clearing*.

Feedlots

New feedlots are not permitted in a high preservation area. In a preservation area, feedlots will need a permit from the Environmental Protection Agency. Wild river considerations relating to setbacks and slopes will apply.

If you need to clear native vegetation – see *Clearing*.

Fencing

Wild rivers does not affect fence building or maintenance. However, you will need a permit for any native vegetation clearing in a high preservation area for a new fence, including clearing to source fencing materials – see *Clearing*. The clearing of native vegetation to source materials to repair or maintain an existing fence on the owner’s land does not require a permit if the clearing doesn’t cause land degradation and restoration of removed trees of similar type is ensured.

Firebreaks

Wild rivers provisions do not affect the clearing of native vegetation for firebreaks (for essential management) in a wild river area. The clearing of a new firebreak essential to the management of the property does not need a permit, if the clearing is:

- for establishing or maintaining a firebreak to protect infrastructure, such as buildings (but not fences or roads), provided the firebreak is not wider than 20m or 1.5 times the height of the tallest vegetation adjacent to the infrastructure in the area, whichever is the greater; or
- for establishing a necessary fire management line, provided it is not wider than 10m; or
- by fire to reduce hazardous fuel load (in accordance with the *Fire and Rescue Services Act 1990*).

Clearing for a firebreak that does not meet the above requirements will need a permit – see *Clearing*.

A permit is not required to maintain a firebreak.

Fodder cropping

Wild rivers provisions do not restrict you from establishing new agricultural areas in a preservation area for growing fodder crops, unless they are for a listed risk species. Fodder crops are those grown primarily to produce supplementary feed for livestock.

All plant species (not just grain or pasture) that pose a risk of adversely affecting the wild river natural values will be assessed. Moderate and high risk species for a wild river area will be listed in the relevant declaration.

Establishing new agricultural areas in a preservation area to grow a moderate risk species will require a permit and be subject to setback and slope requirements. The same applies if you want to convert an existing crop area to grow a moderate risk species.

You cannot establish new agricultural areas anywhere in a wild river area to grow a high risk

species. Similarly, you cannot convert an existing crop area to grow a high risk species.

New agricultural areas for fodder crops are not permitted in a high preservation area. Cropping areas existing in a high preservation area at the time of declaration can continue to be used provided that moderate or high risk species are not planted.

If you need to clear native vegetation – see *Clearing*.

Grazing

For wild rivers, this term is limited to livestock feeding on pasture or supplements.

Development activities associated with normal grazing practices or enterprises, e.g. building stock dams, fences, tracks, crossings, stockyards, etc are covered separately in this Guide.

Improved pasture

There are no wild river restrictions on improving pasture in a high preservation area, provided that low risk species (see *Fodder*) and low-impact soil disturbance techniques are used (e.g. direct drilling, scarifiers, aerial seeding and crocodile seeders). Low-impact soil disturbance techniques are those that disturb less than 40% of the unit area being improved and to a depth of less than 5cm.

If you need to clear native vegetation – see *Clearing*.

For other forms of pasture improvement - see *Fodder*.

Irrigation

Wild rivers laws do not affect the practice of irrigation but a water licence is required to take water. Licences held at the time of a wild river declaration can continue to be used. New water licences may be issued if unallocated water has been set aside for that purpose in the declaration or a water resource plan.

Wild river provisions do not apply to installing a pump in a high preservation area unless the

works require you to clear native vegetation – see *Clearing*.

Levees

In a floodplain management area, a permit is needed to construct a new levee if it interferes with floodplain flows. Levees include bunds, ring tank walls and raised roadways. No permit is required if the levee is:

- not located in a flood channel;
- set back at least 200m from the high banks of a watercourse in a high preservation area or a nominated waterway;
- not longer than 500m across the floodway; and
- no closer than 200m from any adjacent levee.

A permit is required if the levee does not meet the above requirements. If you need to clear native vegetation – see *Clearing*.

Wild rivers laws do not affect the repair and maintenance of a levee, provided it does not alter the design of the works.

There are no wild river requirements for levee works outside a floodplain management area.

Ponded pastures

New ponded pastures are subject to wild river provisions – see *Crops*.

Within a floodplain management area, the following requirements in regard to flow interference may apply:

- works must not be located in flood channels;
- works are setback at least 200m from the high banks of a watercourse in a high preservation area or a nominated waterway; and
- bunds and banks are not longer than 200m

If you need to clear native vegetation – see *Clearing*.

Stock water

There are no wild river requirements for the taking of water for livestock purposes. This includes water taken from aquifers, overland flow, streams, or lakes. However, a water licence may be required. Water for stock or domestic purposes is

not constrained by a cap on the amount of water available from the wild river area or subartesian management area.

You will need to notify the department if you build an off-stream stock dam in a floodplain management area or a high preservation area – see *Dams (off-stream)*.

If you need to clear native vegetation - see *Clearing*.

Stock yards

There are no wild river requirements for constructing new yards or pens to temporarily hold livestock, or to permanently hold farm and domestic animals. If you need to clear native vegetation, (including the sourcing of materials) – see *Clearing*.

Yards for feedlotting activities (i.e. rearing or fattening livestock for extended periods) are not permitted in a high preservation area and in a preservation area will require a permit – see *Feedlots*.

Wild rivers provisions do not affect the maintenance of existing yards and pens. Activities performed in stock yards, such as dips and other chemical applications to livestock, are not subject to wild river requirements.

Supplementary feeding

There are no wild river restrictions on providing supplementary feed to grazing livestock, such as putting out salt licks, urea blocks, and feeding hay during drought conditions.

Tracks

A permit is needed to construct a track or road if it is in a floodplain management area and it will significantly interfere with floodplain flows – see *Levees*. Culverts will be required to allow low flows to pass through.

If you need to clear native vegetation – see *Clearing*.

A permit will be required if the track or road crosses a watercourse in a high preservation area or a nominated waterway in a preservation area– see *Crossings*.

Wild rivers laws do not affect the maintenance of existing tracks or roads.

Weed and pest management

Wild rivers declarations do not prevent you from removing or destroying non-native weeds and pests. However, as is the case outside of a wild river area, if native vegetation is cleared in the process of treating non native weeds and pests, you will need a permit - see *Clearing*.

Wild river provisions for native vegetation clearing applications under the Vegetation Management Act for **weed and pest management** in a high preservation area include:

- limiting clearing to the extent necessary to provide access to, and to control, non-native plants or declared pests;
- ensuring clearing is done in a way that protects wetlands and watercourses;
- ensuring clearing is done in a way that that protects regional ecosystems;
- ensuring clearing is done in a way that minimises soil erosion; and
- ensuring clearing is done in a way that minimises the risks associated with disturbing acid sulfate soils.

For permits issued under the *Water Act* (i.e. clearing within a watercourse), the wild river requirements include:

- clearing is limited to the extent of the weed or pest infestation, plus 5m each side;
- mechanical clearing is limited to 200m sections of bank, spaced at least 200m apart;
- chemicals are registered for use in a watercourse environment; and
- cleared areas are prepared to facilitate the natural regeneration of native vegetation.

A permit is required if tracks have to be cleared in a high preservation area for access to the infestation – see *Tracks*.

See *Crossings* if ramps have to be cut into stream banks for access.