

Fact sheet

How wild rivers works

April 2007

Purpose

The purpose of this information sheet is to explain how the Queensland wild rivers policy is implemented through a regulatory framework.

Please contact a Wild Rivers Officer (phone 07 4039 8281 or email wild.rivers@nrw.qld.gov.au) if you:

- want more information about wild rivers;
- want a copy of a wild river declaration or the Wild Rivers Code.

A Wild Rivers Officer can also help you to interpret how wild rivers may apply in your particular situation.

Wild rivers regulatory framework

The wild rivers policy is implemented through a framework that links the *Wild Rivers Act 2005*, a wild river declaration, the Wild Rivers Code and other regulating acts (see Figure 1).

Within a wild river area, a number of development activities are regulated through other acts for example:

- *Coastal Protection and Management Act 1995*;
- *Environmental Protection Act 1994*;
- *Fisheries Act 1994*;
- *Forestry Act 1959*;
- *Vegetation Management Act 1999*;
- *Mineral Resources Act 1989*; and
- *Water Act 2000*.

The wild river-related provisions of these acts apply once a wild river declaration is made over an area.

If any of the proposed activities in a wild river area require a development permit under the *Integrated Planning Act 1997*, then assessment of the proposal will also occur through the provisions of this act.

Wild Rivers Act 2005

The Wild Rivers Act recognises all rights and authorisations that existed at the time of declaration.

The Wild Rivers Act sets out the processes for:

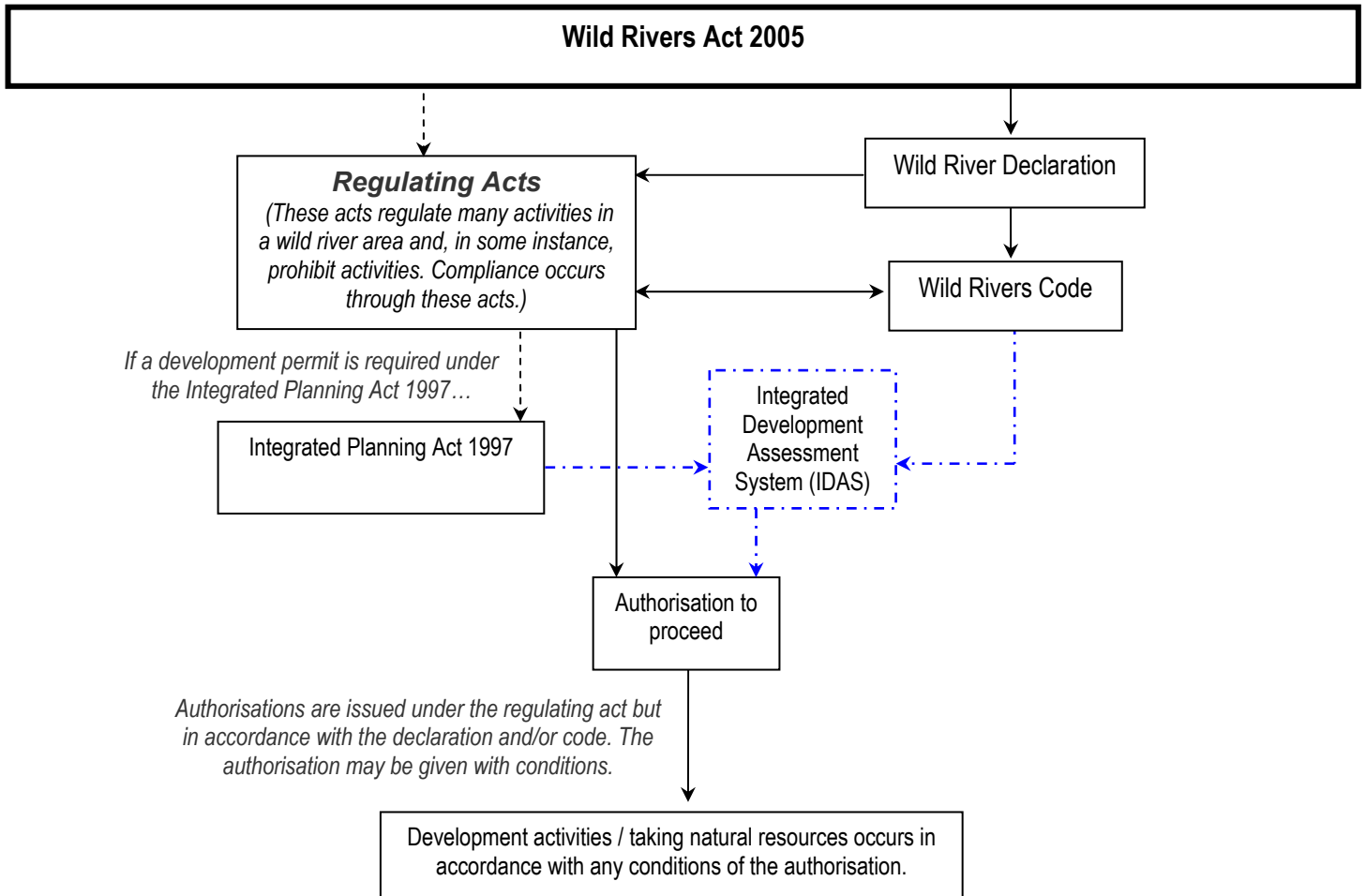
- declaring wild river areas;
- amending or revoking a wild river declaration;
- amending the Wild Rivers Code;
- identifying different management areas;
- approval of a property development plan

In addition, the Act:

- exempts certain State projects, e.g. Aurukun project; and
- defines terms used by the Wild Rivers Act.

Through the declaration of a wild river area, the Wild Rivers Act requires other laws to consider wild rivers' objectives when making decisions on certain types of developments and activities in a wild river area.

Figure 1 – Wild rivers regulatory framework flow diagram showing interconnections.



What is a wild river declaration?

A wild river declaration (a declaration) is a statutory instrument (under the Wild Rivers Act) that details:

- the boundaries of the wild river area and its management areas;
- any rules or limits that must be observed in the declared area; and
- any development assessment codes that must be applied.

The wild river requirements listed in the declaration are enforceable under the regulating acts (see Figure 1).

How is a declaration made?

A wild river declaration is made in accordance with the process set out in the Wild Rivers Act. These are:

1. The introduction of a moratorium on water (extraction and new works), vegetation clearing and mining.

2. The release of a declaration proposal for public consultation. A declaration proposal outlines what a wild river declaration may contain and provides the justification for the river system's nomination. Community comments on the declaration proposal are sought.
3. A decision by the Minister on whether or not to declare a wild river area based on:
 - a. The results of community consultation;
 - b. Properly made submissions; and
 - c. Where applicable, a water resource plan or resource operations plan.
4. If the Minister decides to proceed with a declaration it is then sent to the Governor in Council for approval. *[If the Minister decides not to declare, a notice stating the decision and reasons must be published.]*
5. The release of a report by the Minister on the consultation undertaken for the declaration.

A similar process exists for amending or revoking a wild river declaration.

Prior to undertaking this formal declaration process, discussions can be held with interested parties regarding the potential nomination of a river system for wild river status. This can include discussions on potential special features, the extent of the management areas and the potential code requirements (based on requirements for areas already declared).

What is the Wild Rivers Code?

The Wild Rivers Code (the Code) is a document that outlines requirements to assist decision-makers to make decisions about applications made in wild river areas. The Code operates under the regulating acts (see Figure 1). The Code should be read in conjunction with the relevant wild river declaration.

The Code provides rules for development by stating the required outcomes from specific activities. The required outcomes are set to minimise the negative impacts of development activities on the natural values of the wild river.

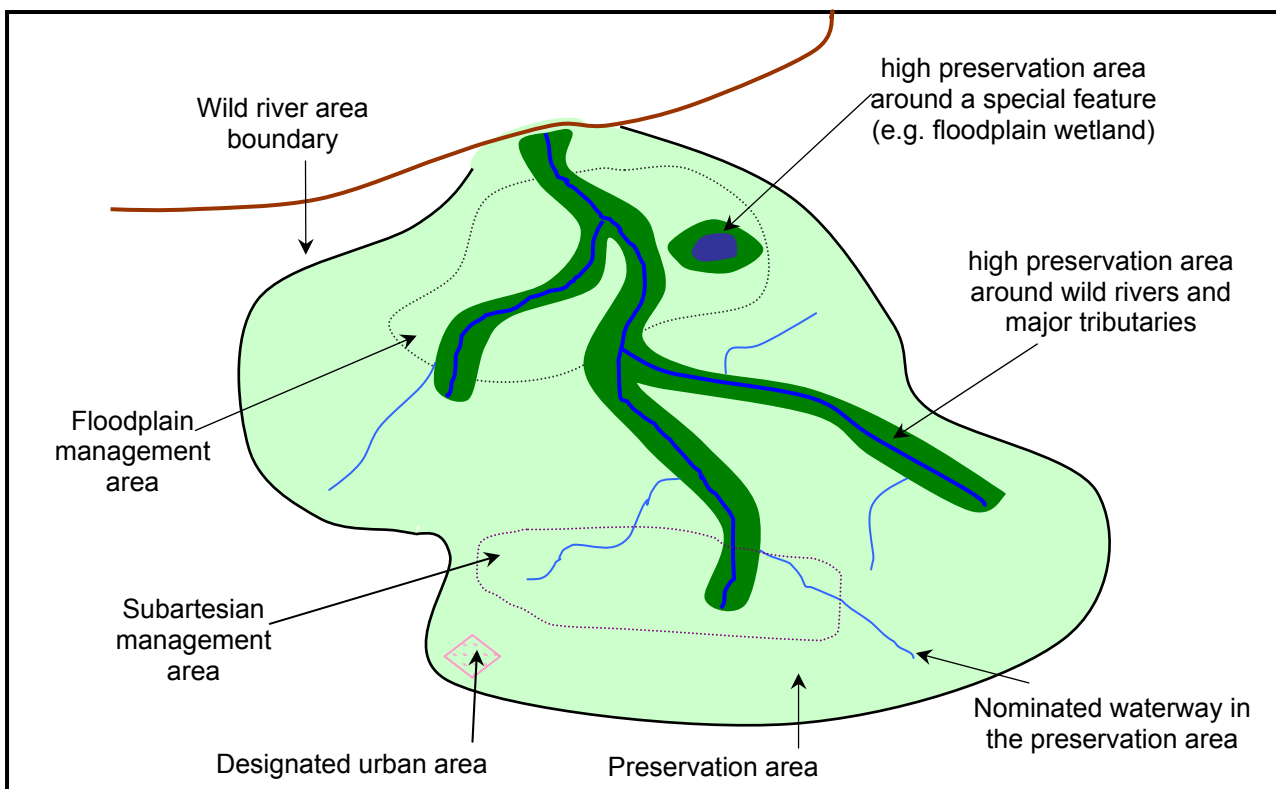
More information on the Code is available from www.nrw.qld.gov.au/wildrivers.

How are new activities regulated by wild rivers?

Activities may have different impacts depending on where they occur within a catchment. To regulate activities in wild river areas, the Wild Rivers Act allows for a number of management areas to be included in declarations. They are shown in Figure 2 and include:

- *high preservation area* – an area within and immediately adjacent to the wild river, its major tributaries and any identified off-stream special features, such as wetlands.
- *preservation area* – the wild river area excluding the high preservation area.
- *floodplain management area* – an area where floodplain flows are strongly connected to the river system and are important to the continued health of the wild river (can overlap other management areas).
- *subartesian management area* – an area where the ground water and the river system are strongly connected (can overlap other management areas).
- *designated urban area* – a mapped urban area (e.g. towns, settlements, villages), including space for future urban expansion, (based on either a town plan or other available information).

Figure 2 – Wild river management 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. (see *fact sheet on nominated waterways*).

Prohibited activities

Prohibited activities are those with the greatest potential for negative impacts on the natural values of a wild river (e.g. dams and weirs, intensive animal husbandry, intensive agriculture, stream realignment). Prohibitions generally apply in the high preservation area but can also apply in the other management areas.

Prohibitions are generally applied through the legislation that regulates that particular type of activity. For example instream weirs and dams are not permitted in high preservation areas through provisions in the *Water Act 2000*.

Assessable activities

Assessable activities are all activities that require authorisation under Queensland legislation (e.g. allocation of water, mining and vegetation

clearing). Some activities have the potential to severely impact on the wild river’s natural values. To preserve the natural values, it is necessary to manage the extent and intensity of those activities where they are proposed within the river and its catchment. Where not prohibited, new activities will be assessed against requirements listed in the Wild Rivers Act, the declaration, and/or the Code (i.e. required outcomes). If approved, the authorisation will include conditions that aim to minimise or mitigate expected impacts.

The regulation of activities in wild river areas does not remove assessment requirements under other legislation. For example, approval of an application for an environmentally relevant activity in a wild river area, will depend on the applicant meeting any conditions set by the regulating authority, in addition to any wild river requirements.

Example

Figure 3 presents an example of how the wild rivers regulatory framework interacts and affects authorisations, in this case the removal of riverine quarry material in a non-tidal watercourse.

Figure 3 – How wild rivers affects an authorisation for sand and gravel extraction.

