



Wild rivers

Property development plans

This information sheet provides an overview of wild river property development plans and how they may be approved and be used to amend a wild river declaration. For the full requirements of property development plans you should read the *Wild Rivers Act 2005* or contact a Wild Rivers Officer (phone 4039 8281 or email wild.rivers@nrw.qld.gov.au).

What is a property development plan?

A property development plan is an outline of development proposed to be undertaken over the next 10 years for that part of a property that is within a wild river area. Such plans are voluntary and are intended to provide a mechanism for certain development to occur where the proposed development cannot otherwise be done under the existing wild river declaration.

Generally, for wild river purposes, a property development plan will address activities¹ that are subject to regulation because of the location of the relevant land in a wild river area. Categories of activities may include, but are not limited to activities such as quarrying, tree clearing and building dams, roads and feedlots.²

The plan, if approved, may provide a basis for the Minister for Natural Resources and Water to consider an amendment to the wild river declaration in order to accommodate the proposed development.

What must the proposed plan contain?

The proposed plan must contain³:

- the name of the wild river area;
- the proposed development on the property within the wild river area (eg establishing a crop area, building a feedlot, etc), where the

¹ The term 'activities' in this information sheet is intended to encompass development activities and the taking of resources from the land in a wild river area as described in the Wild Rivers Act.

² Activities regulated in Wild River Areas are dealt with in the Wild Rivers Act, the Wild Rivers Code and declarations and in other development related legislation.

³ See *Wild Rivers Act 2005*, section 31D

development is to occur and over what time period;

- the extent of the property, both within and outside of the wild river area;
- existing development on the property within the wild river area, eg crop areas, dams, etc;
- the types and location of vegetation on the property within the wild river area, eg endangered species, etc;
- why the proposed development cannot be undertaken without the wild river declaration being amended, eg the only suitable soils are within a high preservation area;
- the likely adverse impacts the proposed development will have on the wild river natural values (eg affects on water quality or riparian vegetation) and how these will be mitigated;
- details of any proposed works on the property within the wild river area to enhance the wild river natural values, eg revegetating riparian areas, mitigating impacts of existing developments, surrender of water licences, control pests and weeds, etc;
- details of any other restrictions applying to, or approvals needed for, the carrying out of the activities, for example:
 - details of all resource allocations that would be necessary for the developments, eg water and quarry allocations, production quotas, etc; and
 - details of how the proposed development comply with the local government planning scheme or that the local government is prepared to amend the scheme accordingly.

A proposed property development plan must be submitted to the Department with an application form and a \$290.00 non-refundable application fee. The application form can be downloaded from the www.nrw.qld.gov.au/wildrivers website.

How is the plan assessed?

The department will assess the application by checking:

- the plan includes all of the required information;
- the likelihood that the activities will be carried out within ten years;
- any potential impediments to the applicant obtaining the necessary development approvals in due course, ie the necessary resource allocations, access agreements and planning approvals are held, or at least could potentially be obtained;
- that the proposed development could not occur under the existing declaration.

If the plan does not contain sufficient detail for these checks, the department may request extra information to be provided within a reasonable timeframe (generally less than 3 months). If the plan does not pass these checks, after all information has been provided, the department will recommend that the Minister refuse the application.

If needed, the Minister will refer the application to an independent scientific expert panel to provide advice on the net impact of the plan's proposed development and any enhancement works on the wild river natural values.

How is the plan approved?

To approve the plan, with or without conditions, the Minister must be satisfied:

- the proposed development cannot be reasonably carried out without amending the declaration;
- it is likely that the proposed development will be carried out within ten years of approval;
- the proposed development and works will not have an overall adverse impact on the wild river natural values; and
- the environmental benefits of the plan justify its approval.

The Minister must refuse to approve the plan if the above matters are not satisfied. The Minister may attach conditions to the plan on approval, which must be complied with.

What are the effects of an approved property development plan?

If the Minister approves a property development plan, the Minister may then seek to amend the wild river declaration to accommodate the plan.

The Wild Rivers Act provides the process for amendment of a declaration and includes public

notification of the proposed amendment, public consultation and consideration of submissions in relation to the proposed amendment.

Details of the approved plan and any assessment of its likely impact on wild river natural values will be included in the publicly available information.

Amendments to a wild river declaration to facilitate an approved property development plan are limited to those necessary to accommodate the plan on the property.

The Minister will make a decision on amending the declaration after considering submissions on the proposal. If the declaration is subsequently amended, it will reference the approved plan and any conditions attaching to the approval of the plan. Generally, all development applications by a holder of an approved plan on that part of the property within the wild river area must be consistent with the plan. For example, if the plan proposed to establish crops in an area, other forms of development on that area would not be permitted.

If the proposed development in an approved plan is no longer required because the owner decides to undertake different development, a new plan would need to be submitted for approval. This may also require a further amendment to the declaration if an amendment to accommodate the superseded plan was in place.

There is no guarantee that the declaration will be amended. If the wild river declaration is not amended, the plan cannot be implemented and so it is ineffective.

Whilst an approved property development plan may provide the basis on which the Minister may propose an amendment to a wild river declaration, neither the property development plan or any subsequent amendment of the relevant wild river declaration is an approval for the activities to occur. Each of the plan's proposed developments would still need to be approved under the relevant legislation and to comply with the requirements of the Wild Rivers Code and relevant wild river declaration.