

WILD RIVERS AND OTHER LEGISLATION AMENDMENT ACT 2007

SUMMARY

Declare the first six rivers

- The Act declared the Settlement, Gregory, Morning Inlet, Staaten, Hinchinbrook and Fraser Wild River Areas, as tabled in parliament.
- These declarations are posted on the department's website and are available for public inspection at department and relevant local government offices.
- The Act removed the requirement for the Minister to prepare a report on the consultation process for these declarations. Such a report would be of little value as most submissions were focused on the Act and Code rather than the declaration proposals as required.

Validate notices

- The Act validated all notices of intent, declaration proposal notices, moratorium extension notices and moratorium amendment notices issued for the six river systems.

Code approval process

- The Act approved the *Wild Rivers Code*, as tabled in parliament.
- The Act added a process for the Minister to amend the Code, subject to Governor in Council approval.
- The amendment process does not require formal consultation. However the Minister has committed the department to consult stakeholders, including peak bodies, agencies, local governments and regional bodies, on major amendments.
- Code amendments will be gazetted and tabled in parliament after approval. Minor and stated amendments will not be gazetted or tabled.
- Stated amendments are changes to definitions used in the Code, changes to probable solutions and changes to maintain consistency with regional vegetation management codes.
- The Act amended the *Vegetation Management Act 1999* to remove the need to also approve the Code under that Act (part of the Code is a declared area code under that Act).
- The Code is posted on the department's website and is available for public inspection at department offices.

Risk species

- The Act amended the definition of high and moderate risk species to include plant types other than pasture and grain species. This will allow inclusion of woody and shrub species that may pose a risk.
- The Act also amended the definition to focus on the impact of the plants on wild river natural values rather than on general weed potential.

- The definition was also amended to have the species listed in each declaration, rather than in one general regulation. This will allow all wild river requirements for a wild river area to be held in the one document and formally consulted upon.

Property development plans

- The Act added a process for the Minister to approve a person's property development plan and to consider amending a declaration to accommodate the approved plan.
- A property development plan can only be approved if:
 - it will not adversely affect the wild river natural values
 - it can be completed within 10 years
 - it is of sufficient benefit to the wild river to warrant approval
 - the developments in the plan cannot be undertaken without amending the declaration.
- A property development plan would apply to all land owned by the person in the wild river area so that all alternative sites for the developments can be explored.
- A plan submitted for approval would need to outline the proposed developments in sufficient detail to allow the potential impacts on the wild river natural values to be assessed. The same would apply to any proposed activities to enhance wild river natural values, e.g. revegetation, removing redundant works, reducing impacts of existing developments, etc.
- The Minister will seek the advice of an independent science expert panel on the impacts of the development and other activities on the wild river natural values.
- The Minister may seek to amend the declaration to accommodate an approved plan. This would be done under the current process for amending a declaration, including public notification and seeking submissions. Details of the plan would be included.
- When deciding whether to approve the proposed amendment or not, the Minister must consider the submissions received.
- If the declaration is amended, all developments on the person's property must be in accordance with the approved plan. The person must still obtain development permits, which must comply with the *Wild Rivers Code*, for each development.

Other

- The Act made minor amendments to correct errors and to clarify some provisions.
- The Act removed the need to impose water, vegetation and mining moratoriums each time a declaration is amended. Moratoriums will be optional, based on the extent and nature of the amendment.
- The Act clarified the application of wild river constraints on new water development in high preservation areas and nominated waterways.