



# Guide to using the IDAS development application forms

## Guide 27 – Development in a wild river area

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This guide is designed to help applicants, assessment managers and concurrence agencies determine if new development activities in a wild river area are prohibited or are assessable against the Wild Rivers Code (the Code), or another code specified in the relevant wild river declaration. For the purposes of this guide, assessable development refers to development assessable against the Code. Development activities referred to as prohibited are those where applications will be taken to be not properly made under the *Integrated Planning Act 1997* (IPA).

This guide is designed to be used in conjunction with the relevant wild rivers declaration and the Code as well as other Integrated Development Assessment System (IDAS) guides related to the specific development activity. The declaration in particular will guide applicants and referral agencies regarding the requirements for assessment against the Code. The requirements for assessment against the Code set out in this guide reflect those most commonly set out in a wild river declaration; however there may be small variations in assessment considerations between wild river areas, and declarations must be consulted to determine applicable requirements.

More information about wild rivers, including a link to the *Wild Rivers Act 2005* (Wild Rivers Act), copies of wild river declarations, and the Code, can be found at [www.nrw.qld.gov.au/wildrivers](http://www.nrw.qld.gov.au/wildrivers)

Note: Requirements of the Wild Rivers Act and the Code are in addition to requirements under other Acts or codes.

### Objectives of wild rivers

The purpose of the Wild Rivers Act is to preserve the natural values of rivers that have not been significantly impacted by development. This is achieved through the regulation of development activities as well as the taking of natural resources from the wild river area.

### What are wild river areas?

A wild river is a river system that has all, or almost all, of its natural values intact. The term wild river includes the main stream/s, its major tributaries, and its estuary (for coastal rivers) or terminal wetland. Specified special features may also be identified in a wild river area. Special features are off-stream elements of the river network that play a significant role in maintaining the natural values of the river system.

A wild river area is commonly the whole catchment of the river system. Such river systems typically have a high level of naturalness with largely unmodified hydrologic and geomorphic processes, natural water quality and healthy in-stream and riparian habitats. It is the degree of naturalness that is the primary criterion for determining whether or not a river system should be nominated for wild river status.

Wild river areas are declared through a process set out in the Wild Rivers Act. Most new activities are regulated through other legislation. A wild rivers declaration aims to provide a high level of protection from new development activities that have the potential to degrade the wild river natural values.

## Management areas

There may be up to five types of management areas within a wild river area. Different requirements apply to activities in each of these areas. The different types of areas are briefly described below. Each development activity section describes the wild rivers requirements for the relevant management areas.

### High preservation area and preservation area

A high preservation area (HPA) includes the wild river, its major tributaries and special features plus a buffer up to one kilometre wide each side of these. The preservation area (PA) is the remainder of the wild river area outside of HPAs.

### Floodplain management area

A floodplain management area (FMA) includes parts of the wild river area that are strongly connected to the river system through over-bank and flood channel flows during flood events. Works that take or interfere with overland flow water (e.g. levees and off-stream storages) in this area are subject to wild river requirements.

### Subartesian management area

A subartesian management area (SMA) is part of a wild river area where there is strong hydrologic connectivity between the river system and an underground aquifer. In these areas the taking of subartesian water will be restricted. This will protect base flows in the river system that are fed by subartesian aquifers.

### Designated urban area

A designated urban area (DUA) is part of a wild river area that covers an urban precinct. Generally a DUA is mapped according to urban zones in the relevant local government planning scheme.

### Nominated waterways

A nominated waterway is a secondary stream in the PA. The upstream and downstream limits of these secondary tributaries are mapped in each wild river declaration and may have tidal and freshwater reaches. The area covered by a nominated waterway extends laterally to the outmost bank of the channel. These waterways support the natural values of the wild river by contributing to natural flows and sediment transport regimes. They also provide important nursery habitat for aquatic fauna.

## Where to find the locations of wild river areas, and access information about their boundaries

The location of wild river areas is detailed in the relevant wild river declaration and on the department's website. Alternatively, contact your local NRW office for information about the location of wild river areas. Interested persons can obtain more detailed information relating to where the wild river area boundaries lie, for example in relation to property boundaries, by inspecting digital information held at the department's offices. This information can be reduced or enlarged to show the details of the boundaries.

Access to spatial information relating to wild river boundaries is also available at [www.information.qld.gov.au](http://www.information.qld.gov.au)

## Development in a wild river area

Some types of new development activity are prohibited in a HPA. Prohibitions are put into effect by the regulating Acts for that type of activity. Most activities not prohibited in a wild river area will be assessable against the Code (as specified in the relevant wild rivers declaration). Assessment against the Code is in addition to other legislative or assessment requirements. Generally, the Code will specify a minimum requirement, however where other code requirements are more stringent, these will apply.



Any application for development that is assessable against the Code MUST comply with the Code (or more stringent requirements, as discussed above). The assessing agency must refuse the application if it does not comply with the Code.

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, a large commercial development that is subject to wild river considerations may also need to consider the requirements of the *Aboriginal Cultural Heritage Act 2003* and obtain necessary approvals under the *Environmental Protection Act 1994*.

More information about wild rivers, including various industry based guides, is available at [www.nrw.qld.gov.au](http://www.nrw.qld.gov.au)

## Assessment managers in a wild river area

A wild river declaration will not change existing IDAS assessment or referral arrangements under the IPA. The Department of Natural Resources and Water (NRW) is the assessment manager for agriculture and animal husbandry activities which are made assessable by schedule 8 of the IPA.

The local government is the assessment manager for the developments in the following table. Referral of the application may be required under the IP Reg, schedule 2 - Refer to Guide 2 to identify the circumstances under which referral is necessary:


Development activity – local government is the assessment manager	Referral agency
Residential, commercial and industrial development—MCU assessable under a planning scheme	As identified in the IP Reg schedule 2
OW associated with RaL	
In or near a wetland—MCU assessable under a planning scheme, & RaL	
In or near a conservation estate—MCU assessable under a planning scheme, & RaL	
Prescribed tidal works	

If the local government is not the assessment manager, and there is only one aspect of assessable development, the entity with jurisdiction under the IPA to assess the development will be the assessment manager. If there is more than one aspect of development, Schedule 8A of the IPA will determine who the assessment manager is. The following table lists the assessing entity for each type of assessable development or activity:

Development activity – assessing entity is the assessment manager if there is no other assessable development	Assessing entity
OW for taking or interfering with water in a watercourse lake or spring	NRW
OW for taking or interfering with overland flow	NRW
OW for constructing or raising waterway barrier works	DPIF
OW for tidal works, or works within a Coastal Management District	EPA
BW and OW in a fish habitat area, and OW for the removal, destruction or damage of marine plants	DPIF
OW for native vegetation clearing made assessable under Schedule 8 of IPA	NRW
MCU & OW for agricultural activities	NRW
MCU for animal husbandry activities	NRW
MCU for aquaculture	DPIF
MCU for environmentally relevant activities (ERAs)	EPA or NRW <sup>1</sup>
All aspects of development for riverine quarry material extraction	NRW

Note: in above tables: MCU means material change of use; OW means operational works; BW means building work.

<sup>1</sup> The assessment of applications for the majority of ERAs is undertaken by the EPA. Some ERAs may be assessed by NRW, or devolved to local government, or delegated to DPIF.



RaL means reconfiguration of a lot; DPIF means Department of Primary Industries and Fisheries; EPA means Environmental Protection Agency. For further information about the IDAS assessment processes refer to the IPA website.

A summary of the wild rivers requirements for the various activities or development is provided at Tables 1 and 2. More detailed information is provided in the following sections on each development activity.

## **Operational works for taking, or interfering with water, in a non-tidal watercourse, lake or spring**

In a wild river area, operational works for taking or interfering with water in a watercourse, lake or spring is generally assessable development under the *Water Act 2000* (Water Act) and IPA. Operational works that take water from a watercourse lake or spring for stock or domestic purposes may be self assessable.

### **Works for taking water**

There are no wild river requirements for works that take water from a watercourse lake or spring. However the granting of a development permit will be conditional on the applicant holding a water entitlement.

### **Works interfering with water**

In a HPA, operational works that interfere with water in a watercourse, lake or spring (for example stream realignment and new in-stream dams and weirs), for any purpose are prohibited under the Water Act. In the PA, works interfering with water, other than a dam or weir (for example, stream realignment), are prohibited in nominated waterways. Wild river requirements for new in-stream dams and weirs are discussed in the section on waterway barrier works.

There are no wild river requirements for works interfering with instream water, in those watercourses in the PA that are not nominated waterways. See also Guide 15–Water Related Development.

## **Operational works that take or interfere with overland flow water**

**See glossary for a definition of overland flow water.**

Outside of a FMA there are no wild river requirements relating to structures that interfere with, but do not take, overland flow water; for example, levees, bunds and ring tanks.

### **Works in a HPA**

In a HPA new works, other than for stock or domestic purposes, that take overland flow water are prohibited unless the works are stated in the relevant wild river declaration as being assessable.

New works in a HPA for stock or domestic purposes that take overland flow water are generally self assessable against the Code. Once completed, NRW is to be notified about self assessable works.

### **Works in the PA**

In the PA, outside of a FMA, new works that take or interfere with overland flow water are not subject to wild river requirements. However other overland flow assessment codes (e.g. under a water resource plan) may apply.

### **Works in a FMA**

For the purposes of the Water Act, a FMA is taken to be drainage and embankment area. Where an FMA overlaps with a HPA, HPA prohibitions will apply.

Most operational work for taking or interfering with overland flow water in a FMA is assessable development under the Water Act and IPA, and new works must comply with the Code.

In a FMA new works, other than for stock or domestic purposes, that take or interfere with overland flow water are prohibited, unless the works are stated in the relevant wild river declaration as assessable development for which an application may be lodged.

The declaration will also indicate whether the development is assessable against the Code, self assessable or exempt from wild rivers requirements<sup>2</sup>. It will also specify the code against which development applications must be assessed.

### **Self assessable development**

Where development is self-assessable no application is required, however the development must comply with the self-assessable part of the Code. If the development does not comply, an application is required and must comply with the relevant part of the Code. See also the relevant wild river declaration.

For more information about overland flow water visit [www.nrw.qld.gov.au/water](http://www.nrw.qld.gov.au/water)

Examples of development in a FMA that may be specified in a declaration as assessable against the Code, self assessable or exempt from wild river requirements.

#### **Prohibited development**

- Operational works not mentioned in the wild river declaration as code-assessable, self-assessable or exempt development.

#### **Code assessable development**

- specified works (see definition)
- all new enclosed, off-stream storages located outside a designated urban area, for storing water taken from a watercourse, lake, spring or aquifer (e.g. a ring tank), and
- operational work including a borrow pit, levee or other solid earth work for a commercial or industrial development or a non-domestic agricultural building that does not comply with the self-assessable code requirements.

#### **Self-assessable development**

- off-stream storages for taking overland flow for stock or domestic purposes
- borrow pits for specified works (roads etc) with an extraction volume less than 10,000m<sup>3</sup>
- operational work including a levee or other solid earth work for a commercial or industrial development or a non-domestic agricultural building that complies with the self-assessable code requirements.

#### **Exempt from wild river requirements**

- existing overland flow works, including the reconfiguration of existing works below certain thresholds
- the repair and maintenance of existing works or works constructed under a development permit if the design of the works is not altered
- an open drain or trench that is on average less than 300 mm deep
- enclosed, off-stream storages located inside a designated urban area that do not capture or store OLF water (e.g. a ring tank)
- work for a residential development that is not for specified works or for off-stream storages.

See also relevant wild river declaration and also Guide 15–Water related development

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<sup>2</sup> Schedule 8 of the IPA lists assessable developments. The relevant wild river declaration sets out considerations as they relate to each area.

## Waterway barrier works

Operational works associated with constructing or raising waterway barriers is assessable development under the *Fisheries Act 1994* (Fisheries Act) and IPA. In a HPA, under s76DA of the Fisheries Act, new operational work for constructing or raising a waterway barrier (such as a weir) is prohibited.

Within the PA, such work is assessable against the Code. In a wild river area these works are not self-assessable under any circumstances. See [www.dpi.qld.gov.au](http://www.dpi.qld.gov.au) and Guide 20—Fisheries matters for more information

## Operational work that is tidal work or prescribed tidal work, and works within a Coastal Management District

Any application for operational work that is tidal works or prescribed tidal works, or works within a Coastal Management District that are not specified works will not be accepted under s104A of the Coastal Protection and Management Act 1995. Specified works as defined in the Wild Rivers Act must be assessed against the Code. See [www.epa.qld.gov.au/ecoaccess](http://www.epa.qld.gov.au/ecoaccess), Guide 18—Coastal development and Guide 24—Prescribed tidal work for more information.

## Works in a declared fish habitat area

In a HPA, new building and operational works in a declared fish habitat area are prohibited under s76DC of the Fisheries Act unless for specified works. Work for specified works is assessable against the Code. In a PA, new building and operational works are assessable against the Code. Operational works for maintaining existing structures and works for research, education and monitoring purposes, are self assessable against the Code if such requirements are listed in the relevant wild river declaration.

See [www.dpi.qld.gov.au](http://www.dpi.qld.gov.au) and Guide 20—Fisheries matters for more information.

## Removal, destruction or damage of marine plants

New operational work for the removal, destruction or damage of marine plants in a wild river area, is prohibited under section 76DB of the Fisheries Act - unless for specified works or where an approval is necessary to install authorised works or infrastructure where a development permit is not required, or if required, where a permit is held. Applications for those works that are not prohibited are assessable against the Code.

Operational works for maintaining existing structures and works for research, education and monitoring purposes, are self assessable against the Code if such requirements are listed in the relevant wild river declaration. See [www.dpi.qld.gov.au](http://www.dpi.qld.gov.au) and Guide 20—Fisheries matters for more information.

## Operational work for clearing native vegetation in a high preservation area

Operational work for clearing native vegetation is assessable development under the *Vegetation Management Act 1999* (VMA) and IPA. A HPA is taken to be an area of high nature conservation value under the VMA. Under section 22A (2A) of the VMA, an application to clear native vegetation will not be accepted unless 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 development where an application was made before 16 May 2003 and subsequently approved

- for clearing encroachment (e.g. for clearing woody species invading from a natural grassland)
- for clearing re-growth in a registered area of agriculture.

Development applications for clearing for the relevant purposes above, in a HPA are assessable against the Code. Please note that some relevant purposes, for which an application can be made in an area of high nature conservation value, are not considered a relevant purpose in a wild river HPA. There are no wild river requirements relating to native vegetation clearing outside of a HPA, however the provisions of the VMA still apply.

See [www.nrw.qld.gov.au/vegetation](http://www.nrw.qld.gov.au/vegetation) and Guide 12—Vegetation clearing made assessable under schedule 8 of the IPA for more information

## Registered area of agriculture

Areas of agriculture in the HPA existing at the time of a wild river declaration are mapped and registered by NRW. In these areas clearing of regrowth is a relevant purpose for vegetation clearing under the VMA. Outside a registered area, clearing regrowth in a HPA is not a relevant purpose under the VMA. This will allow agricultural use of the registered area to continue, even if the area has lain fallow for a few years.

Note: registration of an area of agriculture does not guarantee an application to clear regrowth will be successful.

## Agricultural activities

Under the Wild Rivers Act and IPA, agricultural activities<sup>3</sup> are assessable development. In general, agricultural activities include the establishment of plant production areas for commercial purposes (other than forestry), such as crops, market gardens and orchards.

Agricultural activities which would require an application for a Material Change of Use of Premises (MCU) include:

- the establishment of new commercial plant production areas;
- changing the type of plant production occurring in an area, e.g. changing from broadscale cropping for grain production to establishing an orchard or a tree crop; and/or
- establishing a new area of plant production for species that are listed in the wild river declaration as a moderate risk species (note: this situation also requires an approval for OW).

An agricultural activity that would require an application for OW:

- An area currently under plant production where it is proposed to be newly planted with a species listed in the wild river declaration as a moderate risk species.

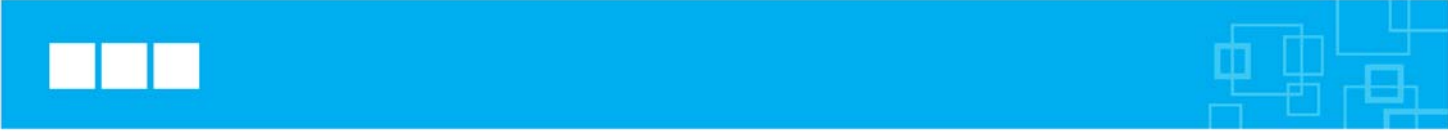
Within a HPA, new agricultural developments (including fodder production ) are prohibited.

In the PA most agricultural activities are assessable against the Code. Fodder production is assessable as an agricultural activity only if using species listed (see below) in the relevant wild river declaration. However when fodder production is undertaken in the PA not using species listed in a declaration, no development approval is required.

### Listed Species

An agricultural activity involving species listed in the wild river declaration as a high risk species is prohibited in the wild river area. Species listed in a declaration are those that pose a risk of having an adverse impact on the natural values of the wild river. The use of moderate risk species in the PA will be assessable development.





Pasture improvement using low impact techniques is not assessable as an agricultural activity (not requiring a permit in either a HPA or PA) unless listed species are used. Pasture improvement will be prohibited if it is proposed to use a high risk species, or assessable against the Code if it is proposed to use a moderate risk species.

Agricultural areas located in a HPA and 'in use' at the time of a declaration will be registered with NRW. Where crop rotation practices are used, all areas included in the rotation scheme would be considered a component of the existing agricultural activity.

## **Animal husbandry activities**

Under the Wild Rivers Act and IPA animal husbandry activities are assessable. In general, animal husbandry activities include the establishment of animal production facilities for commercial purposes (other than aquaculture and environmentally relevant activities), that rely solely or substantially on packaged feed. Examples are crocodile farms, emu farms, and lamb feedlots. Within a HPA, new animal husbandry activities are prohibited. In the PA these activities are assessable against the Code.

## **Aquaculture (when it is not an environmentally relevant activity)**

Materially changing the use of premises for aquaculture is assessable development under the Fisheries Act and IPA. Aquaculture activities are defined under the Fisheries Act.

Aquaculture which is an environmentally relevant activity (ERA) is assessed differently—see the section on ERAs below. Generally, aquaculture is not considered an ERA if it involves cultivating or holding marine, estuarine or freshwater organisms in an enclosure on land or in waters and:

- no wastes are released to waters, or
- the organisms receive no augmented food supply, or
- the development involves an area less than 100m<sup>2</sup> (on land) and no wastes are released to waters.

New aquaculture development is prohibited in a HPA under section 76DA of the Fisheries Act. In a PA, the development is assessable against the Code.

See [www.dpi.qld.gov.au](http://www.dpi.qld.gov.au), Guide 20—Fisheries matters for more information, Guide 21—Aquaculture development and the *Fisheries Act 1994* for more information.

## **Environmentally relevant activities (other than mining and petroleum)**

Under the Environmental Protection Act 1994 and IPA, a MCU for new ERAs is assessable development. In a HPA, applications for most types of new ERAs are taken to be not properly made (effectively prohibited) under s73AA of the *Environmental Protection Act 1994*. Where applications can be made, most types of applications will be assessable against the Code.

In a HPA new ERAs are not prohibited (applications can be made) if they are:

- a sewage ERA or a water treatment ERA. However proposals for a new sewage ERA or a water treatment ERA in a HPA (outside a DUA) must demonstrate there is no viable alternative location outside the HPA
- a dredging ERA
- a new extraction ERA (extracting material, other than by dredging, within or including the banks of a waterbody) in tidal and non-tidal streams in a wild river area provided a quarry material allocation is held
- a low impact out-of-stream extraction ERA, (i.e. borrow pits of not more than 10,000m<sup>3</sup>) and only for specified works or residential complexes

- an out-of-stream screening ERA for specified works or residential complexes (Note: an instream screening ERA is prohibited for both tidal and non-tidal streams in a HPA);
- Small fuel storages (a crude oil or petroleum product storage ERA) of less than 500,000 litres for residential complexes (outside of a DUA), and
- An exempt ERA in a DUA (see below).

In a DUA, the following ERAs are exempt from wild river requirements:

- a sewage ERA
- a water treatment ERA
- a motor vehicle workshop operation
- a Chapter 4 activity for which there is no aggregate environmental score for the Environmental Protection Regulation 2008, except:
  - intensive animal feedlotting, for keeping 50 to 150 standard cattle units or 350 to 1000 standard sheep units in a feedlot
  - pig keeping, for keeping 21 to 400 standard pig units
  - poultry farming, for farming more than 1000 to 200 000 birds
  - asphalt manufacturing, for manufacturing less than 1000 tonnes of asphalt in a year
  - extractive and screening activities, for extracting, other than by dredging, in a year, less than 5000 tonnes of material from a wild river area.

In the PA new ERAs are assessable against the Code. An extraction ERA is prohibited in tidal and non-tidal watercourses unless an allocation notice is held. Where not prohibited, an extraction ERA is assessable against the Code.

In a FMA an application for a new out-of-stream extraction ERA will only be accepted for specified works or residential complexes, and must be low impact (e.g. borrow pits of not more than 10,000m<sup>3</sup> in volume).

Note: Under the *Coastal Protection and Management Act 1995* no new quarry material allocations in tidal areas can be approved. Only allocations existing at the time of declaration can be used for a new extraction ERA.

Under the Water Act new quarry material allocations may be issued for non-tidal streams for specified works or residential complexes.

## Riverine quarry material extraction

All aspects of riverine quarry material extraction under the Water Act and IPA are assessable development. In a HPA or a nominated waterway, under s966C of the Water Act, riverine quarry material extraction is prohibited unless an allocation notice is held. If an allocation notice is held the activity is assessable against the Code.

Note: A new application for an allocation of quarry material in a tidal area will not be accepted under the *Coastal Protection and Management Act 1995*.

See Guide 16—Quarrying in a watercourse or lake for more information

## Residential, commercial and industrial development

Wild river requirements apply to new residential (including rural residential and urban residential), commercial (e.g. a shop or a motel) and industrial (for example, a small factory) developments outside of a DUA in the following 2 circumstances:

1. The development is operational work associated with reconfiguring a lot. In this case the application is assessable against the Code.

2. A MCU is assessable under the local government planning scheme. In this case the application is assessable against the Code.

Note: There are no wild river requirements for building, plumbing, or drainage works.

## Glossary

### Agricultural activities

As defined in the *Wild Rivers Act 2005*. Broadly means the planting, gathering or harvesting crops which involve cultivating or disturbing the soil, or using the land for horticulture or viticulture. It does not include:

- baling or cutting pasture
- broadcasting seed to establish an improved pasture
- forestry activities
- improving pasture using low impact soil disturbance techniques
- planting, gathering or harvesting a crop of pasture or grain species provided the pasture or grain species is only for animal feed and is neither high nor moderate risk pasture species, or
- producing agricultural products for the domestic needs of the occupants of the land if the maximum area of the land on which the products are produced is the following:

for fewer than 10 occupants of the land - 0.25ha;

for 10 or more but fewer than 50 occupants of the land - 2ha;

for 50 or more but fewer than 100 occupants of the land - 4ha; or

for 100 or more occupants of the land - 6ha.

### Allocation notice

An allocation notice given under the *Water Act*, section 283 or an allocation notice given under the *Coastal Protection and Management Act 1995*, section 76.

### Animal husbandry activities

As defined in the *Wild Rivers Act 2005*. Broadly means establishing a feedlot, piggery or dairy or breeding, keeping, raising or caring for animals, for commercial purposes, that:

- rely on prepared, packaged or manufactured feed or irrigated or ponded pastures;
- are kept in a pen, yard, enclosure, pond, cage, shed, stables or other confined area or structure. It does not include:
  - aquaculture
  - environmentally relevant activities
  - grazing
  - raising livestock for the domestic needs of the occupants of the land
  - keeping livestock, for example horses, necessary for working the land
  - giving livestock supplementary feed, either to maintain the livestock's survival, improve its fertility, or
  - or prepare it for sale if it is predominantly reliant on native or improved pasture for feed.

### Fodder production

Broadly fodder production is not assessable development in the PA if:

- it includes pasture and grain species that are cultivated, harvested, lightly processed and used solely for animal feed; and
- does not use species that pose a moderate risk of becoming an environmental weed (as listed in the relevant wild rivers ).

### Low impact soil disturbance

As defined in the *Wild Rivers Act*. For a pasture, means a method that does not disturb:

- soil in the pasture to a depth greater than 5cm, and
- more than 40% of the area of the pasture being improved.

**Overland flow water (OLF)**

Overland flow is water that runs across the land after rainfall, either before it enters a watercourse, after it leaves a watercourse as floodwater, or after it rises to the surface naturally from underground.

**Specified works**

As defined in Wild Rivers Act. Broadly means:

- public and private linear transport infrastructure such as roads, tracks, railways, conveyors and pipelines, including associated bridges and stream crossings
- jetties, boat ramps and piers available for public use
- public and private linear transmission infrastructure such as powerlines and telecommunication lines, including associated stream crossings
- removal of snags in a marked navigation channel that threaten boating safety, and
- works to rehabilitate land, such as the removal of contaminated soil and seal abandoned mine shafts.

**Table 1—Summary of typical wild river requirements in a high preservation area or preservation area (excluding a FMA)**

Activity	High Preservation Area	Preservation Area	Assessment manager*
Operational works interfering with water in a watercourse, lake or spring (including in-stream dams and weirs)	Prohibited	Works other than instream dams or weirs are prohibited in nominated waterways.	NRW

Activity	High Preservation Area	Preservation Area	Assessment manager*
Operational works that allow the taking of overland flow water	<p><b>Prohibited</b> unless for stock or domestic purposes or assessable development which a wild river declaration specifies is assessable development for which an application may be lodged.</p> <p>Most works for stock or domestic purposes are self-assessable against the Code. Self assessable works do not require a development permit. Works which cannot comply with the self assessable section of this part of the code are assessable development for which an application must be lodged and works must comply with the assessable development section of this part of the Code.</p> <p>Note: Works to take overland flow water are those that have consumptive use of water. Examples include storages, pumps, pipes and levees to divert water into a storage.</p> <p>New off-stream storages are generally prohibited in HPA only when they <b>take</b> overland flow water.</p> <p>Exceptions to the prohibitions are: i) off stream storages for stock or domestic purposes; or ii) works specified in a declaration as development for which an application can be made, development that is self assessable, or exempt development</p>	No code requirements for works taking overland flow water unless the PA overlaps with FMA (see table 2).	NRW
Operational works for constructing or raising waterway barrier works	Prohibited	Assessable against the Code	DPIF
Operational works that is tidal works or works in a Coastal Management District	<b>Prohibited unless for specified works.</b> Specified works are assessable against the Code	Prohibited unless for specified works. Specified works are assessable against the Code	EPA
Building or Operational Works in declared fish habitat areas	<p><b>Prohibited</b> unless for specified works. Specified works are assessable against the Code</p> <p>Note: Self-assessable development is not subject to wild river requirements unless specified in a wild river declaration</p>	<p>Assessable against the Code</p> <p>Note: Self-assessable development is not subject to wild river requirements unless specified in a wild river declaration</p>	DPIF



Activity	High Preservation Area	Preservation Area	Assessment manager*
Operational work for removal, destruction or damage of marine plants	<p><b>Prohibited</b> unless for specified works or necessary to install authorised works or infrastructure. Where not prohibited, assessable against the Code.</p> <p>Note: Self-assessable development is not subject to wild river requirements unless specified in a wild river declaration</p>	<p><b>Prohibited</b> unless for specified works or necessary to install authorised works or infrastructure. Where not prohibited, assessable against the Code.</p> <p>Note: Self-assessable development is not subject to wild river</p>	DPIF
Operational works for clearing native vegetation (non marine)	<p><b>Prohibited</b> unless for the following relevant purposes: Control of non-native plants or pests Ensuring public safety Establishing a fence, firebreak, road or other built infrastructure As a natural or ordinary consequence of other assessable development where an application was made before May 16 2003 and subsequently approved For clearing encroachment Clearing of re-growth in registered areas of agriculture</p> <p>Applications for works for relevant purposes are assessable against the Code</p> <p>Note: The HPA is taken to be an area of 'high nature conservation value' under the VMA. This is equal to a PMAV1 which means endangered species. Exempt activities (under the IPA and the <i>Land Act 1994</i>) on freehold. indigenous or</p>	No wild river requirements	NRW



MCU and Operational works for Agricultural activities	Prohibited  Note: Pasture improvement using low impact techniques and species not listed in a relevant declaration is not assessable and does not require a development permit.	Using species listed as high risk in a relevant declaration is <b>prohibited</b>  Otherwise assessable against the Code, with the exceptions described below.  Pasture improvement using low impact techniques and species not listed in a relevant declaration is not assessable and does not require a development permit.  Fodder production not using species listed in a relevant declaration is not assessable development and does not require a development permit.	NRW
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Activity	High Preservation Area	Preservation Area	Assessment manager*
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<p>MCU for Environmentally relevant activities (other than mining or petroleum)</p>	<p>Prohibited except:  A sewage ERA and water treatment ERA outside a DUA must demonstrate there is no viable alternative location outside the HPA;  An extraction ERA in a stream or lake where a quarry material allocation is held;  A crude oil or petroleum product storage ERA (small fuel storages) for residential complexes in the area (outside of DUA);  A screening ERA <b>outside</b> of streams and for specified works or residential complexes;  A low impact** extraction ERA outside of a stream and for specified works or residential complexes  A dredging ERA ;  an exempt ERA*** in a DUA.</p> <p>ERAs are assessable against the Code, except some ERAs in a DUA..</p> <p>Notes:  **A 'low impact' extraction ERA means borrow pits less than 10,000 m<sup>3</sup> in volume.  ERAs not prohibited are assessable against the Code unless they are exempt ERAs in a DUA.</p> <p>*** In a DUA there are no wild river requirements for the following ERAs:  A sewage ERA  A water treatment ERA  A motor vehicle workshop operation;  A Chapter 4 activity for which there is no aggregate environmental score for the Environmental Protection Regulation 2008;  except:  intensive animal feedlotting, for keeping 50 to 150 standard cattle units or 350 to 1000 standard sheep units in a feedlot  pig keeping, for keeping 21 to 400 standard pig units  poultry farming, for farming more than 1000 to 200 000 birds  asphalt manufacturing, for manufacturing less than 1000 tonnes of asphalt in a year  extractive and screening activities, for extracting, other than by dredging, in a year, less than 5000 tonnes of material from a wild river area.</p>	<p>Outside a DUA, all ERAs are assessable against the Code except an extraction ERA (see below).</p> <p>An extraction ERA in a watercourse is prohibited unless a quarry material allocation is held.</p> <p><b>In a DUA</b> there are no wild river requirements for the following ERAs:  A sewage ERA  A water treatment ERA  A motor vehicle workshop operation;  A Chapter 4 activity for which there is no aggregate environmental score for the Environmental Protection Regulation 2008;  except:  intensive animal feedlotting, for keeping 50 to 150 standard cattle units or 350 to 1000 standard sheep units in a feedlot  pig keeping, for keeping 21 to 400 standard pig units  poultry farming, for farming more than 1000 to 200 000 birds  asphalt manufacturing, for manufacturing less than 1000 tonnes of asphalt in a year  extractive and screening activities, for extracting, other than by dredging, in a year, less than 5000 tonnes of material from a wild river area.</p>	<p>EPA/ NRW/ local government</p>
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Activity	High Preservation Area	Preservation Area	Assessment manager*
MCU for Animal husbandry activities (non-ERA)	Prohibited	Assessable against the Code.	NRW
MCU for Aquaculture (non-ERA)	Prohibited	Assessable against the Code.	DPIF
Operational works for in-stream quarry material extraction	<b>Prohibited</b> unless a quarry allocation is held.	<b>Prohibited</b> unless a quarry allocation is held.	Non tidal areas- NRW Tidal areas- EPA (see OW that is tidal works above)
MCU for Residential, Commercial and industrial development or Operational works associated with reconfiguration of a lot	Assessable against the Code, unless in a DUA.	Assessable against the Code, unless in a DUA .	LG

Note: \* Where an activity is also made assessable in a local government planning scheme, the local government will be the assessment manager.

2. 'Prohibited' in this table means an application will be taken to be not properly made.



**Table 2—Summary of wild river requirements for works that take or interfere with overland flow water in a floodplain management area**

Activity	High Preservation Area
<b>Operational works that take overland flow water</b>	<p>Works to take overland flow water are prohibited where a FMA overlaps a HPA unless for stock or domestic purposes or are listed as assessable development in a wild river declaration.</p> <p>Works for stock or domestic purposes are either self assessable or “code assessable” against the relevant part of the Code. Self assessable works do not require a development permit. Works that do not meet the self assessment criteria as set out in the Code are assessable development, requiring a development permit, and compliance with that section of the Code.</p> <p>All non-stock or domestic-related works where a FMA overlaps a PA (and if in the HPA listed as assessable development in a wild river declaration) require a development permit and are assessable against the Code.</p>
<b>Operational works that interfere with overland flow water</b>  Note: Interference works are those that do not use water, e.g. levees, drains and storages to store watercourse water.	<p>Operational works that interfere with overland flow water are prohibited except for:</p> <ul style="list-style-type: none"><li>• specified works, or</li><li>• works stated in a relevant wild rivers declaration as ‘code-assessable’, self-assessable or exempt.</li></ul> <p>Works that are ‘code-assessable’ or self assessable must comply with the Wild Rivers Code or another code specified in the declaration. Self-assessable works do not require a development permit, but must comply with the self-assessable requirements of the Code. Works that do not meet the self-assessable criteria are code-assessable and require a development permit.</p> <p>Works exempt from wild river requirements are specified in the relevant wild river declaration. Examples are:</p> <ul style="list-style-type: none"><li>• existing overland flow works (before the declaration commenced)</li><li>• an open drain or trench that is less than 300 mm deep, and</li><li>• works in a designated urban area</li></ul> <p>Note: Works that take or interfere with overland flow water may be the same type of works, but used for different purposes. For example, levees that divert water into a storage are considered works that allow the taking of overland flow water, however, levees that simply re-direct the path of water are works that interfere with overland flow water.</p>

Note: An extracting ERA, outside of a watercourse, in a FMA is prohibited unless low impact and for specified works or residential complexes.