



# **A WILD AND HERITAGE RIVERS ACT FOR NSW**

20.17

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Total Environment Centre  
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## BACKGROUND

The NSW Government's 1995 wilderness election policy promised legislation to protect and manage Wild and Scenic rivers and vest the responsibility for planning and management of these river systems in the National Parks and Wildlife Service.

The 1996 Annual Conference of the Nature Conservation Council unanimously resolved to call on the Government to expedite such legislation that would permit community groups to nominate rivers for protection.

In May 1996, Total Environment Centre convened the Heritage Rivers Coalition to develop a community-based legislative proposal. The Coalition had representatives comprising Colong Foundation for Wilderness, Total Environment Centre, Nature Conservation Council, the Inland Rivers Network, the Confederation of Bushwalking Clubs, National Parks Association of N.S.W., with advice from the Environmental Defenders Office. The Coalition met a few times in 1996 and prepared a list of rivers for nomination under the proposed legislation.

I welcome your comment on these legislation guidelines. It is proposed that these guidelines be used in lobbying the Government to protect wild and heritage rivers and to be the basis of a private members bill.



# Guidelines for Wild and Heritage Rivers Legislation

## SYNOPSIS

The proposed legislation provides a framework for the nomination, identification, assessment, protection, rehabilitation and management of wild and heritage rivers.

- **Definitions**

Wild River Areas contain streams unregulated by dams or other structures, and flow through lands substantially unmodified by modern society or lands that can be rehabilitated to that condition.

Heritage River Areas contain streams that have important wild or scenic attributes and typically flow through partially altered natural landscapes.

- **Nomination of areas for investigation**

The proposed legislation provides for the nomination of river areas by any person.

The proposal also contains schedules of nominated wild and heritage rivers that must be protected, subject to final delineation of boundaries. The maps defining suitable boundaries for these scheduled nominations must be provided by the Wild Rivers Committee made up of government agencies and community interest groups.

- **Interim Protection**

The proposed legislation provides for the following interim river protection measures: proclamation of an interim protection areas that requires a council to regulate certain classes of development by consent and public exhibition, and in some cases by environmental impact statements; stop work orders where urgent threats exist such as clearing; joint management agreements between government agencies; and Interim Conservation Orders. These provisions can be applied once a nomination is accepted by the Director-General of the NPWS.

- **Identification and Assessment**

Upon acceptance of any nomination by the Director-General of the NPWS, assessment of the wild river area or heritage river areas is undertaken. An assessment report must describe and map the identified river areas that meet the wild and heritage river criteria.

The identification process is based on examining wild and heritage river area values.

The area recommended for declaration by the NPWS must be identified. Management and socio-economic considerations can be subsequently incorporated into the boundary recommended for protection by the NPWS and in management plans.

The NPWS must consider the comments of the Wild Rivers Committee and reproduce these in its river assessment report, giving reasons for any disagreement.

- **Declaration of wild and heritage river areas**



Identified Wild River Areas and Heritage River Areas can be protected by declaration under the Wild and Heritage Rivers Act with concurrent declaration under the National Parks and Wildlife Act or just under the proposed legislation when there is a legal impediment to concurrent declaration. Concurrent declaration is required so that river areas can be reserved within the NPWS estate areas as a priority process.

Wild and heritage river areas can be declared on public lands or on private lands with the written approval of the owner/land manager. Written consent must limit land uses to those consistent with the wild/heritage river area management goals and objectives outlined in the proposed legislation.

Heritage river areas can also be protected by an appropriate environmental protection zone proclaimed over public or private land. These areas can adjoin, or be upstream of, other declared wild/heritage river areas. Such environmental protection zones will provide development control to protect wild/heritage river values and can be proclaimed without land owner consent.

- **Management**

The management of wild and heritage river areas inside the NPWS estate is undertaken through the park management planning process where river management goals and objectives are provided to guide development of these plans.

River management outside the NPWS estate is by individual agreement with the land owner/manager or by environmental assessment protocols that are implemented by a development control concurrence power placed with the Director-General of the NPWS. Concurrence can be guided by a river management plans and the Wild Rivers Committee.

The NPWS also has the responsibility to prepare the river management plans for wild/heritage river area(s) outside the NPWS estate. The Minister for the Environment has responsibility to make these plans.

- **Rehabilitation**

The proposed legislation also provides for rehabilitation of heritage river areas by the restoration of more natural hydrological flows. The proposal requires the Department of Land & Water Conservation and the EPA to consider the needs of identified heritage river areas and all rivers nominated under schedule two when making determinations on environmental flows from water storages.

- **Wild Rivers Committee**

In addition to nominating river areas for assessment, advising on river assessments undertaken and on the preparation of draft river management strategies, the Wild Rivers Committee can make recommendations regarding development control for areas proclaimed outside the NPWS estate.



## RATIONALE

The aim of the proposed legislation is to give recognition to, and protection and management of waterbodies or parts of waterbodies that have significant wild and heritage river values.

## DEFINITION, NOMINATION, INTERIM PROTECTION, ASSESSMENT, IDENTIFICATION AND DECLARATION PROCEDURES

[Comment: The proposed legislation will define the process by which wild and heritage river areas are nominated by the public, identified by the Director-General of the NPWS, assessed and reported on by the NPWS, and declared by the Minister.

The above processes will essentially follow the Wilderness Act, 1987 model. The main exceptions to the Wilderness Act processes are clarification of the public exhibition and review processes, provision of further interim protection options, and a requirement that the Minister determine protection of an identified river area within six months following receipt of an assessment report.]

### DEFINITION OF WILD AND HERITAGE RIVER AREAS

1.1 Wild River Area means lands and waterways (including subterranean lands and waterways) declared to be a Wild River Area under this Act or the National Parks and Wildlife Act 1974.

1.2 Heritage River Area means lands and waterways (including subterranean lands and waterways) declared to be a Heritage River Area under this Act or the National Parks and Wildlife Act 1974.

1.3 A waterway is a channel, channel network, or a connected network of waterbodies, of natural origin, and can have an flow which may be perennial, intermittent or episodic.

### 2 NOMINATION OF WILD AND HERITAGE RIVER AREAS

2.1 The proposed legislation nominates:

- in schedule one, rivers for which wild river areas;
  - in schedule two, rivers for which heritage rivers areas;
- will be identified, protected and managed.

2.2 The Wild Rivers Committee will provide maps describing the nomination boundaries of each of the rivers listed in the two schedules within twelve months from the date of commencement of the legislation.

2.3 The Director-General of the NPWS must accept for assessment and recommend for gazettal a nomination submitted by the Wild Rivers Committee.

[Comment: The rivers named in the two attached schedules shall proceed through the same process as for other nominated areas, except that these nominations are given priority and cannot be rejected by the Director-General of the NPWS. For each river, a heritage/wild river area(s) shall be identified (see subclauses 4.3, 4.4, 4.5 and 4.6), protected by declaration (see subclauses 5.1 to 5.10) and subject to a management plan (subclauses 6.1.1 to 6.2.10)].



2.4 Additional nominations of wild and heritage river areas can be made by any member of the public, or by the Wild Rivers Committee or the Director-General of the National Parks and Wildlife Service. The nomination must include a map of the area(s) proposed for identification as a wild river area or heritage river.

2.5 Following receipt of a nomination that is not on the existing schedules and has not been nominated by the Wild Rivers Committee, the Director-General must either accept or reject the nomination within six months. The Director-General may accept part of the river nominated as a new nomination area or as an extension to an existing accepted nomination, identified or declared wild river area or heritage river area(s). The acceptance or rejection of a nomination is based solely on whether or not wild or heritage river values are likely to be identified within the area nominated.

[Comment: Vexatious nominations or ones that naively proposed that could not contain wild or heritage values may be rejected. The Director-General must not consider river management or socio-economic issues when accepting or rejecting a nomination. River management and socio-economic issues are addressed after a river area is identified, when the NPWS recommends a boundary for river areas and during management planning.]

2.6 The Director-General must give in writing to the person who formulated the proposal the reasons for rejection of a nomination or part of a nomination. If a nomination is rejected, the person who made the nomination can appeal to the Minister for a review of the nomination.

### 3 INTERIM PROTECTION MEASURES

[Comment: Once a nomination area is accepted, interim protection provisions, including but not limited to those under the NPW Act, can be applied by the Director-General of the National Parks and Wildlife Service and by the Minister.]

3.1 An interim protection area can be declared over part or whole of the area nominated as a wild river area or heritage river area under the proposed legislation. The interim protection area must be advertised in major daily and relevant local newspapers. A map that describes the boundaries of the interim protection area must accompany the advertisement. The advertisement will also specify any interim provisions where consent of council and public exhibition of the development application would be required for certain developments likely to adversely affect the wild river area or heritage river area. Developments which in the opinion of the Wild Rivers Committee are likely to cause major or irreversible change to the environment shall be specified as subject to the designated development provisions of the Environmental Planning and Assessment Act, 1979.

3.2 Stop work orders by the Director-General can be applied if the Director-General is of the opinion that the action being, or about to be, carried out is likely to harm the natural qualities or biodiversity of a wild river area or heritage river area, and the Director-General can order that the action and any other action (other than any specified in the order) cease in, or in the vicinity of the wild river area or heritage river area concerned.

3.3 No prior notice of the intention to make a stop work order need be given.

3.4 The National Parks and Wildlife Service following gazettal of a interim protection area or stop work order must consult with all land holders and land managing government agencies with holdings within the interim protection area or stop work order.

3.5 Interim controls and orders may remain in force until the nomination is determined by the Minister.



3.6 Joint management agreements can be made between the Director-General and other public authorities to manage or regulate actions on land or a waterbody that may jeopardise wild and heritage river values in identified wild and heritage river areas.

3.7 Conservation agreements and interim conservation orders under the Heritage Act can be applied to wild river area or heritage river areas by the Minister administering the Heritage Act.

#### 4 IDENTIFICATION AND ASSESSMENT OF WILD AND HERITAGE RIVER AREAS

[Comment: Management issues for river areas protected under this legislation will be addressed after declaration. Management plans shall be prepared within two years following the declaration of the wild and heritage river areas named in the two schedules (subclauses 6.1.1 to 6.2.10)].

4.1 Once a nomination is accepted, the National Parks and Wildlife Service must notify affected land holders, as soon as possible during the subsequent assessment process, providing a map of the nomination area and inviting comment.

4.2 Upon acceptance of a wild river area or heritage river area nomination, the National Parks and Wildlife Service must prepare an assessment report within one year from the date of acceptance.

4.3 The Director-General of the NPWS is responsible for identifying the boundaries of wild and heritage river areas.

[Comment: Both private and public lands can be identified. The Director-General shall not take into consideration socio-economic impacts or river management issues, such as access by motor vehicles to inholdings and park facilities, when identifying a wild river area or heritage river area. Issues of acquisition, land and water management, equity and land title do not relate to the identification criteria. These matters can influence the area recommended for declaration by the National Parks and Wildlife Service and also can be considered in the management planning processes subsequent to declaration.]

4.4 An area of waterway or land shall not be identified as a Wild River Area by the Director General unless the Director General is of the opinion that the waterway has a flow unregulated by dams or other structures which, together with its biological diversity; and along with those parts of the catchment with which the river is linked; is sufficiently large not to have been significantly altered by modern society or is capable of being restored to such a condition.

[Comment: The definition of a wild river precludes areas substantially altered by exploitative uses (unless they are required for essential management purposes, see subclause 4.7). The above wild river area definition is intended to embrace suitable western rivers, floodplains and/or upper catchment areas.]

4.5 An area of waterway or land shall not be identified as a Heritage River Area by the Director General unless the Director General is of the opinion that:

the waterway:

- in the case of a regulated flow, is linked with parts of the catchment which have not been significantly altered by exploitative uses or capable of being rehabilitated to such a condition; or
- in the case of a hydrological regime that is essentially unaltered, is linked with those parts of the catchment with which are of outstanding natural beauty or is capable of



providing significant opportunities for self reliant stream-based recreation or contain biological attributes that merit protection.

[**Comment:** The definition of a Heritage River Area seeks to protect waterbodies with regulated or unregulated water flows that contain important wild or heritage values. (For example, regulated waterbodies in western NSW that have adjoining parts of the catchment in a natural condition could be embraced into this category, such as River Red Gum forest environments and the Macquarie Marshes). A Heritage River Area may adjoin another heritage or wild river area. The definition does not preclude exploitative uses such as grazing and logging within the identified areas, as long as the scenic qualities and hydrological environment of the river are substantially unaltered or capable of rehabilitation.

Where altered floodplains and catchments areas could provide a buffer against damage to a Wild River Area, a Heritage River Area can be proclaimed (eg when the adjoining catchments/floodplains are altered from the natural condition and are not capable of restoration but are needed for management purposes). These areas will be subject to protection by appropriate development controls that will regulate future development but not existing use privileges. (Existing use issues are addressed by financial incentives, community consultation and voluntary agreements).]

4.6 In forming an opinion on whether to identify a wild river area or heritage river area under the provisions of subclauses 4.5 and 4.6, the Director-General may consider:

- a) for a wild river, the period of time within which the area could be reasonably rehabilitated to a substantially unmodified state;
- b) whether despite development which would otherwise render it unsuitable, the area is needed for protection and management or an existing or proposed wild river area/heritage river area; and
- c) the significance of the area as a wild river area or heritage river area relative to the identification criteria, and other natural or cultural heritage values.

4.7 Following identification and where an identified area extends beyond the NPWS estate, the Director-General of the National Parks and Wildlife Service must consult with the Wild Rivers Committee concerning the assessment of wild and heritage river areas and must have regard to any advice given by the Wild Rivers Committee, established by the proposed Act. The advice of the Wild Rivers Committee is to be included in the assessment report. Where the NPWS disagrees with the advice of the Wild Rivers Committee, the NPWS must list the reasons for its disagreement.

4.7.1 The NPWS must seek to negotiate conservation agreements with land holders and government agencies within an identified wild/heritage river area(s).

4.8 The assessment report shall contain a map(s) showing the boundaries of the nomination area(s), the identified wild/heritage river area(s) and the wild/heritage river area(s) recommended for declaration by the NPWS.

4.9 Upon completion of an assessment, it must be provided to the Minister. The assessment report must be reproduced and made publicly available within one month of being made available to the Minister.

4.10 Public exhibition of the assessment report shall be advertised in major daily metropolitan and relevant local newspapers. A map which describes the boundaries of the identified area must accompany the advertisement. The assessment report shall be exhibited for three months. Public submissions on the proposed wild river area or heritage river area shall be assessed by the National Parks and Wildlife Service, and the Wild Rivers Committee, and a report reviewing these submissions prepared by the NPWS for the Minister within three months.



4.11 Wild and heritage rivers listed in the two schedules contained in the proposed legislation shall be identified by the Director-General of the NPWS within three months following submission by the Wild Rivers Committee of a wild/heritage river area nomination to the Director-General of the NPWS.

## 5 DECLARATION OF WILD AND HERITAGE RIVER AREAS

5.1 Upon receipt of the report reviewing submissions on the assessment report, the Minister must then determine whether to declare or not declare, in whole or in part, the identified wild river area or heritage river area(s) under the Act within six months.

5.2 Only areas identified by the Director General of the NPWS under the proposed Act can be declared a wild river area or heritage river areas.

5.3 A wild river area or a heritage river area can be declared by the Minister:

- concurrently as national park(s), nature reserve(s) or state recreation area(s) under the proposed provisions replacing section 61 of the National Parks and Wildlife Act, 1974 (see subclauses 5.2, 5.7, 5.8 and 5.9) and under the proposed Wild and Heritage Rivers Act; or
- under the proposed Wild and Heritage Rivers Act only, where existing legal agreements such as licences and leases would otherwise delay concurrent declaration as NPWS estate or set unwanted precedents (eg. jet boat tours on wild rivers).

5.4 Wild river areas can be declared over public land, or on private lands only with the written approval of the owner.

[Comment: A protection agreement would be subsequently drafted between the land owner or land manager and the NPWS. Such an agreement would involve management of existing uses to ensure that these did not adversely affect wild and/or heritage river values on the subject land(s) and waterway(s).]

5.5 Heritage river areas also can be declared by the Minister over private lands or public lands outside the NPWS estate and concurrently zoned (or rezoned) by the Minister for Urban Affairs and Planning under local planning instruments gazetted through the planning provisions of the Environmental Planning and Assessment Act, 1974 to provide protection for the heritage river area.

[Comment: The agreement of land owners is not required for the gazettal of local planning instruments.]

5.6 Declaration of a wild/heritage river area shall be by Act of Parliament where it affects areas outside the NPWS estate.

5.7 The Minister may, by notification published in the Gazette, declare lands inside the NPW estate wild/heritage river area(s).

5.8 The Minister shall declare wild/heritage river area(s) under the provisions of the proposed Act, within six months from the date of receipt by the Director-General of the NPWS of a nomination by the Wild Rivers Committee.

5.9 Revocation of a wild river area or a heritage river area is by Act of Parliament only.



5.10 The Director General shall keep a register containing copies of the gazetted wild river areas and heritage river areas.

5.10.1 The register shall be open for public inspection during ordinary business hours, and copies of or extraction from the register shall be available.

[Comment: Subclauses 5.2, 5.7, 5.8 and 5.9 will replace the existing section 61 of the NPW Act.]

## 6 MANAGEMENT OF WILD RIVER AREAS AND HERITAGE RIVER AREAS:

### 6.1 INSIDE THE NPWS ESTATE

[Comment: These provisions below amending additions to section 61A of the NPW Act.

Plans of management for wild rivers will be prepared under the amended section 61A of the National Parks and Wildlife Act, 1974 and will address the management goals and objectives specified in the proposed Wild and Heritage Rivers Act (subclauses 7.1 and 7.2), as well as those set out under the NPW Act for a nature reserve, national park and state recreation area(s) as appropriate to the particular area].

6.1.1 When a wild/heritage river area is gazetted:

- a) over area of the NPWS estate not subject to a plan of management, a draft plan of management must be prepared and exhibited within two years following gazettal; or
- b) over area of the NPWS estate subject to a plan of management, the plan must be reviewed and an amending draft plan exhibited within two years following gazettal and;

shall address the management goals and objectives for wild/heritage river areas specified in clause 7 of the proposed Act; in addition to the other plan of management provisions of Part 5 of the NPW Act.

6.1.2 More than one wild river area or heritage river area can be dealt with in a single plan of management.

6.1.3 Where necessary, the plan of management for a wild river area or a heritage river area declared inside the NPWS estate will include recovery programs for recovery of wild/heritage river values. The plans should also facilitate recovery of biodiversity, heritage and natural amenity values.

6.1.4 Where necessary, the plan of management for a wild/heritage river area will include recovery programs for any endangered or vulnerable species, populations or communities.

### 6.2 OUTSIDE THE NPWS ESTATE

[Comment: The management strategies for wild river area(s) or heritage river area(s) outside the NPWS estate are adapted from the draft State Environmental Planning Policy developed under the Unsworth Government].

#### Preparation of a draft management strategy plan

6.2.1 For each wild/heritage river area outside the NPWS estate, the NPWS will exhibit a draft management strategy, and invite submissions from the public and interested authorities.



6.2.2 Prior to the preparation of the draft management strategy, the NPWS shall make its best endeavours to notify any public authority which in its opinion has functions affecting the relevant values in or in the vicinity of the wild river area or heritage river area that a draft management strategy is being prepared, and invite those authorities to make a submission on the draft strategy.

6.2.3 More than one wild river area or heritage river area can be dealt with in a single draft management strategy.

6.2.4 In preparing a draft management strategy the Director-General of the NPWS shall consider:

- a) the views of any public authority which has functions in or in the vicinity of the wild river area or heritage river area that is the subject of the draft management strategy, including any submissions received from the Director-General of the Department of Urban Affairs and Planning, and the Director-General of the Department of Land and Water Conservation;
- b) the views of the Wild Rivers Committee established under the proposed Act to advise or assist in the preparation of the draft management strategy;
- c) the adequacy or otherwise of any environmental planning instrument controlling development, or any other action, within an identified wild river area or heritage river area that are the subject of the draft plan;
- d) if no environmental planning instrument controlling development is in force within the identified heritage river area, the desirability of implementing any such controls; and
- e) any other relevant matter.

6.2.5 A draft strategy plan shall:

- a) shall address the management goals and objectives for wild/heritage river areas specified in clause 7 of the proposed Act;
- b) describe the identified wild river area or heritage river area and the recommended wild river area or heritage river area that is the subject of this draft strategy;
- c) the existing ownership of the identified wild river area or heritage river area;
- d) access points suitable for pedestrian, water craft and motor vehicle access to the waterway within the identified area;
- e) management issues and responsibilities within the identified area; and
- f) be prepared within one year following declaration of the wild river area or heritage river area.

6.2.6 The draft management strategy will be advertised in major daily and the appropriate local newspapers and by placed on public exhibition for a period of not less than three months.

#### **Final management strategy**

6.2.7 Submissions made on the draft management strategy shall be taken into account in preparation of the final strategy.

6.2.8 The Minister shall, at the end of the period of exhibition and after considering any submissions made pursuant to the draft strategy, require the Director-General of the NPWS prepare a final management strategy.



6.2.9 A final management strategy takes effect on its publication in the Gazette.

6.2.10 Where the final management strategy cannot be agreed between the National Parks and Wildlife Service, the Department of Land and Water Conservation and any public authority which has a function that affects the wild river area or heritage river area, then the matter shall be referred to the Ministers' Office for resolution, and if the matter remains unresolved between the two Ministers it shall be forwarded to the Premier for final determination.

## 7 GOALS AND MANAGEMENT OBJECTIVES FOR WILD AND HERITAGE RIVER AREAS

### Goals

7.1 The Wild Rivers Committee and the National Parks and Wildlife Service will have regard for the following goals for protection and management:

- a) for wild river areas, to conserve wild river values by protecting wild rivers from hydrological, geomorphological, and biological disturbance, and permitting the associated natural systems and ecological processes to continue indefinitely by allowing or causing rehabilitation of these areas; and
- b) for heritage river areas, to conserve wild and heritage river values by protecting heritage rivers from further hydrological, geomorphological, and biological disturbance, and by ensuring appropriate management of altered environments, the regulation of motor vehicle access and the rehabilitation of the associated hydrological systems and ecological processes.

### Management objectives

7.2 Management for a wild river area or heritage river area:

- a) must be consistent with the identification criteria;
- b) must maintain, and where necessary repair, the biological diversity and ecological processes and other wild, heritage and natural heritage values where these are capable of recovery; and
- c) must prohibit the use of firearms for public safety and wildlife protection; and
- d) shall only support uses that do not threaten the integrity of wild river area or heritage river values;
- e) will in addition, for a wild river area, be compatible with wilderness management principles and maintenance of wild river quality, unless carried out for a genuine emergency or essential wild river management purpose where no alternative means of achieving those purposes is available;
- f) will in addition, for a heritage river area, be compatible with the park management principles of the NPWS estate embraced by the gazetted area.

[Comment: Maintaining the status quo for wild rivers is not good enough. Rehabilitation to a condition approaching the original is possible and should be a key objective for maintaining wild



rivers and heritage rivers. (For example major damage agents — feral animals and exotic weeds — require removal/management and regulated streams require adequate environmental flows). Recreational fishing, powered watercraft, off-road vehicles and the use of firearms are not acceptable within identified wild rivers.]

#### EFFECT OF DECLARING WILD RIVER AREAS AND HERITAGE RIVER PROTECTION AREAS OVER LANDS — DEVELOPMENT CONTROL

[Comment: Use will be monitored and development controlled in declared wild river areas and heritage river areas through adequate public environmental assessment procedures, including the assessment of cumulative incremental development. Environmental impact assessment protocols will ensure that impacts of activities in identified wild river areas and heritage river areas are mitigated to the maximum extent possible.

Vegetation clearance will be controlled by environmental impact assessment procedures within declared wild and heritage river areas.]

8.1 On declaration of a wild river area or heritage river area, a person or government agency shall not develop land within the area declared without the consent of the council of the area and the concurrence of the Director-General of the NPWS.

8.2 To the extent to which subclause (8.1) is inconsistent with any environmental planning instrument applying to the declared area concerned, the provisions of subclause (8.1) prevail.

8.3 Nothing in subclause (8.1 or 8.2) allows a council to grant consent to development for the purpose for which development is prohibited under any environmental planning instrument or contrary to any development standard applying to the land.

8.4 The Director-General of the NPWS shall for the purpose of deciding whether concurrence should be granted, consider any relevant management strategy and

- a) the effects of the proposed activity on the landscape and heritage qualities of the area;
- b) the advice of the Wild Rivers Committee;
- c) whether the carrying out of the development would be consistent with the objectives and management provisions of the Wild and Heritage Rivers Act;
- d) whether, in appropriate cases, adequate safeguards have been taken or will be taken to protect the environment; and
- e) whether feasible alternatives to the proposal have been considered and assessed and, if so, the reasons given for choosing the proposed development and the proposed location of the development.

8.5 A public authority shall not carry out development within the area of a wild and heritage area unless the proposal is consistent:

- with the final management strategy; or
- for areas within the NPW estate, a plan of management.

[Comment: Subclause 8.5 shall further amend section 61A of the NPW Act].



## REHABILITATION OF HERITAGE RIVER FLOWS

9.1 The Department of Land and Water Conservation and the Environment Protection Authority must consider identified heritage river areas and all rivers nominated under the schedule two of the proposed legislation when determining environmental impact assessments for the provision of environmental flows released from water storages.

[Comment: Heritage River areas can be rehabilitated by the provision of environmental flows. For example, declaring the Macquarie Marshes reach of the Macquarie River a heritage river would require the EPA to provide adequate environmental flows as part of operating licence for Burrendong Dam].

## WILD RIVERS COMMITTEE

10.1 The Wild Rivers Committee will be established an independent advisory committee established as a body corporate.

10.2 The nominees of the Director-General of the National Parks and Wildlife Service, the Director-General of the Department of Land and Water Conservation, the Director-General of the Department of Urban Affairs and Planning, the Director-General of the Environment Protection Authority, the nominee of the Nature Conservation Council of NSW, The Wilderness Society, the National Parks Association of NSW, the Canoe Association of NSW and a community representative of a Catchment Management Committees shall make up the Wild Rivers Committee.

10.3 The function of the Wild Rivers Committee are to advise the Director-General of the NPWS on nomination, identification and management of wild and heritage river areas outside the NPWS estate. Management shall include advising the Director-General on whether a particular proposed development or class of developments that will cause major or irreversible change to the environment of an identified wild river area or heritage river area. If the Committee is of the opinion that a development or class of developments is likely to cause major or irreversible change to the environment, the Committee can recommend refusal of a particular development or class of developments.

10.4 The Wild Rivers Committee shall define the nomination boundaries for the scheduled wild and heritage rivers listed in the proposed legislation.

[Comment: The Wild Rivers Committee, as an advisory committee to the NPWS, will be not subject to Ministerial control or direction.]

## ACT BINDS THE CROWN

11.1 This proposed Act binds the Crown in right of New South Wales and, in so far as the legislative power of Parliament permits, the Crown in all its other capacities.

Keith Muir  
8 April 1997



LIST OF WILD AND HERITAGE RIVERS PROPOSED FOR PRIORITY PROTECTION.

**Schedule 1 — Wild Rivers:**

Timbarra River  
Mann River  
Nymboida River  
Guy Fawkes  
Barrington River  
Colo River  
Wollangambe River  
Kowmung River  
Shoalhaven River  
Indi River (Upper Murray River)  
Goobarragandra River  
Ettrema Creek  
Deua River  
Grose River

**Schedule 2 — Heritage Rivers**

Capertee River  
Wollondilly River  
Goodradigbee River  
Cox River  
Snowy River  
Bulloo river/ Cuttaburra Channel  
Paroo River  
Narran River Warrego River  
Willandra Creek  
Darling River Anabranh  
Sandy Creek/ Crawl Creek  
Bogon from Moonagee to the Darling  
Lachlan from Hillsten to the Great Cumbung Swamp  
Macquarie Marshes