
Framework for Wild River Assessment

Parks and Wildlife Group
Department of Environment and Climate Change
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1 INTRODUCTION

Before 2001, the *National Parks and Wildlife Act 1974* (NPW Act) contained provisions for the protection of 'wild and scenic rivers', but no rivers were declared under these provisions. As part of the *National Parks and Wildlife Amendment Act 2001*, the provisions relating to wild rivers were amended. Reference to 'scenic' values were removed and replaced by a more explicit definition that requires consideration of the biological, geomorphic and hydrological condition of the river. This is consistent with the definition used in draft national policies on wild rivers.

This document outlines the legislative and policy framework for wild rivers and describes the assessment and declaration process. For information on how wild rivers are managed please refer to the relevant DECC Park Management Policy. For other supplementary information relevant to the main text of this document see Appendixes A through C.

2 WHAT IS A WILD RIVER?

The concept of the 'wild river' originated in North America. The wild and heritage rivers of Canada and the United States are now important conservation icons and tourist attractions.

The wild river category under the NPW Act allows for the protection of rivers that represent the least disturbed rivers in NSW. NSW's formal commitment to freshwater conservation is limited. Although many streams and riparian areas of high conservation value have been reserved (e.g. Oxley Wild Rivers National Park, Kosciuszko National Park), no management framework for these river systems exists beyond the boundaries of the reserves.

Wild rivers declaration provides an opportunity for DECC to designate special conservation areas on DECC reserves for the purpose of identification, representation and management of freshwater ecosystems at the highly natural end of the spectrum. As one component of a natural resource framework, wild rivers declaration confirms the State's commitment to conservation of streams and identifies the reserve system as providing significant waterway recreational and ecosystem services.

Although wild rivers are declared within reserves, there are also opportunities to use them as a basis for off-reserve partnerships in areas of high conservation value. Wild rivers declaration provides iconic recognition for some much-loved rivers in NSW.

3 THE PROCESS OF DECLARING A WILD RIVER

Wild rivers must be in a condition similar to that present before European occupation.

Section 61 of the NPW Act (Appendix A) defines rivers as:

any water course or water course network, or any connected network of water bodies, or any part of those, of natural origin, exhibiting substantially natural flow (whether perennial, intermittent or episodic). (s. 61 (4))

This definition includes estuaries and floodplains.

Nomination

The NPW Act does not specify who may nominate a wild river. DECC's policy position is that any organisation (including DECC) or member of the public may make a nomination.

Assessment criteria

The Act specifies criteria that a river must meet to be eligible for declaration as a wild river.

Wild rivers are those *exhibiting substantially natural flow ... and containing remaining examples, in a condition substantially undisturbed since European occupation of ...*

- a) *the biological, hydrological and geomorphological processes associated with river flow, and*
- b) *the biological, hydrological and geomorphological processes in those parts of the catchment with which the river is intrinsically linked. (s. 61 (4), NPW Act)*

The 'parts of the catchment with which the river is intrinsically linked' is taken to mean those parts of the catchment which are likely to directly influence the condition of the river.

Wild river declaration

For rivers that meet the assessment criteria, other conditions must be met before declaration can take place:

- Where the declaration may affect the functions of the Minister responsible for the *Mining Act 1992*, the concurrence of this Minister must be obtained. This occurs where the river falls within a State Conservation Area.
- Where the declaration may affect the functions of the Minister responsible for the *Water Management Act 2000* the concurrence of this Minister must be obtained. A river cannot be declared wild unless such a declaration is consistent with any Plan of Management (PoM) in operation for the reserve (s. 61A(1)). Effectively this means that the PoM must refer to the river as wild, and must require actions consistent with maintaining the river's wild values, before the river may be declared. If there is no relevant PoM, then there is no impediment to declaration under this section of the NPW Act.

If the above conditions are met, wild rivers may be declared by the Director General of DECC by means of a notice in the *Government Gazette*.

On-reserve effect of declaration

The Act protects wild rivers by requiring them to be managed in a way that will maintain and restore (if necessary) their wild river values.

Aboriginal objects and places associated with the wild river are to be identified, conserved and protected (s. 61(5) (a) and (b)). Wild river declaration can therefore be used to trigger investigations of Aboriginal objects and places and the development of conservation plans.

The objectives of the NPW Act, such as the conservation of significant natural and cultural features and the fostering of a public appreciation and enjoyment of nature, also apply to wild rivers.

DECC has developed a park management policy for wild rivers that discusses appropriate activities, management of cultural heritage, and restoration. This policy will be updated from time to time, and the most recent version will be available on the DECC website.

Off-reserve effect of declaration

In some cases the declaration of a wild river may have an effect on actions conducted outside the reserve. The NPW Act gives DECC an advisory role where a statutory authority intends to conduct certain actions 'in relation to' wild rivers. The Act states:

A statutory authority shall not carry out development in relation to a wild river unless it has consulted with, and considered any advice given by, the Minister in relation to the development. (s. 61A (2))

A statutory authority is any authority that has been established under an Act of parliament, such as local councils, catchment management authorities (CMAs) and government departments.

'Development' in this section is defined in Division 12, Part 2 of the NPW Act, and includes:

- the carrying out of work in, on, over or under that area
- the subdivision of an area
- the clearing of vegetation in that area.

The types of actions that might require a statutory authority to consult with DECC might include the building of dams and weirs or the construction of hydro-electric power stations upstream of wild rivers.

The declaration of wild rivers does not expand the existing advisory role of DECC. This is because DECC already has an advisory role where a development may affect a reserve, including any rivers within the reserve. Provisions in the *Environmental Planning and Assessment Act 1979* and the Environmental Planning and Assessment Regulations ensure that DECC is alerted to such proposals. These provisions, therefore, also satisfy the requirements of section 61A (2) of the NPW Act with regard to developments in relation to wild rivers. Nevertheless, the declaration of wild rivers will have the capacity to bring additional benefit to these rivers with regard to off-reserve activities. The condition and values of wild rivers are documented, enabling DECC to make a more informed decision regarding the potential impacts of off-reserve proposals. There may also be opportunities to protect wild rivers through mechanisms such as local or State government planning controls, management guidelines or community education and support.

Revocation of wild river declaration

In cases where a wild river is disturbed to the point where it no longer meets the criteria for wild rivers, the wild river declaration may be revoked through an amendment to the PoM and notice in the *Government Gazette*. Justification for the proposed revocation should be provided to the Minister, including evidence that the river no longer meets the wild river criteria. The Minister's support for the proposal must be received before the wild river declaration is revoked.

4 DIRECTIONS FOR THE WILD RIVERS PROGRAM

In addition to the statutory requirements for wild river protection, the declaration of wild rivers has the capacity to:

- raise the public profile of rivers on reserves to encourage certain recreational activities and aesthetic appreciation, consistent with the values of the rivers and the reserves in which they occur
- provide benchmarks for environmental monitoring and scientific study.

All rivers within the existing reserve system fulfil a role in protecting freshwater and riparian dependent flora and fauna. Wild rivers, because of their excellent condition, potentially play a wider role in providing a range of environmental services for other parts of their catchments: they may act as sources for recolonisation, water quality improvement, water supply assurance and flood mitigation. They also have a role in protecting cultural and historic heritage.

The declaration of wild rivers has the capacity to strengthen DECC's existing freshwater conservation role and provide an impetus for this agency, the Department of Primary Industries (DPI – Fisheries) and the Department of Water and Energy to more clearly define the State's agenda in freshwater conservation. Wild rivers can also provide a focus for CMAs that wish to identify and manage streams of high conservation value as part of their activities. DPI and CMAs may wish to complement the wild rivers program with conservation programs affecting unreserved parts of the catchment. In this case DECC would provide one component of an integrated freshwater conservation strategy operating on and off reserves.

Following are examples of conservation programs and initiatives that may complement the protection of wild rivers on DECC reserves:

- threatened species recovery plans for river and riparian-dependent species. Examples include the tortoise, Bellinger River emydura (*Emydura macquarii*), and the sedge *Eleocharis tetraquetra*. (For example, one action listed in the *Emydura Recovery Plan* is to encourage and provide support to private landholders to undertake remedial works on riparian vegetation upstream of *Emydura* habitat.)
- Voluntary Conservation Agreements established under the NPW Act and *Wilderness Act 1987*. These are joint agreements between a landholder and the Minister for Climate Change and the Environment that provide permanent protection for the natural values of lands outside of reserves. Similar agreements can be established for lands managed by government agencies or statutory authorities such as the Department of Water and Energy or State Forests of NSW under the *Wilderness Act 1987*.
- vegetation conservation and rehabilitation programs such as those initiated through Catchment Action Plans.
- identification by DPI of catchments as priorities for fish habitat protection.

The wild rivers program is focused on rivers that are already reserved. Over the longer term DECC may seek to acquire new parks that will contribute to a freshwater protected area system meeting the principles of comprehensiveness, adequacy and representativeness. Such a program would need to be integrated with the broader DECC protected areas strategy and requires information currently being developed, such as a classification of NSW freshwater ecosystems.

5 COMMUNITY CONSULTATION

There is no legislative requirement to consult the public before declaring a wild river, but DECC recognises the valuable role the public plays in setting new management regimes, including determining appropriate activities within reserves.

When DECC intends to declare a wild river, the PoM for that reserve will need to be reviewed to ensure that the management practices are appropriate for the river's new status. In addition, the NPW Act requires that rivers must be specified as 'wild' under the relevant plan of management before the river is declared; therefore, in some cases it will be necessary to amend a PoM before declaring a wild river. When a PoM is amended the community will be invited to comment on any proposed changes to river management.

There are three possible scenarios for public consultation during the wild river declaration process, as described below. A decision tree is provided in Figure 1 to help determine when public consultation is required.

1) *Public consultation is not required when:*

- a plan of management exists and this plan identifies the river as wild; and
- the management regime in the PoM is consistent with the DECC park management policy for wild rivers.

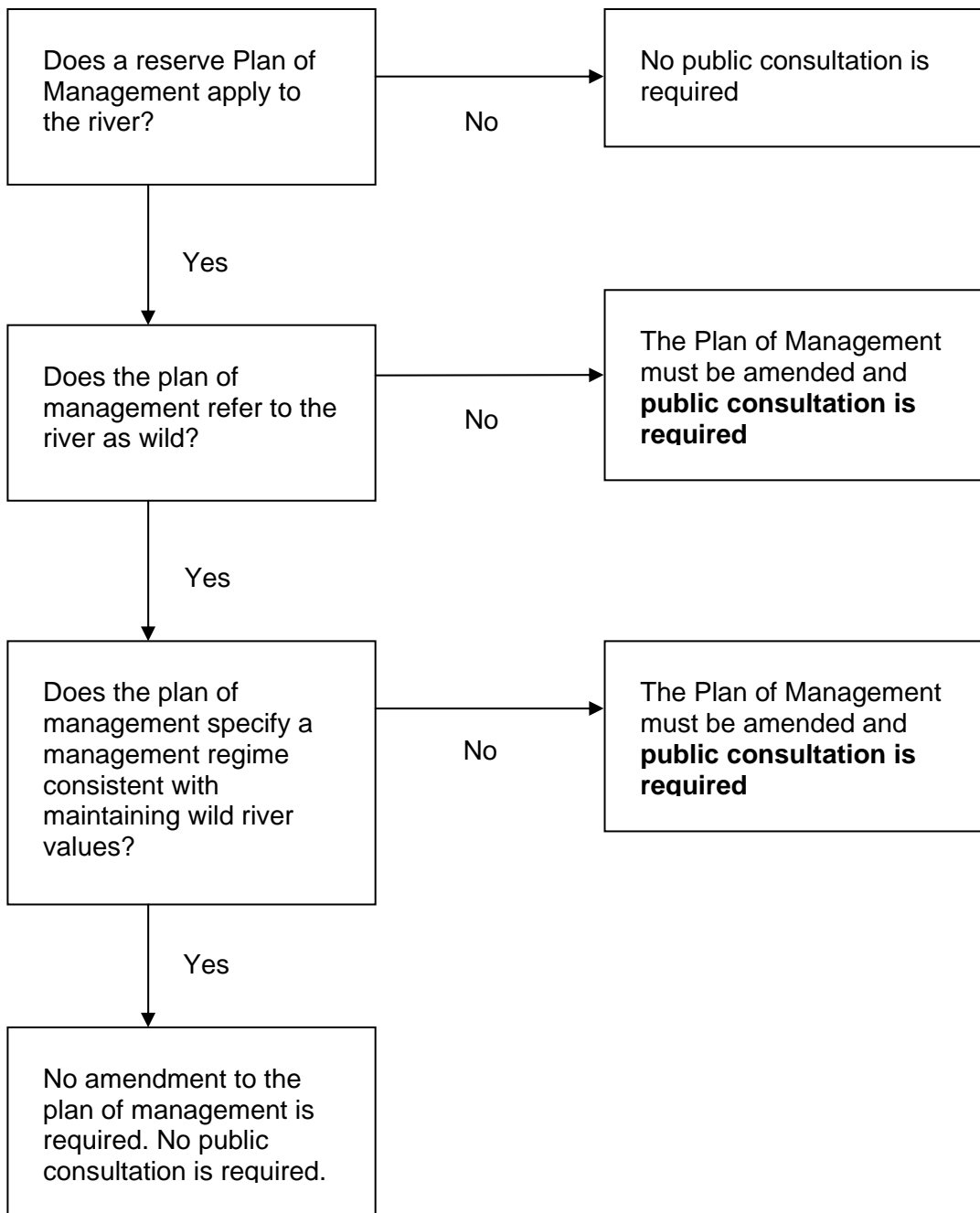
2) *Public consultation is required through a PoM amendment before the river is declared when:*

- a plan of management exists but does not identify the river as wild; or
- the PoM specifies management that is inconsistent with the DECC park management policy for wild rivers.

3) *Public consultation may occur after the declaration of the wild river when:*

- no finalised plan of management exists for the relevant reserve.

Figure 1. The wild river consultation process decision tree: When is public consultation required?



6 WILD RIVER ASSESSMENT PROCESS

The Act requires that rivers and relevant parts of their catchments must meet certain standards of biological, geomorphic and hydrological condition in order for them to be declared a wild river. Technical assessments are available that test these qualities in rivers, and land-use information is used to build a picture of catchment condition.

DECC has adopted the assessment techniques of 'AUSRIVAS' (Turak *et al.* 2004) to test biological condition and River Styles (Brierley and Fryirs 2005) to test geomorphic condition. These well-established techniques compare sampled rivers with an ideal standard that is thought to approximate the pre-European condition. A large body of data has already been collected for NSW rivers by using these techniques.

DECC examines the current and historical land-use practices within the relevant parts of the catchment to determine the likely condition of the river and catchment. Where minimal disturbance has occurred, it may be reasonable to assume that a river is in pre-European condition without on-ground data collection.

DECC uses workshops to bring together experts in river biology, geomorphology and hydrology and people with local knowledge to assess the above information and make a final decision on whether or not a river is wild.

Each step in the wild river assessment process is described below and in Figure 2.

Step 1: Nomination

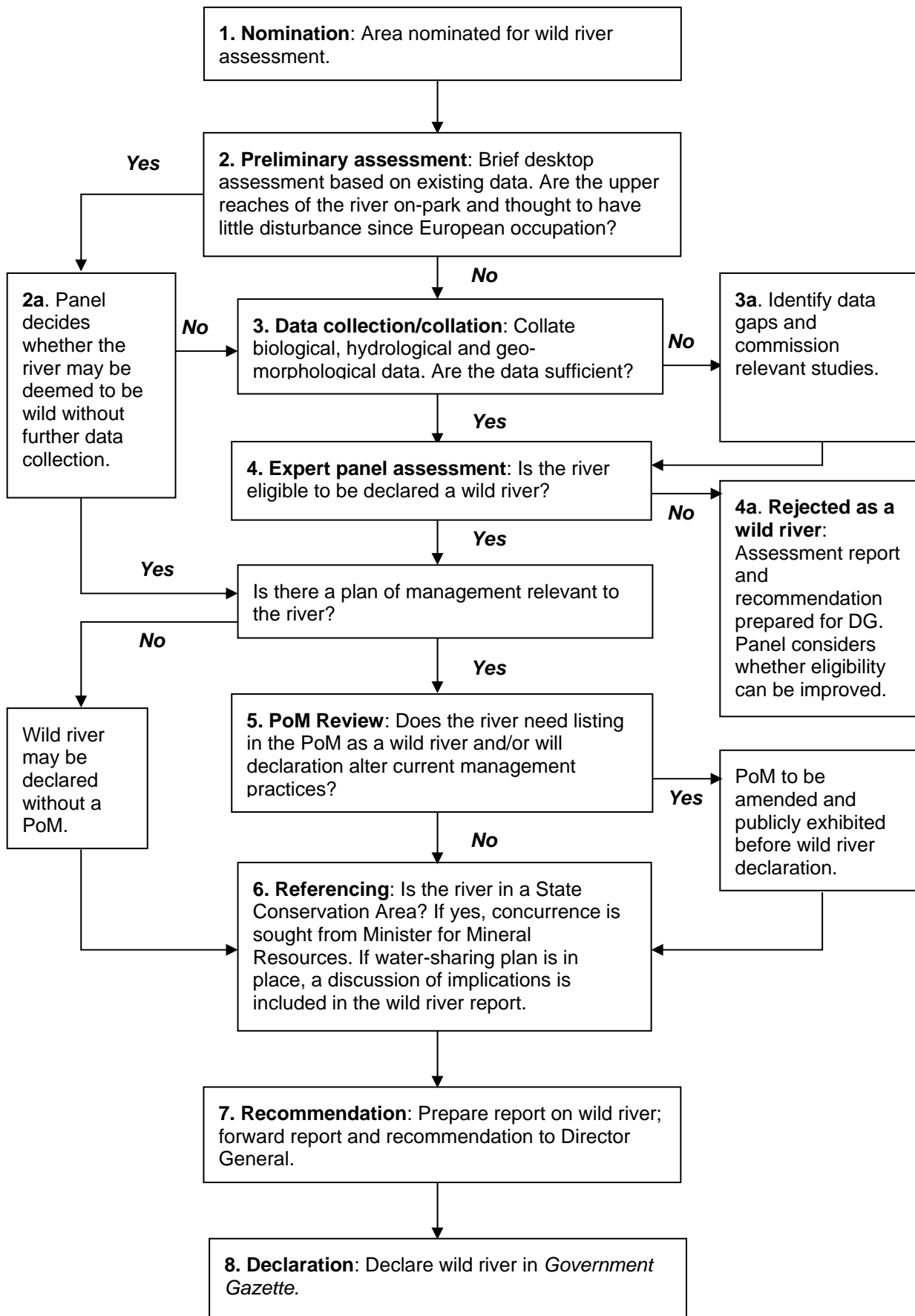
A river may be nominated for wild river assessment by DECC or any outside party. As only rivers within DECC reserves are eligible for wild river declaration, a tenure check of the assessment area including the river bed is required.

Step 2: Preliminary desktop assessment

The second stage involves an investigation of the current and historical land-use history of the river and the upstream section of the river's catchment. Sources of information include any documents and data sets relating to the history, use, management and condition of the area, such as wilderness assessment reports, regional assessment reports, digital data on vegetation structure and condition, aerial photographs and physical evidence. Local knowledge and expertise are also sought. Disturbances that may affect the biology, hydrology and/or geomorphology of the river include logging, clearing, road building, mining, drainage works, water extraction, frequent or severe fires, intensive recreational activities, grazing and the presence of certain weeds and feral animals.

Where the entire river's catchment area has undergone minimal disturbance, it may be reasonable to assume that the river meets the wild river criteria, without undertaking any further assessment. The matter should be referred to a panel with local expertise in the relevant fields (see Step 4 below) to determine whether the state of the river may be assumed to be wild without further investigation.

Figure 2. Wild river assessment process under the *National Parks and Wildlife Act 1974*



Step 3: Data collection and/or collation

Existing AUSRIVAS, River Styles and hydrology data are sourced for the relevant sections of the river (Box 1). AUSRIVAS data are available from DECC's Scientific Services (Water and Coastal Science Section). River Styles reports have been prepared for many NSW catchments by the former Department of Land and Water Conservation and Macquarie University and are available from regional offices of the NSW Department of Water and Energy.

If data do not exist for the area under investigation, AUSRIVAS and River Styles studies may be commissioned.

Opportunistic data are documented to describe the river, such as the condition of the vegetation on the banks of the river and the riparian area or floodplain, including any disturbances such as clearings, structures or weed infestations. Such data help establish an overview of the river's character and condition and help in making management recommendations, such as where restoration may be required.

Box 1: Data used to identify wild rivers

The techniques selected for the assessment of wild rivers measure current biological and geomorphic condition and compare these with an ideal standard thought to approximate the pre-European condition. These methods have been used extensively in NSW, and reference sites (sites thought to be in a relatively pristine state) are available for most regions.

For assessment of **biological** health, AUSRIVAS analysis is used. This method samples and analyses freshwater invertebrates and uses the presence/absence of groups of invertebrates as a surrogate for biological health.

For assessment of **geomorphic** condition, River Styles is used. This method measures a range of physical features of rivers to determine whether there are unnatural (accelerated) rates of change in the river system.

There is no widely available means of estimating a river's natural flow and the degree of alteration since European occupation. Stations that measure river flow have been established along some rivers, and from the data they gather it is possible to estimate a river's flow regime. Where sufficient data exist, models of river flow can be developed to determine the hydrological impacts of land-use disturbances. Accurate data on river flow are available only where river flow monitoring stations have been installed and monitored for long periods, both pre- and post-disturbance. In most cases, flow data are patchy and insufficient for reliable flow modelling. In these cases, wild river assessment must rely on more coarse indicators of river flow alteration. These can include (depending on data availability for the river being assessed):

- the presence of dams or weirs
- alterations of land use in the catchment
- licensed water extraction.

Thresholds of what is deemed to be an acceptable level of alteration to river flow are established on a case-by-case basis. Factors to consider may include the proportion of the total flow that is licensed for extraction and the potential effect of this extraction on seasonal flow regimes. Rivers are assessed by an expert panel using all available relevant data. The above assessment methods are considered the most reliable indicators of biological, geomorphic and hydrological condition currently available with existing resources. These will be the primary factors in determining whether or not a river is wild. A range of other information may be used to build a better picture of the condition of the rivers and their catchments, such as the land use on the banks of the rivers or the extent of clearing in the catchment.

Step 4: Expert panel assessment

An expert panel is used to review all collated data on the rivers under consideration and make a final recommendation regarding the wild river.

The expert panels include:

- experts in AUSRIVAS, Rivers Styles and hydrology to review the technical data in these fields
- a representative from the relevant Information and Assessment Section (Climate Change and Environment Protection Group) and/or Parks and Wildlife Group (regional office) to help determine standards for rivers of high conservation value.

The panels are co-ordinated by the Wilderness and Wild Rivers Officer, Parks and Wildlife Group.

Box 2: Threshold setting

In assessing wild rivers it is necessary to consider when is a river too disturbed to be declared a wild river. All rivers fall somewhere along the continuum between pristine and substantially modified, and a decision must be made as to where on this continuum any river under consideration should be placed. Factors to consider might include the condition of the river relative to that of other rivers in the region or relative to that of other rivers of the same geomorphic style, and whether the river is a representative example of that river type and style.

If the expert panel decides that the river is not eligible to be declared a wild river (See Box 2: *Threshold setting*) the recommendations should outline whether any steps might be taken to increase the river's eligibility. For example, there may be scope to improve the condition of the river by altering the management regime within or upstream of the reserve.

Step 5: Plan of management review

The PoM is reviewed for consistency with a wild river declaration. Where the river is not specified as a wild river in the PoM, or where the management regime specified is inconsistent with DECC's park management policy for wild rivers, an amendment of the PoM is required before declaration.

Step 6: Referencing

The concurrence of the Minister responsible for the *Mining Act 1992* is necessary where the river falls within a State Conservation Area and where the declaration of the wild river will have an impact on the functions carried out under that Act.

The Act specifies that the river may be declared only with the concurrence of the Minister administering the *Water Management Act 2000* where the declaration will have an impact on functions carried out under that Act. The *Water Management Act 2000* applies to catchments where a water-sharing plan has been prepared.

Step 7: Recommendation

A Wild River Assessment Report is prepared, outlining the values of the river and the results of the technical assessment and expert panel discussions (see Box 3). It gives a recommendation as to whether the river should be declared wild. Each report is peer reviewed.

Box 3: Wild River Assessment Report—recommended structure

1. Introduction

This is standardised and refers to the relevant provisions in the NPW Act, the assessment guidelines used for the assessment, and the current management policy.

Where a river is proposed for declaration, the report states whether community consultation is required.

2. The assessment

2.1 Data sources

Includes:

- a description of the desktop and field data sources used for the technical assessment
- sources used to describe the catchment and the riverine values and disturbances.

2.2 Technical working groups

Includes:

- the make-up of the groups
- a brief description of their expertise
- the nature of their deliberations.

3. Results

3.1 Description of the catchment

Overview of the catchment, including extent of clearing, issues for waterways in the catchment, and threatening processes.

3.2. Description of the sub-catchment and the river

3.2.1 Values

A description of the biota and ecosystems in the sub-catchment and the cultural values of the river, where known. This may include (where the information is available) descriptive information regarding river fauna and flora that may be available through DECC, DPI or other sources. Examples of this information are:

- riparian and floodplain vegetation, its conservation status and condition
- rare or threatened flora
- fish assemblages
- water birds (particularly those listed on CAMBA or JAMBA) and other vertebrates who utilise the habitats provided by the river, and their conservation status.

3.2.2 Land-use history

Historical and current uses, including recreational uses, and infrastructure within the sub-catchment and any threatening processes.

3.2.3 Technical assessment

Geomorphology: River Styles—river style and condition, and how these data fit the thresholds required for wild rivers.

Biology: AUSRIVAS data on condition, and how these data fit the thresholds required for wild rivers. AUSRIVAS descriptive data on riparian characteristics and freshwater ecology.

Hydrology: Data available for the river, such as presence/absence of dams or weirs, and the likely impacts of current and historic land uses upstream, as considered by the expert panel.

4. Referencing

Whether referencing to the DPI was required, and the outcome of this process, where relevant.

Whether a water-sharing plan is in place for the catchment, and any implications of wild river declaration on functions carried out under the *Water Management Act 2000*.

5. Recommendation

Whether or not the river meets wild river criteria.

The current status of the Plan of Management, and whether any amendment is required before gazettal.

Management recommendations, including any changes to existing use or rehabilitation works.

Step 8: Declaration

Approval of the declaration should be made by the Director General of DECC, subject to the endorsement by the Minister for Climate Change and the Environment. A description of the river's location and a GIS data layer are provided to the Reserve Establishment and Land Information Unit of DECC for gazettal of a declaration notice.

7 REFERENCES AND FURTHER READING

References

Brierley GJ and Fryirs K (2005) *Geomorphology and River Management: Application of the River Styles Framework*. Blackwell Publications, Sydney.

Turak E, Waddell N and Johnstone G (2004) *New South Wales AUSRIVAS Sampling and Processing Manual*. Department of Environment and Conservation NSW and the Department of Environment and Heritage, Commonwealth of Australia. Canberra and Sydney.

Further reading and related documents

NPWS Adventure Activities Policy

NPWS Commercial Recreation Policy

NPWS Supplementary Conservation Methods Policy

APPENDIX A: EXTRACT FROM THE NATIONAL PARKS AND WILDLIFE ACT 1974

Provisions relating to wild rivers

61 Declaration of wild rivers

- (1) Subject to section 61A, the Director-General may, by notification published in the Gazette, declare any river or part of a river (when within lands reserved under this Act) to be a wild river.
- (2) The Director-General may, by further notification published in the Gazette, vary or revoke any such declaration.
- (3) The Director-General may make a declaration under subsection (1):
 - (a) only with the concurrence of the Minister administering the *Water Management Act 2000*, if the declaration will have an impact on functions carried out under that Act, and
 - (b) in respect of a river or part of a river in a state conservation area, only with the concurrence of the Minister administering the *Mining Act 1992*, if the declaration will have an impact on functions carried out under that Act.
- (4) The purpose of declaring a river or part of a river as a wild river is to identify, protect and conserve any water course or water course network, or any connected network of water bodies, or any part of those, of natural origin, exhibiting substantially natural flow (whether perennial, intermittent or episodic) and containing remaining examples, in a condition substantially undisturbed since European occupation of New South Wales, of:
 - (a) the biological, hydrological and geomorphological processes associated with river flow, and
 - (b) the biological, hydrological and geomorphological processes in those parts of the catchment with which the river is intrinsically linked,so as to enable that river or part to be managed in accordance with subsection (5).
- (5) A wild river is to be managed in accordance with the following principles:
 - (a) the restoration (wherever possible) and maintenance of the natural biological, hydrological and geomorphological processes associated with wild rivers and their catchments, including natural flow variability;
 - (b) the identification, conservation and appropriate management of Aboriginal objects and Aboriginal places.

61A Effect of declaration of wild river

- (1) Where a plan of management is in force with respect to any river or part of a river within lands reserved under this Act, a declaration shall not be made under section 61 with respect to that river or part of that river except in accordance with the plan.
- (2) A statutory authority shall not carry out development in relation to a wild river unless it has consulted with, and considered any advice given by, the Minister in relation to the development.
- (3) In this section, **statutory authority** and **development** have the same meanings as they have in Division 7.

APPENDIX B: ABBREVIATIONS AND DEFINITIONS

Catchment area means the area of land from which water flows into a specified river.

CAMBA means the China–Australia Migratory Birds Agreement.

CMA means Catchment Management Authority.

DECC means the NSW Department of Environment and Climate Change.

DPI means the NSW Department of Primary Industries.

DWE means the NSW Department of Water and Energy

JAMBA means the Japan–Australia Migratory Birds Agreement.

Minister means the Minister with administrative responsibility for the NSW *National Parks and Wildlife Act 1974* (unless stated otherwise).

NPW Act means the NSW *National Parks and Wildlife Act 1974*.

Passive recreation means self-reliant recreation, often not organised as a group activity and not relying on facilities, e.g. pontoons, piers, jet skis.

PoM means Plan of Management.

Riparian area means that part of the terrestrial zone which appears to be influenced by the presence of surface water.

River includes any stream of water, whether perennial or intermittent, flowing in a natural channel, or in a natural channel artificially improved, or in an artificial channel which has changed the course of the stream of water and any affluent, confluent, branch, or other stream into or from which the river flows and, in the case of a river running to the sea or into any coastal bay or inlet or into a coastal lake, includes the estuary of such river and any arm or branch of same and any part of the river influenced by tidal waters. (*Rivers and Foreshores Improvement Act 1948*)

Wild river means a river declared as a ‘wild river’ under s. 61 of the NSW *National Parks and Wildlife Act 1974*, and its riparian zone.

Wild river values mean the hydrological, geomorphic and ecological conditions of the river in its natural state.

APPENDIX C: RELEVANT LEGISLATION (NSW)

Environmental Planning and Assessment Act 1979 (and associated Regulations)

Mining Act 1992

National Parks and Wildlife Act 1974

Water Management Act 2000

Wilderness Act 1987