

# **Wild Rivers and Other Legislation Amendment Bill 2007**

## **Amendments agreed to during Consideration**

**1 Clause 13 (Amendment of s 26 (Content of wild river amendment declaration))—**

At page 9, lines 15 to 19—

*omit, insert—*

**‘13 Replacement of s 26 (Content of wild river amendment declaration)**

‘Section 26—

*omit, insert—*

**‘ ‘26 Content of wild river amendment declaration**

‘(1) A wild river amendment declaration must include, but is not limited to, the following information—

(a) the title of the wild river declaration to which the amendment relates;

(b) details of the amendment to the declaration including—

(i) any changes to the existing boundaries of the parts of the wild river area; or

(ii) any addition of an area to, or removal of an area from, the wild river area; or

(iii) any amalgamation of the wild river area with all or part of another wild river area; or

(iv) any activities or taking of natural resources to which a property development plan relating to the amendment applies.

‘(2) For subsection (1)(b)(iv), it is sufficient if the property development plan is identified, whether or not the activities or taking are specifically stated in the amendment.’.’.

**2 Before clause 14—**

At page 9, before line 20—

*insert—*

**‘13A Amendment of s 31 (Minor amendments of wild river declaration)**

‘Section 31(3), definition ‘owner’—

*omit.*

**‘13B Insertion of new pt 2, div 2A**

‘After section 31—

*insert—*

**‘ ‘Division 2A Property development plans**

**‘Subdivision 1 Applying for and obtaining approval of proposed property development plan**

**‘31A Application of sdiv 1**

‘This subdivision applies if—

- (a) a person proposes to carry out activities on, or take natural resources from, land owned by the person within a wild river area; and
- (b) all or some of the activities or the taking of resources is prohibited under a wild river declaration.

**‘31B Application for approval of proposed property development plan**

‘The person may apply to the Minister for approval of a proposed property development plan (the *proposed plan*) that, on approval, will for the purposes of subdivision 2, apply—

- (a) for a period of 10 years from the approval; and

- (b) to stated activities that may be carried out, or natural resources that may be taken from, the land that is within the wild river area.

*Note—*

An approval of a proposed plan is not in itself a development approval under the *Integrated Planning Act 1997*, or another approval under another Act, for carrying out an activity or taking a natural resource. See also sections 43A and 43B.

### **‘31C Requirements for application**

- ‘(1) The application must—
  - (a) be in the approved form; and
  - (b) attach a copy of the proposed plan; and
  - (c) be accompanied by the fee prescribed under a regulation.
- ‘(2) The proposed plan must comply with section 31D.

### **‘31D Required information for proposed plan**

- ‘(1) For section 31C(2), the proposed plan must state each of the following—
  - (a) the title of the wild river area;
  - (b) the activities, or taking of natural resources, to which the plan applies;
  - (c) the nature, extent and location of the activities or the taking;
  - (d) the time frame for completion of the activities or the taking;
  - (e) the land (*relevant land*) owned by the person within the wild river area;
  - (f) any other land owned by the person that is contiguous with the relevant land;
  - (g) the infrastructure on, use of and types of vegetation on, the relevant land;

- (h) whether or not the person may reasonably carry out the activities, or the taking, without an amendment of the wild river declaration;
- (i) the nature and extent of any adverse impact that is likely to result from the activities, or the taking, on the natural values of the relevant wild river, and how the adverse impact may be minimised;
- (j) the nature and extent of any other thing proposed to be done in addition to the activities, or the taking, that would result in a beneficial impact on the natural values of the relevant wild river;

*Note—*

The inclusion of the other thing is only for the purpose of satisfying the requirement under section 31E(b) for approval of the proposed plan. The inclusion is not in itself a development approval under the *Integrated Planning Act 1997*, or another approval under another Act, for doing the thing.

- (k) any other restrictions applying to, or approvals needed for, the carrying out of the activities or the taking.

‘(2) In this section—

‘*relevant wild river*, in a wild river area, includes—

- (a) the wild river and the major tributaries of the wild river; and
- (b) any nominated waterways and special features of the wild river area.

### ‘31E Approval of proposed plan

‘The Minister may approve the proposed plan, with or without conditions, for the purpose of subdivision (2) only if the Minister is satisfied—

- (a) the carrying out of the activities or the taking under the plan—
  - (i) may not reasonably be carried out without amending the wild river declaration; and

- (ii) is likely to be completed within 10 years of the grant of the approval; and
- (b) the carrying out of the activities or taking, and anything mentioned in section 31D(1)(j), will not have an overall adverse impact on the natural values of the wild river to which the plan applies; and
- (c) the environmental benefits of the plan justify the approval of the plan.

## **‘Subdivision 2      Operation of property development plan**

### **‘31F      Amendment of wild river declaration**

- ‘(1) The Minister may, under division 2, amend the declaration for the wild river area mentioned in a property development plan to accommodate the carrying out of the activities, or taking of the natural resources, to which the plan applies.
- ‘(2) This section does not limit section 19.

### **‘31G      Application of property development plan**

‘For the purposes of sections 43A and 43B, a property development plan is taken to apply to the land, within the wild river area mentioned in the plan, that was owned by the person who applied for approval of the plan when the application was made.

*Note—*

See also sections 43A (Effect of property development plan on particular development applications) and 43B (Effect of property development plan on particular applications under the Water Act 2000).’.

## **3      After clause 15—**

At page 10, after line 4—

*insert—*

**‘15A Insertion of new ss 43A and 43B**

‘After section 43—

*insert—*

**‘43A Effect of property development plan on particular development applications**

‘(1) This section applies to a development application that—

- (a) relates to land to which a property development plan applies; and
- (b) is for assessable development under any of the following provisions of the *Integrated Planning Act 1997*, schedule 8, part 1—
  - table 1, item 2
  - table 2, items 1, 8 and 11
  - table 4, items 1A to 1G, 3, 5, 6 to 8 and 10
  - table 5, items 1 and 4.

‘(2) Despite the *Integrated Planning Act 1997*, section 3.2.1, unless the application is consistent with the property development plan—

- (a) the application is taken not to be a properly made application for that Act; and
- (b) the assessment manager must refuse to receive the application.

**‘43B Effect of property development plan on particular applications under the Water Act 2000**

‘(1) This section applies to an application under the *Water Act 2000*, section 266 or 280, that relates to land to which a property development plan applies.

‘(2) Despite the *Water Act 2000*, unless the application is consistent with the property development plan, the chief executive of the department in which that Act is administered must refuse to receive the application.’.

**4 Clause 17 (Amendment of schedule (Dictionary))—**

(1) At page 12, after line 26—

*insert—*

‘**owner**, of land, means any of the following, and includes the occupier of the land—

- (a) the registered proprietor of the land;
- (b) the lessee or licensee under the *Land Act 1994* of the land;
- (c) the holder of a mineral development licence or mining lease under the *Mineral Resources Act 1989*;
- (d) the person or body of persons who, for the time being, has lawful control of the land, on trust or otherwise;
- (e) the person who is entitled to receive the rents and profits of the land.’.

(2) At page 12, after line 27—

*insert—*

‘**property development plan** means a plan approved under section 31E.

**proposed plan**, for part 2, division 2A, subdivision 1, see section 31B.’.

**5 After clause 22—**

At page 14, after line 14—

*insert—*

**‘22A Amendment of s 360ZD (Restricting water supply)**

‘Section 360ZD—

*insert—*

‘(7) In this section—

**customer**, of a service provider, means—

- (a) if the service provider is a local government—a ratepayer of the local government who enjoys registered services supplied by the local government; and

- (b) if the service provider is other than a local government—a person who enjoys registered services supplied by the service provider.’.

**‘22B Amendment of s 360ZE (Notice of commission water restriction must be given)**

- ‘(1) Section 360ZE(4)(a), ‘for a non-residential customer’—  
*omit, insert—*  
‘if the contravention relates to non-residential premises’.
- ‘(2) Section 360ZE(4)(b), ‘for any other person’—  
*omit, insert—*  
‘otherwise’.’.