

Riverine protection permit exemption requirements

WSS/2013/726

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Version History

Version	Date	Notes
1.0	27/09/2013	Endorsed by Director, Water Services Support.
1.01	11/12/2013	New approved entities added and details of a Distribution Operations Licence holder amended. Changed policy ID number from WAP/2013/5548 to WSS/2013/726. Approved by A/Director, Water Services Support.
1.02	18/07/2016	Wild Rivers requirements removed. Section references updated to be consistent with the changes from the Water Reform and Other Legislation Amendment Act 2014.
1.03	19/09/2017	Carmichael Rail Network Pty Ltd added as approved entity.
1.04	24/10/2017	Minor amendment to clarify infrastructure relates to in-stream activities.
2.00	18/05/2018	Addition of vegetation clearing into riverine protection permit exemption guide upon the commencement of <i>Vegetation Management and Other Legislation Amendment 2018</i> .
2.01	13/11/2019	Australian Rail Track Corporation added as approved entity.

Approval

Position	Name	Date
Director, Operations Support Water	Ian Gordon	13/11/2019

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1 Purpose

The purpose of the riverine protection permit exemption requirements (exemption requirements) is to outline when it is permitted to excavate, place fill or destroy vegetation in a watercourse, lake or spring without the need for a riverine protection permit under the *Water Act 2000* (the Act).

Minimum requirements are set out to ensure impacts on water quality, water flow and the physical integrity of a watercourse, lake or spring are reduced.

The exemption requirements do not exempt the user from:

- obtaining any other authority that may be required before commencing works (e.g. owner's consent, vegetation clearing permits); or
- requiring a quarry material allocation notice if the material is used for a beneficial purpose. Once this occurs the material becomes quarry material for the purposes of the Act and is subject to separate requirements.

2 Who can use the exemption requirements

The exemption requirements can only be used by the following:

1. An owner of land adjoining a watercourse, lake or spring. An 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, sublessee or licensee under the *Land Act 1994* of the land
 - c) the lessee of the land under a registered lease under the *Land Title Act 1994*
 - d) the plantation licensee of a plantation licence under the *Forestry Act 1959*
 - e) the person or body of persons who, for the time being, has lawful control of the land, on trust or otherwise
 - f) the person who is entitled to receive the rents and profits of the land.
2. An approved entity listed in Schedule 2 of this guideline.
3. The holder of:
 - a) an interim resource operations licence (IROL) that has not been converted or replaced continues under Chapter 2, Part 5 of the unamended *Water Act*¹, as provided in section 1271 of the *Water Act*
 - b) a resource operations licence (ROL) granted under Chapter 2, Part 3, of the *Water Act*
 - c) a distribution operations licence (DOL) granted under Chapter 2, Part 3 of the *Water Act*.

¹ Unamended *Water Act 2000* as in force immediately before the commencement for Water Reform and Other Legislation Amendment Act 2014.

4. The holder of:
 - a) an environmental authority (for a resource activity) under the *Environmental Protection Act 1994*
 - b) a mineral development licence or mining lease under the *Mineral Resources Act 1989*.
5. Contactors, subcontractors and other agents engaged by any of the above may also use the exemption requirements.

3 Application of exemption requirements

The exemption requirements only apply to excavation, placement of fill or destruction of vegetation in a watercourse, lake or spring for the purposes of:

- the construction, installation, removal, maintenance or protection of in-stream infrastructure
- the establishment and maintenance of flow efficiency around in-stream infrastructure
- riverine restoration or rehabilitation, flood mitigation, erosion protection or weed control

3.1 Vegetation clearing requirements

To ensure clearing of vegetation using the exemption requirements is low risk, area limits apply. Table 1 below states the area limit and vegetation requirements.

Table 1 – Area limit and vegetation requirements

Area limit and vegetation requirements	Do the exemption requirements apply?	
Is the vegetation clearing: <ul style="list-style-type: none"> • carried out under an accepted development vegetation clearing code (other than if the vegetation is in a category A area) or • of an area that is less than 0.5ha of a least concern regional ecosystem in a category B area or • of an area that is less than 0.5ha in a category C, R or X area. 	Yes—use the exemption requirements.	No—a riverine protection permit is required.

If you answered yes to any of the questions in Table 1, the riverine protection permit exemption requirements apply. Any enquiries can be directed to the local departmental office.

The minimum requirements outlined in section 4 must be achieved to be eligible for an exemption from having to apply for and obtain a riverine protection permit.

3.2 Volumetric limits for landowners

To ensure excavation and placement of fill carried out by landowners using the exemption requirements is low risk, volumetric limits apply. Table 2 below states the volumetric limits.

Table 2—Volumetric limits for landowners

Volume	Do the exemption requirements apply?	
Excavation		
Is the volume you plan to excavate 500 cubic metres or less?	Yes—use the exemption requirements.	No—a riverine protection permit is required.
Placement of fill		
Is the volume of fill you plan to place 150 cubic metres or less?	Yes—use the exemption requirements.	No—a riverine protection permit is required.

If you answered no to any of the questions in Table 2, the riverine protection permit exemption requirements do not apply. Any enquiries can be directed to the local departmental office.

4 Minimum Requirements

The minimum requirements outlined below must be achieved to be eligible for an exemption from having to apply for and obtain a riverine protection permit.

- The extent of the area required to carry out the permitted activity must be limited to the minimum area necessary to reasonably carry out the works.
- Sediment and erosion controls must be used.
- All areas of disturbed bed and banks must be stabilised to protect against erosion.
- All fill placed must be free from contamination (e.g. weeds seeds, oils, chemicals and other contaminants).
- Disturbed banks must be returned to a profile similar to the pre-disturbance condition.
- Natural stream bed controls or features that create natural waterholes (e.g. riffles, logs, sediment or rock bars) must not be lowered or removed.
- Any excavated material that is not removed as waste must be spread evenly within the bed and banks of the watercourse so that it does not interfere with the flow of water.
- All fill placed in the bed of the stream must not redirect flow into an adjacent bank.
- Access tracks or crossings must not interfere with the low flow of water.

- The invert of culverts or the deck height of a splash through crossing must be placed at or below bed level.
- All culverts placed within the watercourse must be aligned with the stream channel and placed as close to the centre of the watercourse channel as practical.
- All culverts placed within the watercourse must be of a sufficient size to ensure uninterrupted low flows and minimise the occurrence of blockage of culverts caused by flood-borne debris.
- Constructed access tracks (e.g. culverts or splash through crossings) must be provided with a scour apron and cut off wall on the downstream side sufficient to prevent bed erosion.
- All disturbed areas must be revegetated with trees, shrub and grasses endemic to the area, sufficient to re-establish a riparian environment and protect bed and banks from erosion.

If you are unable to meet the requirements in section 3 and 4 contact your local departmental office to discuss the need for a riverine protection permit before destroying vegetation, excavating or placing fill in a watercourse, lake or spring.

Schedule 1 – Definitions

Access tracks are constructed to allow stock, vehicles and machinery (e.g. excavators) to safely and easily move into, along, across and out of a stream channel. Access tracks commonly involve the cutting and/or filling of a section of bank to provide reasonable track grades.

Cut off wall is a wall constructed underground on the downstream (and in some cases upstream) side of the stream crossing, designed to prevent erosion under the stream crossing.

Infrastructure means structures and works of all kinds constructed or to be constructed in, on, over or adjacent to a watercourse, lake or spring. This includes, but is not limited to, road and stock crossings, access tracks, stock watering points, fences, causeways, bridges, erosion protection works, drainage structures and infrastructure to take water.

Riffles are a stretch of choppy water caused by natural features such as rocks or sandbar close to the water surface. Riffles are the most laterally stable area of the channel.

Scour apron is a platform of non-erosive material constructed on the downstream side of a stream crossing to prevent scour, stabilise soil conditions, and reduce flow velocities to allow for a transition from stream crossing to native soil.

Resource activity defined by the *Environmental Protection Act 1994*.

Schedule 2 – Approved entities

The following entities are approved for the purposes of the exemption requirements:

- a) A local government and its corporate entities under the *Local Government Act 2009*
- b) A government department declared under the *Public Service Act 2008*
- c) Brisbane City Council and its corporate entities under the *City of Brisbane Act 2010*
- d) Aurizon Operations Limited (ABN 47 564 947 264)
- e) Electricity entities under the *Electricity Act 1994*
- f) Distributor-Retailer Authorities under the *South-East Queensland Water (Distribution and Retail Restructuring) Act 2009*
- g) Queensland Rail Limited (ABN 71 132 181 090)
- h) NBN Co Limited (ACN 136 533 741)
- i) Water Service Providers under the *Water Supply (Safety and Reliability) Act 2008*
- j) Sugar Mills under the *Sugar Industry Act 1999*
- k) Community groups undertaking work for the purposes of natural resource management, catchment management or landcare.
- l) Carmichael Rail Network Pty Ltd (ACN 601 738 685)
- m) Australian Rail Track Corporation Ltd (ACN 081 455 745)