

Authorised Version No. 022
Heritage Rivers Act 1992

No. 36 of 1992

Authorised Version incorporating amendments as at
1 December 2020

TABLE OF PROVISIONS

<i>Section</i>	<i>Page</i>
1 Purpose	1
2 Commencement	1
3 Definitions	1
4 Crown to be bound	4
5 Heritage river areas	4
6 Natural catchment areas	4
7 Powers and duties of managing authorities	4
8 Management plans	5
8A Disallowance of management plan or part of a management plan	7
8B Effect of disallowance of management plan or part of a management plan	8
8C Notice of disallowance of management plan or part of a management plan	8
9 Contents of management plans	8
10 Land and water uses which are not permitted in heritage river areas	10
11 Specific land and water uses for particular heritage river areas	11
12 Land and water uses which are not permitted in natural catchment areas	11
13 Specific land and water uses for particular natural catchment areas	12
14 Public land in a heritage river area or natural catchment area is not to be disposed of	12
15 Act to prevail over inconsistent provisions	12
16 Managing authority may act in an emergency	13
17 Power to enter into agreements	13
18 Regulations	14
22 Transitional provision	15
23 Further transitional and savings provisions	15
Schedules	17
Schedule 1—Heritage river areas	17
Schedule 2—Natural catchment areas	24

<i>Section</i>	<i>Page</i>
Schedule 3—Restricted land and water uses in Heritage River Areas	29
Schedule 4—Specific land and water uses for particular Heritage River Areas	31
Schedule 5—Specific land and water uses for particular natural catchment areas	34
Endnotes	35
1 General information	35
2 Table of Amendments	37
3 Amendments Not in Operation	39
4 Explanatory details	40

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The Parliament of Victoria enacts as follows:

1 Purpose

The purpose of this Act is to make provision for Victorian heritage rivers by providing for the protection of public land in particular parts of rivers and river catchment areas in Victoria which have significant nature conservation, recreation, scenic or cultural heritage attributes and to make related amendments to other Acts.

2 Commencement

- (1) This Act, other than section 20, comes into operation on a day to be proclaimed.
- (2) Section 20, is to be taken to have come into operation on the day on which item 26 in the Schedule to the **Water (Consequential Amendments) Act 1989** came into operation.

3 Definitions

- (1) In this Act—

bank, in relation to a river or creek, has the same meaning as in section 384(1) of the **Land Act 1958** but does not include land over which water of the river or creek normally flows;

S. 3
amended by
No. 46/1998
s. 7(Sch. 1)
(ILA s. 39B(1)).

S. 3(1) def. of
bank
inserted by
No. 32/1998
s. 4.

S. 3(1) def. of
bed
inserted by
No. 32/1998
s. 4.

bed, in relation to a river or creek, has the same meaning as in section 384(1) of the **Land Act 1958**;

S. 3(1) def. of
Catchment Management Authority
inserted by
No. 68/2006
s. 3(1)(a).

Catchment Management Authority means an Authority within the meaning of the **Catchment and Land Protection Act 1994**;

S. 3(1) def. of
Central Plan Office
amended by
Nos 46/1998
s. 7(Sch. 1),
68/2006
s. 3(1)(b),
repealed by
No. 53/2017
s. 77.

* * * * *

S. 3(1) def. of
impoundment
inserted by
No. 68/2006
s. 3(1)(a).

heritage river area means land that is a heritage river area under section 5;

impoundment means an impoundment, barrier or structure that impedes the passage of water fauna;

Land Conservation Council means the Land Conservation Council established under the **Land Conservation Act 1970**;

S. 3(1) def. of
left bank
inserted by
No. 32/1998
s. 4.

left bank, in relation to a river or creek, means the left bank when facing downstream;

managing authority means a person or organisation responsible for the management of public land in a heritage river area or natural catchment area, whether or not that

responsibility is exercised alone or together with any other person or authority;

natural catchment area means land that is a natural catchment area under section 6;

powered water craft means any water craft propelled by an internal combustion engine;

public land means—

- (a) unalienated land of the Crown including land permanently or temporarily reserved under section 4 of the **Crown Land (Reserves) Act 1978** and State forest, within the meaning of the **Forests Act 1958**, and parks within the meaning of the **National Parks Act 1975**; or
- (b) land vested in any public authority (other than a municipality or an Authority under the **Water Act 1989**), to the extent that the land vested in the Authority is within a sewerage district listed in Column 3 of Schedule 12 to that Act; or
- (c) land vested in the Melbourne Water Corporation constituted under the **Melbourne Water Corporation Act 1992**; or
- (d) any other land declared to be public land by the Governor in Council under the **Land Conservation Act 1970**;

S. 3(1) def. of *public land* amended by No. 68/2006 s. 3(1)(c).

right bank, in relation to a river or creek, means the right bank when facing downstream;

S. 3(1) def. of *right bank* inserted by No. 32/1998 s. 4.

water diversion means the taking of water under a bulk entitlement, licence to take and use water or agreement under the **Water**

Act 1989 or any other Act and any works
associated with that taking;

waterway has the same meaning as in the **Water
Act 1989**.

S. 3(2)
inserted by
No. 46/1998
s. 7(Sch. 1),
repealed by
No. 68/2006
s. 3(2).

* * * * *

4 Crown to be bound

This Act binds the Crown, not only in right of the State of Victoria, but also, so far as the legislative power of the Parliament permits, the Crown in all its other capacities.

5 Heritage river areas

Each area of land described in a part of Schedule 1 is a heritage river area under the name specified in that part.

6 Natural catchment areas

Each area of land described in a part of Schedule 2 is a natural catchment area under the name specified in that part.

7 Powers and duties of managing authorities

- (1) A managing authority of a heritage river area must, in so far as it is consistent with the authority's duty to manage the area responsibly—
 - (a) take all reasonable steps to ensure that the significant nature conservation, recreation, scenic or cultural heritage attributes of the area are protected; and
 - (b) subject to paragraph (a), take all reasonable steps to provide opportunities for other recreational activities, landscape

- appreciation and education within the area;
and
- (c) take all reasonable steps to ensure that that part of the river which is in the area is maintained without further interference with its free flowing state except as otherwise provided in this Act.
- (2) A managing authority of a natural catchment area must, in so far as it is consistent with the authority's duty to manage the area responsibly, take all reasonable steps to ensure that the area is maintained in an essentially natural condition.
- (3) A managing authority has the power to do everything that is necessary or convenient for it to do to give effect to this Act.

8 Management plans

- (1) If requested by the Minister, a managing authority of all or part of a heritage river area or natural catchment area or the Catchment Management Authority for the area, must prepare a management plan in relation to the area, or any part of the area, within the time specified by the Minister that includes the matters specified by the Minister.
- (1A) The Minister may request the preparation of a management plan under subsection (1)—
- (a) after consulting the Minister responsible for administering the Act under which the land is controlled or managed or the Catchment Management Authority is established; and
- (b) if he or she considers that there is not an existing plan or strategy that adequately addresses the management of the area.

S. 8(1)
substituted by
No. 68/2006
s. 4(1).

S. 8(1A)
inserted by
No. 68/2006
s. 4(1).

Heritage Rivers Act 1992
No. 36 of 1992

S. 8(2)
repealed by
No. 68/2006
s. 4(2).

* * * *

(3) A management plan proposed to be made under this section must be made available for public inspection for at least 60 days before it is made.

S. 8(4)
amended by
No. 68/2006
s. 4(3).

(4) The managing authority or Catchment Management Authority must have regard to any comments made by persons who have inspected the management plan during the inspection period.

S. 8(5)
amended by
No. 68/2006
s. 4(4).

(5) A management plan made under this section does not take effect until it is approved by the Minister, after consulting the Minister responsible for administering the Act under which the land is controlled or managed or the Catchment Management Authority is established.

S. 8(6)
amended by
No. 68/2006
s. 4(5).

(6) A management plan may be amended or revoked by a managing authority or Catchment Management Authority with the approval of the Minister, after consulting the Minister responsible for administering the Act under which the land is controlled or managed or the Catchment Management Authority is established.

S. 8(7)
repealed by
No. 68/2006
s. 4(6).

* * * *

S. 8(8)
amended by
No. 68/2006
s. 4(7).

(8) The managing authority or Catchment Management Authority must cause notice of a management plan made under this section and of any amendment or revocation of such a plan to be published in the Government Gazette.

S. 8(9)
repealed by
No. 68/2006
s. 4(8).

* * * *

8A Disallowance of management plan or part of a management plan

S. 8A
inserted by
No. 68/2006
s. 5.

- (1) The power to make, amend or revoke a management plan is subject to disallowance by a House of the Parliament.
- (2) On or before the 7th sitting day after notice of the making, amendment or revocation of a management plan has been published in the Government Gazette under section 8(8), a copy of the following document must be laid before each House of the Parliament—
 - (a) in the case of notice of the making or amendment of a management plan, the plan as made or amended; or
 - (b) in the case of notice of the revocation of a management plan, the notice of revocation of the plan.
- (3) The making, amendment or revocation of a management plan is disallowed in whole or in part if—
 - (a) a notice of a resolution to disallow the making, amendment or revocation of the management plan is given in a House of the Parliament on or before the 18th sitting day of that House after the management plan or notice of the revocation, as the case requires, is laid before that House; and
 - (b) the resolution is passed by that House on or before the 12th sitting day of that House after the giving of the notice of the resolution.
- (4) If a House of the Parliament is prorogued or the Legislative Assembly is dissolved, the calculation of sitting days of the House is to be made as if there had been no prorogation or dissolution.

S. 8B
inserted by
No. 68/2006
s. 5.

8B Effect of disallowance of management plan or part of a management plan

If the making, amendment or revocation of a management plan, or part of a management plan, is disallowed by a House of the Parliament, the disallowance has the same effect as a revocation of the making, amendment or revocation of the management plan or part.

S. 8C
inserted by
No. 68/2006
s. 5.

8C Notice of disallowance of management plan or part of a management plan

If the making, amendment or revocation of a management plan, or part of a management plan, is disallowed, the Clerk of the Parliaments must cause notice of the disallowance to be published in the Government Gazette.

S. 9
substituted by
No. 68/2006
s. 6,
amended by
No. 49/2017
s. 78 (ILA
s. 39B(1)).

9 Contents of management plans

- (1) A management plan prepared under section 8 in relation to a heritage river area or a natural catchment area must—
 - (a) include the matters specified by the Minister under section 8(1); and
 - (b) be consistent with this Act and any Land Conservation Council recommendations in respect of which notice has been given under section 10(3) of the **Land Conservation Act 1970**.
- (2) If the Minister requests a managing authority or a Catchment Management Authority to prepare a management plan in relation to land that forms part of the Yarra River Heritage Area, the managing authority or Catchment Management Authority must have regard to a Yarra Strategic Plan as it applies to that land.

S. 9(2)
inserted by
No. 49/2017
s. 78.

-
- (2A) If the Minister requests a managing authority or a Catchment Management Authority to prepare a management plan in relation to land that forms part of a declared area, the managing authority or Catchment Management Authority must have regard to a Statement of Planning Policy as it applies to that land. S. 9(2A) inserted by No. 17/2018 s. 15(1).
- (2B) If the Minister requests a managing authority or a Catchment Management Authority to prepare a management plan in relation to land that forms part of the Great Ocean Road region, the managing authority or Catchment Management Authority (as the case requires) must have regard to an approved Great Ocean Road strategic framework plan as it applies to that land. S. 9(2B) inserted by No. 19/2020 s. 92(1).
- (3) In this section— S. 9(3) inserted by No. 49/2017 s. 78.
- approved Great Ocean Road strategic framework plan*** has the same meaning as in the **Great Ocean Road and Environs Protection Act 2020**; S. 9(3) def. of *approved Great Ocean Road strategic framework plan* inserted by No. 19/2020 s. 92(2).
- declared area*** has the same meaning as in the **Planning and Environment Act 1987**; S. 9(3) def. of *declared area* inserted by No. 17/2018 s. 15(2).
- Great Ocean Road region*** has the same meaning as in the **Great Ocean Road and Environs Protection Act 2020**; S. 9(3) def. of *Great Ocean Road region* inserted by No. 19/2020 s. 92(2).

S. 9(3) def. of
*Statement of
Planning
Policy*
inserted by
No. 17/2018
s. 15(2).

Statement of Planning Policy has the same meaning as in the **Planning and Environment Act 1987**;

Yarra Strategic Plan has the same meaning as in the **Yarra River Protection (Wilip-gin Birrarung murrn) Act 2017**.

10 Land and water uses which are not permitted in heritage river areas

S. 10(1)
substituted by
No. 68/2006
s. 7.

- (1) An impoundment must not be constructed or extended in a heritage river area.
- (2) There must not be a new water diversion in a heritage river area specified in Column 2 of Schedule 3 unless it is approved by the Governor in Council by notice published in the Government Gazette.
- (3) Any new water diversion from a waterway upstream from the lowest point of a heritage river area specified in Column 3 of Schedule 3 must not significantly impair the nature conservation, recreation, scenic or cultural heritage attributes of the area.
- (4) Subsection (3) does not apply to a water diversion approved by the Governor in Council by notice published in the Government Gazette.
- (5) Timber harvesting is not to be carried out in any heritage river area specified in Column 4 of Schedule 3.

11 Specific land and water uses for particular heritage river areas

A heritage river area set out in Column 1 of Schedule 4 must be managed in accordance with the recommendation of the Land Conservation Council made under the **Land Conservation Act 1970** set out opposite that area in Column 2 of Schedule 4.

12 Land and water uses which are not permitted in natural catchment areas

The carrying out of the following uses and activities must not be permitted or take place in a natural catchment area—

- (a) the clearing of indigenous flora;
- (b) the harvesting of timber;
- (c) the establishment of plantations;
- (d) mining;
- (e) mineral exploration, except in accordance with any recommendation of the Land Conservation Council in respect of which notice has been given under section 10(3) of the **Land Conservation Act 1970**;
- (f) extractive industries;
- (g) the construction of new water storages or new water diversions;
- (h) the carrying out of waterway management;
- (i) the grazing of domestic animals;
- (j) the making of new roads or the upgrading of existing roads;
- (k) the discharging of effluent;
- (l) the introduction of non-indigenous species of fauna;

- (m) the stocking of the area with indigenous fauna, except for the purpose of conserving an indigenous species of fauna which would otherwise be at risk;
- (n) the use of powered water craft.

13 Specific land and water uses for particular natural catchment areas

A natural catchment area set out in Column 1 of Schedule 5 must be managed in accordance with the recommendation of the Land Conservation Council made under the **Land Conservation Act 1970** set out opposite that area in Column 2 of Schedule 5.

14 Public land in a heritage river area or natural catchment area is not to be disposed of

Public land in a heritage river area or natural catchment area must not be disposed of—

- (a) in the case of unalienated land of the Crown, by way of grant, conveyance or otherwise; or
- (b) in the case of land vested in a public authority, by way of transfer or conveyance without the approval of the Minister.

15 Act to prevail over inconsistent provisions

- (1) Nothing in section 7 of this Act or in any other Act or in any instrument made, granted or issued under another Act is to be taken to authorise the carrying out of activities in a heritage river area or natural catchment area to the extent that the activities are prohibited, or the manner of carrying out the activities is regulated by or under—
 - (a) this Act; or
 - (b) an approved management plan; or

- | | |
|---|--|
| (c) a Land Conservation Council recommendation, or part of a recommendation, described in Schedule 4 or 5. | S. 15(1)(c)
amended by
No. 68/2006
s. 8. |
| (2) An instrument made, granted or issued under any Act is of no effect to the extent that it authorises, or purports to authorise, the carrying on of activities in contravention of subsection (1). | S. 15(2)
substituted by
No. 32/1998
s. 5. |

16 Managing authority may act in an emergency

In an emergency in which there is an immediate risk of personal injury or damage to property, the managing authority may carry out an activity prohibited, or act in a manner contrary to that permitted by or under—

- (a) this Act; or
- (b) an approved management plan; or
- (c) a Land Conservation Council recommendation, or part of a recommendation, described in Schedule 4 or 5.

S. 16(c)
amended by
No. 68/2006
s. 8.

17 Power to enter into agreements

- (1) A managing authority may enter an agreement with any other managing authority, municipality, government department or public statutory body of Victoria, the Commonwealth or any other State or Territory of the Commonwealth with respect to the exercise of its powers under this Act.
- (2) The Minister must cause notice in the prescribed form of the making of an agreement to be laid before each House of Parliament within 10 sitting days after it is made.
- (3) The agreement has no effect if either House of Parliament passes a resolution declaring it be of no effect within 10 sitting days after notice of the making of the agreement is laid before the House.

- (4) The Minister must publish notice of the resolution of the House in the Government Gazette.

18 Regulations

- (1) The Governor in Council may make regulations for or with respect to the following matters—
- (a) the control, management and use of heritage river areas and natural catchment areas;
 - (b) management plans;
 - (c) generally prescribing any other matter or thing required or permitted by this Act to be prescribed or necessary to be prescribed to give effect to this Act.
- (2) The regulations—
- (a) may be of general or limited application; and
 - (b) may differ according to differences in time, place or circumstances; and
 - (c) may leave any matter to be approved or determined by the Minister; and
 - (d) may impose penalties not exceeding 5 penalty units for a contravention of the regulations.
- (3) Regulations made under this section may be disallowed in whole or in part by resolution of either House of the Parliament in accordance with the requirements of section 23 of the **Subordinate Legislation Act 1994**.
- (4) Disallowance under subsection (3) is deemed to be disallowance by the Parliament for the purposes of the **Subordinate Legislation Act 1994**.

S. 18(3)
amended by
No. 68/2006
s. 9(1).

S. 18(4)
amended by
No. 68/2006
s. 9(2).

Ss 19–21
repealed by
No. 32/1998
s. 9.

* * * * *

22 Transitional provision

- (1) This Act is not to be taken to disturb the continuity, operation or effect of any instrument made granted or issued under any other Act before the commencement of this Act which authorises the carrying out of the grazing of domestic stock in a natural catchment area or heritage river area.
- (2) Despite section 10(1), an impoundment that was in existence immediately before the commencement of section 6 of the **Heritage Rivers (Further Protection) Act 2006** may be replaced or maintained.

S. 22
amended by
No. 68/2006
s. 10 (ILA
s. 39B(1)).

S. 22(2)
inserted by
No. 68/2006
s. 10.

23 Further transitional and savings provisions

- (1) Proceedings for an offence—
 - (a) committed or alleged to have been committed in a place or area that is within a State forest within the meaning of the **Forests Act 1958** that are commenced before the day on which the **Heritage Rivers (Amendment) Act 1998** received the Royal Assent; or
 - (b) of hindering or obstructing activities in a State forest committed or alleged to have been committed before the day on which the **Heritage Rivers (Amendment) Act 1998** received the Royal Assent—

S. 23
inserted by
No. 32/1998
s. 8.

are to be heard and determined as if the **Heritage Rivers (Amendment) Act 1998** had not been enacted.

- (2) Except as provided in subsection (1), anything done or purporting to have been done on or in relation to land that, on the day on which the **Heritage Rivers (Amendment) Act 1998** received the Royal Assent, ceased to be in a heritage river area, is, and is deemed always to have been, as valid and permissible as it would

have been if this Act had been enacted as
amended by the **Heritage Rivers (Amendment)
Act 1998**.

Schedules

Schedule 1—Heritage river areas

Part 1—Mitta Mitta River Heritage Area

The bed and banks of the Big River, County of Bogong and the Mitta Mitta River between the downstream edge of the Big River Bridge on the Omeo Highway and a point on the right bank of the Mitta Mitta River directly west of the southernmost corner of Crown allotment 18 Parish of Mowamba, and all public land adjoining that length of river within 200 metres of each bank except on the right bank of the Big River and Mitta Mitta River downstream from the point where the left bank of the Bundara River meets the right bank of the Big River for a distance of 4.82 kilometres where all public land between the right bank and the edge of the Omeo Highway nearest to the Big River or Mitta Mitta River is included.

Sch. 1 Pt 1
substituted by
No. 32/1998
s. 6(1).

Part 2—Ovens River Heritage Area

All those pieces of land along the Ovens River shown bordered in blue on the plan lodged in the Central Plan Office and numbered LEGL/91–4.

Part 3—Howqua River Heritage Area

All those pieces of land along the Howqua River shown bordered in blue on the plan lodged in the Central Plan Office and numbered LEGL/91–5.

Part 4—Big River Heritage Area

The bed and banks of the Big River in the County of Wonnangatta between the point where the right bank of Springs Creek meets the right bank of the Big River and the point where the left bank of Fryer Creek meets the right bank of the Big River and all public land adjoining that length of river within 200 metres of each bank.

Sch. 1 Pt 4
substituted by
No. 32/1998
s. 6(2).

Part 5—Goulburn River Heritage Area

All those pieces of land along the Goulburn River shown bordered in blue excepting the land coloured yellow on the plan lodged in the Central Plan Office and numbered LEGL/91–7.

Part 6—Wimmera River Heritage Area

All those pieces of land along the Wimmera River shown bordered in blue excepting the land coloured yellow on the plan lodged in the Central Plan Office and numbered LEGL/91–8.

Part 7—Genoa River Heritage Area

All those pieces of land along the Genoa River shown bordered in blue on the plan lodged in the Central Plan Office and numbered LEGL/91–9.

Sch. 1 Pt 8
substituted by
No. 32/1998
s. 6(3).

Part 8—Bemm, Goolengook, Arte and Errinundra Rivers Heritage Area

- (a) The bed and banks of the Errinundra River (East Branch) and the Errinundra, Bemm, Goolengook and Arte Rivers between the points marked A and M and between the points marked G and F and between the points marked D and I on the plan lodged in the Central Plan Office and numbered LEGL./98-37 (in this Part called *the Bemm plan*); and
- (b) the public land shown hatched on the inset marked A on the Bemm plan comprising the bed and banks of Sydenham Inlet, adjoining public land, Crown allotment 20 and part of Crown allotment 2A, Parish of Bemm; and
- (c) those parts of the Errinundra National Park defined on the plan lodged in the Central Plan Office and numbered N.P. 92/1 within 200 metres of each bank of the Errinundra River (East Branch) and Errinundra River between the points marked A and C and within 200 metres of each bank of the Goolengook River between the points marked D and F on the Bemm plan; and

- (d) all public land, not within the Errinundra National Park, within—
- (i) 100 metres of each bank of the Errinundra River between the points marked B and C on the Bemm plan; and
 - (ii) 100 metres of each bank of the Goolengook River between the points marked E and F on the Bemm plan; and
 - (iii) 100 metres of the right bank of the Arte River between the points marked G and H on the Bemm plan, and between the left bank of that length of river and a line 100 metres from the centreline of the Glen Arte Road in a northerly direction; and
 - (iv) 100 metres of each bank of the Arte River between the points marked H and F on the Bemm plan; and
 - (v) 150 metres of each bank of the Goolengook River between the points marked F and I on the Bemm plan; and
 - (vi) 150 metres of each bank of the Bemm River between the points marked C and J on the Bemm plan; and
 - (vii) 200 metres of the left bank of the Bemm River between the points marked K and L on the Bemm plan; and
 - (viii) 200 metres of each bank of the Bemm River between the points marked L and M on the Bemm plan; and
- (e) the public land south of Crown allotments 3 and 3B Parish of Purgagoolah and Crown allotment 3A Parish of Nungal and a line extending the southern boundary of Crown allotment 3 Parish of Nungal to the Princes Highway and between the western edge of the Princes Highway and the eastern edge of Euchre Valley Drive; and

- (f) the public land between the right bank of the Bemm River downstream of the Princes Highway, a line extending due west from the point where the right bank of the Bemm River meets the left bank of Cobbler Creek to the Princes Highway, and the eastern edge of the Princes Highway in a northerly direction to the right bank of the Bemm River.

Part 9—Snowy River Heritage Area

All those pieces of land along the Snowy and Little Rivers shown bordered in blue excepting the land coloured yellow on the plan lodged in the Central Plan Office and numbered LEGL/91–11.

Part 10—Suggan Buggan and Berrima Rivers Heritage Area

All those pieces of land along the Suggan Buggan and Berrima Rivers shown bordered in blue on the plan lodged in the Central Plan Office and numbered LEGL/91–12.

Part 11—Upper Buchan River Heritage Area

All those pieces of land along the Upper Buchan River shown bordered in blue on the plan lodged in the Central Plan Office and numbered LEGL/91–13.

Sch. 1 Pt. 12
amended by
No. 60/2005
s. 28(a).

Part 12—Mitchell and Wonnangatta Rivers Heritage Area

All those pieces of land along the Mitchell and Wonnangatta Rivers shown bordered in blue excepting the land coloured yellow on the plan lodged in the Central Plan Office and numbered LEGL/91–14 and all those pieces of land along the Mitchell River shown coloured pink on the plan lodged in the Central Plan Office and numbered LEGL/05–312.

Part 13—Thomson River Heritage Area

Sch. 1 Pt 13
substituted by
No. 32/1998
s. 6(4).

The bed and banks of the Thomson River between the downstream edge of the Thomson Dam wall and a point on the right bank of that river in line with the western boundary of Crown allotment 125A Parish of Toongabbie North and all public land adjoining that length of river within—

- (a) 200 metres of each bank upstream of the point where the right bank of the Thomson River meets the left bank of Coopers Creek; and
- (b) 300 metres of each bank downstream of the point where the right bank of the Thomson River meets the left bank of Coopers Creek.

Part 14—Yarra River Heritage Area

All those pieces of land along the Yarra River shown bordered in blue on the plan lodged in the Central Plan Office and numbered LEGL/91–16.

Part 15—Lerderderg River Heritage Area

Sch. 1 Pt 15
substituted by
No. 32/1998
s. 6(5).

The bed and banks of the Lerderderg River between the downstream edge of the Roach Road crossing and the point where the river crosses the boundary of the southern extremity of Lerderderg State Park defined in the plan lodged in the Central Plan Office and numbered N.P. 89/1 and—

- (a) that part of the Lerderderg State Park shaded grey on the plan lodged in the Central Plan Office and numbered LEGL./98–38; and
- (b) all public land within 250 metres of the left bank of that river between the points marked A and B on the plan LEGL./98–38; and
- (c) that part of the public purposes reserve (Government Gazette 1881 page 1389) adjoining the left bank of that river between the points marked B and C on the plan LEGL./98–38; and

- (d) on the right bank of that river between the point marked A on the plan LEGL./98-38 and a point on the right bank of that river in line with the northern boundary of Crown allotment 53 Parish of Blackwood, all public land within 100 metres from that bank or the northern edge of the Lerderderg Road, whichever is the greater distance from that bank; and
- (e) that part of the public purposes reserve (Government Gazette 1881 page 1389) adjoining the right bank of that river between a point on the right bank of that river in line with the northern boundary of Crown allotment 53 Parish of Blackwood and the point marked C on the plan LEGL./98-38.

Sch. 1 Pt 16
substituted by
Nos 32/1998
s. 6(6),
60/2005
s. 28(b),
amended by
No. 57/2006
s. 30.

Part 16—Aire River Heritage Area

The bed and banks of the Aire River between a point on the left bank of that river in line with the eastern boundary of Crown allotment 29E Parish of Olangolah and the low water mark at the mouth of that river and all public land adjoining that length of river comprising—

- (a) all land in the Great Otway National Park that is within 200 metres of each bank of the river; and
- (b) all land within Crown Allotment 21H, Parish of Aire and Crown Allotment 21A, Parish of Otway; and
- (c) all land in the Aire River Wildlife Reserve under the **Wildlife Act 1975** (Government Gazette 1987 page 1495) that is within 100 metres of the left bank of the Aire River.

Part 17—Glenelg River Heritage Area

All those pieces of land along the Glenelg River shown bordered in blue on the plan lodged in the Central Plan Office and numbered LEGL/91-19.

Part 18—Aberfeldy River Heritage Area

The bed and banks of the Aberfeldy River and all public land within 200 metres of each bank within the Baw Baw National Park defined on the plan lodged in the Central Plan Office and numbered N.P. 29/1.

Sch. 1 Pt 18
substituted by
No. 32/1998
s. 7.

Schedule 2—Natural catchment areas

Part 1—East Gippsland Coastal Streams catchment area

All those pieces of land in the catchments to the Red and Benedore Rivers, and Shipwreck, Easby and Seal Creeks, and areas between them, outlined in green on the plan lodged in the Central Plan Office and numbered LEGL/91–20.

Part 2—Rodger River and Mountain Creek catchment area

All those pieces of land in the catchments to the Rodger River and Mountain Creek outlined in green on the plan lodged in the Central Plan Office and numbered LEGL/91–21.

Part 3—Avon River catchment area

All those pieces of land in the catchments to the Avon, Turton and Dolodrook Rivers, and Ben Cruachan and Thiele Creeks, outlined in green on the plan lodged in the Central Plan Office and numbered LEGL/91–22.

Part 4—O'Shannassy River catchment area

All those pieces of land in the catchment to the O'Shannassy Reservoir outlined in green on the plan lodged in the Central Plan Office and numbered LEGL/91–23.

Part 5—Log Bridge Creek catchment area

All those pieces of land in the catchment to the East Branch of the Log Bridge Creek outlined in green on the plan lodged in the Central Plan Office and numbered LEGL/91–24.

Part 6—Mount Tabor Creek catchment area

All those pieces of land in the catchment to Mount Tabor Creek outlined in green on the plan lodged in the Central Plan Office and numbered LEGL/91–25.

Part 7—Banimboola Creek catchment area

All those pieces of land in the catchment to Banimboola Creek outlined in green on the plan lodged in the Central Plan Office and numbered LEGL/91–26.

Part 8—Devils Creek catchment area

All those pieces of land in the catchment to the Middle Branch of the Devils Creek outlined in green on the plan lodged in the Central Plan Office and numbered LEGL/91–27.

Part 9—Yarrarabula Creek catchment area

All those pieces of land in the catchment to Yarrarabula Creek outlined in green on the plan lodged in the Central Plan Office and numbered LEGL/91–28.

Part 10—Long Jack Creek catchment area

All those pieces of land in the catchment to Long Jack Creek outlined in green on the plan lodged in the Central Plan Office and numbered LEGL/91–29.

Part 11—Williams Creek catchment area

All those pieces of land in the catchment to Williams Creek outlined in green on the plan lodged in the Central Plan Office and numbered LEGL/91–30.

Part 12—Double Creek catchment area

All those pieces of land in the catchment to Double Creek outlined in green on the plan lodged in the Central Plan Office and numbered LEGL/91–31.

Part 13—Genoa River Tributary catchment area

All those pieces of land in the catchment to the unnamed tributary to the Genoa River outlined in green on the plan lodged in the Central Plan Office and numbered LEGL/91–32.

Part 14—Winnot Creek catchment area

All those pieces of land in the catchment to Winnot Creek outlined in green on the plan lodged in the Central Plan Office and numbered LEGL/91–33.

Part 15—Errinundra River catchment area

All those pieces of land in the catchment to the East Branch of the Errinundra River outlined in green on the plan lodged in the Central Plan Office and numbered LEGL/91–34.

Part 16—Gattamurh Creek catchment area

All those pieces of land in the catchment to Gattamurh Creek outlined in green on the plan lodged in the Central Plan Office and numbered LEGL/91–35.

Part 17—Wallaby Creek catchment area

All those pieces of land in the catchment to Wallaby Creek outlined in green on the plan lodged in the Central Plan Office and numbered LEGL/91–36.

Part 18—Mount Gelantipy Creek catchment area

All those pieces of land in the catchment to Mount Gelantipy Creek outlined in green on the plan lodged in the Central Plan Office and numbered LEGL/91–37.

Part 19—Musk Creek catchment area

All those pieces of land in the catchment to Musk Creek outlined in green on the plan lodged in the Central Plan Office and numbered LEGL/91–38.

Part 20—Brodribb River catchment area

All those pieces of land in the catchment of the headwaters of the Brodribb River outlined in green on the plan lodged in the Central Plan Office and numbered LEGL/91–39.

Part 21—Stony Creek catchment area

All those pieces of land in the catchment to Stony Creek outlined in green on the plan lodged in the Central Plan Office and numbered LEGL/91–40.

Part 22—Wongungarra River catchment area

All those pieces of land in the catchment of the headwaters of the Wongungarra River outlined in green on the plan lodged in the Central Plan Office and numbered LEGL/91–41.

Part 23—Blue Rag Creek catchment area

All those pieces of land in the catchment to Blue Rag Creek outlined in green on the plan lodged in the Central Plan Office and numbered LEGL/91–42.

Part 24—Pinnacle Creek catchment area

All those pieces of land in the catchment to the East Branch of Pinnacle Creek outlined in green on the plan lodged in the Central Plan Office and numbered LEGL/91–43.

Part 25—Punchen Creek catchment area

All those pieces of land in the catchment to Punchen Creek outlined in green on the plan lodged in the Central Plan Office and numbered LEGL/91–44.

Part 26—Mount Vereker Creek catchment area

All those pieces of land in the catchment to Mount Vereker Creek outlined in green on the plan lodged in the Central Plan Office and numbered LEGL/91–45.

Heritage Rivers Act 1992
No. 36 of 1992
Schedule 3—Restricted land and water uses in Heritage River Areas

Schedule 3—Restricted land and water uses in Heritage River Areas

Sch. 3
amended by
No. 68/2006
s. 11.

Column 2	Column 3	Column 4
<i>No new water diversions</i>	<i>New Water diversions not to significantly impair attributes of area</i>	<i>No timber harvesting</i>
Genoa River Heritage Area	Mitta Mitta River Heritage Area	Mitta Mitta River Heritage Area
Suggan Buggan and Berrima River Heritage Area	Ovens River Heritage Area	Big River Heritage Area
Thomson River Heritage Area	Howqua River Heritage Area	Wimmera River Heritage Area
	Goulburn River Heritage Area	Genoa River Heritage Area
	Bemm, Goolengook, Arte and Errinundra River Heritage Area	Bemm, Goolengook, Arte and Errinundra River Heritage Area
	Snowy River Heritage Area	Suggan Buggan and Berrima River Heritage Area
	Upper Buchan River Heritage Area	Upper Buchan River Heritage Area
	Mitchell and Wonnangatta River Heritage Area	Mitchell and Wonnangatta River Heritage Area
		Thomson River Heritage Area
	Yarra River Heritage Area	Yarra River Heritage Area
	Lerderderg River Heritage Area	Lerderderg River Heritage Area
	Aire River Heritage Area	Aire River Heritage Area

Heritage Rivers Act 1992
No. 36 of 1992
Schedule 3—Restricted land and water uses in Heritage River Areas

Column 2	Column 3	Column 4
<i>No new water diversions</i>	<i>New Water diversions not to significantly impair attributes of area</i>	<i>No timber harvesting</i>
	Glenelg River Heritage Area	Glenelg River Heritage Area
	Aberfeldy River Heritage Area	

Heritage Rivers Act 1992
No. 36 of 1992

Schedule 4—Specific land and water uses for particular Heritage River Areas

**Schedule 4—Specific land and water uses for
particular Heritage River Areas**

Sch. 4
amended by
No. 68/2006
s. 12.

Column 1	Column 2
<i>Heritage River Area</i>	<i>Land Conservation Council recommendations</i>
Ovens River Heritage Area—	A2(m)(iii) timber-harvesting be permitted in the Lower Ovens forest, subject to the recommended principles and guidelines for river red gum harvesting operations
Howqua River Heritage Area—	A3(m)(iii) timber-harvesting continue where land status permits subject to prescriptions providing for a buffer around recreation routes and destinations
Big River Heritage Area—	A4(m)(i) any new diversion of water only be permitted if its volume and timing, and the design of the offtake structure, do not significantly impair in-stream habitat conditions, the passage of in-stream fauna, or reduce scenic landscape value (ii) the volume and timing of any new diversion be such as to not significantly impair canoeing quality, but that if such impairment is likely, an economic assessment of the relative social benefits and costs be carried out
Goulburn River Heritage Area—	A5(m)(iii) timber-harvesting be permitted in the Lower Goulburn forests below Murchison, subject to the recommended principles and guidelines for river red gum harvesting operations

Heritage Rivers Act 1992

No. 36 of 1992

Schedule 4—Specific land and water uses for particular Heritage River Areas

Column 1	Column 2
<i>Natural Catchment Areas</i>	<i>Land Conservation Council recommendations</i>
Wimmera River Heritage Area—	A6(m)(i) transfers between existing water users take place where appropriate, but no additional diversion of surface water shall be made in the Wimmera Basin (ii) increased allocations only be made where they can be achieved from water savings through schemes that improve water distribution efficiency, such as the piping of parts of the Wimmera-Mallee Stock and Domestic Supply System (iii) an adequate proportion of such water savings is to be allocated to environmental water requirements for the Wimmera River upstream of Lake Hindmarsh (iv) on completion of studies of the means of providing environmental water requirements along the Wimmera River and Outlet Creek to the terminal lakes, an adequate proportion of water savings is to be allocated to these requirements.
Snowy River Heritage Area—	A9(m)(iii) timber-harvesting be permitted in the lower Snowy State forest part of the corridor, by selection felling at a low intensity, except within the natural features zone, subject to minimisation of the impact on scenic landscapes viewed from the river and strategic vantage points, and in accordance with previous Council recommendations

Heritage Rivers Act 1992

No. 36 of 1992

Schedule 4—Specific land and water uses for particular Heritage River Areas

Column 1	Column 2
<i>Natural Catchment Areas</i>	<i>Land Conservation Council recommendations</i>
Thomson River Heritage Area—	A13(m)(iii) any new water diversions from tributary streams entering the corridor upstream from Cowwarr Weir only be permitted if their volumes, timing, and offtake do not significantly impair canoeing quality or native fish habitat, or reduce scenic landscape value
Yarra River Heritage Area—	A14(m)(i) new diversions of water from the river, only be permitted if their volumes, timing, and offtake do not significantly impair fish habitat conditions, canoeing quality, or scenic landscape value
Lerderderg River Heritage Area—	A15(m)(i) new diversions of water from the river only be permitted if their volumes, timing, construction, and release regime do not significantly impair riparian vegetation quality or scenic landscape value

Heritage Rivers Act 1992
No. 36 of 1992
Schedule 5—Specific land and water uses for
particular natural catchment areas

Sch. 5
amended by
No. 68/2006
s. 13.

Schedule 5—Specific land and water uses for particular natural catchment areas

Column 1	Column 2
<i>Natural Catchment Area</i>	<i>Land Conservation Council recommendations</i>
East Gippsland Coastal Streams	B1(d) no alteration occur to the natural hydrological properties of these catchments (e) sites of botanical, zoological and geological/geomorphological significance be protected.
Rodger River and Mountain Creek	B2(d) sites of botanical and zoological significance be protected.
Avon River	B3(d) Australian grayling habitat be protected by retaining free passage to the sea for migration, and maintaining water quality, flow, and in-stream habitat condition.
O'Shannassy River	B4 Note 1. This area includes the O'Shannassy Reservoir. From time to time it will be necessary for Melbourne Water to carry out reservoir maintenance and catchment management activities.
Winnot Creek	B14 Note. Management of this area should take into account its importance as habitat for the vulnerable southern barred frog and the giant burrowing frog.

Endnotes

1 General information

See www.legislation.vic.gov.au for Victorian Bills, Acts and current authorised versions of legislation and up-to-date legislative information.

Minister's second reading speech—

Legislative Assembly: 24 October 1991

Legislative Council: 8 April 1992

The long title for the Bill for this Act was "A Bill to make provision for the protection of particular parts of rivers and river catchment areas which have significant nature conservation, recreation, scenic or cultural heritage attributes to amend the **Conservation, Forests and Lands Act 1987**, the **Land Conservation Act 1970** and the **Water Act 1989** and for other purposes."

The **Heritage Rivers Act 1992** was assented to on 16 June 1992 and came into operation as follows:

Section 20 on 1 November 1990: section 2(2); rest of Act on 10 September 1992: Government Gazette 9 September 1992 page 2635.

INTERPRETATION OF LEGISLATION ACT 1984 (ILA)

Style changes

Section 54A of the ILA authorises the making of the style changes set out in Schedule 1 to that Act.

References to ILA s. 39B

Sidenotes which cite ILA s. 39B refer to section 39B of the ILA which provides that where an undivided section or clause of a Schedule is amended by the insertion of one or more subsections or subclauses, the original section or clause becomes subsection or subclause (1) and is amended by the insertion of the expression "(1)" at the beginning of the original section or clause.

Interpretation

As from 1 January 2001, amendments to section 36 of the ILA have the following effects:

- **Headings**

All headings included in an Act which is passed on or after 1 January 2001 form part of that Act. Any heading inserted in an Act which was passed before 1 January 2001, by an Act passed on or after 1 January 2001, forms part of that Act. This includes headings to Parts, Divisions or Subdivisions in

Heritage Rivers Act 1992
No. 36 of 1992
Endnotes

a Schedule; sections; clauses; items; tables; columns; examples; diagrams; notes or forms. See section 36(1A)(2A).

- **Examples, diagrams or notes**

All examples, diagrams or notes included in an Act which is passed on or after 1 January 2001 form part of that Act. Any examples, diagrams or notes inserted in an Act which was passed before 1 January 2001, by an Act passed on or after 1 January 2001, form part of that Act. See section 36(3A).

- **Punctuation**

All punctuation included in an Act which is passed on or after 1 January 2001 forms part of that Act. Any punctuation inserted in an Act which was passed before 1 January 2001, by an Act passed on or after 1 January 2001, forms part of that Act. See section 36(3B).

- **Provision numbers**

All provision numbers included in an Act form part of that Act, whether inserted in the Act before, on or after 1 January 2001. Provision numbers include section numbers, subsection numbers, paragraphs and subparagraphs. See section 36(3C).

- **Location of "legislative items"**

A "legislative item" is a penalty, an example or a note. As from 13 October 2004, a legislative item relating to a provision of an Act is taken to be at the foot of that provision even if it is preceded or followed by another legislative item that relates to that provision. For example, if a penalty at the foot of a provision is followed by a note, both of these legislative items will be regarded as being at the foot of that provision. See section 36B.

- **Other material**

Any explanatory memorandum, table of provisions, endnotes, index and other material printed after the Endnotes does not form part of an Act. See section 36(3)(3D)(3E).

2 Table of Amendments

This publication incorporates amendments made to the **Heritage Rivers Act 1992** by Acts and subordinate instruments.

Heritage Rivers (Amendment) Act 1998, No. 32/1998

Assent Date: 19.5.98
Commencement Date: Ss 5, 6 on 10.9.92: s. 2(2); s. 7 on 4.6.97: s. 2(3);
ss 1–4, 8, 9 on 19.5.98: s. 2(1)
Current State: All of Act in operation

Public Sector Reform (Miscellaneous Amendments) Act 1998, No. 46/1998

Assent Date: 26.5.98
Commencement Date: S. 7(Sch. 1) on 1.7.98: s. 2(2)
Current State: This information relates only to the provision/s
amending the **Heritage Rivers Act 1992**

National Parks (Otways and Other Amendments) Act 2005 No. 60/2005

Assent Date: 20.9.05
Commencement Date: S. 28 on 11.12.05: Government Gazette 8.12.05
p. 2845
Current State: This information relates only to the provision/s
amending the **Heritage Rivers Act 1992**

National Parks and Crown Land (Reserves) Acts (Amendment) Act 2006 No. 57/2006

Assent Date: 15.8.06
Commencement Date: S. 30 on 16.8.06: s. 2(1)
Current State: This information relates only to the provision/s
amending the **Heritage Rivers Act 1992**

Heritage Rivers (Further Protection) Act 2006 No. 68/2006

Assent Date: 19.9.06
Commencement Date: 20.9.06: s. 2
Current State: All of Act in operation

Yarra River Protection (Wilip-gin Birrarung murrn) Act 2017, No. 49/2017

Assent Date: 26.9.17
Commencement Date: S. 78 on 1.12.17: s. 2(3)
Current State: This information relates only to the provision/s
amending the **Heritage Rivers Act 1992**

Parks and Crown Land Legislation Amendment Act 2017, No. 53/2017

Assent Date: 24.10.17
Commencement Date: S. 77 on 15.12.17: Special Gazette (No. 433) 12.12.17
p. 1
Current State: This information relates only to the provision/s
amending the **Heritage Rivers Act 1992**

Heritage Rivers Act 1992
No. 36 of 1992
Endnotes

**Planning and Environment Amendment (Distinctive Areas and Landscapes)
Act 2018, No. 17/2018**

Assent Date: 29.5.18
Commencement Date: S. 15 on 30.5.18: s. 2
Current State: This information relates only to the provision/s
amending the **Heritage Rivers Act 1992**

Great Ocean Road and Environs Protection Act 2020, No. 19/2020

Assent Date: 23.6.20
Commencement Date: S. 92 on 1.12.20: s. 2(2)
Current State: This information relates only to the provision/s
amending the **Heritage Rivers Act 1992**

3 Amendments Not in Operation

This version does not contain amendments that are not yet in operation.

4 Explanatory details

No entries at date of publication.