

## Proposed Amendments – Review of the *Wet Tropics Management Plan 1998*

Current Wording (under the <i>Wet Tropics Management Plan 1998</i> )	Proposed Amendment (under the <i>Wet Tropics Amendment Management Plan 2009</i> )	Rationale for proposed amendment
<b>Part 1 Preliminary</b>		Technical amendments only. No substantive change.
<b>Part 2 Management zones</b>		
<b>Division 1 Establishment of zones</b>		
<b>6 Management zones</b>		
(1) For managing the wet tropics area, the area is divided into the following management zones— • zone A • zone B • zone C • zone D.	Nil	
(2) The zones are established according to the integrity, remoteness from disturbance, intended physical and social setting and management purpose of different parts of the area.	Delete: <i>integrity, remoteness from disturbance</i>	The current ‘distance from disturbance’ rules for establishing zones are very complex. It is proposed that zones will now be established on the basis of intended physical and social setting and management purpose rather than remoteness from disturbance rules.
<b>7 Extent of zones</b>		
(1) The zones are shown on maps (the <i>zoning maps</i> ) held by the authority.	Nil	
(2) The zoning maps may be inspected under section 4.		

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(3) The zones cover the whole wet tropics area and do not overlap.		
<b>8 Procedure for amending zoning map</b>		Technical amendments only. No substantive change.
<b>9 Rezoning of land to accommodate essential community services infrastructure</b>		
(1) A zoning map may also be amended under schedule 1.	Nil	
(2) Schedule 1 provides for the rezoning of land in the area from zone B to zone C, on the application of a local government, to accommodate essential community services infrastructure.	Delete: <i>local government</i>  Replace with: <i>CSI provider</i>	At this stage, only local government can apply for a rezoning under Schedule 1. The amendment will enable other providers of community services infrastructure (CSI) to also apply, hereafter referred to as “CSI provider”
<b>Division 2 - Zone A</b>		
<b>10 Land included in zone</b>		
Zone A is comprised of land that is of high integrity and remote from disturbance.	Delete section <i>10</i>	It is proposed that zones will now be established on the basis of intended physical and social setting and management purpose rather than remoteness from disturbance rules.
<b>11 Intended physical and social setting</b>		
It is intended that, in zone A—	Nil	
(a) land be of high integrity, remote from disturbance by activities associated with		

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<p>modern technological society; and</p> <p>(b) a visitor may expect opportunities for solitude in a natural area requiring a degree of self reliance; and</p> <p>(c) there be no obvious management presence.</p>		
<b>12 Management purpose</b>		
<p>The management purpose of zone A is, to the greatest possible extent—</p> <p>(a) to protect the integrity of land in the zone; and</p> <p>(b) if the land is disturbed—to restore the land to its natural state.</p>	<p>From: <i>zone A is</i> delete all words.</p> <p>Replace with:</p> <p><i>zone A is --</i></p> <p><i>(a) for the land in the zone to be used only for the conservation and presentation of the area; and</i></p> <p><i>(b) to the greatest possible extent—</i></p> <p style="padding-left: 20px;"><i>(i) to protect the integrity of the land in the zone; and</i></p> <p style="padding-left: 20px;"><i>(ii) if the land in the zone is disturbed—to restore the land to its natural state.</i></p>	<p>The proposed rules are based on stated ‘management purpose’ and the proposed amended wording to this section reflects this change.</p>
<b>Division 3 - Zone B</b>		
<b>13 Land included in zone</b>		
<p>Zone B is comprised of land that is mostly of high integrity but not necessarily remote from disturbance.</p>	<p>Delete section <i>13</i></p>	<p>It is proposed that zones will now be established on the basis of intended physical and social setting and management purpose rather than remoteness from disturbance rules.</p>

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<b>14 Intended physical and social setting</b>		
<p>It is intended that, in zone B—</p> <p>(a) land be undergoing recovery or rehabilitation towards its natural state or becoming remote from disturbance by activities associated with modern technological society; and</p> <p>(b) a visitor may expect opportunities for solitude in a natural area requiring a degree of self reliance; and</p> <p>(c) management presence be limited mainly to activities required for the recovery or rehabilitation of the area.</p>	<p>Delete section <i>14(a) to (c)</i>.</p> <p>Replace with—</p> <p><i>(a) the land be generally of high ecological integrity; and</i></p> <p><i>(b) there be no obvious disturbance associated with modern technological society; and</i></p> <p><i>(c) there be no obvious management presence.</i></p>	<p>Under the new rules, Zone B land is delineated on the basis of its association with community services infrastructure, not on the basis of being previously disturbed land.</p>
<b>15 Management purpose</b>		
<p>The management purpose of zone B is, to the greatest possible extent—</p> <p>(a) to protect and enhance the integrity of land in the zone;</p> <p>(b) if the land is disturbed—</p> <p>(i) to restore land in the zone to its natural state, as opportunities arise; and</p> <p>(ii) to include the land in zone A once it is sufficiently recovered or rehabilitated.</p>	<p>From: <i>zone B is</i>, delete all words.</p> <p>Replace with:</p> <p><i>zone B is--</i></p> <p><i>(a) for the land in the zone to be used for the conservation and presentation of the area; and</i></p> <p><i>(b) to the greatest possible extent—</i></p> <p><i>(i) to protect and enhance the integrity of the land in the zone; and</i></p> <p><i>(ii) if the land in the zone is disturbed –to restore the land</i></p>	<p>The proposed rules are based on stated ‘management purpose’ and the proposed amended wording to this section reflects this change.</p>

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	<i>to its natural state; and (c) for the land to be subject to rezoning applications under schedule 1.</i>	
<b>Division 4 Zone C</b>		
<b>16 Land included in zone</b>		
Zone C is comprised of land on which, or adjacent to which, there is disturbance associated with community services infrastructure.	Delete section <i>16</i>	Not required. Addressed under s18
<b>17 Intended physical and social setting</b>		
It is intended that, in zone C— (a) land be mostly natural, but with some disturbance associated with community services infrastructure, other community facilities and visitor facilities; and (b) a visitor may expect various low-key opportunities for nature appreciation and social interaction in a natural setting, but with some disturbance by activities associated with modern technological society; and (c) management presence may be obvious.	From section 17(a), delete: <i>other community facilities and visitor facilities</i>  Replace with: <i>or community facilities</i>	For clarification purposes only. Under Schedule 3 Dictionary of the draft Amendment Plan ' <i>community facilities</i> ' means facilities for the community e.g. boat ramps, parkings, rifle ranges, waste collection or disposal areas.
<b>18 Management purpose</b>		
The management purpose of zone C is— (a) to accommodate community services	From section 18(a), delete: <i>other community facilities and visitor facilities; but</i>	The proposed rules are based on stated 'management purpose' and the proposed

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<p>infrastructure, other community facilities and visitor facilities; but</p> <p>(b) to the greatest possible extent—</p> <p>(i) to ensure any adverse impact of activities carried out in the zone on the area’s integrity is minimal and acceptable under this plan; and</p> <p>(ii) to otherwise protect and enhance the integrity of land in the zone.</p>	<p>Replace with: <i>or community facilities; and (b) for land that was cleared before the commencement of the plan—to accommodate activities permitted in zone C; but</i></p> <p>Renumber section <i>18(b)</i> as section <i>18(c)</i>.</p>	<p>amended wording to this section reflects this change.</p> <p>The current zoning maps currently depict many cleared areas as zone C where they are associated with existing use rights. The proposed amendment is provided to clarify the management purpose of such cleared areas.</p>
<b>Division 5 - Zone D</b>		
<b>19 Land included in zone</b>		
<p>Zone D is comprised of land on which there are, or are planned to be, developed facilities to enable visitors to appreciate and enjoy the wet tropics area.</p>	<p>Delete section <i>19</i></p>	<p>Not required. Addressed under s21.</p>
<b>20 Intended physical and social setting</b>		
<p>It is intended that, in zone D—</p> <p>(a) land be mostly natural, with visitor facilities integrated into the surrounding landscape; and</p> <p>(b) a visitor may expect many opportunities to appreciate and enjoy the area and interact socially in a natural setting; and</p> <p>(c) management presence may be obvious.</p>	<p>Nil</p>	

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<b>21 Management purpose</b>		
The management purpose of zone D is—	From section <i>21(a)</i> , delete: <i>presenting</i>	For clarification purposes only.
(a) to accommodate facilities for—		
(i) presenting the area to visitors; and	Replace with: <i>the presentation of</i>	Sch 3 Dictionary now includes: <b><i>'presentation'</i></b> of an area includes exhibiting the area and creating an awareness and understanding of the natural significance of the area.
(ii) enabling visitors to enjoy land in the zone and in nearby parts of the area; but		
(b) to the greatest possible extent—		
(i) to ensure any adverse impact of activities carried out in the zone on the area's integrity is minimal and acceptable under this plan; and		
(ii) to otherwise protect and enhance the integrity of the land in the zone.		
<b>Part 3 Control of activities</b>		
<b>Division 1 Explanation</b>		
<b>22 Controls under the Act and this plan</b>		
	Nil	
<b>Division 2 Prohibited activities</b>		
<b>25 Destroying forest products</b>		
It is an offence under section 56 of the Act to carry out certain activities that destroy forest products in the wet tropics area.	Nil	

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<b>26 Other prohibited activities</b>		
A person must not, without a reasonable excuse, carry out any of the following activities in the wet tropics area, except so far as the activity is lawfully carried out under division 3 or 4 or an agreement entered into under section 41 or 42—	Nil	
(a) planting, cultivating, propagating, killing or disposing of an undesirable plant;	Delete: , <i>killing</i>	Removes the prohibition to kill an undesirable plant.
(b) keeping an undesirable animal, bringing in an undesirable animal, or allowing an undesirable animal to stray or escape onto, or remain at, any place in the area;	Nil	
	Add a new subsection: <i>(ba) translocating a fish or a crustacean;</i>	Current fish stocking regulatory mechanisms do not ensure impacts on World Heritage values are properly taken into consideration.
(c) mining, fossicking, eductor dredging or destructive mineral exploration;	Nil	
(d) excavating, grading, quarrying or otherwise interfering with earth;	Nil	
(e) interfering with a watercourse by extracting or diverting water, damming the watercourse or carrying out another activity interfering with its natural flow;	Nil	

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(f) building or maintaining a structure;	Nil	
(g) building or maintaining a road;	Nil	
(h) disposing of waste, other than in an appropriate receptacle;	Nil	
(i) operating a general waste disposal facility or a regulated waste disposal facility;	Nil	
(j) operating a motor vehicle;	Nil	
(k) operating a motorised boat;	Nil	
(l) flying a motorised aircraft, for commercial purposes, less than 1000ft above the area;	Nil	
(m) landing an aircraft at a place other than in a natural clearing or on water.	Delete: <i>natural</i>	The proposed change in terminology is for clarification purposes.
	Add a new subsection: <i>(n) a restricted activity in a restricted area other than in compliance with a restricted activity notice.</i>	This new subsection is a consequential amendment due to the proposed inclusion of a new Part 3 Division 7 to allow the Authority to declare restricted activities in a restricted activity area. Refer draft Div 7 for details.
Maximum penalty— (a) for subsection (1)(a), (c), (d), (e), (f), (g)	Maximum penalty paragraph (a), after 'subsection(1)(a)'	

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or (i)—165 penalty units;	Insert: <i>(ba)</i>	
(b) for subsection (1)(b) or (h) —100 penalty units;	Maximum penalty paragraph (c), delete: <i>or (m)</i> Replace with: <i>,(m) or (n)</i>	Technical amendment only.
(c) for subsection (1)(j), (k), (l) or (m)—50 penalty units.		
(2) To remove any doubt, it is declared that subsection (1) applies to an activity whether or not it is carried out as a business.	Nil	
<b>Division 3 Allowed activities</b>		
<b>27 Activities allowed in all zones</b>		
A person may carry out any of the following activities—	Insert: <i>(1)</i> , before <i>A person</i>	
(a) an activity for—	Insert <i>urgent</i> before <i>protection</i>	It is proposed a permit be required under s33 to undertake regulated activities for the purposes of non-urgent protection of life.
(i) the protection of life; or		
(ii) the urgent protection of property; or		
(iii) the urgent control of a fire or other natural disaster;	After paragraph (a), insert: <i>Example for paragraph (a)(i)— A person may clear an area to allow a helicopter to land if the clearing is necessary to urgently evacuate an injured person.</i>	
(b) maintaining a firebreak that existed immediately before the commencement day or was lawfully built under this plan;	Nil	

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(c) operating a motor vehicle on a road depicted on a zoning map other than a road shown as a ‘presentation (restricted)’ road or ‘management’ road;	<p>From section 27(c), delete: <i>other than a road shown as a ‘presentation (restricted)’ road or ‘management’ road;</i></p> <p>Replace with: <i>other than a road—</i></p> <p>(i) <i>shown as a ‘presentation (restricted)’ road or ‘management’ road; or</i></p> <p>(ii) <i>where a gate or notice has been placed indicating operating motor vehicles on the road is prohibited; or</i></p> <p>(iii) <i>where a notice has been placed indicating operating a motor vehicle on the road requires a permit;</i></p>	The Authority proposes to change the classification of most ‘presentation (restricted)’ roads to ‘presentation’ roads. The Authority considers any environmental impacts on such roads could be more efficiently managed on ‘seasonal closure’ basis rather than the application of a permit system. This amendment allows for seasonal road closures.
(d) operating a motorised boat in a dam, in tidal waters or on Lake Barrine, if the operation is otherwise lawful;	Nil	
(e) burning vegetation, other than in a rainforest, if the burning is otherwise lawful;	Nil	
(f) transporting an undesirable animal through the area, in a vehicle or within some other constraint, in a way that ensures the animal cannot stray or escape onto land in the area;	Nil	
(g) for land, other than rainforest, that is private land or land in relation to which native title exists—keeping an undesirable animal on the	<p>Delete current wording.</p> <p>Replace with:</p>	Undesirable animals are listed at Schedule 2 towards the end of the Plan. At this stage undesirable animals can be

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<p>land or allowing an undesirable animal to enter or remain on the land;</p>	<p><i>(g) for private land, other than rainforest—</i></p> <p><i>(i) keeping a cat or dog if the cat or dog is kept by an owner of the land or a person with the permission of the owner in a way that does not pose a threat to native animals and the keeping is otherwise lawful; or</i></p> <p><i>(ii) keeping cattle if the keeping is otherwise lawful;</i></p> <p><i>(ga) for land in relation to which native title exists, other than rainforest—</i></p> <p><i>(i) keeping a cat or dog if the cat or dog is kept by a native title holder for the land or a person with the permission of the native titleholder in a way that does not pose a threat to native animals and the keeping is otherwise lawful; or</i></p> <p><i>(ii) keeping cattle if the keeping is otherwise lawful;</i></p> <p><i>(gb) for land that is rainforest and on which there is a residence—keeping a cat or dog on the land only if the cat or dog is kept within the curtilage of the residence;</i></p>	<p>kept on private land or native title land. This draft amendment proposes to prohibit the keeping of undesirable animals on private and native title land (e.g. deer, pigs, goats, rabbits and the European honey bee) other than cats, dogs and cattle.</p> <p>Currently a cat or dog cannot be kept in a rainforest. This proposed amendments allows a resident to have a dog or cat around the general living area of the residence if the residence is within rainforest.</p>

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(h) grazing animals, other than in a rainforest, if the grazing is otherwise lawful;	Insert <i>cattle</i> before <i>grazing</i> Delete: <i>animals</i>	This amendment continues to allow for cattle grazing but does not allow for grazing of other undesirable animals e.g. deer or goats.
(i) mining under a licence, permit or other authority under the <i>Mineral Resources Act 1989</i> ;	Delete current wording.  Replace with: <i>(i) mining under—</i> <i>(i) a licence, permit or other authority--</i> <i>(A) issued or given under the</i> <i>Mineral and Resources Act</i> <i>1989; and</i> <i>(B) in force immediately before the</i> <i>plan amendment day; or</i> <i>(ii) a licence, permit or other authority</i> <i>mentioned in subparagraph (i) that</i> <i>is renewed after the plan amendment</i> <i>day, if the mining is carried out</i> <i>within 10 years after the licence,</i> <i>permit or other authority is renewed.</i>	This draft amendment would mean that no new mining ventures would be allowed in the Area and any existing operations would be phased out over a period of not more than 10 years..  This is consistent with the International Council on Mining and Metals (ICMM) in its commitment not to undertake mining operations in World Heritage Areas.  It is understood there are currently only two minor mining operations in the World Heritage Area.
(j) for a government—the operation of community services infrastructure being lawfully operated by the government immediately before the commencement day;	Nil	
(k) flying a motorised aircraft less than 1000ft above the area— (i) when taking off or landing; or	Nil	

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<p>(ii) if flying at a level that is reasonably necessary for safety purposes;</p> <p>(l) for the Commonwealth carrying out defence activities—landing an aircraft in a clearing that was cleared before the commencement day.</p>	<p>Delete section <i>27(l)</i></p> <p>Insert:  <i>(2) In this section—</i>  <i>cat means an undesirable animal that is a cat.</i>  <i>cattle means an undesirable animal of the species—</i>  <i>(a) Bos indicus (zebu cattle); or</i>  <i>(b) Bos taurus (European cattle).</i>  <i>dog means an undesirable animal that is a dog.</i>  <i>native animal means any taxon or species of animal indigenous to Australia.</i></p>	<p>Section 27(l) is not required following amendment to s26(m)</p> <p>Consequential amendment following amendment to section 27(1)(g)</p>
<p><b>28 Activities with minor and inconsequential impact</b></p>		
<p>(1) A person may carry out an activity that—</p> <p>(a) causes no more than minor and inconsequential destruction of a forest product; and</p> <p>(b) has no more than a minor and inconsequential adverse impact on the area’s integrity; and</p> <p>(c) causes no more than minor and inconsequential interference with earth or a watercourse.</p>	<p>Nil</p>	

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<p>(2) The following activities, for example, could reasonably be carried out in a way that complies with subsection (1)—</p> <ul style="list-style-type: none"> <li>(a) maintaining a residence;</li> <li>(b) maintaining the following things around a residence—a structure, garden, lawful access road or small clearing;</li> <li>(c) driving a vehicle off a lawful access road to the extent necessary to get around an immovable obstacle on the road;</li> <li>(d) bushwalking or camping in the area;</li> <li>(e) taking water from a watercourse for personal consumption.</li> </ul>	<p>Nil</p> <p>Delete: <i>or camping</i></p> <p>After: <i>consumption</i> Insert: <i>while in the area.</i></p>	<p>While camping will generally be an activity with minor and inconsequential impact it is not considered a good example as there may be instances where camping could result in a greater impact e.g. camping associated with a major event.</p> <p>For clarification purposes only e.g. ‘<i>personal consumption</i>’ could be interpreted as extracting significant quantities of water for domestic consumption. These activities are regulated under s35(5)(d).</p>
<p>(3) However, the following are examples of activities that may not be carried out under subsection (1)—</p>		

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(a) it would not be minor destruction of a forest product to clear a large area of vegetation for cattle grazing;	Delete: <i>a large</i> Insert: <i>an</i>	For clarification purposes only
(b) it would not be inconsequential destruction of a forest product to destroy a rare native plant;	Nil	
(c) it would not have an inconsequential adverse impact on the area's integrity if a person disposed of an undesirable plant in the area where the plant might spread through the area.	Nil	
	Insert: <i>(d) an activity mentioned in section 33(1)(j) or (k).</i>	This amendment is proposed to remove any doubt that M&I provisions do not apply to such activities.  For example: Operating a motor vehicle on a presentation (restricted) road or a management road without a permit is not an activity with no more than minor and inconsequential impact.
<b>29</b> <b>Certain activities by land-holders or native title holders</b>	Nil	
<b>30</b> <b>Certain activities by chief executive</b>	Nil	
<b>31</b> <b>Certain activities by authority</b>	Nil	

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<b>Division 4 Activities allowed under permit</b>		
<b>32 Activities may be carried out under permit</b>	Nil	
<b>33 Activities permitted in all zones</b>		
A permit may be issued to a person to carry out any of the following activities—	From section 33(a), delete: <i>before the commencement day;</i>	As provided for under the current Plan, this amendment will allow for the Authority to issue a permit for an activity a person was lawfully carrying out before the commencement of the Amendment Plan.
(a) an activity the person was lawfully carrying out immediately before the commencement day;	Replace with: <i>before—</i> (i) <i>the commencement day; or</i> (ii) <i>the plan amendment day;</i>	
(b) an activity the person has a native title right or interest to carry out;		
(c) maintaining a structure;		
(d) maintaining a road;		
(e) clearing vegetation around a structure or road existing immediately before the commencement day, or was lawfully built under this plan, to the extent necessary for its appropriate use;	Nil	
(f) building or maintaining a walking track or associated structure;	Nil	

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(g) building a firebreak, if the building is otherwise lawful;	Nil	
(h) seed collecting;	Nil	
(i) killing or disposing of an undesirable plant;	Delete: <i>killing or</i>	Consequential amendment from section 26(1)(a)
(j) operating a motor vehicle—	Nil	
(i) on a road depicted on a zoning map as a ‘presentation (restricted)’ road; or		
(ii) on a road depicted on a zoning map as a ‘management’ road, for the purpose of conservation management, scientific research or maintenance of community services infrastructure;	After <i>conservation</i> Insert: <i>, or heritage</i>	This amendment will allow for a permit to be issued for both natural and cultural heritage management e.g. for Rainforest Aboriginal people to access a management road to ‘care for country’.
	After section 33(j)(ii), insert:	Section 33(ja) recognises the use of motor vehicles such as ATVs or other small motorised plant can often provide more effective and efficient means of undertaking such activities.
	(iii) <i>to carry out the activity mentioned in paragraph (f); or</i>	
	(iv) <i>for the conservation, protection or rehabilitation of the area; or</i>	
	(v) <i>for scientific research; or</i>	
	(vi) <i>to maintain community services infrastructure;</i>	

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	In section 33, insert: <i>(l) an activity for the protection of life or property;</i>	Section 33(l) is a consequential amendment from proposed amendment to s27 such that only activities for the urgent protection of life can take place without a permit. Other <u>non-urgent</u> activities will require a permit.
	<i>(m) translocating a fish or a crustacean;</i>	Section 33(m) is a consequential amendment from section 26(1)(ba) above.
	<i>(n) bringing a dog that is an undesirable animal into the area for conservation or management purposes;</i>	Section 33(n): While the Plan currently allows for a dog to be kept on private land, there have been instances where a working dog is required on public land for conservation purposes e.g. mustering escaped or feral cattle.
	<i>(o) a restricted activity under a restricted activity notice.</i>	Section 33(o) is a consequential amendment required given the proposed addition of a new Part 3 Division 7 to allow the Authority to declare restricted activities in a restricted activity area. Refer draft Div 7 for details.
	<i>(2) In this section— associated structure includes a structure— (a) for the presentation of an area; or (b) that minimises the impact of walking on</i>	This amendment is proposed to clarify what an <i>associated structure</i> is in relation to building or maintaining a walking track under s33(f) above.

## Proposed Amendments – Review of the *Wet Tropics Management Plan 1998*

Current Wording (under the <i>Wet Tropics Management Plan 1998</i> )	Proposed Amendment (under the <i>Wet Tropics Amendment Management Plan 2009</i> )	Rationale for proposed amendment
	<p><i>the integrity of an area; or</i></p> <p>(c) <i>providing for the hygiene, information, safety or shelter of visitors to the area.</i></p> <p><i>maintain, for community services infrastructure, includes to maintain and decommission the infrastructure.</i></p>	<p>This draft amendment clarifies that a permit is required to decommission community services infrastructure as such operations, if not conducted properly, have the potential to impact on the World Heritage Area.</p>
(k) flying a motorised aircraft less than 1000ft above the area.	Nil	
<b>34 Certain activities in zones C and D</b>	Nil	
<b>35 Certain activities by land-holders or native title holders</b>		
(1) A permit may be issued to a land-holder holding ordinary title to land in the area to carry out a domestic activity on the land so far as the land-holder is entitled to carry out the activity under the land-holder's ordinary title.	Nil	
(2) A permit may be issued to a native title holder for land in the area to carry out a domestic activity on the land so far as the native title holder is entitled to carry out the activity under the native title holder's native title.	Nil	

## Proposed Amendments – Review of the *Wet Tropics Management Plan 1998*

Current Wording (under the <i>Wet Tropics Management Plan 1998</i> )	Proposed Amendment (under the <i>Wet Tropics Amendment Management Plan 2009</i> )	Rationale for proposed amendment
(3) A permit may be issued to another person to carry out a domestic activity on land in the area, under the permission of a land-holder or native title holder for the land, if a permit could be issued under this section to the land-holder or native title holder to carry out the activity.	Nil	
(4) To remove any doubt, it is declared that a government may be a land-holder for this section.	Nil	
(5) In this section— <b>domestic activity</b> , for land, means— (a) building a residence on the land; or (b) clearing or building a pedestrian or vehicular access to a residence on the land; or (c) establishing a housegarden or orchard on the land other than for commercial purposes; or (d) extracting water for domestic use.	Add new subsection: <i>(e) establishing infrastructure for an electricity supply or water supply or telecommunications for domestic use.</i>	It is considered reasonable that such equipment be allowed under permit for domestic purposes.
<b>36 Activities to avoid injurious affection to interest</b>	Nil	
<b>37 Activities in protected area</b>	Nil	
<b>38 Activities in zone B that may reduce impacts on the area</b>	Nil	

## Proposed Amendments – Review of the *Wet Tropics Management Plan 1998*

Current Wording (under the <i>Wet Tropics Management Plan 1998</i> )	Proposed Amendment (under the <i>Wet Tropics Amendment Management Plan 2009</i> )	Rationale for proposed amendment
<b>39 Activities to obtain information for a rezoning application</b>		
(1) This section applies only to zone B.		
(2) A permit may be issued to a local government to carry out an activity the authority considers may be necessary to prepare an environmental impact assessment, or obtain other information, for an application under schedule 1.	Delete: <i>local government</i>  Replace with: <i>CSI provider</i>	This consequential amendment is required due to the proposal to amend s9(2) and <b>Schedule 1</b> to include all providers of essential community services infrastructure, not just local government.
(3) Subsection (2) applies whether or not the activity is consistent with the intended physical and social setting and management purpose of zone B.		
<b>Division 5 Negotiations and variation of controls under agreements</b>		
<b>40 Authority must negotiate</b>	Nil	
<b>41 Cooperative management agreements</b>	Nil	
<b>42 Other agreements varying plan controls</b>		Technical amendment only. No substantive change.
<b>43 Plan operates subject to agreements</b>	Nil	
<b>Division 6 Exemptions</b>		
	Nil	

## Proposed Amendments – Review of the *Wet Tropics Management Plan 1998*

Current Wording (under the <i>Wet Tropics Management Plan 1998</i> )	Proposed Amendment (under the <i>Wet Tropics Amendment Management Plan 2009</i> )	Rationale for proposed amendment
	<p>After section 44, insert:  <b><i>Division 7 Restricted activity declarations</i></b></p>	
	<p>Insert:  <b><i>44A Application of div 7</i></b></p> <p><i>This division applies for an activity other than a prohibited act.</i></p> <p><i>Note—</i>  <i>See section 56 (Prohibited acts) of the Act and sections 25 (Destroying forest products), 26 (Other prohibited activities) and 44 (Exemption of certain activities that destroy forest products).</i></p>	<p>The following new division is proposed to provide the Authority with a responsive mechanism for dealing with emerging threats to World Heritage values e.g. in response to emerging impacts of climate change or as a means to reduce the potential spread of weed infestations or disease.</p>
	<p>Insert:  <b><i>44B Declaration of restricted activity</i></b></p> <p>(1) <i>The authority may declare an activity for all or part of the area (<b>the restricted activity area</b>) to be a restricted activity by erecting or displaying a notice (a <b>restricted activity notice</b>) on or near an entrance to the restricted activity area.</i></p> <p>(2) <i>However, the authority may act under subsection (1)—</i></p> <p style="padding-left: 40px;"><i>(a) only for a reason mentioned in section 44C; and</i></p> <p style="padding-left: 40px;"><i>(b) if section 44D applies—only after the consultation process mentioned in section 44D has been completed.</i></p> <p>(3) <i>The restricted activity must—</i></p>	

## Proposed Amendments – Review of the *Wet Tropics Management Plan 1998*

Current Wording (under the <i>Wet Tropics Management Plan 1998</i> )	Proposed Amendment (under the <i>Wet Tropics Amendment Management Plan 2009</i> )	Rationale for proposed amendment
	<p>(a) <i>be easily visible to passers-by; and</i></p> <p>(b) <i>state the restricted activity to which the notice applies; and</i></p> <p>(c) <i>identify the limits of the restricted activity area to which the notice applies; and</i></p> <p>(d) <i>state that a contravention of a requirement of the notice is an offence against the Act and the maximum penalty for the offence.</i></p> <p>(4) <i>When the notice is erected or displayed, the authority—</i></p> <p style="padding-left: 40px;">(a) <i>must publish a copy of the notice on the authority’s website; and</i></p> <p style="padding-left: 40px;">(b) <i>may publish the notice in other ways the authority considers appropriate.</i></p> <p>(5) <i>If the authority is satisfied the reason for making the declaration no longer exists, the authority must remove the restricted activity notice as soon as practicable.</i></p> <p><i>Note—</i> <i>See also section 44B(2)(When declarations end)</i></p> <p><b>Insert:</b> <b><i>44C Reasons for declaring a restricted activity</i></b> <i>The authority may declare a restricted activity only if the authority reasonable believes the declaration is necessary or desirable—</i></p> <p style="padding-left: 40px;">(a) <i>to protect the integrity of the area;</i></p> <p style="padding-left: 80px;"><i>or</i></p>	

## Proposed Amendments – Review of the *Wet Tropics Management Plan 1998*

Current Wording (under the <i>Wet Tropics Management Plan 1998</i> )	Proposed Amendment (under the <i>Wet Tropics Amendment Management Plan 2009</i> )	Rationale for proposed amendment
	<p>(b) to protect significant natural resources of the area; or</p> <p>(c) to enable the recovery or rehabilitation of the area.</p> <p>Insert:</p> <p><b>44D Consultation with stakeholders about declarations</b></p> <p>(1) This section applies if the nature or extent of a relevant activity being conducted, or to be conducted, would be significantly affected by the making of a declaration under section 44B.</p> <p>(2) However, this section does not apply if the declaration is to be made—</p> <p style="padding-left: 40px;">(a) to protect the integrity of the area; or</p> <p style="padding-left: 40px;">(b) to protect significant natural resources of the area.</p> <p>(3) The authority must give a person carrying out a relevant activity the person is entitled to carry out, a notice stating the following—</p> <p style="padding-left: 40px;">(a) consideration is being given to the making of a declaration under section 44B;</p> <p style="padding-left: 40px;">(b) the matters mentioned in section 44(B)(3)(b) to (d);</p> <p style="padding-left: 40px;">(c) that the person is invited to make written submissions in relation to the proposed declaration.</p>	

## Proposed Amendments – Review of the *Wet Tropics Management Plan 1998*

Current Wording (under the <i>Wet Tropics Management Plan 1998</i> )	Proposed Amendment (under the <i>Wet Tropics Amendment Management Plan 2009</i> )	Rationale for proposed amendment
	<p>(4) <i>The submission must be made to the authority—</i></p> <p style="padding-left: 2em;"><i>(a) at an address stated in the notice; and</i></p> <p style="padding-left: 2em;"><i>(b) within the period, of at least 20 business days, stated in the notice</i></p> <p>(5) <i>The authority must consider all submissions received in response to the notice.</i></p> <p>(6) <i>In this section—</i>  <b><i>relevant activity</i></b> <i>means—</i></p> <p style="padding-left: 2em;"><i>(a) an activity lawfully carried out under division 3 or 4 or an agreement entered into under section 41 or 42; or</i></p> <p style="padding-left: 2em;"><i>(b) an activity carried out by a person who is the holder of a licence, permit or other authority under another Act</i></p> <p>Insert:  <b><i>44E When declarations end</i></b></p> <p>(1) <i>A declaration made under section 44B ends on the day the authority removes the restricted activity notice for the area.</i></p> <p>(2) <i>When the restricted activity notice for a restricted activity is removed, the authority must—</i></p> <p style="padding-left: 2em;"><i>(a) remove the copy of the notice on the authority’s website; and</i></p> <p style="padding-left: 2em;"><i>(b) publish notice of the removal in the</i></p>	

## Proposed Amendments – Review of the *Wet Tropics Management Plan 1998*

Current Wording (under the <i>Wet Tropics Management Plan 1998</i> )	Proposed Amendment (under the <i>Wet Tropics Amendment Management Plan 2009</i> )	Rationale for proposed amendment
<i>same way the authority published the notice under section 44B(4)(b).</i>		
<b>Part 4 Permits</b>		
<b>Division 1 Procedural matters</b>		
<b>45</b>	<b>Application for permit</b>	Nil
<b>46</b>	<b>Assessment fee</b>	Nil
<b>47</b>	<b>Authority may ask for more information</b>	
(1)	The authority, by written notice, may ask the applicant for more information or documents relevant to deciding the application.  <i>Examples of information or documents that may be requested—</i> <ul style="list-style-type: none"> <li>– an environmental impact assessment for the proposed activity meeting stated terms of reference</li> <li>– information about the nature, scale, duration and extent of the proposed activity</li> <li>– information about whether there is a prudent and feasible alternative to the activity</li> <li>– information about the effects that a proposed decision on the application may have for the community or a part of the community.</li> </ul>	Nil
(2)	The notice must state a time for giving the information or documents which— (a) must be reasonable; and	From section 47(2)(b), delete: <i>90</i>  Replace with: <i>60</i>
		60 days is considered sufficient time for most applicants to provide documentation. This brings the period

## Proposed Amendments – Review of the *Wet Tropics Management Plan 1998*

<b>Current Wording</b> (under the <i>Wet Tropics Management Plan 1998</i> )	<b>Proposed Amendment</b> (under the <i>Wet Tropics Amendment Management Plan 2009</i> )	<b>Rationale for proposed amendment</b>
<p>(b) must be at least 90 days after the notice is given to the applicant; and</p> <p>(c) may be extended by the authority at any time.</p>		into line with 60 day requirements under s49(1) for the Authority to decide a permit application; and s70(2)(b) for the applicant to appeal a decision.
<p>(3) The authority must not unreasonably refuse a request from the applicant for an extension of the time.</p>	Nil	
<p>(4) If the applicant does not give the information or documents to the authority within the stated time, or any extension, the application lapses.</p>	Nil	
<p>(5) The authority may ask the applicant for an environmental impact assessment under this section only if it considers—</p> <p>(a) the proposed activity might have an impact on the area’s integrity that is unacceptable under this plan; and</p> <p>(b) having regard to the significance of the proposed activity, it would be reasonable to ask for the assessment.</p>		
<p>(6) If the authority asks the applicant for an environmental impact assessment, the applicant may comply by giving a copy of an environmental impact assessment for the proposed activity prepared to comply with another law and, if the applicant complies with the requirement in that way, the authority—</p>		

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Current Wording (under the <i>Wet Tropics Management Plan 1998</i> )	Proposed Amendment (under the <i>Wet Tropics Amendment Management Plan 2009</i> )	Rationale for proposed amendment
<ul style="list-style-type: none"> <li>(a) may not require the applicant to give another assessment; but</li> <li>(b) may ask for other information or documents.</li> </ul>		
<b>48 Authority must decide application</b>	Nil	
<b>49 Due day for deciding applications</b>	Nil	
<b>50 Consultation</b>	Nil	
<b>51 Conditions</b>		
(1) The authority may issue a permit on conditions that, having regard to divisions 2 to 4, it considers appropriate.	Nil	
(2) For example, a permit may be issued on conditions the authority considers necessary to— <ul style="list-style-type: none"> <li>(a) prevent, minimise or monitor any adverse impact the proposed activity may have on the area’s integrity; or</li> <li>(b) rehabilitate the area while carrying out the activity or after the activity has ended.</li> </ul>	Delete: <i>or monitor</i> Replace with: <i>, mitigate, monitor or offset</i>	Consequential amendment to be consistent with amendment proposed at section 59(4)
(3) Without limiting subsection (1), a condition may be that the applicant must comply with a code of practice for the activity.	Nil	

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Current Wording (under the <i>Wet Tropics Management Plan 1998</i> )	Proposed Amendment (under the <i>Wet Tropics Amendment Management Plan 2009</i> )	Rationale for proposed amendment
<b>52</b> <b>Security</b>	Nil	
<b>53</b> <b>Decision to be notified to applicant and recorded</b>	Nil	
<b>54</b> <b>Register of permit decisions</b>	Nil	
<b>Division 2 Principles and criteria for deciding permit applications</b>		
<b>55</b> <b>Purpose of division</b>	Nil	
<b>56</b> <b>Most important consideration</b>	After <i>consideration</i> insert: <i>--impact on area's integrity</i>	Amendment for clarification purposes only
(1)    The most important consideration for deciding the application is the likely impact of the proposed activity on the area's integrity.	Nil	
(2)    The impact must be considered having regard to the intended physical and social setting and management purpose, and the remoteness, of— (a)    the zone in which the activity is proposed to be carried out; and (b)    any nearby zone that may be affected, including, in particular, zones A and B.	Delete: <i>, and the remoteness,</i>	Consequential amendment resulting from proposed amendments under Part 2 – Management Zones.
(3)    This is the most important consideration because— (a)    it is the stated intention of the Parliament	Nil	

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<b>Current Wording</b> (under the <i>Wet Tropics Management Plan 1998</i> )	<b>Proposed Amendment</b> (under the <i>Wet Tropics Amendment Management Plan 2009</i> )	<b>Rationale for proposed amendment</b>
<p>to make provision, by the Act, to ensure that effective, active measures are taken to meet Australia’s obligation under the convention; and</p> <p>(b) the authority is established to ensure Australia’s obligation under the World Heritage Convention in relation to the area is met; and</p> <p>(c) the Act requires the authority to perform its functions in a way that is consistent with the protection of the area’s natural heritage values.</p>		
<b>57</b>	<b>Precautionary principle</b>	Nil
<b>58</b>	<b>Prudent and feasible alternatives</b>	Nil
<b>59</b>	<b>World heritage values</b>	
(1)	The authority must decide the application in a way that minimises the likely impact of the proposed activity on the area’s world heritage values.	Nil
(2)	In particular, subsection (1) applies to an application concerning any necessary existing or proposed community services infrastructure.	Nil
(3)	Without limiting subsection (1), the authority must have regard to the following matters—	Nil
	(a) the likely impact of a proposed activity on—	

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Current Wording (under the <i>Wet Tropics Management Plan 1998</i> )	Proposed Amendment (under the <i>Wet Tropics Amendment Management Plan 2009</i> )	Rationale for proposed amendment
(i) wildlife prescribed under the <i>Nature Conservation Act 1992</i> as extinct in the wild, endangered, vulnerable, rare or near threatened; and	Delete all words and replace with: (i) <i>listed threatened species prescribed under the Environment Protection and Biodiversity Conservation Act 1999 (Cwlth) or threatened wildlife prescribed under the Nature Conservation Act 1992; and</i>	Categories of threatened species have changed since June 05 under the NCA. The EPBC Act also includes categories of threatened species that need to be considered.
(ii) the habitats of wildlife mentioned in subparagraph (i); and	Nil	
(iii) other threatened plant and animal communities; and		
(iv) natural ecological processes;		
(b) the potential cumulative impact on the area's integrity of the proposed activity and another activity carried out, or that may be carried out, lawfully in the area (particularly if the activities are close together or affect the same, or similar, world heritage values);	Nil	
(c) the likely impact of a proposed activity on the area's scenic amenity including, in particular, the degree of visual dominance of the activity or of any alteration of the landscape arising from the activity.		
(4) The authority must consider any action that could be taken to—	<del>Delete: <i>or monitor</i></del> <u>Replace with: , <i>mitigate, monitor or offset</i></u>	This proposed amendment expands the scope of actions the Authority must take

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Current Wording (under the <i>Wet Tropics Management Plan 1998</i> )	Proposed Amendment (under the <i>Wet Tropics Amendment Management Plan 2009</i> )	Rationale for proposed amendment
(a) prevent, minimise or monitor any adverse impact the proposed activity may have on the area's integrity; or		into account when considering a permit application, in particular, whether actions could be taken to offset adverse impacts associated with the proposed activity.
	Delete: <u><i>integrity; or</i></u> Replace with: <u><i>integrity; and</i></u>	
(b) rehabilitate the area while carrying out the activity or after the activity has ended.	Nil	Proposed amendment to ensure the Authority must take into account both subsections 59(4)(a) and 59(4)(b).
<b>60 Community considerations</b>	Nil	
<b>61 Carrying capacity</b>	Nil	
<b>Division 3 Information for applying principles and criteria</b>		
<b>62 Guidelines</b>	Nil	
<b>Division 4 Permit applications for particular activities</b>		
<b>63 Domestic activities</b>		
(1) This section applies to an application for a permit for an activity necessary to—		

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Current Wording (under the <i>Wet Tropics Management Plan 1998</i> )	Proposed Amendment (under the <i>Wet Tropics Amendment Management Plan 2009</i> )	Rationale for proposed amendment
(a) build an authorised residence; or	After <i>residence</i> Insert: <i>on a parcel of land, if there is no other authorised residence on the land</i>	Under s35(5) and s63(2) the Authority must issue a permit to build an authorised residence. This section removes from any doubt that a permit only must be issued for one residence and may be issued for additional residences.
(b) clear or build a pedestrian or vehicular access to an authorised residence; or	Nil	
(c) establish a housegarden or orchard, other than for commercial purposes; or	Nil	
(d) extract water for domestic use.	Nil	
	Insert: <i>(e) establish infrastructure for an electricity supply or water supply or telecommunications for domestic use.</i>	Consequential amendment resulting from proposed amendment to s35(5)
(2) The authority must issue the permit.	Delete section 63(2) and replace with: <i>(2) The authority must issue the permit if satisfied there is no prudent and feasible alternative to carrying out the activity on the parcel of land outside the area.</i>	There are some situations where a parcel of land lies partly inside and partly outside the WHA. In situations where the domestic activity could be reasonably located outside the WHA and it would have less of an impact on the WHA, the Authority may decide not to issue a permit.
(3) To remove any doubt, it is declared that this	Nil	

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Current Wording (under the <i>Wet Tropics Management Plan 1998</i> )	Proposed Amendment (under the <i>Wet Tropics Management Plan 2009</i> )	Rationale for proposed amendment
<p>section—</p> <p>(a) applies only in relation to a permit that may be issued under this plan; and</p> <p>(b) does not limit the authority’s power under section 51 to issue the permit on conditions.</p> <p><i>Example for paragraph (b)—</i> On an application for a permit to build a vehicular access to a residence, the authority may issue the permit on a condition about where the access must be situated to cause the least impact on the area’s integrity.</p> <p>(4) In this section— <b><i>authorised residence</i></b> means a residence that is lawfully built or a proposed residence, the building of which has been approved by the relevant local government.</p>	Nil	
<b>64 Defence activities</b>		
The authority must have regard to the need for the Commonwealth to carry out defence activities on land in the area.	<p>Delete: <i>on</i></p> <p>Replace with: <i>in relation to</i></p> <p>Before: <i>The</i></p> <p>Insert: <i>(2)</i></p> <p>Insert:</p> <p><i>(1) This section applies to an application for a permit by the Commonwealth to carry out a defence activity in relation to land in the area.</i></p>	For clarification purposes only.

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Current Wording (under the <i>Wet Tropics Management Plan 1998</i> )	Proposed Amendment (under the <i>Wet Tropics Amendment Management Plan 2009</i> )	Rationale for proposed amendment
<b>65 Roadworks</b>	Delete: <i>Roadworks</i> Replace with: <i>Community services infrastructure</i>	
(1) The authority may issue a permit to build a road only if building the road under the permit would not have a net adverse impact on the integrity of the area or there is no prudent and feasible alternative.	Delete section 65(1) and replace with: (1) <i>The authority may issue a permit to build community services infrastructure only if—</i> (a) <i>building the infrastructure under the permit would not have a net adverse impact on the integrity of the area; and</i> (b) <i>there is no prudent and feasible alternative.</i>	This amendment will mean that a permit for new community services infrastructure will not be issued unless there are no prudent and feasible alternatives and the proposal would have no net adverse impact on the integrity of the Area. In order to achieve no net adverse impact, measures may need to be applied in order to prevent, minimise, mitigate or offset any such impacts on the integrity of the Area.  This draft amendment is proposed to ensure any new community services infrastructure is consistent with the intent of the Act in terms of ensuring the Area is managed as a World Heritage Area of the highest standard and the integrity of the Area is maintained for future generations.
(2) The authority must, to the greatest possible extent, confine roadworks to land already cleared or otherwise degraded.	Delete: <i>roadworks</i>  Replace with: <i>building community services infrastructure</i>	Consequential amendment from amendment to section 65
(3) The authority may issue a permit for roadworks	Delete: <i>for roadworks</i>	Consequential amendment from

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Current Wording (under the <i>Wet Tropics Management Plan 1998</i> )	Proposed Amendment (under the <i>Wet Tropics Management Plan 2009</i> )	Rationale for proposed amendment
<p>that will require canopy clearing only if it is satisfied the roadworks—</p> <p>(a) are needed for public safety, provision of a community service, access to a residence or an activity the authority considers necessary to properly manage the area under this plan; or</p> <p>(b) will reduce the impact on the area’s integrity of other activities being carried out or likely to be carried out.</p>	<p>Replace with: <i>for building community services infrastructure</i></p> <p>Delete: <i>the roadworks</i> Replace with: <i>the infrastructure</i></p> <p>Delete: <i>are</i> Replace with: <i>is</i> Nil</p>	<p>amendment to section 65</p>
<p>(4) In this section— <b>roadworks</b> means works to build or maintain a road.</p>	<p>Delete section 65(4) and replace with: <i>(4) In this section— build, for community services infrastructure, includes—</i></p> <p style="padding-left: 40px;"><i>(a) extend the infrastructure; and</i> <i>(b) install the infrastructure; and</i> <i>(a) replace the infrastructure or part of it; and</i> <i>(b) if the infrastructure is a road— upgrade the road.</i></p>	<p>For clarification purposes only</p>
<p><b>66</b> <b>Activities being carried out immediately before commencement day</b></p>	<p>After <i>commencement day</i> insert: <i>or plan amendment day</i></p>	
<p>(1) This section applies if the application is for a permit to carry out an activity that the applicant was lawfully carrying out immediately before the commencement day.</p>	<p>After <i>commencement day</i> Insert: <i>or plan amendment day</i></p>	<p>Consequential amendment resulting from amendment under s33(a)</p>

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Current Wording (under the <i>Wet Tropics Management Plan 1998</i> )	Proposed Amendment (under the <i>Wet Tropics Amendment Management Plan 2009</i> )	Rationale for proposed amendment
(2) The authority must have regard to how often, or with what intensity, the applicant has been carrying out the activity.	Nil	
<b>Part 5 Reviews of, and appeals from, permit decisions</b>	Nil	
<b>Part 6 Issue of permits by entities other than authority</b>	Nil	Technical amendments only. No substantive change.
<b>Part 7 Miscellaneous</b>	Nil Insert: <b><i>Part 8 Amendment of the plan</i></b>	
	Insert: <b><i>84 Stated amendment of plan—Act, s 52</i></b>	
	Insert: <i>An amendment to schedule 2 of this plan may be made under section 52(2)(c) of the Act if the amendment is to—</i> <i>(a) add an undesirable plant or undesirable animal; or</i> <i>(b) delete an undesirable plant or undesirable animal; or</i> <i>(c) change an entry for an undesirable plant or undesirable animal..</i>	This new section is required to provide a responsive mechanism whereby the Authority can list new invasive species as they are identified and to reduce the risk of their introduction and establishment in the Area.

## Proposed Amendments – Review of the *Wet Tropics Management Plan 1998*

Current Wording (under the <i>Wet Tropics Management Plan 1998</i> )	Proposed Amendment (under the <i>Wet Tropics Amendment Management Plan 2009</i> )	Rationale for proposed amendment
	<p>Insert:  <b><i>Part 9 Transitional provisions for Wet Tropics Amendment Management Plan (No...) 2009</i></b></p> <p>Insert:  <b><i>85 Definitions for pt 9</i></b>  <i>In this part—</i></p> <p><b><i>initial period</i></b> means the period ending 60 days after the plan amendment day.</p> <p><b><i>permitted activity</i></b> means an activity that may be carried out in the area under a permit other than an activity that may be carried out under a permit immediately before the plan amendment day.</p> <p><i>Note—</i>            See section 33(a) (Activities permitted in all zones).</p> <p>Insert:  <b><i>86 Activities requiring permits</i></b></p> <p><i>(1) A person does not commit an offence against this plan by carrying out a permitted activity, without a permit, during the initial period.</i>  <i>(2) Also, if a person applies during the initial period for a permit to carry out a permitted activity, the person does not commit an offence</i></p>	<p>Transitional arrangements to provide sufficient phase in time for a person to apply for a permit for an activity regulated under the Amendment Plan without committing an offence.</p>

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	<p><i>against this plan by carrying out the activity at any time before—</i></p> <p><i>(1) if the application lapses—the day the application lapses; or</i></p> <p><i>(2) otherwise—the day written notice of the original permit decisions is given to the person under section 53.</i></p> <p>Insert:</p> <p><b><i>87 Time for deciding applications made during initial period</i></b></p> <p><i>(1) This section applies to an application—</i></p> <p style="padding-left: 40px;"><i>(a) for a permit to carry out a permitted activity; and</i></p> <p style="padding-left: 40px;"><i>(b) made during the initial period.</i></p> <p><i>(4) Section 49 applies to the application as if the reference to the sixtieth day were a reference to the one hundred and eightieth day.</i></p> <p><i>Editor’s note—</i></p> <p><i>Section 49 (Due for deciding applications).</i></p> <p>Insert:</p> <p><b><i>88 Expiry</i></b></p> <p><i>This part expires 2 years after the plan amendment day.</i></p>	
		Technical amendment only.

## Proposed Amendments – Review of the *Wet Tropics Management Plan 1998*

Current Wording (under the <i>Wet Tropics Management Plan 1998</i> )	Proposed Amendment (under the <i>Wet Tropics Amendment Management Plan 2009</i> )	Rationale for proposed amendment
<b>Schedule 1 Rezoning applications by local government</b>	Delete: <i>by local government</i>	Consequential amendment resulting from opening Schedule 1 applications to all community services infrastructure providers.
<b>1 Local government may apply for rezoning</b>	Delete: <i>Local government</i> Replace with: <b>CSI provider</b>	Consequential amendment resulting from opening Schedule 1 applications to all community services infrastructure providers.
(1) This section applies if— (a) a local government wishes to carry out an activity (the <b>proposed activity</b> ), at a place in zone B (the <b>proposed site</b> ), that the local government considers necessary to provide for essential community services infrastructure; and (b) under this plan, the proposed activity may not be carried out in zone B but may be carried out in zone C, either with or without a permit.	For section 1(1)(a), delete: <i>local government</i> Replace with: <b>CSI provider</b>	Consequential amendment resulting from opening Schedule 1 applications to all community services infrastructure providers.
(2) The local government may apply to the authority to— (a) amend the zoning maps to exclude the proposed site from zone B and include the proposed site in zone C; and (b) if the proposed activity may only be carried out in zone C under a permit— issue a permit to carry out the activity.	For section 1(2), delete: <i>local government</i> Replace with: <b>CSI provider</b>	Consequential amendment resulting from opening Schedule 1 applications to all community services infrastructure providers.

## Proposed Amendments – Review of the *Wet Tropics Management Plan 1998*

Current Wording (under the <i>Wet Tropics Management Plan 1998</i> )	Proposed Amendment (under the <i>Wet Tropics Amendment Management Plan 2009</i> )	Rationale for proposed amendment
<b>2 Dealing with the application</b>		
<p>(1) The authority, by written notice—</p> <p>(a) must require the local government to give to it an environmental impact assessment for the proposed activity meeting stated terms of reference; and</p> <p>(b) may require the local government to give to it other information relevant to decide the application.</p>	<p>For section 2(1)(a) and (b) delete: <i>local government</i> Replace with: <i>CSI provider</i></p> <p>For section 2(1)(b) After <i>information</i>, insert: <i>or documents</i></p> <p>Insert: (2) <i>The CSI provider may comply with the requirement under subsection (1)(a) by giving a copy of an environmental impact assessment for the proposed activity prepared to comply with another law and, if the applicant complies with the requirement in that way, the authority--</i> <i>(a) may not require the applicant to give another assessment; but</i> <i>(b) may ask for other information or documents.</i></p>	<p>Consequential amendment resulting from opening Schedule 1 applications to all community services infrastructure providers.</p> <p>This provision is consistent with s47(6) to remove the need for a CSI provider to unnecessarily repeat previous environmental impact assessments.</p>
<p>(2) On receiving the information it considers necessary to properly consider the application, the authority must give public notice of the application.</p>	<p>Re-number section 2(2) as: 2(3) After <i>information</i>, insert: <i>or documents</i></p>	<p>For clarification purposes only</p>

## Proposed Amendments – Review of the *Wet Tropics Management Plan 1998*

Current Wording (under the <i>Wet Tropics Management Plan 1998</i> )	Proposed Amendment (under the <i>Wet Tropics Amendment Management Plan 2009</i> )	Rationale for proposed amendment
<p>(3) The notice must—</p> <p>(a) be published in—</p> <p style="padding-left: 20px;">(i) a newspaper circulating throughout Queensland; and</p> <p style="padding-left: 20px;">(ii) any other newspapers the authority considers appropriate; and</p> <p>(b) state that details of the application, including the environmental impact assessment and other information received from the local government about the proposed activity, may be inspected free of charge, during office hours, at the authority’s head office and any other places stated in the notice; and</p> <p>(c) contain any other information the authority considers appropriate; and</p> <p>(d) state a day, not earlier than 40 days from the day of the latest publication under paragraph (a), by which submissions may be made to the authority.</p>	<p>Re-number section 2(3) as: 2(4)</p> <p>For section 2(3)(b) delete: <i>local government</i> Replace with: <i>CSI provider</i></p> <p>For section 2(3)(b) After <i>information</i>, insert: <i>or documents</i></p>	<p>Consequential amendment resulting from opening Schedule 1 applications to all community services infrastructure providers.</p>
<p><b>3 Decision on application</b></p>		
<p>(1) The authority must decide the application as soon as practicable after the last day for making submissions.</p>	<p>Nil</p>	

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Current Wording (under the <i>Wet Tropics Management Plan 1998</i> )	Proposed Amendment (under the <i>Wet Tropics Amendment Management Plan 2009</i> )	Rationale for proposed amendment
<p>(2) The authority may—</p> <p>(a) grant the application, by deciding—</p> <p style="padding-left: 20px;">(i) to prepare amended zoning maps to give to the Ministerial Council under this section; and</p> <p style="padding-left: 20px;">(ii) subject to the Governor in Council’s approval of the amended zoning maps under this section, to issue a permit to carry out the proposed activity without conditions, on conditions stated in the application (<i>agreed conditions</i>) or on other conditions; or</p> <p>(b) refuse the application.</p>	<p>Nil</p>	
<p>3) The authority may grant the application only if—</p> <p>.(a) under this plan, the proposed activity may not be carried out in zone B but may be carried out in zone C, either with or without a permit; and</p> <p>(b) the authority is satisfied the activity is necessary to provide essential community services infrastructure for the local government’s area; and</p> <p>(c) for a proposed activity that may be</p>	<p>Nil</p> <p>Delete: <i>for the local government’s area</i></p> <p>Delete: <i>local government</i></p>	<p>Reference to <i>local government’s area</i> not longer applicable with proposed amendment that Schedule 1 will apply to all CSI providers, not just local government.</p> <p>Consequential amendment resulting from</p>

## Proposed Amendments – Review of the *Wet Tropics Management Plan 1998*

Current Wording (under the <i>Wet Tropics Management Plan 1998</i> )	Proposed Amendment (under the <i>Wet Tropics Amendment Management Plan 2009</i> )	Rationale for proposed amendment
carried out in zone C only under a permit—the authority is satisfied that, if the proposed site were in zone C and the local government applied for a permit for the activity under part 4, division 1 of the plan, the authority would decide under part 4, divisions 2 to 4 of the plan to issue the permit.	Replace with: <i>CSI provider</i>	opening Schedule 1 applications to all community services infrastructure providers.
	Delete: <i>of the plan</i> Replace with: <i>of this plan</i>	For clarification purposes only
(4) Without limiting subsection (3)(c), the authority may be satisfied that it would decide to issue the permit on agreed conditions or other conditions.	For section 3(5), (6) and (8), delete: <i>local government</i>  Replace with: <i>CSI provider</i>	Consequential amendment resulting from opening Schedule 1 applications to all community services infrastructure providers.
(5) When deciding the application, the authority must consider the information received from the local government and all submissions properly made to the authority under section 2.		
(6) If the authority makes a reviewable decision on the application, it must give written notice to the local government stating the reasons for its decision.		
(7) If it grants the application, the authority must prepare zoning maps (the <b><i>amended zoning maps</i></b> ), amended to exclude the proposed site from zone B and include the proposed site in zone C.		
(8) However, if its decision to grant the application was a reviewable decision, the authority must not prepare the amended		

## Proposed Amendments – Review of the *Wet Tropics Management Plan 1998*

Current Wording (under the <i>Wet Tropics Management Plan 1998</i> )	Proposed Amendment (under the <i>Wet Tropics Amendment Management Plan 2009</i> )	Rationale for proposed amendment
<p>zoning maps until the local government agrees.</p> <p>(9) The authority must give to the Ministerial Council—</p> <p style="padding-left: 20px;">(a) copies of the amended zoning maps;</p> <p>and</p> <p style="padding-left: 20px;">(b) a report on the submissions properly made to the authority under section 2.</p> <p>(10) An amended zoning map does not have effect until approved by the Governor in Council.</p> <p>(11) An approval under subsection (10) may be made only on the recommendation of the Ministerial Council.</p> <p>(12) If the amended zoning maps are approved under subsection (10), the authority must—</p> <p style="padding-left: 20px;">(a) publish a notice in the gazette of the approval of the amended zoning maps; and</p> <p style="padding-left: 20px;">(b) issue the permit on the conditions stated in its decision.</p> <p>(13) The amended zoning maps commence on the day the gazette notice is published or any later day stated in the notice.</p> <p>(14) The permit must not be issued to take effect earlier than the commencement of the amended zoning maps.</p> <p>(15) In this section—</p> <p style="padding-left: 20px;"><b><i>reviewable decision</i></b>, on an application, means a decision to—</p>		

## Proposed Amendments – Review of the *Wet Tropics Management Plan 1998*

Current Wording (under the <i>Wet Tropics Management Plan 1998</i> )	Proposed Amendment (under the <i>Wet Tropics Amendment Management Plan 2009</i> )	Rationale for proposed amendment
<p>(a) grant the application by deciding (subject to the Governor in Council’s approval of the amended zoning maps under this section) to issue a permit to carry out the proposed activity on conditions other than agreed conditions; or</p> <p>(b) refuse the application.</p>		
<b>4 Review of authority’s decision</b>		
<p>(1) This section applies if the authority makes a reviewable decision on the application under section 3.</p> <p>(2) The local government may ask the authority to review its decision.</p> <p>(3) The request must be made in writing to the executive director, giving reasons for the request and any information the local government considers relevant.</p>	<p>For section 4(2), delete: <i>local government</i> Replace with: <i>CSI provider</i></p> <p>For section 4(3), delete: <i>local government</i> Replace with: <i>CSI provider</i></p> <p>Insert: <i>(4) Also, the request must be made within 60 days after the notice mentioned in section 3(6) is given to the CSI provider.</i></p> <p>Insert: <i>(5) The authority may, at any time, extend the period for making the request.</i></p>	<p>Consequential amendment resulting from opening Schedule 1 applications to all community services infrastructure providers.</p> <p>Consequential amendment resulting from opening Schedule 1 applications to all community services infrastructure providers.</p> <p>Provisions are consistent with review provisions under s68</p>

## Proposed Amendments – Review of the *Wet Tropics Management Plan 1998*

Current Wording (under the <i>Wet Tropics Management Plan 1998</i> )	Proposed Amendment (under the <i>Wet Tropics Amendment Management Plan 2009</i> )	Rationale for proposed amendment
<p>(4) The authority must review its decision as soon as practicable after receiving the request.</p> <p>(5) Section 3 applies to the authority in reviewing its decision.</p> <p>(6) For subsection (1), the authority is taken to have made a reviewable decision to refuse the application if it does not decide the application within 60 days after the last day for making submissions.</p>	<p>Re-number section <i>4(4) as 4(6)</i>  Re-number section <i>4(5) as 4(7)</i>  Re-number section <i>4(6) as 4(8)</i></p> <p>Insert:  <i>(9) However, the period mentioned in subsection (8) may be extended—</i>  <i>(a) if the authority asks the Minister to extend the period—by the Minister;</i>  <i>or</i>  <i>(b) if the authority and CSI provider agree to extend the period.</i></p> <p>Insert:  <i>(10) The Minister may, under section 9(a), extend the period if the Minister is satisfied the extension would be reasonable, having regard to—</i>  <i>(a) the nature of the application; and</i>  <i>(b) any other matter relevant to the authority’s capacity to properly decide it.</i></p>	<p>Technical amendment only</p> <p>Provisions are consistent with review provisions under s49(2),(3) &amp; (4).</p>

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	Insert: <i>(11) If the Minister extends the period, the Minister must give written notice of the extension including the period of the extension to the authority and the CSI provider.</i>	
<b>5 Appeal from authority's decision on review</b>		
(1) This section applies if the authority makes a decision under section 4 (the <i>second decision</i> ) that, if it were an original decision on the application under section 3, would be a reviewable decision under section 3.	For section 5(2), delete: <i>local</i> government	Consequential amendment resulting from opening Schedule 1 applications to all community services infrastructure providers.
(2) The local government may appeal to the Planning and Environment Court.	Replace with: <i>CSI provider</i>	
(3) An appeal is started by—		
(a) filing a written notice of appeal with the court; and		
(b) serving a copy of the notice on the executive director.		
(4) The notice of appeal must be filed within 60 days after the authority makes the second decision.		
(5) The court may, at any time, extend the period for filing the notice of appeal.		
(6) The notice of appeal must state the grounds of the appeal.		
(7) For subsection (1), the authority is taken to have made a second decision that may be appealed against under this section if it does not review its decision within 60 days after		

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the applicant asks under section 4.		
<b>6</b> <b>Decision of court</b>	Nil	
<b>Schedule 2 Undesirable plants and animals</b>		
Part 1 Undesirable plants	The draft Amendment Plan includes an updated list of undesirable plant. To view the draft amended list refer Plan Review - additional information at <a href="http://www.wettropics.qld.gov.au">www.wettropics.qld.gov.au</a>	<p>The updated draft list was derived from the Authority’s “Naturalised Plants of the Wet Tropics” which lists over 550 naturalised plants. This list was then short-listed to identify those with a proven record of environmental weediness using the following 5 data sets as the basis for justifying a species inclusion or rejection.</p> <ul style="list-style-type: none"> <li>• WTMA Conservation Strategy list</li> <li>• Declared Plants of Queensland list– Land Protection (Pest and Stock Route Management) Act 2002</li> <li>• ROC (Far North Queensland Regional Organisation of Councils) lists</li> <li>• IUCN’s World worst 100 invasives list</li> <li>• Dominant or significant plant invader of the Pacific region lists</li> <li>• IWPW (Invasive Woody Plants – World) lists</li> </ul>

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Part 2 Undesirable animals	Nil	
<b>Schedule 3 Dictionary</b>		
<i>activity</i> includes a development or other use of land.	Nil	
	Insert: <i>agency means—</i> <i>(a) the Commonwealth, the State, or another State, or a local government; or</i> <i>(b) an instrumentality or agent of the Commonwealth, the State, or another State, or a local government.</i>	This definition clarifies which agencies meet the definition of <i>community services infrastructure provider</i> below.
<i>approved determination of native title</i> has the meaning given by the <i>Native Title Act 1993</i> (Cwlth).	Nil	
<i>approved form</i> means a form approved by the executive director.	Nil	
<i>area</i> means the wet tropics area.	Nil	
<i>build</i> includes—	Nil	
(a) for a structure— (i) install the structure; and (ii) build a replacement of the structure or part of it; and (iii) build an extension of the structure; and (b) for a road—upgrade the road.		

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<i>carrying capacity</i> see section 61.	Nil	
<i>commencement day</i> means the day this plan commences.	Nil	
	Insert: <i>community facilities means facilities for the community.</i>	For clarification purposes
	<i>Examples— boat ramps, parkings, rifle ranges, waste collection or disposal areas</i>	
<i>community services infrastructure</i> means infrastructure for community services such as, for example, transport services, electricity supply, water supply and telecommunications services.	Insert: <i>community services infrastructure provider means an agency responsible for providing community services infrastructure.</i>	Refer definition of <i>agency</i> above
	Insert: <i>CSI provider means community services infrastructure provider</i>	Refer definition of <i>community services infrastructure provider</i> above.
<i>Court of Appeal</i> means the Court of Appeal under the <i>Supreme Court of Queensland Act 1991</i> .	Nil	
<i>disturbed</i> means disturbed by human activity.	Nil	
<i>earth</i> includes rock, soil and humus	Nil	
<i>eductor dredging</i> means the extraction of minerals,	Nil	

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metal or precious stone from a watercourse using pumping or suction equipment.	Insert: <i>firebreak</i> means an area that is— (a) cleared; and (b) used to control fire; and (c) not a road.	For clarification purposes
<i>fossick</i> has the meaning given by the <i>Fossicking Act 1994</i> .		
<i>general waste disposal facility</i> means a facility for disposing of general waste, within the meaning of the <i>Environmental Protection Regulation 1998</i> , other than by incinerating it. <i>fossick</i> has the meaning given by the <i>Fossicking Act 1994</i> .	Nil	
<i>government</i> means the Commonwealth, the State or a local government. <i>general waste disposal facility</i> means a facility for disposing of general waste, within the meaning of the <i>Environmental Protection Regulation 1998</i> , other than by incinerating it.	Nil	
<i>integrity</i> of the area, or of land in the area, means the extent to which the world heritage values of the area or land— (a) are in their natural ecological, physical and aesthetic condition; and (b) are capable of sustaining themselves in the	Nil	

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long term. <b>government</b> means the Commonwealth, the State or a local government.		
<b>lawful access road</b> for land means a road or track, other than a road depicted on a zoning map, that— (a) provides access to the land or is situated on the land; and (b) existed immediately before the commencement day or was lawfully built under this plan.	Nil	
<b>mine</b> has the meaning given by the <i>Mineral Resources Act 1989</i> .	Nil	
<b>motor vehicle</b> has the meaning given by the <i>Traffic Act 1949</i> .	Delete: <i>Traffic Act 1949</i>  Replace with: <i>Transport Operations (Road Use Management) Act 1995</i>	Traffic Act has been repealed and replaced by the <i>Transport Operations (Road Use Management) Act 1995</i> .
<b>native title holder</b> has the meaning given by the <i>Native Title Act 1993</i> (Cwlth).	Nil	
<b>ordinary title</b> has the meaning given by the <i>Native Title Act 1993</i> (Cwlth).	Nil	
<b>permit</b> means a permit in force under part 4.	Nil	
<b>permit entity</b> see section 76.	Nil	

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	Insert: <i>plan amendment day means the day the Wet Tropics Amendment Management Plan (No...) 2009 commences.</i>	For clarification purposes
	Insert: <i>presentation, of an area, includes—</i> <i>(a) exhibiting the area; and</i> <i>(b) creating awareness and understanding of the natural significance of the area.</i>	For clarification purposes
<i>primary goal</i> means the primary goal stated in the agreement, a copy of which is set out in schedule 1 of the Act.	Insert: <i>proposed activity, for schedule 1, see schedule 1, section 1.</i> Nil	
<i>protected area</i> has the meaning given by the <i>Nature Conservation Act 1992</i> .	Nil	
<i>quarry</i> means excavate or otherwise remove quarry material.	Nil	
<i>quarry material</i> has the meaning given by the <i>Forestry Act 1959</i> .	Nil	

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<p><b>reasonable fee</b>, for a document or the assessment of an application, means an amount that—</p> <p>(a) the authority considers to be reasonable; and</p> <p>(b) is not more than the cost of publishing the document or assessing the application.</p> <p><b>register of permit decisions</b> means the register kept under section 54.</p> <p><b>regulated waste disposal facility</b> means a facility for disposing of regulated waste, within the meaning of the <i>Environmental Protection Regulation 1998</i>, other than by incinerating it.</p> <p><b>relevant Minister</b> see section 76.</p> <p><b>relevant permit</b> see section 76.</p>	<p>Insert:  <i>rainforest means rainforest described on maps WTMA (2008) edition 1, 1:50000 Vegetation of the Wet Tropics of Queensland held by the Authority.</i></p> <p>Nil</p> <p>Nil</p> <p>Nil</p> <p>Insert:  <i>restricted activity means an activity declared under section 44B to be a restricted activity</i></p>	<p>To reflect improved definition of rainforest vegetation types following robust scientific description under the Authority’s <i>Vegetation Communities of the Wet Tropics Bioregion, 2008</i></p> <p>Consequential amendment subject to introduction of restricted activity areas under the Plan.</p>

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<p><b>road</b> includes—</p> <p>(a) a vehicular track, bridge, tower or causeway; and</p> <p>(b) a constructed carpark.</p>	<p>Insert: <i>reviewable decision, for schedule 1, see section 3(15)</i> Nil</p>	
<p><b>scenic amenity</b> includes the visual appeal of landscapes or individual natural features.</p>	Nil	
<p><b>structure</b> includes—</p> <p>(a) a building, tower or dam; and</p> <p>(b) a telecommunications installation, air or marine navigation facility, pipeline, powerline or other facility; and</p> <p>(c) a fence;</p> <p>but does not include a road.</p>	Nil	
	<p>Insert: <i>translocating means—</i></p> <p style="padding-left: 20px;"><i>(a) taking into the area and releasing into a watercourse in the area; or</i></p> <p style="padding-left: 20px;"><i>(b) taking from a watercourse in one part of the area and releasing into a watercourse in another part of the area.</i></p>	For clarification purposes . Consequential amendment subject to introduction of section 26(b)(a)
<p><b>undesirable animal</b> means an animal—</p> <p>(a) mentioned in schedule 2; or</p>	Nil	

## Proposed Amendments – Review of the *Wet Tropics Management Plan 1998*

Current Wording (under the <i>Wet Tropics Management Plan 1998</i> )	Proposed Amendment (under the <i>Wet Tropics Amendment Management Plan 2009</i> )	Rationale for proposed amendment
<p>(b) that is prohibited wildlife under the <i>Nature Conservation Act 1992</i>.</p> <p><b>undesirable plant</b> means—</p> <p>(a) a plant mentioned in schedule 2; or</p> <p>(b) a plant that is prohibited wildlife under the <i>Nature Conservation Act 1992</i>; or</p> <p>(c) a declared plant under the <i>Rural Lands Protection Act 1985</i>.</p> <p><b>upgrade</b>, for a road, includes the following—</p> <p>(a) for a road, other than a carpark, that existed immediately before the commencement day—</p> <p style="margin-left: 20px;">(i) extend the road;</p> <p style="margin-left: 20px;">(ii) widen the road so that the widened part of the road is more than 15% wider than it was on the commencement day;</p> <p>(b) for a road, other than a carpark, that did not exist immediately before the commencement day—</p> <p style="margin-left: 20px;">(i) extend the road;</p> <p style="margin-left: 20px;">(ii) widen the road so that the widened part of the road is more than 15% wider than it was when it was built;</p> <p>(c) for a carpark that existed immediately before the commencement day—enlarge it so that it is more than 15% larger than it was on the commencement day;</p>	<p>Delete: (c)</p> <p>Replace with: <i>(c) a declared pest plant under the Land Protection (Pest and Stock Route Management) Act 2002.</i></p> <p>Insert: <i>(e) for a road that is not sealed—seal the road.</i></p>	<p>The Rural Lands Protection Act 1985 has been repealed and replaced by the <i>Land Protection (Pest and Stock Route Management) Act 2002</i>.</p> <p>For purposes of clarification only.</p>

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<p>(d) for a carpark that did not exist immediately before the commencement day—enlarge it so that it is more than 15% larger than it was when it was built.</p>		
<p><b>waste</b> has the meaning given by the <i>Environmental Protection Act 1994</i>.</p>	<p>Nil</p> <p>Insert: <b>watercourse</b>—</p> <p>(a) means a creek, impoundment, lake, river or stream in which water flows intermittently or permanently; and</p> <p>(b) includes the bed and banks and other element of the creek, impoundment, lake river or stream.</p>	<p>For clarification purposes only. Based on definition under Vegetation Management Act.</p>
<p><b>wet tropics permit</b> means a permit under this plan.</p> <p><b>wildlife</b> has the meaning given by the <i>Nature Conservation Act 1992</i>.</p>	<p>Nil</p>	
<p><b>world heritage values</b>, of the wet tropics area, means the things comprising the area’s natural heritage enabling it to meet the requirements, under the Operational Guidelines to the World Heritage Convention, for listing as a world heritage property.</p>		

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<i>zone</i> means a management zone.		
<i>zoning map</i> see section 7.	Nil	

### ENDNOTES

- 1 Approved by the Governor in Council on...
- 2 Notified in the gazette on...
- 3 Laid before the Legislative Assembly on...
- 4 The administering agency is the Environment Protection Agency.