

# Policy

## Wet Tropics Management Authority

### Private Interests in Land within the Wet Tropics WHA

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*Policies provide a framework for consistent application and interpretation of legislation and for the management of non-legislative matters by the Wet Tropics Management Authority. Policies are not intended to be applied inflexibly in all circumstances. Individual circumstances may require a modified application of policy.*

#### 1.0 Background

- 1.1 Part 3 and Part 4 of the *Wet Tropics World Heritage Protection and Management Act 1993* may impact on privately held lands within the Wet Tropics World Heritage Area.
- 1.2 Part 3 of the *Wet Tropics World Heritage Protection and Management Act 1993* provides for the preparation of statutory management plans. The Wet Tropics Management Authority is obliged to give public notice of the intention to draft a plan and must subsequently exhibit the plan for public comment.
- 1.3 Plans may contain provisions which restrict the activities and rights of private landholders. Contravention of a management plan is an offence under the *Wet Tropics World Heritage Protection and Management Act 1993*.
- 1.4 If a landholders existing use or right of use is constrained by a plan, compensation may be payable.
- 1.5 Under Part 4 of the *Wet Tropics World Heritage Protection and Management Act 1993*, destruction of forest products is prohibited, including on all privately held land. A number of exemptions will be provided from this prohibition by regulation. Permits may be obtained for some activities involving destruction of forest products.
- 1.6 It is an offence under the *Wet Tropics World Heritage Protection and Management Act 1993* to destroy a forest product where the activity has not been exempted or no permit has been obtained.
- 1.7 If a landholders interest in land is adversely affected by this prohibition compensation may be payable.
- 1.8 The Wet Tropics World Heritage Area contains many parcels of land in a variety of different tenures and ownerships. Many of these parcels of land are unique in terms of the world heritage values. Existing land use includes residential, agricultural, commercial, tourism, community infrastructure and military purposes. Some of these uses require careful management if world heritage values are to be protected.

#### 2.0 Policy Statement

- 2.1 The Wet Tropics Management Authority recognises the large number of land parcels within the Wet Tropics World Heritage Area held by private interests and is committed to working cooperatively with such interests to protect and appropriately manage the world heritage values of these lands.
- 2.2 In this policy, reference to subject land comprises:

**Privately Owned Land**

- Agricultural Farm
- Deed of Grant in Trust
- Commonwealth Acquisition
- Freehold
- Mining Homestead Perpetual Lease
- Non Competitive Lease
- Special Lease Perpetual Freehold

**Crown Leases**

- Market Garden Lease (Lands)
- Pastoral Holding (Lands)
- Special Lease (Lands)

**Crown Permits**

- Occupation Permit (DPI, DEH)
- Permits To Occupy (Lands)
- Stock Grazing Permit (DPI, DEH)
- Occupation Licence (Lands)

**3.0 Interpretation****3.1 Transfer of ownership**

- 3.1.1 The Wet Tropics Management Authority will not restrict or oppose the transfer of ownership of Subject Land with an existing tenure category.

**3.2 Compulsory acquisition (see also Land Acquisition Policy)**

- 3.2.1 The Wet Tropics Management Authority will not recommend compulsory acquisition of an interest in Subject Land within the Wet Tropics World Heritage Area for the purposes of world heritage management.
- 3.2.2 This policy does not alter existing government provisions for compulsory acquisition of interests in land for other public purposes or any entitlements to compensation which may exist under State or Commonwealth laws.

**3.3 Voluntary acquisition (see also Land Acquisition Policy)**

- 3.3.1 In response to an offer of sale made to it, the Wet Tropics Management Authority will not be obliged to recommend Crown acquisition but may do so subject to available funds and an established list of priorities.

**3.4 Native Title**

- 3.4.1 The Wet Tropics Management Authority recognises the legal existence of native title and is bound by the Native Title Acts of the Commonwealth and State. The Wet Tropics Management Authority is not in a position to comment on the existence, persistence or manifestation of native title rights of specific Aboriginal peoples over specific parcels of land, unless a determination has been made by a native title tribunal or court.

- 3.4.2 The Wet Tropics Management Authority will respect native title rights that have been so determined and will endeavour to respect other native title rights that may exist but have not been so determined.
- 3.4.3 The Wet Tropics Management Authority will take all necessary steps to ensure that no action it takes leads to the extinguishment of native title.

### **3.5 Creation of new interests in land**

- 3.5.1 The Wet Tropics Management Authority is opposed to the alienation of Crown Land, the subdivision of Subject Land or the creation of extension of interests in Subject Land within the Wet Tropics World Heritage Area. The Board of the Wet Tropics Management Authority delegates to the Executive Director of the Authority to agree, on the Wet Tropics Management Authority's behalf, to exceptions to this clause where the impact is minor and results in no nett detriment to the Wet Tropics World Heritage Area.
- 3.5.2 This part of the policy is subject to Clause 3.5.1 above, and applies only to tenures other than those over traditional lands vested in Aboriginal communities.
- 3.5.3 The Wet Tropics Management Authority may make an exception of Clause 3.5.1 where required to facilitate public works (eg water supply, telecommunication facilities) where the proposed use is required for essential management purposes or where there is nett benefit to the Wet Tropics World Heritage Area.
- 3.5.4 If change of tenure occurs, to a category which provides greater security of tenure to a private landholder, the Wet Tropics Management Authority will seek to ensure protection of world heritage values through a caveat or covenant on title, a cooperative management agreement or other appropriate legal means.
- 3.5.5 Zones or areas where public works may be carried out may be specified in the Wet Tropics Plan. A permit may be required and conditions may apply.
- 3.5.6 The Wet Tropics Management Authority will seek to negotiate with the organisation in which any particular Crown Land is vested regarding the creation of new interests in Subject Land.

### **3.6 Extinction of interests in subject land**

- 3.6.1 Subject to Clause 3.5 above, where an interest in Subject Land within the Wet Tropics World Heritage Area reverts to the Crown through any means, the Wet Tropics Management Authority will recommend that such Crown Land be nominated as a permanent reserve, such as a protected area under the *Nature Conservation Act 1992*.

## **4.0 Implementation**

### **4.1 Land Management**

- 4.1.1 The Wet Tropics Management Authority may provide resources to facilitate the protection, conservation, rehabilitation, presentation and transmission to future generations of world heritage values on Subject Land within the Wet Tropics World Heritage Area.

- 4.1.2 The Wet Tropics Management Authority will seek to negotiate cooperative management agreements with landholders of Subject Land within the Wet Tropics World Heritage Area as a means of promoting appropriate use and management of land consistent with the protection of world heritage values.
- 4.1.3 The Wet Tropics Management Authority will normally provide resources to holders of Subject Land only in the context of a conservation management agreement.
- 4.1.4 Further details on conservation management agreements are contained in a separate document - "Conservation Management Agreements - Policies and Procedures".
- 4.1.5 Subject to any extant legislation, the Wet Tropics Management Authority will encourage landholders seeking to construct or significantly modify domestic dwellings, access ways or utility services within the Wet Tropics World Heritage Area to consult with it on siting and design aspects. Proponents will be encouraged to develop designs in conformity with the Wet Tropics Management Authority's design and siting guidelines.
- 4.1.6 Similarly, owners of existing commercial and public utilities and infrastructure on Subject Land within the Wet Tropics World Heritage Area will be encouraged to consult with the Wet Tropics Management Authority and to conduct any significant renovations, repairs or maintenance activities:
- in conformity with the design and siting guidelines.
  - in a manner which does not adversely impact on world heritage values.
- 4.1.7 The Wet Tropics Management Authority will encourage public utilities to develop environmental codes of practice in consultation with itself.
- 4.1.8 The Wet Tropics Plan may require that some activities (eg mining) on Subject Land will be conducted under agreed management conditions.

**Disclaimer**

This policy does not necessarily reflect the views of the Australian and Queensland Governments.

**Approval**

Wet Tropics Board

Meeting 22  
8-9 August 1996

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