

WET TROPICS LAND ACQUISITION

1. BACKGROUND

This policy outlines the basis on which the Wet Tropics Management Authority (the Authority) will become involved, or provide advice, in relation to the acquisition of land in the Wet Tropics World Heritage Area and surrounds. The policy is supported by Internal Operational Guideline No. 1 which provides criteria for assessing purchase offers for land and for determining acquisition priorities.

2. POLICY POSITION

- 2.1** The objective of land acquisition will be to contribute to the achievement of the Primary Goal of the Wet Tropics World Heritage Area, that is, its protection, conservation, rehabilitation, presentation and transmission to future generations.
- 2.2** The Authority supports the voluntary acquisition of land in certain circumstances as a means of protecting or enhancing World Heritage integrity, including protecting Rainforest Aboriginal heritage and supporting their wellbeing and native title interests and in achieving the Primary Goal. However, the Authority recognises that land acquisition is only one of a number of measures available to protect World Heritage values.
- 2.3** While the Authority has the power under s11(3)(b) of the *Wet Tropics World Heritage Protection and Management Act 1993* to “*acquire, hold, dispose of, and deal with property*” the Authority generally does not wish to hold land in its own right as is not a day-to-day land management agency. State Government agencies such as the Environment Protection Agency (EPA) and Department of Natural Resources and Water (NRW) are generally better placed to manage acquired land. An exception may be where the land is acquired as part of a offset program for the Area.
- 2.4** The Authority’s role is generally to facilitate the acquisition process. In most circumstances this will be undertaken in association with EPA’s Tenure Action Group (TAG) which undertakes land dealing negotiation and conveyancing services, and NRW which provides valuation services.
- 2.5** The Authority will only negotiate land acquisition where other avenues for protecting World Heritage integrity have been considered and found to be inappropriate. Other protection mechanisms which may be considered include:
 - Conservation covenants . These were introduced under the *Natural Resources and Other Legislation Amendment Act 2000*, amending the *Land Act 1994* and the *Integrated Planning Act 1999*. They relate to conservation of a lot or natural feature of a lot such as water, plants, animals and soil. They can also be used to protect scenic amenity and cultural heritage. They can be entered into independently or linked to a development application. The covenants appear on the land title and bind successors in title.
 - Cooperative Management Agreements (CMAs) under s41 of the *Wet Tropics Management Plan 1998* (the Plan) provide for WTMA to allow activities otherwise

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unlawful under the Plan if the overall agreement will enhance World Heritage values and contribute to achieving the primary goal of WHA management. WTMA may offer financial incentives and management advice as part of these agreements in return for a person not carrying out otherwise lawful activities. Other agreements under s.42 may vary the application of the Plan allow the exercise of a person's right in relation to land which may adversely affect World Heritage values.

- Nature Refuges under the *Nature Conservation Act 1992* (NCA) enable landholders to obtain EPA management advice and technical assistance if they protect significant nature conservation values on their property. Nature Refuges can also be used as a binding conservation commitment for a land use agreement such as a subdivision adjacent to a protected area. The NCA also allows for coordinated Conservation Areas which cover mixed tenures and can include both natural and cultural values.
- Land for Wildlife is a voluntary, non-binding property registration scheme which encourages and assists landholders to manage habitats for wildlife on their property.
- Commonwealth Conservation Agreements under the *Environment Protection and Biodiversity Conservation Act 1999* may prohibit activities that might adversely affect biodiversity and provide financial, technical or other assistance to a person bound by the agreement.
- Land swaps where alternative properties are available.
- Possible future conservation incentives such as rate/tax rebates and carbon credits.

3. INTERPRETATION

- 3.1** Internal Operational Guideline No. 1 provides criteria for assessing purchase offers for land and for determining acquisition priorities.
- 3.2** The Authority will generally seek to have acquired land incorporated into the State's protected area estate. However, it is recognised that in certain circumstances other tenures may achieve protection and management objectives, or may be more appropriate to achieve conformity with the tenure of adjoining or surrounding land (for example, an isolated freehold property surrounded by state forest).
- 3.3** Nothing in this policy is intended to affect the rights of native title land holders or claimants.
- 3.4** The final form of tenure can remain a matter to be determined by agreement with the relevant day-to-day management agency. This issue need not be resolved prior to the surrender or purchase of title.

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4. IMPLEMENTATION

- 4.1** Should offers to acquire land in the Area and surrounds be received by the Authority, details of the land and owner will be recorded on a database. Before further pursuit of possible acquisition, Planning and Conservation officers will discuss with the land holder alternative potential approaches to achieving conservation objectives which may better meet the needs of the owner and the Authority.
- 4.2** Board approval will be sought prior to the Authority entering into any land dealings involving land acquisition.
- 4.3** The Authority will liaise with and seek the advice and services of EPA's TAG prior to entering into any land dealing negotiations.
- 4.4** Formal approval for acquisition will be provided by the relevant executive under existing financial delegations arrangements (Executive Director, Director General – Environmental Protection Agency, Minister or Cabinet).
- 4.5** While exceptions may occur (e.g. where natural heritage values are seriously threatened), the implementation of the Authority's Land Acquisition Policy will be largely in response to acquisition opportunities rather than active in soliciting undeclared vendors.

5. APPROVAL

Endorsed
Board Meeting Number 34
30 June 1999

Revised Policy endorsed
Board Meeting Number 75
10-11 November 2008.