

Amendment Summary—Wet Tropics Management Plan

September 2020

Introduction

In 2017, the Wet Tropics Management Authority (the Authority) initiated a public review of the Wet Tropics Management Plan 1998 (the Management Plan). This review included two phases of public consultation, and engaged widely with the community, Rainforest Aboriginal Peoples, industry and government. Public consultation reports for both phases, including information on how matters raised have been considered and addressed, are available at www.wettropics.gov.au/ManagementPlan.

The Authority is proud to announce that amendments to the Management Plan have been approved and will commence on 11 September 2020. The amendments reflect the significant contributions, feedback and input from the consultation process.

The Amendment Summary—Wet Tropics Management Plan (the Amendment Summary) provides a final update that outlines the changes that have been made to the Management Plan. It also includes advice on transitional provisions for activities that will move to new arrangements within four months of commencement of the updated Management Plan.

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An improved zoning system

The original Management Plan

The Wet Tropics of Queensland World Heritage Area (the Area) was divided into four zones—A, B, C and D—that reflected varying ecological integrity, distance from disturbance, and activities that could be carried out in each zone.

Plan review considerations

During public consultation, the Authority received stakeholder support to:

- deliver simpler, more consistent, and unambiguous zoning rules by moving from a system based on integrity and distance from disturbance, to a system based on the intended management purpose.
- recognise that much of zone B land had recovered from previous disturbance and should be rezoned zone A as agreed in the original Management Plan.
- amalgamate zone D into zone C to allow broader consideration of permit applications for visitor infrastructure.
- ensure zone changes did not change access for walking and cycling in the Area.

The updated Management Plan

Key changes include:

- Zone A (the strongest protection under the zoning system) increases from 52% to 92.5% of the Area.
- Amalgamation of zone D into zone C allows broader consideration of permit applications— Zone C can now accommodate visitor infrastructure.
- Activities allowed by permit in each zone are more clearly defined.

Zone	Key points about the revised zoning system	Comments
All zones	The management purpose for each zone has been updated, and this revised management purpose of each zone must be considered in all permit assessments.	This will ensure that key consideration in all zones will be the values of the Area. The management purpose will also clearly define what else may occur in each zone. It should be noted that the intended use of each zone is considered when deciding any permit under the Management Plan.
A	Zone A has increased from 52% to 92.5% of the Area	Reflects the success in rehabilitating large previously disturbed areas (mostly in zone B)—it was the intent of the original Management Plan that rehabilitated areas would transfer to zone A.
	Main management purpose of zone A: <ul style="list-style-type: none">• protect and conserve the World Heritage values and integrity of land in the zone.	Future-focused: to protect and conserve World Heritage values and integrity regardless of the land's current or historic condition.

	<p>Other management purposes of zone A:</p> <ul style="list-style-type: none"> • if land is disturbed, restore and enhance the World Heritage values and integrity of the land • enable visitors to access parts of the land in the zone to appreciate and enjoy the Area. 	<p>Articulates management intent for recovery of degraded areas and clarifies opportunity for visitors to access, appreciate and enjoy the Area.</p>
B	<p>Zone B has decreased significantly, with much of the land moving into zone A.</p> <p>Zone B is a buffer around existing community services infrastructure. Generally, zone B areas lie between 50m–500m on either side of the centre-line of linear infrastructure such as roads, power lines and railways.</p>	<p>Much land, previously classed as zone B, has been rehabilitated and is now zone A.</p> <p>The change of zone from B to A will not affect what private landholders can do with their land under the Management Plan.</p>
	<p>State government entities now have the same opportunity as local government to apply for rezoning from zone B to zone C for essential community services infrastructure if there are no prudent and feasible alternatives.</p>	<p>To provide a consistent process for essential public works.</p>
	<p>Main management purpose of zone B:</p> <ul style="list-style-type: none"> • protect and conserve the World Heritage values and integrity of land in the zone. 	<p>Future-focused: to protect and conserve World Heritage values and integrity regardless of the land's current or historic condition.</p>
	<p>Other management purposes of zone B:</p> <ul style="list-style-type: none"> • if land is disturbed, restore and enhance the World Heritage values and integrity of the land • enable visitors to access parts of the land in the zone to appreciate and enjoy the Area • be a buffer between zone A and zone C (essential community services infrastructure). 	<p>Similar to zone A but recognising that the land may be required for the expansion of essential community services infrastructure by local or state government entities, where no prudent and feasible option exists. An application for rezoning to zone C under Schedule 1 of the Management Plan is required to achieve this outcome.</p>
C	<p>Zone C incorporates zone D i.e. Zone D no longer exists and is not depicted on the zoning map.</p> <p>Zone C contains lands:</p> <ul style="list-style-type: none"> • generally within 50m of the centre-line of the footprint of linear infrastructure such as roads, power lines and railways • within a 50m radius of major infrastructure sites • within 50m from the edge of dams (100% capacity level) • that have been cleared and identified as associated with particular existing use rights e.g. a use conducted lawfully before the original Management Plan commenced. 	<p>Provides greater flexibility to consider future permit applications for visitor infrastructure. The Wet Tropics Strategic Plan 2020–2030, supports this change to communicate the strategic priorities and policy of the Authority in managing visitor access to the Area.</p>

	<ul style="list-style-type: none"> • that were existing or identified visitor sites under previous zone D. 	
	<p>Main management purposes of zone C:</p> <ul style="list-style-type: none"> • protect and enhance the World Heritage values and integrity of the land while accommodating: <ul style="list-style-type: none"> ○ community services infrastructure and developed visitor infrastructure ○ particular existing uses of parts of the zone (e.g. an orchard established before the Management Plan commenced) • minimise adverse impact of any activities on the World Heritage values and integrity of the land. 	Clarifies that while zone C may accommodate developed infrastructure under permit, the impact of any infrastructure must be minimised.
	<p>Other management purposes of zone C:</p> <ul style="list-style-type: none"> • ensure that any visitor infrastructure on land in the zone is built and maintained in a way that: <ul style="list-style-type: none"> ○ is ecologically sustainable ○ is sensitively integrated into the surrounding landscape ○ enhances visitors' understanding and appreciation of the natural and cultural heritage of the Area. 	Clarifies the types of infrastructure that may be considered to support visitor access to appreciate and enjoy the Area. It responds to community requests to better define the nature and scale of visitor infrastructure that may be considered under a permit in the zone.
	<p>Infrastructure allowed under permit:</p> <ul style="list-style-type: none"> • 'community services infrastructure' • 'limited visitor infrastructure' • 'developed visitor infrastructure'. 	Clarifies the types of activities anticipated under permit, provided that impacts can be avoided or sufficiently minimised.
D	Zone D has been incorporated into zone C.	To increase flexibility to provide visitor infrastructure in the right locations.

Zoning exceptions

A number of exceptions to standardised zoning rules were agreed in the updated Management Plan:

State roads/rail subject to land slips

Key state-controlled range roads which are prone to land slips will have a 100m zone C buffer (rather than a 50m buffer) either side of the centre-line to allow for land slip stabilisation works. A 100m upslope buffer has also been applied to part of the Kuranda rail line.

Roads through land with exceptional ecological attributes

A small number of roads through areas that have exceptional ecological attributes fall within zone A and maintenance must occur within the existing road footprint. These include the Cairns water track (part of Bridle Creek Road), plus Mount Lewis, Mount Edith and Kauri Creek roads.

Enabling appropriate visitor infrastructure

The original Management Plan

Visitor appreciation and enjoyment of the Area was encouraged by allowing varying degrees of infrastructure in each zone. In zones A, B and C walking tracks and 'associated structures' could be considered under a permit.

Zone D identified locations with current visitor infrastructure, and those with potential for future visitor infrastructure.

Plan review considerations

During public consultation, the Authority received stakeholder support to:

- clarify the type of visitor infrastructure that may be allowed in each zone under permit
- improve user understanding about activities appropriate in each zone
- create clear definitions about visitor infrastructure

The updated Management Plan

Key changes include:

- The type, scale and purpose of visitor infrastructure is more clearly defined through new definitions for 'limited visitor infrastructure' and 'developed visitor infrastructure' and stronger guidance in the management purpose of zone C.
- The purpose of zone C has changed to allow the permitting of 'developed visitor infrastructure' that is ecologically sustainable, sensitively integrated into the surrounding landscape and enhances visitors' understanding and appreciation of the natural and cultural values of the Area.

Section	Key points about visitor infrastructure	Comments
Schedule 3 Dictionary	Visitor infrastructure may be classed as 'limited visitor infrastructure' or 'developed visitor infrastructure'.	Creates a clear distinction in the scale of visitor infrastructure.
33	In all zones a permit may be issued to build 'limited visitor infrastructure'.	
Schedule 3 Dictionary	'Limited visitor infrastructure' is infrastructure designed and constructed for the following purposes: <ul style="list-style-type: none">• access for visitors to the area e.g. walking or cycling tracks• presenting or informing visitors about the Area e.g. information sign, small-scale viewing platform• assisting the hygiene, safety or shelter of visitors in the area e.g. small-scale toilet facility, visitors' shelter.	Provides additional guidance in assessing whether visitor infrastructure proposals are compatible with the relevant zoning and World Heritage values and integrity.
	'Limited visitor infrastructure' should be constructed to ensure it (and the use of it) has a low impact on the World Heritage values and integrity of land in the Area e.g.: <ul style="list-style-type: none">• a walking or cycling track incorporating a footbridge to cross a gully to avoid damaging native plants.	Clarifies that a key purpose of 'limited visitor infrastructure' is to minimise the impact of visitors on the Area where visitor access is assessed to be appropriate.

	<ul style="list-style-type: none"> a camping platform established to define where visitors may camp to minimise the impact on the site. 	
34	Only in zone C may a permit be issued to build 'developed visitor infrastructure'.	
Schedule 3 Dictionary	<p>'Developed visitor infrastructure' is infrastructure designed and constructed for the following purposes:</p> <ul style="list-style-type: none"> presenting the Area or informing visitors about the Area e.g. information shelter, lookout assisting the hygiene, safety or shelter of visitors e.g. public toilet facility, waste disposal area allowing visitors to enjoy, and stay temporarily in, the Area e.g. campground, tourist accommodation built and maintained consistently with the management purposes of zone C otherwise for the use of visitors in the Area e.g. barbecue facility, picnic facility. <p>'Developed visitor infrastructure' does not include 'community services infrastructure' or roads.</p>	Provides additional guidance to direct visitor infrastructure proposals of a more developed nature to zone C.

Managing impacts of community services infrastructure

The original Management Plan

Accommodating community services infrastructure—such as roads, power lines and communications towers—and managing subsequent impacts on the Area was addressed in various sections:

- Zoning system—zone C could accommodate community services infrastructure; zone B was available for rezoning where proven necessary (only local governments could apply).
- Permits system—maintenance and construction of infrastructure and potential impacts on World Heritage values were assessed and managed under the permit system.
- Additional requirements for building a road under a permit (section 65).

Plan review considerations

During public consultation, the Authority received stakeholder support to:

- continue to balance the protection of World Heritage values with the need for community services infrastructure
- strengthen assessment of all new community services infrastructure, further ensuring that there are no significant impacts on the Area
- enable state government entities, in addition to local government, to apply for rezoning of zone B to zone C under the Management Plan to provide for public infrastructure.

The updated Management Plan

Key changes include:

- State government entities have the same opportunity as local government to apply for rezoning from zone B to zone C for essential community services infrastructure.

- Permit system—section 65 now applies to all community service infrastructure (not just roads), whereby all community service infrastructure providers need to demonstrate no net adverse impact or no prudent and feasible alternative for any proposed infrastructure.
- New provision to enforce compliance with the conditions of a permit (s.51(4)).

Section	Key points about community service infrastructure	Comments
s.51(4)	<p>A permit holder must not contravene a condition of the permit.</p> <p>Maximum penalty—165 penalty units.</p>	<p>Applies a new penalty for breach of a permit condition.</p> <p>The maximum penalty is proportional to penalties under the <i>Vegetation Management Act 1999</i> or the <i>Planning Act 2016</i>.</p>
s.65 Building community services infrastructure or other roads	<p>Section 65 is expanded to all community services infrastructure, not just roads.</p> <p>Under this provision the Authority may not approve a permit unless there is either no net adverse impact or no prudent and feasible alternative.</p>	<p>This ensures that all community services infrastructure are treated consistently for all applications.</p>
Schedule 1	<p>Schedule 1 is now available to state government entities as well as local governments.</p> <p>Schedule 1 allows rezoning of zone B to zone C, but only for essential community service infrastructure.</p> <p>Schedule 1 rezoning provides appeal rights should the Authority refuse an application.</p>	<p>Recognises for example, that state government has the same need to build a road as does local government.</p>

Regulation of domestic activities

The original Management Plan

With private properties and leases existing throughout the Area, landholders (for example freehold, and native title holders with exclusive native title rights) have the right to live on and manage their properties in ways that align with the values of the Area. Permits could be issued to:

- build a house
- clear vegetation to provide access to a house
- establish a garden or orchard (other than for commercial purposes)
- extract water for domestic use.

Plan review considerations

During public consultation, the Authority received stakeholder support to:

- provide additional opportunities for other domestic activities to be considered under a permit (electricity, water supply and communications)
- provide opportunity for a second residence or shed (outbuilding) to be considered under permit.

The updated Management Plan

Key changes include:

- Clarification that landholders must be permitted to build one house per allotment provided there is no prudent and feasible alternative, and that the Authority may consider permitting the building of a second house.
- Allowing the installation of domestic electricity, water supply and communications under a permit.
- Landholders can apply for a permit to build a shed (outbuilding) provided it is for domestic use.
- New definitions for a 'domestic activity' and a 'prescribed domestic activity'.

See also changes to regulation of undesirable plants and animals (pages 13–15).

Section	Key points about regulating domestic activities	Comments
s.35 (5) Domestic activities by person with an interest in land	<p>A 'domestic activity' is:</p> <ul style="list-style-type: none"> • a 'prescribed domestic activity' • building an ancillary outbuilding. <p>A 'prescribed domestic activity' is:</p> <ul style="list-style-type: none"> • building a residence • clearing or building a pedestrian or vehicular access to a residence • installing infrastructure for an electricity supply, a water supply or telecommunications for domestic use • extracting water for domestic use • establishing a garden or orchard, other than for commercial purposes. 	<p>Provides additional opportunity to landholders to apply for a permit for infrastructure that may be necessary to live on the land e.g. for low impact electricity and water supply options.</p> <p>Creates a distinction between a 'prescribed domestic activity' (for which the Authority <u>must</u> issue a permit) and a 'domestic activity' (for which the Authority <u>may</u> issue a permit), such as building an ancillary outbuilding (shed).</p>
63 Prescribed domestic activities	<p>The Authority <u>must issue</u> a permit for a 'prescribed domestic activity' if satisfied that:</p> <ul style="list-style-type: none"> • it is not prudent and feasible to carry out the activity on land outside the Area • in the case of an application to build a residence: <ul style="list-style-type: none"> ○ the residence is an authorised residence ○ a residence has not already been built on land in the permit area ○ only one residence will be built on the permit land under the permit. 	Clarifies the circumstances under which the Authority <u>must</u> issue a permit for a 'prescribed domestic activity'.
63A Prescribed	<p>The Authority <u>may issue</u> a permit to build an additional residence or ancillary outbuilding if satisfied that:</p> <ul style="list-style-type: none"> • the residence is an authorised residence 	Clarifies that the Authority <u>may</u> issue a permit to build an additional residence or

domestic activities	<ul style="list-style-type: none"> the outbuilding is ancillary to the residential use it is not prudent and feasible to build the residence or ancillary outbuilding on land outside the Area e.g.: <ul style="list-style-type: none"> if part of the land on which the applicant proposes to build the residence or outbuilding is outside the Area, the Authority would need to be satisfied it is not prudent and feasible for the applicant to build the residence or outbuilding on that part of the land. 	<p>ancillary outbuilding on the land (e.g. shed or carport).</p> <p>Also clarifies that there must be no prudent and feasible alternatives to locating the activity within the Area.</p>
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Rainforest Aboriginal interests

The original Management Plan

The original Management Plan acknowledged Rainforest Aboriginal Peoples' interests in the Area through:

- cooperative management agreements (CMAs) available to landholders, and Aboriginal people particularly concerned with the land
- a requirement for the Authority to consider the effect of permit decisions on native title holders and any other Aboriginal persons particularly concerned with the land, which is articulated through a statutory guideline.

Native title rights under s.11 of the *Native Title Act 1993* (Cwlth) were not restricted by the Management Plan.

Plan review considerations

During public consultation, the Authority received stakeholder support to:

- clarify beyond doubt that changes to the Management Plan will not affect native title rights under s.211 of the *Native Title Act 1993* (Cwlth)
- strengthen the consideration of Aboriginal tradition in the permitting process
- update statutory guidance regarding permits and consultation with Rainforest Aboriginal Peoples particularly concerned with land in the Area
- provide greater transparency about the matters considered by the Authority when deciding whether or not to enter into a CMA (this applies to all landholders but was of particular interest to Rainforest Aboriginal Peoples of the Area).

The updated Management Plan

Key changes include:

- New s.59 requires explicit consideration of the potential impacts of proposed activities on Aboriginal tradition during the permit assessment process.
- Cooperative Management Agreements (CMAs), including many with Rainforest Aboriginal Peoples, are now shown on the zoning map.
- A new section of the Management Plan clarifies the main matters the Authority will consider when deciding whether or not to enter into a CMA with any person with an interest in the land in the

Area, including Rainforest Aboriginal Peoples. These high-level matters include the potential impact of any activities on World Heritage values and integrity, ecological sustainability of any activity, rights and interests of a landholder or native title holder, Aboriginal tradition, and existing lawful activities on land.

- A new provision allows a statutory guideline to be prepared for CMAs to allow the Authority to provide more detailed guidance (yet to be developed).

Section	Key points about consideration of Rainforest Aboriginal interests	Comments
s.42 Matters for consideration for proposed cooperative management agreement	<p>Revised s.42 better explains how CMAs are assessed for all stakeholders. When deciding whether or not to enter into a CMA, the Authority must have regard to the following matters:</p> <ul style="list-style-type: none"> • the potential impact of any activities on World Heritage values and integrity • the ecological sustainability of any activities that may be carried out. • the rights or interests of any landholder or native title holders • the Aboriginal tradition of any Aboriginal people particularly concerned with the land in the CMA area. 	While the changes made to CMAs are relevant to all stakeholders with an interest in the land in the Area, they also address specific interests expressed by Rainforest Aboriginal groups to better understand how CMAs may be assessed by Authority. This will assist Rainforest Aboriginal Peoples in planning to return to country, such as in the establishment of dwellings or tourism businesses.
S42(4) & (5)	The Authority may prepare guidelines about matters in s.42 and any other matters it considers relevant for entering into a CMA—these guidelines must be available to the public for inspection.	The opportunity for a CMA guideline builds on the above changes and increases transparency in assessment and decision making for landholders, Rainforest Aboriginal Peoples and the wider community.
43C Relationship between cooperative management agreement and zoning map	If there is an inconsistency between a CMA and the zoning of the agreement land, the CMA prevails to the extent of the inconsistency. This applies whether the CMA allows, or disallows, something that may ordinarily occur in the relevant zone.	Provides clear guidance for local government about how to consider both the CMA, and the underlying zone considerations, when assessing a development application.
S.15 Procedure for amending zoning map for particular purposes	The Authority can amend the zoning map to depict CMAs.	Ensures that local governments and assessment agencies are aware of and can easily view CMAs and understand their implications when assessing a development application or other proposal. This is important for Rainforest Aboriginal groups who wish to return to country if any infrastructure is proposed.

59 Aboriginal tradition	<p>The Authority must have regard to the effects a proposed decision may have on the Aboriginal tradition of Aboriginal people particularly concerned with land in the Area.</p> <p>The <i>Acts Interpretation Act 1954</i> definition: ‘Aboriginal tradition means the body of traditions, observances, customs and beliefs of Aboriginal people generally or of a particular community or group of Aboriginal people, and includes any such traditions, observances, customs and beliefs relating to particular persons, areas, objects or relationships.’</p>	<p>Requires the Authority to consider impacts on Aboriginal tradition, in addition to impacts on native title holders and Aboriginal people particularly concerned with the land when making a decision on a permit application.</p> <p>Permit applicants must undertake consultation with the relevant Rainforest Aboriginal Peoples to establish if there are any impacts and document the outcomes. Guidance about this aspect will be provided in a revised statutory guideline for consulting with Rainforest Aboriginal Peoples.</p>
s.23 ‘relationship with native title rights’	Change ‘control of native title rights’ to ‘relationship with native title rights’.	Assists in communicating that the Management Plan does not affect, or control native title rights defined under s.211 of the <i>Native Title Act 1993</i> (Cwlth) (which include hunting, fishing, gathering, and cultural or spiritual activities).
s.29 Particular allowed activities by persons with an interest in land	Change from ‘a landholder holding ordinary title’ to ‘a landholder holding freehold title’.	This is an administrative change that ensures that all freehold landholders have the same opportunities under the Management Plan.

A simpler system for roads

The original Management Plan

Previous zoning maps depicted a series of road classifications for use by motor vehicles within the Area. These classifications reflected the needs of land managers, infrastructure agencies, visitors, the tourism industry, researchers and the community at the time when the original Management Plan was created.

Plan review considerations

During public consultation, the Authority received stakeholder support to:

- align the road hierarchy in the Management Plan with state and local government systems
- reduce ‘regulatory duplication’ by no longer requiring permits for the operation of motor vehicles on roads already regulated by Queensland Parks and Wildlife Service (QPWS)
- remove unmaintained roads from zoning maps but retain these in a list of ‘potential future presentation roads’ in the Wet Tropics Strategic Plan 2020–2030 for future consideration.

The updated Management Plan

Key changes include:

- The road classification is simplified with only three types of road shown on the zoning map—no permit is required from the Authority to drive on these roads.
- ‘Presentation’ and ‘presentation (restricted)’ roads under the original Management Plan zoning maps are condensed into the single category of ‘presentation road’, and access to these are managed by the relevant land managers.
- Operating a motor vehicle on a lawful access road by a landholder or native title holder continues to be an allowed activity. To reduce duplication, the Authority no longer requires permits for the operation of a motor vehicle on most roads already managed by QPWS.
- The Authority only requires permits for the use of motor vehicles associated with activities such as infrastructure maintenance, conservation management and research on roads used for management purposes. Management roads are not public roads and will no longer appear on the zoning map.
- Specific well-used, gazetted and maintained local government roads were added to the zoning map because they were essential existing access roads for local communities.

Section	Key points about Wet Tropics roads	Comments
Road classifications on the zoning map	<p>The changes reduce the number of roads depicted on zoning maps to the following:</p> <ul style="list-style-type: none"> • ‘State-controlled road’—roads which form part of Queensland’s state road network • ‘Local government road’—formal, public roads managed by local government • ‘Presentation road’—roads managed for the purposes of presenting the Area to the public. 	Makes the road classification system more consistent with state and local government systems and simplifies the management and use of roads in the Area.
s.27 Activities allowed in all zones	All references to roads have been moved to new section s.27C.	Consolidates all road provisions for ease of reference.
s.27C Operating a motor vehicle on particular roads	<p>A person may operate a motor vehicle in the Area on:</p> <ul style="list-style-type: none"> • a road shown on the zoning map (see road classifications above) • a road in a protected area (unless restricted under other legislation—see below) • a road in a state forest or timber reserve. <p>Operation of a motor vehicle on these roads is subject to any restriction under the <i>Nature Conservation Act 1992</i> and <i>Forestry Act 1959</i>.</p>	Clarifies that if a road is shown on the zoning map, a person can operate a motor vehicle on that road without a Wet Tropics permit, subject to any restriction under other legislation e.g. a road on a protected area, state forest or timber reserve may be closed during the wet season by a regulatory notice, or may be subject to local government restrictions (s24).
s.33 Activities permitted in all zones	A permit is required for operation of a motor vehicle in certain circumstances where a road is not depicted on a zoning map.	Clarifies that a permit may be required for any road not depicted on the zoning map for the listed activities e.g. a

	<p>A permit may be issued to a person to operate a motor vehicle on a 'lawful access road':</p> <ul style="list-style-type: none"> • to conserve, protect or rehabilitate land in the Area • to carry out scientific research • to the extent reasonably necessary to carry out another permitted activity. <p>'Lawful access road' means a road or track that:</p> <ul style="list-style-type: none"> • is situated on the land or provides access to the land • existed immediately before 1 September 1998 or was lawfully built under the Management Plan. <p>It does not include a road shown on the zoning map, or a walking or cycling track.</p>	<p>'community service infrastructure' provider will require a permit to operate vehicles on an access road to that infrastructure to ensure impacts associated with vehicle access are minimised through appropriate permit conditions.</p>
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Undesirable plants and animals

The original Management Plan

Undesirable plants and animals can threaten World Heritage values, particularly if they invade native forests or waterways, disrupt ecosystems or threaten native wildlife in the Area. Examples of undesirable plants and animals include coffee plants, molasses grass, cats, dogs and pigs. The original Management Plan lists these undesirable plants and animals in Schedule 2 and regulates the cultivating, keeping or moving of them—undesirable animals could be kept outside of the rainforest on private or native title lands, and domesticated animals such as cattle, goats and deer could be grazed on land other than in a rainforest.

Plan review considerations

During public consultation, the Authority received stakeholder support to:

- update the undesirable plant and animal list to avoid duplication with other legislation
- prohibit the keeping of most undesirable animals in the Area on private land or native title lands
- apply conditions for the keeping of certain undesirable animals (such as dogs, cats and honey bees) to be consistent with relevant local laws and minimise threat to native animals
- to confine grazing only to cattle, and only outside a rainforest
- to balance the social and economic benefits of keeping or moving some plants and animals against their potential impacts.

The updated Management Plan

Key changes include:

- The list of undesirable plants and animals (Management Plan Schedule 2 and 2A) has been updated to avoid duplication with the *Biosecurity Act 2014*.
- Cattle are now the only grazing animals allowed in the Area. They are only allowed outside rainforest (which is clearly defined in the updated Management Plan).

- Most other undesirable animals are now prohibited.
- Specific new provisions apply to keeping dogs and cats—they may only be kept in a way that minimises the threat to native wildlife (e.g. keeping cats within a securely enclosed area).
- New provisions allow keeping of honey bees, outside the rainforest, but only in a way that reduces risk of swarming.
- Fish stocking within the Area is now regulated under the updated Management Plan, in addition to the provisions of the *Fisheries Act 1994*, managing the impacts on waterway species.

Transitional provisions exist under the updated Management Plan for any landholders or native title holders who may be affected by these changes (pages 16–21).

Section	Key points about undesirable plants and animals	Comments
s.27 Allowed activities	<p>Keeping undesirable animals on private land or native title land is no longer allowed except for a dog or cat (s27B) and honey bees (s27B).</p> <p>Grazing of animals has been amended to allow only the grazing of cattle. Grazing is still prohibited inside a rainforest.</p> <p>‘Rainforest’ is now defined by a list of regional ecosystem types in Schedule 2B.</p>	<p>Limits the opportunity for undesirable animals to escape and threaten the World Heritage values and integrity of the Area.</p> <p>Transitional provisions exist for those who may be affected by these changes—if animals were lawfully kept prior to the changes to the Management Plan this activity may continue for a transitional period while the landholder applies for a permit to continue this activity (pages 16–21).</p>
27A Keeping a dog or cat	<p>A landholder may keep a dog or cat on land in the Area if it is private land or native title land. This does not require a Wet Tropics permit if the dog or cat is kept in a way that minimises the risk of threats to native animals and complies with the relevant council’s local laws.</p> <p>In a rainforest, the dog or cat must be kept within the residence (indoors or within an enclosure).</p>	<p>While dogs and cats may have impacts on World Heritage values if they are not kept in an appropriate way, they are also companion animals for many landholders and native title holders in the Area. This clarifies the way dogs and cats can be kept to ensure these impacts are managed, and aligns with local council laws.</p>
27B Keeping honey bees	<p>A landholder may keep honey bees on land in the Area if it is private land or native title land, if the land is not within a rainforest and as long as keeping the bees complies with the <i>Biosecurity Act 2014</i> and minimises the risk of swarming.</p>	<p>The risks to World Heritage values and integrity from beekeeping are managed under other legislation and if certain conditions are met the impacts associated with beekeeping can be managed.</p>
33 Activities permitted in all zones	<p>A permit can be issued to a person to translocate a crustacean or fish (other than a fish listed as an undesirable animal in Schedule 2A).</p>	<p>Fish translocation such as stocking of a lake or dam may occur from time to time and the assessment process under the <i>Fisheries Act 1994</i> may not fully consider impacts on World Heritage</p>

	A permit can be issued to bring a dog into the Area for conservation or managing the Area (e.g. mustering wild cattle to remove them from the Area).	values and integrity— in addition to any approvals required under the <i>Fisheries Act 1994</i> , a permit must be issued by the Authority for fish translocation.
Schedule 2 & 2A	Undesirable plant and animal schedule updated.	Avoids duplication in the regulation of potentially invasive plants and animals by only updating schedule 2 with undesirable species with invasive potential that are not already listed under the <i>Biosecurity Act 2014</i> .

Reconfiguring a lot (subdivision)

The original Management Plan

While the *Wet Tropics World Heritage Protection and Management Act 1993* allows a regulation to be made for reconfiguring a lot (e.g. subdivision and boundary realignments), the original Management Plan did not contain such provisions. Under the original plan, once an allotment was created and a landholder sought to build a house or undertake a 'domestic activity', the Authority was obliged to issue a permit for the activity if there was no prudent and feasible alternative (e.g. if part of the land was outside the Area).

Plan review considerations

During public consultation, the Authority received stakeholder support to:

- sensibly manage possible subdivision across new freehold lands within the Area
- ensure that for any subdivision in the Area, consideration of the potential impacts on World Heritage values, particularly cumulative impacts or unplanned subdivision that may damage the integrity of the Area
- recognise that cooperative management agreements (CMA), where appropriate, may have a role in ensuring that larger developments that propose subdivision occur in a planned and rational way
- have opportunity to condition approvals in a way that reduces impacts (e.g. permit subdivision, but condition boundary fencing in a way that does not impact on wildlife movement).

The updated Management Plan

Key changes include:

- A permit is required for reconfiguring a lot within the Area.
- A permit can only be given if there are no, or minimal, potential impacts on World Heritage values and integrity or where a CMA allowing subdivision has already been negotiated and agreed with the Authority.
- A permit from the Authority is required in addition to a development approval from local government.
- A proposal must be ecologically sustainable and not likely to result in cumulative impacts (i.e. larger impacts that result from a series of smaller proposals over time).

- Where the aspirations of a group or larger community are known (e.g. through a Master Planning process) a CMA should be considered rather than lot by lot permits to ensure the impact over time does not put the values of the Area at risk.

Section	Key points about reconfiguring a lot	Comments
s.26 (m) Other prohibited activities	A person must not carry out the following activity in the Area: <ul style="list-style-type: none"> • reconfiguring a lot, if the reconfiguration would be ‘assessable development for which a local government would be the assessment manager’. 	Reconfiguring a lot is a prohibited activity—a permit is required.
s.33 (q) Activities permitted in all zones	A permit may be issued to a person to carry out the following activity: <ul style="list-style-type: none"> • reconfiguring a lot, if the reconfiguration is an ‘assessable development for which a local government is the assessment manager’. 	Allows the Authority to consider a permit for reconfiguring a lot in the Area.
s.56 (3)(e) World Heritage values and integrity of the Area	The Authority must consider any potential cumulative impacts on the Area’s World Heritage values and integrity when assessing a permit application e.g. the Authority may consider not only the potential impact of reconfiguring a lot but also other activities (including further subdivision or development) that may be sought if the permit were to be issued.	<p>Permit applications for subdivisions pose potential cumulative impacts on the Area and these impacts must be considered and addressed if a permit is to be issued.</p> <p>The cumulative impact consideration recognises that a series of piecemeal subdivision applications under permit will not allow the proper consideration of impacts.</p> <p>Where appropriate and where the outcomes contribute to better World Heritage management, CMAs may provide an option for a properly considered and holistic approach to subdivision on Aboriginal lands.</p>

Transitional provisions:

important information for landholders and native title holders

The updated Management Plan may prohibit some activities that were allowed under the original Management Plan—continuing to undertake these activities may be unlawful.

Where changes to the updated Management Plan impact or prohibit an activity or action that was being lawfully undertaken within the Area immediately before the amendment date, transitional provisions allow a person sufficient time to complete the activity, or seek approval from the Authority to continue the activity.

Key points for affected parties:

- Transitional provisions apply from 11 September 2020—the ‘2020 amendment day’—which is the day the updated Management Plan commences.
- Transitional provisions are applicable to landholders and native title holders who undertake activities within the Area. The provisions provide a window within which activities undertaken or started prior to the commencement of the updated Management Plan may continue.
- The following activities are included in the transitional provisions:
 - keeping or grazing animals
 - activities for protecting lives or preventing injuries (other than for an emergency)
 - translocating crustacean or fish
 - using motorised aircraft for commercial purposes
 - reconfiguring a lot
 - registration of cooperative management agreement
 - undecided permit application
 - undecided rezoning application
 - reference to previous provisions in documents.
- Some transitional provisions allow the activity or action to continue for the duration of the ‘initial period’ (four months from the 2020 amendment day) or, through successful application for a permit made during the initial period, to continue for a longer time.
- Other transitional provisions describe specific circumstances under which an activity or action may be carried out under the updated Management Plan.
- Businesses affected by the changes have clear guidance about how to proceed after the commencement of the updated Management Plan.
- Permit applicants who submitted applications prior to the commencement of the updated Management Plan have clear guidance regarding which provisions their applications will be assessed under.
- There are very few landholders and native title holders undertaking activities such as keeping undesirable animals or grazing animals. Any application for a permit to continue these activities beyond the initial period would be subject to conditions to further minimise impacts.

The transitional provisions apply to specific parts of the updated Management Plan—the following table shows all transitional provisions, the time period in which they apply, the conditions under which they apply, and in some cases how these activities may continue.

Section	Transitional provisions of the updated Wet Tropics Management Plan 1998	What does this mean?
Schedule 3 dictionary	‘2020 amendment day’ means the day the Wet Tropics (Review) Amendment Management Plan 2020 commences.	The 2020 amendment day is 11 September 2020.
85 Definitions for part	In this part— <i>initial period</i> , for carrying out an activity, means— (a) the period starting on the 2020 amendment day and ending 4 months after that day; or (b) if within the 4 months a person applies for a permit to carry out the activity, the period	The transitional provisions apply during the ‘initial period’ – generally four months from the 2020 amendment day.

	<p>ending on—</p> <p>(i) for an application that lapses—the day the application lapses; or</p> <p>(ii) otherwise—the day the application is decided.</p> <p>‘Previous’, in relation to a provision of this plan, whether or not identified, means the provision as in force immediately before the 2020 amendment day.</p>	<p>This provision describes what the initial period is, and when it ends.</p>
86 Keeping or grazing animals	<p>(1) This section applies if, immediately before the 2020 amendment day, a person was—</p> <p>(a) keeping a previous undesirable animal on land in the area under previous section 27(g); or</p> <p>(b) grazing an animal on land in the area under previous section 27(h).</p> <p>(2) The person may continue, under previous section 27(g) or (h), to keep or graze an animal, of the type being kept or grazed, on the land in the initial period.</p> <p>(3) Previous section 27(g) and (h) and previous schedule 2, part 2 continue to apply for keeping or grazing an animal under subsection (2) as if the Wet Tropics (Review) Amendment Management Plan 2020 had not commenced.</p> <p>(4) In this section—</p> <ul style="list-style-type: none"> ○ ‘keeping’ an animal on land, includes allowing the animal to enter and remain on the land. ○ ‘previous undesirable animal’ means an animal that was an undesirable animal under previous schedule 2, part 2. 	<p>Keeping an undesirable animal is now prohibited with the exception of cats, dogs and honey bees.</p> <p>Grazing is now prohibited except for cattle.</p> <p>If a person was keeping an undesirable animal, such as pigs (not in a rainforest), or grazing animals (not in a rainforest) on the land in accordance with the conditions of the original Management Plan, they can:</p> <ul style="list-style-type: none"> • continue to do this during the initial period and • apply for a permit during the initial period, and if approved, continue undertaking the activity under the updated Management Plan under the terms of that permit.
87 Activity for protecting lives or preventing injuries other than for an emergency	<p>(1) This section applies if—</p> <p>(a) before the 2020 amendment day, a person had started to carry out an activity in the area for protecting the lives of, or preventing injuries to, persons, other than for an emergency; and</p> <p>(b) the person had not finished carrying out the activity immediately before the 2020 amendment day.</p> <p>(2) The person may continue to carry out the activity in the initial period.</p>	<p>Under the original Management Plan, a person could undertake an activity for the protection of life at any time (allowed activity 27(a)(i)).</p> <p>The updated Management Plan refines this section to ensure this only applies when carried out during an emergency.</p> <p>During the initial period, a person can finish undertaking</p>

		an activity commenced before the 2020 amendment day for protecting the lives of, or preventing injuries to, persons, for example building an emergency heli-pad.
88 Translocating a crustacean or fish	<p>(1) This section applies if—</p> <p>(a) before the 2020 amendment day, a person held an authority issued under the Fisheries Act 1994 authorising the person to translocate a crustacean or fish in the area; and</p> <p>(b) the authority was in force immediately before the 2020 amendment day.</p> <p>(2) The person may translocate the crustacean or fish in the area under the authority while the authority is in force.</p> <p>(3) This section applies despite section 26(1)(c) but does not authorise a person to translocate a fish of a species mentioned in schedule 2A, part 1 in the area.</p>	<p>Translocating a fish or crustacean is now regulated under the updated Management Plan—a permit is required.</p> <p>A person can continue to translocate a crustacean or fish which was authorised under the <i>Fisheries Act 1994</i> before the commencement of the updated Management Plan, provided their authority has not lapsed.</p> <p><i>Note:</i> this does not apply to a fish species mentioned in Schedule 2A (undesirable animals).</p>
89 Using motorised aircraft for commercial purposes	<p>(1) This section applies if, immediately before the 2020 amendment day, a person was carrying on a business involving using a motorised aircraft to take-off from, or land in, the area.</p> <p>(2) Despite section 26(1)(m), the person may use a motorised aircraft, for commercial purposes, to take-off from, or land, in the area in the initial period.</p>	<p>Taking off and landing a motorised aircraft is no longer an allowed activity—a permit is required.</p> <p>A person whose business involves motorised aircraft can continue to take-off and land in the Area during the ‘initial period’ and they may apply for a permit to continue to undertake this activity under the updated Management Plan.</p>
90 Reconfiguring a lot	<p>(1) This section applies if, before the 2020 amendment day—</p> <p>(a) a person made a development application to a local government for the reconfiguration of a lot in the area; and</p> <p>(b) a development approval was given for the reconfiguration.</p> <p>(2) Section 26(1)(n) does not apply in relation to the reconfiguration of the lot under the development approval.</p> <p>(3) In this section—</p>	<p>Reconfiguring a lot (e.g. subdivision) is now regulated under the updated Management Plan—a permit is required.</p> <p>A permit is not required if, before the 2020 amendment day, a development approval for reconfiguring a lot has been obtained from local</p>

	<ul style="list-style-type: none"> ○ ‘development application’ see the <i>Planning Act 2016</i>, schedule 2 ○ ‘development approval’ see the <i>Planning Act 2016</i>, section 49(1). 	government. If an application has been made for reconfiguring a lot and has not yet been decided, an application for a permit from the Authority is required.
91 Registration of existing cooperative management agreements	<p>(1) This section applies in relation to an existing cooperative management agreement.</p> <p>(2) On the 2020 amendment day, the authority must register the cooperative management agreement under section 43D(2)(a).</p> <p>(3) For subsection (2), section 43D(2) applies as if the existing cooperative management agreement had been entered into on the 2020 amendment day.</p> <p>(4) In this section—‘existing cooperative management agreement’ means a cooperative management agreement that—</p> <ul style="list-style-type: none"> (a) was entered into under section 41 as in force before the 2020 amendment day; and (b) was in force immediately before the 2020 amendment day. 	Administrative change (responsibility of the Authority)—the Authority must register existing, in-force CMAs (in the same way as is now required under the updated Management Plan).
92 Undecided permit application	<p>(1) This section applies if—</p> <ul style="list-style-type: none"> (a) before the 2020 amendment day, an application for a permit was made; and (b) immediately before the 2020 amendment day, the application had not lapsed and had not been decided. <p>(2) The following provisions continue to apply for dealing with and deciding the application as if the Wet Tropics (Review) Amendment Management Plan 2020 had not commenced—</p> <ul style="list-style-type: none"> (a) previous section 47; (b) previous section 51(2); (c) previous part 4, divisions 2 and 4. 	<p>Administrative change (responsibility of the Authority)—if a permit application was made and not decided before the commencement of the updated Management Plan, the application will be assessed under the new provisions except for the following previous sections:</p> <ul style="list-style-type: none"> • Section 47—regarding information request during permit assessment • Section 51(2)—regarding the types of permit conditions the Authority may apply • Part 4 (Permits) • Division 2—principles and criteria for deciding permit applications • Division 4—permit applications for particular activities.

93 Undecided rezoning application	<p>(1) This section applies if—</p> <p>(a) before the 2020 amendment day, an application was made under previous schedule 1, section 1(2); and</p> <p>(b) immediately before the 2020 amendment day, the application had not been decided.</p> <p>(2) Previous schedule 1 continues to apply for dealing with and deciding the application as if the Wet Tropics (Review) Amendment Management Plan 2020 had not commenced.</p> <p>(3) For subsection (2), the references in schedule 1, section 3(3)(c) to part 4, division 1 and part 4, divisions 2 to 4 are taken to be references to previous part 4, division 1 and previous part 4, divisions 2 to 4 respectively.</p>	<p>Administrative change (responsibility of the Authority)—if a rezoning application was made under Schedule 1 prior to commencement of the updated Management Plan, the previous provisions of the Management Plan will generally apply.</p>
94 References to previous provisions in documents	<p>(1) A reference in a permit or other document to a previous provision of this plan may, if the context permits, be taken to be a reference to the corresponding provision for the previous provision.</p> <p>(2) In this section—‘corresponding provision’, for a previous provision, means a provision of this plan that is substantially the same as or equivalent to the previous provision.</p>	<p>Administrative change (responsibility of the Authority)—clarifies how references in previous permit or document should be understood.</p>

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