

# Wet Tropics Management Plan 1998

## Information Sheet No. 15

### Plain English Interpretation of the Plan

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#### **Disclaimer**

This leaflet has been prepared in good faith to assist in summarising and explaining some of the key features of the *Wet Tropics Management Plan 1998*.

This leaflet is not a statutory document. If there is any inconsistency between the information provided in this leaflet and the *Wet Tropics Management Plan 1998* the Plan prevails.

No responsibility is taken for any action that may result due to the use of this leaflet. Persons are advised to refer to the *Wet Tropics Management Plan 1998* directly before making any decision in relation to implications of the Plan.

## Introduction

### ***Management of the Wet Tropics World Heritage Area***

A key element of management of the Wet Tropics Area is the principle of protection through partnerships. The Authority believes that the most effective way to protect, conserve, rehabilitate and present the World Heritage values of the Area is to seek the support of the community and develop effective partnerships with government land management agencies, land holders, Aboriginal peoples, infrastructure agencies, conservation groups and the private sector.

The *Wet Tropics Management Plan 1998* is one of the management tools available to help manage the World Heritage Area. It provides regulatory support for controlling some of those activities which could have an unacceptable environmental impact.

### ***What is the Wet Tropics Management Plan (the Plan)?***

- the *Wet Tropics Management Plan 1998* (the Plan) is Queensland law
- the preparation of a Plan was required under Queensland's *Wet Tropics World Heritage Protection and Management Act 1993*.

### ***Where does the Plan apply?***

- the Plan applies only to areas within the Wet Tropics World Heritage Area.

### ***When did it start?***

- 1 September 1998.

### ***What is the purpose of the Plan?***

- to help protect World Heritage values.

### ***What are World Heritage values?***

- natural heritage values as described in the World Heritage listing
- relate to ecological, biological, evolutionary and scenic landscape values.

### ***How does the Plan help protect these values?***

- the Plan introduces land use controls through the regulation of a range of activities which have the potential to impact on World Heritage values or the enjoyment of those values.

### ***What types of activities are regulated?***

There are five groups of activities regulated under the Plan:

1. disturbance to native plants, waterways and earth
2. control of introduced animals and environmental weeds
3. waste disposal
4. building and maintenance of structures and roads
5. operation of motorised vehicles, boats and aircraft

## Zoning Maps

The Plan divides the Area into zones, which are depicted on zoning maps and are based on the intended management purpose. The management purpose of zone A is to conserve the land in the zone; to present the land to visitors and create awareness and appreciation of the natural significance of the land; and to the greatest possible extent—

- (i) to protect the integrity of the land; and
- (ii) if the land is disturbed, to restore the land to its natural state.

The management purpose of Zone B is similar to zone A but also to allow for rezoning applications to allow for essential community services infrastructure.

The management purpose of Zones that allow for infrastructure include accommodating community services infrastructure, other community facilities, visitor facilities or cleared areas associated with existing use rights; but 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
- (ii) to otherwise protect and enhance the integrity of land in the zone.

## Wet Tropics Permits

The Plan uses a permit system to regulate the above activities.

- The Plan takes the approach of firstly prohibiting all activities regulated under the Plan and then relaxing this general prohibition for certain circumstances or special situations
- For a concise list of what activities are prohibited refer to Attachment 1, column 1
- For situations where these prohibitions are relaxed and allowed either with or without the need for a permit, refer column 3 and column 4 respectively.
- There are some common sense situations where the need for a permit is waived:
  - activities for the protection of life and urgent protection of property, or urgent control of fire or other natural disaster
  - activities causing no more than minor and inconsequential impacts.

### ***Standard permit process***

In situations where a person requires a Wet Tropics Permit the standard permit process is basically as follows:

- Application
- Assessment (within 60 days)
- Notification.

### ***Permit applications***

- Activities already regulated by Queensland Parks and Wildlife Services (QPWS):
  - in order to minimise inconvenience to the public, an integrated permit system has been introduced for situations where an activity is already regulated by Queensland Parks and Wildlife Services (QPWS).
- Development applications controlled by Local Government
  - It is recommended that an application for a Wet Tropics Permit is made prior to lodging a development application for activities classed as 'development' under the *Planning Act 2016*.
- All other situations:
  - a stand-alone Wet Tropics Permit Application Form should be completed.

### ***Permit Assessment***

- Assessment time:
  - may take up to 60 days
- Assessment Fee:
  - where the assessment involves the commitment of significant resources of the Authority or assessment agency, an assessment fee may be charged on a cost-recovery basis.

- More information:
  - the Authority may ask the applicant for more information (e.g. an EIA).
  - time taken to gather this information is not included in the 60 day assessment period.
- Assessment criteria:
  - the application is assessed against a set of criteria as specified in the Plan – refer Attachment 2.

### **Permit Decision**

- A decision is made either by:
  - issuing the permit
  - issuing the permit with conditions
  - refusing to issue the permit.

### **Decision register**

- all permit decisions are recorded on a register held by the Authority
- the reason for the decision and conditions applying to any permit are recorded in the register
- the register may be inspected free of charge.

### **Review**

- the applicant can ask the Authority to review the original decision (within 60 days)
- there are no third party review or appeal provisions.

### **Appeals**

- the applicant may appeal the review decision. The appeal is to the Planning and Environment Court.
- the Court decides the appeal “by way of rehearing”.
- parties to the appeal may appeal to the Court of Appeal, but only on a matter of law.

## Special Management Agreements

- Special management agreements can be made under the Plan (sections 41 and 42)
- Such agreements allow for variations to the standard Wet Tropics land use controls shown in Attachment 1
- an agreement of this type can only be entered into where it will result in a positive contribution towards achieving the primary goal i.e. protection, conservation, rehabilitation, presentation of World Heritage values.

## Negotiation Commitments for the Authority

- A special provision under the Plan (section 40) requires the Authority to negotiate in good faith where a person or group:
  - has or claims rights concerning land in the Wet Tropics World Heritage Area
  - the exercise of the rights could adversely affect World Heritage values
- The idea of these negotiations is to seek opportunities for a mutually beneficial outcome under a management agreement as referred to above.

## Effect of Plan on other Acts and Legislation

### **Controls under other legislation**

- the Plan does not give a right to undertake an activity which is unlawful or controlled under another law.
- similarly, other laws do not give a right to undertake activities regulated under the Plan unless specifically stated in the Plan. Refer WTMP Land Use Control Table (Attachment 1)

### **Local Government, Planning Schemes and development approvals**

- if there is any inconsistency between the Wet Tropics Management Plan and a Local Government Planning Scheme, the Plan prevails to the extent of the inconsistency
- a local authority must not give approval for any development that is inconsistent with the Plan
- the Plan has special provisions for a local government to apply for amendments to the zoning map where it involves provision of essential community infrastructure.

### **Native Title and Aboriginal interests**

- the Plan applies to native title holders in a way that does not cause them to be in a more disadvantageous position at law than if they held freehold title
- the Plan does not constrain the operation of Commonwealth or State native title laws. In effect, this may mean that most rights related to personal, domestic or non-commercial communal needs will not be affected or controlled by the Plan.

## Compensation

- The *Wet Tropics World Heritage Protection and Management Act 1993* makes provisions for a person to claim compensation where they believe their interests in land have been negatively impacted on ('injuriously affected') by the Plan. Claims for compensation for restrictions imposed by the *Wet Tropics Management Plan 1998* must have been made prior to 1 March 1999 (see section 54 of the *Wet Tropics World Heritage Protection and Management Act 1993*).

## Explanation of Terms Used in the Plan

- Definitions of many of the terms used in the Plan can be found in its the dictionary or in the *Wet Tropics World Heritage Protection and Management Act 1993*.

## Further Information

- *Wet Tropics Management Plan 1998*:
  - can be downloaded for free at <https://www.legislation.qld.gov.au/view/html/inforce/current/sl-1998-0161> or purchased from the Wet Tropics Management Authority.
- Wet Tropics Management Plan information sheets are available from:
  - Wet Tropics Management Authority - Cairns,
  - Queensland Parks and Wildlife Services, district offices
  - most Local Government Council offices
  - Wet Tropics Management Authority Website: [www.wettropics.gov.au](http://www.wettropics.gov.au)
- Information sheets about the Plan are available on the following topics:

1. General information
  2. Permit Application and Assessment
  3. Information about 'Minor & Inconsequential Activities'
  4. DNR Lease, Licence and Permit Holders
  5. Freehold Land in the World Heritage Area
  6. Grazing in the World Heritage Area
  7. Beekeeping in the World Heritage Area
  8. Flying over the World Heritage Area
  9. Commercial Tour Operations
  10. Mining, Quarrying and Fossicking
  11. Seed Collecting in the World Heritage Area
  12. Undesirable Animals and Plants
  13. Information for Local Government
  14. Development and Maintenance of Infrastructure
  15. 'Plain English' interpretation of the Plan
- Wet Tropics Zoning Maps:
    - can be viewed at district the Wet Tropics Management Authority office, Cairns and Website: [www.wettropics.gov.au](http://www.wettropics.gov.au)
  - Register of permit decisions:
    - can be viewed at the Wet Tropics Management Authority office, Cairns
  - Phone enquiries:
    - Wet Tropics Management Authority
    - Phone: (07) 4052 0555

The *Wet Tropics Management Plan 1998* is administered by:

Wet Tropics Management Authority  
CAIRNS QLD 4870  
Ph: (07) 42410520  
Website: [www.wettropics.gov.au](http://www.wettropics.gov.au)

## Attachment 1- WTMP Land Use Controls

Prohibited Activity	Exemptions to Prohibition		
	User Type	Allowed under Permit	Allowed without Permit
All prohibited activities (As listed below)	General	<ul style="list-style-type: none"> <li>• <b>pre-existing activities:</b> an activity lawfully being carried out before 1 September</li> <li>• <b>protected area permit,</b> if the person has an authority to undertake the activity in a protected area under the <i>Nature Conservation Act</i></li> </ul>	<ul style="list-style-type: none"> <li>• <b>protection of life and property:</b> any activity for protection of life, urgent protection of property, or urgent control of fire or other natural disaster</li> <li>• <b>minor and inconsequential:</b> activities causing no more than minor and inconsequential impacts</li> </ul>
	Freehold and native title	<ul style="list-style-type: none"> <li>• <b>native title right or interest:</b> where the person has a native title right or interest to carry out the activity</li> </ul>	<ul style="list-style-type: none"> <li>• <b>s211 Native Title Act:</b> for native title holders, activities under s211 of the <i>Native Title Act 1993 (Cwth)</i> which are defined as exempt from regulation</li> </ul>
	Government agencies	<ul style="list-style-type: none"> <li>• <b>Local Government EIA activity in Zone B:</b> an activity by Local Government in Zone B for an EIA under Schedule 1</li> </ul>	<ul style="list-style-type: none"> <li>• <b>QPWS activities:</b> subject to self-assessment</li> <li>• <b>WTMA activities:</b> subject to self-assessment</li> </ul>
Motor vehicle, operating	General	<ul style="list-style-type: none"> <li>• <b>presentation (restricted),</b> road</li> <li>• <b>management,</b> road subject to s33(j) conditions</li> </ul>	<ul style="list-style-type: none"> <li>• <b>on all sealed or gravel roads,</b> unless there is indication they are closed to the public</li> </ul>
	Freehold and native title		<ul style="list-style-type: none"> <li>• <b>access road to private land:</b> operating a vehicle on a lawful access road to the land or on the land</li> </ul>
Motor boat, operating	General		<ul style="list-style-type: none"> <li>• <b>dam, tidal waters, Lake Barrine</b></li> </ul>
Aircraft, landing	General		<ul style="list-style-type: none"> <li>• <b>on a natural clearing or water</b></li> </ul>
Commercial aircraft, below 1000ft	General	<ul style="list-style-type: none"> <li>• <b>flying below 1000 ft</b></li> </ul>	<ul style="list-style-type: none"> <li>• <b>taking off or landing</b></li> <li>• <b>for safety purposes:</b> if reasonably necessary for safety purposes</li> </ul>

## Attachment 1- WTMP Land Use Controls

Prohibited Activity	Exemptions to Prohibition		
	User Type	Allowed under Permit	Allowed without Permit
<b>Disturbing native plants, earth and waterways,</b> destruction, disturbance, taking of	General	<ul style="list-style-type: none"> <li>• <b>firebreaks:</b> building a firebreak</li> <li>• <b>clearing around a structure or road:</b> clearing vegetation around a structure or road (only) to the extent necessary for its appropriate use</li> <li>• <b>seed collecting</b></li> <li>• <b>earthworks, zone C or D</b> disturbing earth eg excavating, quarrying, grading in Zone C or D</li> <li>• <b>waterworks, zone C or D</b> disturbing a watercourse in Zone C or D</li> </ul>	<ul style="list-style-type: none"> <li>• <b>firebreak:</b> maintaining an existing fire break</li> <li>• <b>burning:</b> burning vegetation other than in a rainforest</li> <li>• <b>grazing animals:</b> but not in a rainforest</li> <li>• <b>mining,</b> with an authority under the <i>Mineral Resources Act</i></li> </ul>
	Freehold and native title	<ul style="list-style-type: none"> <li>• <b>water for domestic use</b> extracting water for domestic use (a permit must be issued)</li> <li>• <b>house-garden or orchard:</b> establishing a house-garden or orchard other than for commercial purposes (a permit must be issued)</li> </ul>	<ul style="list-style-type: none"> <li>• <b>protection, conservation or rehabilitation:</b> an activity for the protection, conservation or rehabilitation of world heritage values</li> </ul>
<b>undesirable plants,</b> planting, cultivating, disposing of	General	<ul style="list-style-type: none"> <li>• <b>killing or disposing of</b> (as listed in Schedule 2 of the Plan)</li> </ul>	
<b>Undesirable animals,</b> keeping or bringing into WHA (as listed in Schedule 2 of the Plan- includes bees, dogs, cats, cattle, deer, pigs)	General	<ul style="list-style-type: none"> <li>• <b>beekeeping:</b> beekeeping in Zone C or D, other than in a rainforest</li> </ul>	<ul style="list-style-type: none"> <li>• <b>transporting,</b> an undesirable animal through the area but properly constrained</li> <li>• <b>on private land, but not rainforest:</b> keeping an undesirable animal on private land where the land is not within rainforest</li> <li>• <b>grazing animals:</b> but not in rainforest</li> </ul>
<b>Structures,</b>	General	<ul style="list-style-type: none"> <li>• <b>walking tracks - all zones</b></li> </ul>	

## Attachment 1- WTMP Land Use Controls

Prohibited Activity	Exemptions to Prohibition		
	User Type	Allowed under Permit	Allowed without Permit
roads, walking tracks building or maintaining		building or maintaining a walking track • <b>structures and roads - permitted Zone C or D only:</b> building or maintaining a structure in Zone C/D • <b>Zone B impact reduction:</b> an activity in Zone B that would reduce impacts on the WHA	
	Freehold and native title	• <b>residence:</b> building a residence (a permit must be given) • <b>access to a residence:</b> clearing or building a pedestrian or vehicular access to a residence on the land (a permit must be issued)	
	Government agencies		• <b>community services infrastructure:</b> the operation of community services infrastructure being lawfully operated immediately before 1 September 1998
Waste, disposal of	General		• <b>in a proper receptacle</b>
	Freehold and native title		• <b>disposal on the land:</b> (refer s29 for conditions)
Waste disposal facility, operating	General		

### Most important consideration:

- likely impact on the Area's integrity
- 'integrity' relates to:
  - the extent the world heritage values are in their natural ecological, physical and aesthetic condition and
  - the inherent ability for these values to continue to survive (i.e. are self-sustainable) in the long term

### Other considerations:

- **precautionary principle**
  - involves taking a precautionary approach where there is a potential risk of serious environmental damage
- **prudent and feasible alternatives**
  - involves consideration of the need for the proposal and whether there are alternatives which would have a reduced impact on the integrity of world heritage values
- **world heritage values**
  - rare and threatened wildlife, habitats, communities
  - natural ecological processes
  - cumulative impacts
  - scenic amenity
  - options for minimising impact, monitoring and rehabilitation
- **community considerations**
  - effect on landholders, native title holders
  - effect on amenity of land
  - community need
  - community's ability to participate in management etc.
  - social, economic and cultural effects
- **carrying capacity**
  - extent to which activity may be carried out before it has an unacceptable adverse impact on World Heritage values or the enjoyment of those values
- **information in guidelines**
  - consider any guidelines that the Authority has prepared.