

SECTION 62 PERMIT ASSESSMENT

Guideline 6

GUIDELINES FOR COMMUNITY CONSULTATION

1. Purpose

This document has been adopted by the Wet Tropics Management Authority Board as a 'Guideline' under Section 62 of the *Wet Tropics Management Plan 1998* (the Plan). Its purpose is to ensure that the Authority complies with Section 60 of the Plan when assessing permit applications.

2. Application of this Guideline

This guideline applies to the assessment of Wet Tropics permit applications undertaken by Wet Tropics Management Authority (WTMA), a permit entity under the Plan or a WTMA delegate. Except for Section 6, a reference to WTMA in this guideline is also a reference to a permit entity under the Plan or a WTMA delegate under the Act. This consultation guideline provides a prescriptive process approach to permit consultation and assessment under the Wet Tropics Plan.

This guideline relates generally to the effect of permit application decisions on the broader community. WTMA has prepared a separate guideline concerning consultation with Aboriginal people particularly concerned with the area in relation to permit application decisions (see S.62 Guideline # 3).

3. Identification of Community Sector(s) to be Consulted

In summary, Section 60 of the Plan requires that WTMA must have regard to the effects of a proposed decision that an application may have in relation to;

- the land holder(s);
- the amenity of the land;
- current uses of the land;
- the experiences currently enjoyed by visitors;
- the community need for the proposed activity;
- the continued ability of the community to participate in the management, protection, presentation, enjoyment and ecologically sustainable use of the area;
- any other relevant social, economic and cultural impacts.

The circumstances of each application will need to be considered before WTMA can decide whether a particular application warrants community consultation, which community sectors or individuals are to be consulted and the extent of any consultation process. In making this decision WTMA will consider;

- the nature, extent and intensity of the use proposed;
- whether the proposal represents a significant change of land use for the subject land;
- whether the proposal has the potential to adversely affect the integrity of World Heritage values of the subject land;
- whether the proposal has the potential to adversely affect public or private interests, use or amenity of the subject land or other land in the general proximity;
- the degree of public interest previously expressed in management of the subject area or the type of activity proposed.

In making a decision about who to consult, WTMA will consider the potential impact of the proposed use on;

- the land holder (if not the applicant);
- other tenure or permit holders who use the subject land (such as graziers or commercial tourism operators);
- users or user groups (such as four wheel drive clubs or bushwalker groups);
- researchers using the subject land;
- abutting or neighbouring land holders;
- public interest groups (such as environment groups);
- industry groups (such as the Tourism Industry);
- local government;
- infrastructure managers;
- government interests.

In addition to the general matters set out above a decision to undertake community consultation will also be made having regard to the consultation policy set out in Section 5 below.

4. Permit Application Referral Process

The purpose of consultation is to ensure that the community is provided with sufficient information about the proposed activity so that they can advise WTMA of potential environment, social or economic impacts. The information provided both by the applicant and community will be used by WTMA to make balanced decisions with the aim of ensuring that adverse impacts on World Heritage environmental, social and economic values are minimised and positive impacts maximised.

While the best outcome of consultation is to achieve consensus between relevant community interests, the applicant will not be required to reach agreement with the parties consulted. WTMA will use its best endeavours to ensure that any conflict between an applicant's proposed activity and the interests of the community is resolved, using a mediated process if necessary. However, if a resolution cannot be reached, WTMA will make a decision based on its assessment of the available information within the statutory time constraints imposed by the Plan.

The applicant's role in the consultation process is to provide details of the proposal to the relevant community sector(s) or individuals in the manner required by WTMA (this will vary from case to case). This may include the placement of a notice in the media in addition to direct contact with individuals or groups.

The role of those people or groups consulted is to advise WTMA of their views on the proposal and alert WTMA of potential impacts on natural, social or economic values of the area.

In relation to community consultation, the following actions will be taken by WTMA when a permit application is received (refer attachment 1 for further information);

1. a decision will be made about the need to notify the community in accordance with Sections 3 and 5 of this guideline;
2. where notification is to be made, WTMA will identify the relevant individuals or community/government sectors or organisations to be consulted. In some cases WTMA may also require a public advertisement, generally where there is a high public interest in the proposal or where potentially affected parties are unknown;
3. WTMA will require the permit applicant to forward the application and any supporting information, plus any further information specified by WTMA to the community interests specified. Applicants may also be required to arrange joint site inspections involving the applicant, community interests and other parties affected where requested by WTMA.
4. the community consultation notification will be required as part of a request for further information as provided by Section 47 of the Plan (this suspends the 60 day assessment period set by the Plan);
5. documented advice supported by a statutory declaration will be required to be submitted by the applicant at the conclusion of the consultation period before WTMA will complete the assessment of the application;
6. WTMA will generally require that submissions from the community in relation to applications be in writing and be received within 28 days of being notified, unless the applicant agrees in writing to extend the consultation period.

Permit applicants will be required to ensure that the community interests consulted are made aware of the application and that they have a clear understanding of the location, nature and extent of the proposed activity. Permit application assessment staff may assist in facilitating interaction between the applicant and the community.

The 28 day comment/submission period will begin on the date the notice of application is received by the relevant community members (calculated as three days after notice is posted or the day of dispatch if the notice is sent electronically). The applicant will be asked to adopt a flexible approach to this time period in order to accommodate any potential weather or other logistical constraints. However, WTMA, the applicant and notified community interests must

cooperate throughout the consultation process, so as to avoid any unnecessary delays. This is to ensure that the 60 day permit assessment period specified in the Plan is not suspended for an unreasonable length of time.

Any submission received after the 28 day period but before a decision is made will be considered by WTMA. The 28 day period can be extended with the written approval of the applicant.

5. Referral Policy for Activity Types

This section will be used to guide WTMA in determining which applications may be the subject of consultation with the community.

5.1 Category A - New Activities

Generally, any proposed permitted activity which is a new activity for the subject land **will be** subject to community consultation.

Permitted activities in this category include those listed in the Plan under Section 33 (f) - for new or upgraded walking tracks only -, (g) - building new firebreaks and (k) - in cases where low flying is to occur on a regular, periodic basis. Activities which may be permitted under Section 34 (a), (b), (c), (d) and (e) and Sections 36 to 38 also fall into this category.

5.2 Category B - Upgrading of Structures or Roads

Activities which involve the upgrading of existing infrastructure (such as roads, infrastructure and walking tracks) or the intensification or change of use **will be** subject to community consultation. These include activities that may be permitted by the sections of the Plan listed in 5.1 above.

5.3 Category C - “Existing Activity” Operation and Maintenance Applications

Applications to permit the continuation of activities a person was lawfully carrying out immediately before the commencement day of the Plan (Section 33(a)) **will not be** subject to community consultation.

Periodic applications made by infrastructure agencies, local government authorities and others for maintenance of existing infrastructure and facilities **will not be** subject to community consultation. It is intended that the “existing activity maintenance” permits will be issued periodically (1 to 3 years) to cover all infrastructure and facilities under the jurisdiction of the relevant organisation. These activities are progressively being subject to Codes of Practice (such as the Electricity Industry Code). WTMA will undertake community consultation during the development of such codes.

Permitted activities in this category include those listed in Section 33 (c), (d), (e) and (f) of the Plan.

5.4 Category D - Use of Motor Vehicles and Aircraft

Individual applications to traverse restricted access roads (Section 33(j)) or “one off” applications to fly aircraft below 1000ft above the area Section 33(k) **will not be** subject to community consultation.

WTMA will undertake a process of consultation with relevant community interests on the nature, size, capacity and frequency of use of every road which has been designated as “restricted access” under the Plan (these consist of “management roads” and “restricted presentation” roads). This consultation will occur within the context of a WTMA facilitated project to undertake a review of vehicle use on World Heritage values.

5.5 Category E - Collection of Seeds and Plant Material

WTMA will only be issuing permits to collect plant material in accordance with Section 62 Guideline No 5. In summary, this guideline provides that;

- collection of seeds is only permitted if prudent and feasible alternative seed sources are unavailable outside the World Heritage Area;
- collection of seed from any plant species within the World Heritage Area must be conducted in accordance with the *QPWS Code of Practice - Taking and use of Protected Plants 1995*;
- except for scientific research purposes, the collection of seed is prohibited from within Protected Areas declared under the *Nature Conservation Act 1992*;
- annual collection returns must be submitted to the Authority. These returns must state the precise location of each collection area (described by AMG Coordinates), species collected and amount (by weight) of seed taken;
- at any time during the currency of the permit, the Authority may in writing, impose restrictions on the collection of plant material from specific locations or for specific plant species should it form a reasonable opinion that further collection in that location of that species will negatively impact on World Heritage values;

Application under Section 33(h) of the Plan **will not be** subject to community consultation.

5.6 Minor and Inconsequential Activities

Section 28 of the Plan provides that activities which are minor and inconsequential are not regulated (ie they are “allowed” activities and not subject to permit assessment). Section 28 sets out a broad definition of minor and inconsequential activities. WTMA has made Section 62 Guideline No. 1 to assist permit staff in considering this issue. WTMA has also issued a public information bulletin on the subject.

In any assessment of a permit application WTMA must consider whether the proposed activity will have no more than minor and inconsequential impact. However, WTMA acknowledges that it is open to any person to make their own assessment of a proposed activity and decide this matter for themselves. As a result not all proposed activities will be considered by WTMA.

In assessing a permit application WTMA will consider whether the proposed activity is of no more than minor and inconsequential under the provisions of Section 28 of the Plan, under the Guideline No. 1 and in accordance with the policy statement made in the Wet Tropics Management Plan 1998 Information Sheet No. 3 - Activities with Minor and Inconsequential Impact.

As a result of the statutory and policy definitions on the subject only a narrow range of low impact activities will be considered to cause no more than minor and inconsequential impact and as a result these matters **will not be** subject to community consultation.

6. Outstanding Applications List

In addition to decisions being made concerning community consultation in respect of specific permit applications, WTMA will prepare an extract from the permits register at the end of each month detailing permits which have not been decided at that time. This will be made available to public interest groups with a general interest in management of the Wet Tropics WHA, at their request. *(Note: presently this information is provided to the regional conservation groups, CAFNEC and NQCC).*

7. Approval

Board Meeting Number 40
7 March 2001

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PERMIT REFERRAL PROCEDURES

- 1)** Form to be developed which is to be used by WTMA when requesting further information from applicants.

- 2)** Where this information includes a requirement to seek the views and opinions of the community, the pro-forma will include the following information and instructions;
 - name and address of relevant individuals or community or government organisations to be consulted;
 - specification of documents and supporting material that must to be sent to the community interests specified;
 - a direction about the means by which the notification and supporting information is to be sent to the specified community interests (eg by certified mail);
 - where considered necessary by WTMA, a direction that personal contact should be made to arrange a site inspection and whether WTMA assessment staff are to be in attendance;
 - a direction that a statutory declaration which is to be returned by the applicant once the further information request and instructions have been complied with (this will include evidence that the required notification process has been complied with - eg certified mail receipts);

- 3)** Once in receipt of the further information (which may include a written submission from the community), WTMA will continue to assess the application. This will be completed within the period remaining of the 60 day time limit. WTMA may further consult with the community interests if it considers it necessary.

**WET TROPICS MANAGEMENT PLAN 1998
PERMIT APPLICATION REFERRAL FLOW CHART**

