



Queensland

Wet Tropics (Review) Amendment Management Plan 2019

Subordinate Legislation 2019 No. ...

made under the

Wet Tropics World Heritage Protection and Management Act 1993

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1 Short title

This management plan may be cited as the *Wet Tropics (Review) Amendment Management Plan 2019*.

2 Commencement

This management plan commences on [insert date].

3 Management plan amended

This management plan amends the *Wet Tropics Management Plan 1998*.

4 Replacement of s 4 (Inspection of maps and other documents)

Section 4—
omit, insert—

4 Inspection of maps and other documents

- (1) This section applies if—
- (a) a provision of this plan states that a map or other document is available for inspection under this section; or
 - (b) the authority is required under a provision of this plan to ensure a map or other document is available for inspection under this section.
- (2) The authority must ensure—
- (a) the map or document is published on the authority's website; and
 - (b) the map or document, in hard copy form, may be—
 - (i) inspected free of charge, during office hours at the authority's head office and

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[s 5]

any other places the authority considers appropriate; and

- (ii) purchased from the authority for a reasonable fee.

5 Amendment of s 5 (Forms)

Section 5, editor's note—

omit.

6 Amendment of s 6 (Management zones)

- (1) Section 6(1), 'zone D'—

omit.

- (2) Section 6(2)—

omit, insert—

- (2) Each zone—

- (a) is established according to the management purposes of the zone stated in division 2; and
- (b) includes land of the nature or use described for the zone in division 2.

7 Amendment of s 7 (Extent of zones)

- (1) Section 7—

insert—

- (1A) For subsection (1), a zoning map may include additional information to help to identify the location of the boundary of a zone.

Example of additional information—

A zoning map may identify the boundary of a zone by reference to a stated distance from a geographical feature, road or structure shown on the map.

- (2) Section 7(1A) to (3)—
renumber as section 7(2) to (4).

**8 Amendment, relocation and renumbering of s 8
(Procedure for amending zoning map)**

- (1) Section 8, heading, after ‘map’—
insert—

generally

- (2) Section 8, before subsection (1)—
insert—

(1A) This section applies for amending a zoning map other than under section 18 or schedule 1, section 3.

- (3) Section 8(2) and (5)—
omit.

- (4) Section 8(1A) and (1)—
renumber as section 8(1) and (2).

- (5) Section 8, as amended—
relocate to part 2, division 3, subdivision 1, as inserted under this management plan, and *renumber* as section 17.

**9 Amendment, relocation and renumbering of s 9
(Rezoning of land to accommodate essential community services infrastructure)**

- (1) Section 9(2), after ‘government’—
insert—

[s 10]

or State government entity

- (2) Section 9, as amended—

relocate to part 2, division 3, subdivision 2, as inserted under this management plan, and *renumber* as section 20.

10 Replacement of pt 2, divs 2–5

Part 2, divisions 2 to 5—

omit, insert—

Division 2 Management purposes, nature and uses of zones

Subdivision 1 Zone A

10 Management purposes of zone A

- (1) The main management purpose of zone A is to protect and conserve the integrity of land in the zone.
- (2) Other management purposes of zone A are—
 - (a) if land in the zone is disturbed—to restore the integrity of the land if, and to the extent, it is reasonably practicable; and
 - (b) to enable visitors to access parts of the land in the zone to appreciate and enjoy the area.

11 Nature or use of land in zone A

- (1) Zone A consists mainly of land that is mostly of high integrity.
- (2) Zone A may also include land on which limited visitor infrastructure is situated.

Subdivision 2 Zone B

12 Management purposes of zone B

- (1) The main management purpose of zone B is to protect and conserve the integrity of land in the zone.
- (2) Other management purposes of zone B are—
 - (a) if land in the zone is disturbed—to restore the integrity of the land if, and to the extent, it is reasonably practicable; and
 - (b) to enable visitors to access parts of the land in the zone to appreciate and enjoy the area; and
 - (c) to be a buffer between zone A and community services infrastructure.

13 Nature or use of land in zone B

- (1) Zone B consists mainly of—
 - (a) land that is mostly of high integrity; and
 - (b) land that is a buffer between land in zone A and land in zone C.
- (2) Zone B may also include land on which limited visitor infrastructure is situated.

Subdivision 3 Zone C

14 Management purposes of zone C

The management purposes of zone C are—

- (a) to accommodate—

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[s 10]

- (i) community services infrastructure and visitor infrastructure; and
- (ii) particular existing uses of parts of the zone shown on a zoning map; and
- (b) subject to paragraph (c), to protect and enhance the integrity of the land in the zone; and
- (c) to minimise any adverse impact of activities allowed to be carried out in the zone on the integrity of the land in the zone.

15 Nature or use of land in zone C

- (1) Zone C consists mainly of—
 - (a) land on which infrastructure is situated; and
 - (b) land that is a buffer to land mentioned in paragraph (a).
- (2) Zone C may also include land that is subject to the land-holder's existing use.

Division 3 Procedures for rezoning land and amending zoning maps

Subdivision 1 General rezoning and amendment procedures

16 Application of subdivision

- (1) This subdivision applies if the authority proposes to rezone land in the area or amend a zoning map for another purpose.

- (2) However, this subdivision does not apply to rezoning of land in the area to which section 20 and schedule 1 apply.

17 Procedure for amending zoning map generally

[Section 8 to be relocated here]

18 Procedure for amending zoning map for particular purposes

- (1) The authority may amend a zoning map (the *old zoning map*) under this section for any of the following purposes—
 - (a) to show land in the area that is the subject of a cooperative management agreement entered into under section 41;
 - (b) to make a change to the boundary of a zone that is a minor change under section 19;
 - (c) to change the boundary of a zone the authority is satisfied is incorrectly shown on the zoning map by reference to the actual location of a geographical feature, road or structure;
 - (d) to correct a minor error or make another change that is not a change of substance.
- (2) The authority may amend the old zoning map by—
 - (a) preparing a zoning map (the *new zoning map*) that replaces the old zoning map; and
 - (b) publishing the new zoning map on the authority's website.
- (3) The authority must ensure the new zoning map includes a written notice stating—

[s 10]

- (a) brief details of the basis on which the old zoning map was amended under subsection (1); and
 - (b) the day the new zoning map is published under subsection (2)(b) or a later day the zoning map is to commence.
- (4) The new zoning map commences on the day the zoning map is published under subsection (2)(b) or the later day stated in the notice.
 - (5) The authority must ensure the new zoning map and old zoning map are available for inspection under section 4.
 - (6) A failure to comply with subsection (3) or (5) does not invalidate or otherwise affect the new zoning map.

19 Criteria for minor change to zone boundary

- (1) For section 18(1)(b), a proposed change to the boundary of a zone is a minor change if the authority considers the change is minor having regard to—
 - (a) the size of the area of land that will be affected by the change (the *affected land*); and
 - (b) the activities (the *new activities*) that are proposed to be carried out on the affected land after the change is made; and
 - (c) the likely impact of carrying out the new activities, including—
 - (i) the extent to which the affected land is likely to be disturbed; and
 - (ii) the impact on the integrity of land in the area.

-
- (2) The authority may prepare guidelines about matters that are relevant for deciding whether a proposed change to the boundary of a zone is a minor change under subsection (1).
 - (3) If the authority prepares guidelines under subsection (2)—
 - (a) the authority may have regard to the guidelines in deciding whether a proposed change to the boundary of a zone is a minor change; and
 - (b) the authority must ensure the guidelines are available for inspection under section 4.

Subdivision 2 Special rezoning procedures

20 Rezoning of land to accommodate essential community services infrastructure

[section 9 to be relocated here]

11 Amendment of s 22 (Controls under the Act and this plan)

- (1) Section 22(3)(c), editor's note, 'Editor's note'—

omit, insert—

Note

- (2) Section 22(4), from 'or other' to 'varying'—

omit, insert—

with the authority changing

12 Amendment of s 23 (Control of native title rights)

Section 23, heading, 'Control of'—

[s 13]

omit, insert—

Relationship with

13 Amendment of s 26 (Other prohibited activities)

- (1) Section 26(1), from ‘an agreement’ to ‘42’—

omit, insert—

a cooperative management agreement entered into under section 41

- (2) Section 26(1)(a), ‘, killing’—

omit.

- (3) Section 26(1)(b), after ‘keeping’—

insert—

or grazing

- (4) Section 26(1)—

insert—

(ba) translocating a crustacean or fish;

- (5) Section 26(1)(f)—

omit, insert—

(f) building or maintaining community services infrastructure, visitor infrastructure or another structure;

- (6) Section 26(1)(h) and (i)—

omit, insert—

(h) disposing of waste;

(i) operating a waste facility;

- (7) Section 26(1)(l) and (m)—

omit, insert—

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-
- (1) flying a motorised aircraft less than 1000ft above the area, or landing a motorised aircraft, for commercial purposes;
 - (m) reconfiguring a lot, if the reconfiguration would be assessable development for which a local government would be the assessment manager.
- (8) Section 26(1)(ba) to (m)—
renumber as section 26(1)(c) to (n).
- (9) Section 26(1), penalty—
omit, insert—
- Maximum penalty—
 - (a) for subsection (1)(a), (c), (d), (e), (f), (g), (h) or (j)—165 penalty units; or
 - (b) for subsection (1)(b) or (i)—100 penalty units; or
 - (c) for subsection (1)(k), (l), (m) or (n)—50 penalty units.
- (10) Section 26(2), ‘subsection (1)’—
omit, insert—
subsection (1), other than (1)(m),

14 Amendment of s 27 (Activities allowed in all zones)

- (1) Section 27, after ‘following activities’—
insert—
in the wet tropics area
- (2) Section 27(a)(i)—
omit, insert—

[s 14]

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- (i) protecting the lives of, or preventing injuries to, persons, if the activity is carried out in an emergency; or
- (3) Section 27(b) and (j), ‘the commencement day’—
omit, insert—
1 September 1998
- (4) Section 27(c) and editor’s note—
omit, insert—
 - (c) operating a motor vehicle—
 - (i) on a road shown on a zoning map; or
 - (ii) on a road in a protected area subject to any restriction on the operation of the motor vehicle under the *Nature Conservation Act 1992*; or
 - (iii) on a road in a State forest or timber reserve under the *Forestry Act 1959* subject to any restriction on the operation of the motor vehicle under that Act;
- (5) Section 27(e), after ‘rainforest’—
insert—
area
- (6) Section 27(g)—
omit.
- (7) Section 27(h), from ‘animals’ to ‘rainforest,’—
omit, insert—
cattle, other than in a rainforest area,
- (8) Section 27(k) and (l)—
omit, insert—

-
- (k) disposing of general waste in a container provided by the land-holder for that purpose, subject to section 29 as it applies to the land-holder disposing of waste;

Example for paragraph (j)—

a member of the public disposing of food waste in a rubbish bin on land in a protected area if the bin is provided by the land-holder for that purpose

- (l) flying a motorised aircraft, for commercial purposes, less than 1000ft above the area if—
 - (i) ascending while taking-off from a place outside the area; or
 - (ii) flying at a level that is reasonably necessary for safety purposes; or
 - (iii) descending to land at a place outside the area.

Note—

See also section 23.

- (9) Section 27(h) to (l)—

renumber as section 27(g) to (k).

- (10) Section 27—

insert—

- (2) For subsection (1)(c)(ii), a restriction on operating a motor vehicle in a protected area includes the nature conservation chief executive erecting a sign or placing a marking, under the *Nature Conservation Act 1992*, regulating the use of the vehicle in the area.
- (3) For subsection (1)(c)(iii), a restriction on operating a motor vehicle in a State forest or timber reserve includes the forestry chief executive displaying a notice, under the *Forestry Act 1959*, section 34AA, regulating the use of the

[s 15]

vehicle in the forest or reserve.

(4) In this section—

cattle means European cattle or zebu cattle.

forestry chief executive means the chief executive of the department in which the *Forestry Act 1959* is administered.

preventing injury, to a person, includes, if the person has been injured, reducing the injury or preventing further injury.

15 Amendment of s 28 (Activities with minor and inconsequential impact)

(1) Section 28(1), after ‘activity’—

insert—

in the wet tropics area

(2) Section 28(2)(d), ‘or camping’—

omit.

(3) Section 28(2)(e), after ‘consumption’—

insert—

while in the area

(4) Section 28(3)—

omit, insert—

(3) For subsection (1), the authority may prepare guidelines about activities, other than activities mentioned in subsection (2), that may be carried out in a way that complies with subsection (1).

(4) If the authority prepares guidelines under subsection (3), the authority must ensure the guidelines are available for inspection under section 4.

16 Amendment of s 29 (Certain activities by land-holders or native title holders)

Section 29(5)—

omit, insert—

(5) In this section—

allowed activity, for land in the area, means—

- (a) an activity on the land for the protection, conservation or rehabilitation of the world heritage values or integrity of the area; or
- (b) operating a motor vehicle on a lawful access road for the land; or
- (c) disposing of commercial waste or domestic waste consisting of organic matter, or green waste, on the land, if the waste is disposed of in a way that causes the least adverse impact on the integrity of the land; or

Examples of ways of disposal for paragraph (c)—

burying, composting

- (d) storing general waste, other than general waste to which paragraph (c) applies, on the land, if—
 - (i) the waste is stored in a way that does not impact the integrity of the land; and
 - (ii) the waste is stored temporarily and removed from the area for disposal at reasonable intervals.

commercial waste see the *Environmental Protection Regulation 2008*, schedule 12, part 2.

domestic waste see the *Environmental Protection Regulation 2008*, schedule 12, part 2.

green waste see the *Environmental Protection Regulation 2008*, schedule 12, part 2.

[s 17]

17 Insertion of new ss 29A and 29B

After section 29—

insert—

29A Keeping a dog or cat

- (1) A person may keep a dog or cat on land in the wet tropics area if—
 - (a) the land is private land or land in relation to which native title exists; and
 - (b) the person is the land-holder or native title holder or has the permission of the land-holder or native title holder to keep the dog or cat; and
 - (c) for land in a rainforest area—the person keeps the dog or cat within the curtilage of a residence on the land; and
 - (d) the person keeps the dog or cat in a way that—
 - (i) complies with the relevant local laws; and
 - (ii) otherwise minimises the risk of the dog or cat threatening native animals (the *relevant risk*).
- (2) A person keeps a dog or cat in a way that minimises the relevant risk if the person keeps the dog or cat—
 - (a) indoors or within a securely enclosed area; or
 - (b) for a dog—restrained by a leash; or
 - (c) in another way that minimises the relevant risk.
- (3) For subsection (2)(c), the authority may prepare guidelines about the ways a cat or dog may be

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kept that minimise the relevant risk.

- (4) If the authority prepares guidelines under subsection (3), the authority must ensure the guidelines are available for inspection under section 4.

- (5) In this section—

native animals means animals that are native wildlife under the *Nature Conservation Act 1992*.

threatening, native animals, includes attacking, chasing, hunting, injuring, preying on and stalking the animals.

29B Keeping honey bees

- (1) A person may keep honey bees on land in the wet tropics area if—
- (a) the land is private land or land in relation to which native title exists but is not in a rainforest area; and
 - (b) the person is the land-holder or native title holder or has the permission of the land-holder or native title holder to keep the honey bees; and
 - (c) the person keeps the honey bees in a way that—
 - (i) complies with the *Biosecurity Act 2014*; and
 - (ii) otherwise minimises the risk of the bees swarming (the *relevant risk*).
- (2) A person keeps honey bees in a way that minimises the relevant risk if—
- (a) the person ensures—

[s 18]

- (i) the bee colony is divided into 2 or more units as the swarming season approaches; and
 - (ii) additional supers for brood rearing and honey storage are provided as reasonably required; and
 - (iii) old or failing queen bees are replaced as reasonably necessary; or
- (b) the person keeps the bees in another way that minimises the relevant risk.
- (3) For subsection (2)(b), the authority may prepare guidelines about the ways honey bees may be kept that minimise the relevant risk.
- (4) If the authority prepares guidelines under subsection (3), the authority must ensure the guidelines are available for inspection under section 4.

18 Amendment of s 30 (Certain activities by chief executive)

- (1) Section 30, 'chief executive'—

omit, insert—

nature conservation chief executive

- (2) Section 30(1), 'area if'—

omit, insert—

area in the wet tropics area if

19 Amendment of s 32 (Activities that may be carried out under permit)

- (1) Section 32(3)(b), 'this section'—

omit, insert—

this division

- (2) Section 32(3)(b), editor's note, 'Editor's note'—

omit, insert—

Note

20 Amendment of s 33 (Activities permitted in all zones)

- (1) Section 33, after 'following activities'—

insert—

in the wet tropics area

- (2) Section 33(a), 'commencement day'—

omit, insert—

2019 amendment day

- (3) Section 33(c)—

omit, insert—

(c) maintaining community services infrastructure, visitor infrastructure or another structure;

- (4) Section 33(e) and (f)—

omit, insert—

(e) building limited visitor infrastructure;

(f) clearing vegetation around a structure or road to the extent necessary for its appropriate use, if the structure or road—

(i) existed immediately before 1 September 1998; or

(ii) has been lawfully built under this plan;

- (5) Section 33(h) to (k)—

omit, insert—

[s 20]

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- (h) an activity for protecting the lives of, or preventing injuries to, persons, other than an activity carried out in an emergency;

Example for paragraph (h)—

clearing vegetation to make a space that can be used in the future as a landing place for a rescue helicopter in an emergency

- (i) an activity for the protection, other than the urgent protection, of property;

Example for paragraph (i)—

removing a decaying tree that may in the future pose a risk of damaging a nearby residence if it is not removed

- (j) collecting seeds and other propagules;
- (k) destroying a forest product to conserve or rehabilitate the area;

Example for paragraph (k)—

A particular habitat requires management by fire to conserve native plants of a particular species in the habitat. A permit would be required to lop, dry and burn the plants to allow them to propagate in the habitat.

- (l) destroying a forest product to improve the presentation of the area for visitors;

Example for paragraph (l)—

lopping the regrowth of native plants that are obscuring the view from a lookout used by visitors to the area

- (m) disposing of an undesirable plant;
- (n) translocating a crustacean or fish, other than a fish of a species mentioned in schedule 2A, part 1;
- (o) bringing a dog into the area for conserving or managing the area;

Example for paragraph (o)—

bringing a working dog into the area to muster cattle so that the cattle can be removed from the area

-
- (p) operating a motor vehicle on a lawful access road to access land for any of the following purposes—
 - (i) conserving, protecting or rehabilitating land in the area;
 - (ii) carrying out scientific research;
 - (iii) carrying out an activity mentioned in any of paragraphs (b) to (i);
 - (q) using a motorised aircraft, for commercial purposes, to—
 - (i) take-off from, or land in, the area; or
 - (ii) fly at less than 1000ft above the area, other than as reasonably necessary for safety purposes;
 - (r) reconfiguring a lot, if the reconfiguration is assessable development for which a local government is the assessment manager.

21 Amendment of s 34 (Certain activities in zones C and D)

- (1) Section 34, heading ‘zones C and D’—

omit, insert—

zone C

- (2) Section 34, ‘or D’—

omit.

- (3) Section 34(a)—

omit, insert—

- (a) building community services infrastructure, developed visitor infrastructure or another structure;

- (4) Section 34(c), after ‘rainforest’—

[s 22]

insert—

area

(5) Section 34—

insert—

(f) dismantling community services
infrastructure or developed visitor
infrastructure.

22 Amendment of s 35 (Certain activities by land-holders or native title holders)

(1) Section 35, heading, ‘Certain’—

omit, insert—

Domestic

(2) Section 35(5), definition *domestic activity*—

omit, insert—

domestic activity, for land, means any of the following activities carried out, or to be carried out, on the land—

- (a) building a residence;
- (b) clearing or building a pedestrian or vehicular access to a residence on the land;
- (c) installing infrastructure for any of the following for domestic use—
 - (i) an electricity supply;
 - (ii) a water supply;
 - (iii) telecommunications;
- (d) extracting water for domestic use;
- (e) establishing a garden or orchard, other than for commercial purposes.

23 Amendment of s 37 (Activities in protected area)

- (1) Section 37, ‘Minister’—

omit, insert—

nature conservation Minister

- (2) Section 37—

insert—

- (2) In this section—

nature conservation Minister means the Minister administering the *Nature Conservation Act 1992* in relation to protected areas.

24 Amendment of s 38 (Activities in zone B that may reduce impacts on the area)

Section 38(3), from ‘intended’ to ‘purpose of zone B’—

omit, insert—

management purposes of zone B

25 Replacement of s 39 (Activities to obtain information for a rezoning application)

Section 39—

omit, insert—

39 Activities to prepare assessment or obtain information or documents for the authority

- (1) This section applies if—

- (a) the authority asks a local government or State government entity (each the ***relevant entity***) to prepare an environmental impact assessment or give the authority other information or documents under schedule 1, section 1A; or

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- (b) the authority asks a person (also the *relevant entity*) to prepare an environmental impact assessment or give the authority other information or documents under section 41(5) or 47(1).
- (2) A permit may be issued to the relevant entity to carry out an activity that the authority considers is reasonably necessary to prepare the environmental impact assessment or give the information or documents.
- (3) Subsection (2) applies whether or not the activity is consistent with the management purposes of the zone where the activity is proposed to be carried out.

26 Amendment of s 40 (Authority must negotiate)

Section 40(2), example, ‘or other agreement’—
omit.

27 Amendment of s 41 (Cooperative management agreements)

(1) Section 41(1), after ‘agreement’—
insert—

for this section

(2) Section 41(1)(a)—
omit, insert—

- (a) the person agrees to contribute in some way to achieving the primary goal, including, for example—
 - (i) by rehabilitating, or improving the presentation of, particular land in the area; or

-
- (ii) by not carrying out an activity on particular land in the area the person could otherwise lawfully carry out under this plan; and
 - (3) Section 41—
 - insert—*
 - (1A) Without limiting subsection (1), if the exercise of the person’s rights concerning land in the area could adversely affect the land’s world heritage values, the agreement may provide for changing the way this plan applies to the person.
 - (4) Section 41(2), after ‘subsection (1)’—
 - insert—*
 - or (2)
 - (5) Section 41(1A) to (7)—
 - renumber* as section 41(2) to (8).

28 Replacement of s 42 (Other agreements varying plan controls)

Section 42—

omit, insert—

42 Guidelines for entering into cooperative management agreements

- (1) The authority may prepare guidelines about the matters the authority may consider for entering into a cooperative management agreement under section 41.
- (2) If the authority prepares guidelines under subsection (1), the authority must ensure the guidelines are available for inspection under section 4.

[s 29]

29 Amendment of s 43 (Plan operates subject to agreements)

- (1) Section 43, heading, ‘agreements’—

omit, insert—

cooperative management agreement

- (2) Section 43(1), ‘an agreement under section 41 or 42’—

omit, insert—

a cooperative management agreement under section 41

- (3) Section 43—

insert—

- (3) Without limiting subsection (1), subsection (4) applies if there is an inconsistency between a cooperative management agreement under section 41 and the zoning of the land the subject of the agreement as shown on a zoning map because—

(a) an activity that may be carried out on the land consistently with the management purposes of the zone is prohibited under the agreement; or

(b) an activity that may not be carried out on the land consistently with the management purposes of the zone is allowed under the agreement.

- (4) The cooperative management agreement prevails to the extent of the inconsistency.

30 Amendment of s 44 (Exemption of certain activities that destroy forest products)

- (1) Section 44(b)—

omit, insert—

(b) a cooperative management agreement entered into under section 41.

(2) Section 44, editor's note, 'Editor's note'—

omit, insert—

Note

31 Amendment of s 47 (Authority may ask for more information)

(1) Section 47(1), after 'notice'—

insert—

(the *initial notice*)

(2) Section 47(2) to (4)—

omit, insert—

(2) The initial notice must state a reasonable period of at least 90 days for giving the information or documents.

(3) Section 47(6), from 'law' to 'documents'—

omit, insert—

law (an *existing EIA*)

(4) Section 47—

insert—

(7) Subsection (6) [*this subsection is renumbered below*] applies if—

(a) the applicant gives the authority an environmental impact assessment, including an existing EIA; and

(b) the authority considers the assessment does not adequately address a matter relevant to deciding the application.

(8) The authority may, by written notice (the

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supplementary notice), ask the applicant to give the authority, within a stated period of at least 30 days, another environmental impact assessment, but only to address the matter stated in the notice.

- (9) If the authority asks for and obtains an environmental impact assessment under subsection (6), the authority may not ask for another assessment under this section.
 - (10) The authority may, by written notice (the *extension notice*) to the applicant, extend the period stated for giving information or documents in the initial notice or supplementary notice.
 - (11) The authority must not unreasonably refuse a request from the applicant for an extension mentioned in subsection (8).
 - (12) If the applicant does not give the authority information or documents within the period required by the initial or supplementary notice, or if extended, the extension notice, the application lapses.
- (5) Section 47(5) to (12)—
renumber as section 47(3) to (10).

32 Amendment of s 51 (Conditions)

- (1) Section 51(2)(a), 'prevent, minimise'—
omit, insert—
avoid, minimise, mitigate
- (2) Section 51(2)—
insert—
 - (c) contribute to achieving the primary goal, including, for example, by carrying out the proposed activity in association with another activity (an *associated activity*).

Example of a condition for an associated activity—

A proposed development on land will have a minor adverse impact on world heritage values. A permit is issued on the condition that, as part of the development, the applicant must construct a viewing platform to enhance the presentation of the land to visitors.

(3) Section 51—

insert—

- (4) A permit holder must not contravene a condition of the permit.

Maximum penalty—165 penalty units.

33 Replacement of ss 55 and 56

Sections 55 and 56—

omit, insert—

55 Purpose of division

This division provides for the principles and criteria that apply generally for the authority deciding an application for a permit to carry out a proposed activity, including, if it is decided to issue a permit, the conditions of the permit.

56 World heritage values and integrity of the area

- (1) The most important consideration for deciding the application is the potential impact of the proposed activity on the world heritage values and integrity of the area.
- (2) The authority must decide the application in a way that minimises the potential impact of the proposed activity, including, in particular, any existing or proposed community services infrastructure, on the world heritage values and integrity of the area.

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- (3) Without limiting subsection (2), the authority must have regard to—
 - (a) the extent to which the proposed activity is consistent with the statement of outstanding universal value for the area; and
 - (b) the potential impact of the proposed activity on—
 - (i) threatened wildlife and near threatened wildlife under the *Nature Conservation Act 1992* and its habitat; and
 - (ii) natural ecological processes; and
 - (iii) the scenic amenity of the area, including, in particular, the degree of visual dominance of the activity or of any change to the landscape caused by the activity; and
 - (c) the potential cumulative impact on the area's integrity of carrying out the proposed activity and another lawful activity, including—
 - (i) the proximity of the activities; and
 - (ii) the extent to which the activities affect the same or similar world heritage values.
- (4) Also, without limiting subsection (2), the authority must consider any action that could be taken to—
 - (a) avoid, minimise, mitigate or monitor any adverse impact the proposed activity may have on the area's world heritage values or integrity; or
 - (b) rehabilitate the area while carrying out the proposed activity or after it has ended; or

(c) contribute to achieving the primary goal.

(5) In this section—

proximity, of activities, means the proximity in which the activities are carried out in time or place.

statement of outstanding universal value, for the area, means the Statement of Outstanding Universal Value for the area adopted by the world heritage committee in St. Petersburg in 2012.

Note—

The statement of outstanding universal value for the area is published on the authority's website.

34 Amendment of s 57 (Precautionary principle)

Section 57, editor's note, 'Editor's note'—

omit, insert—

Note

35 Amendment of s 58 (Prudent and feasible alternatives)

Section 58(3), 'likely'—

omit, insert—

potential

36 Replacement of s 59 (World heritage values)

Section 59—

omit, insert—

59 Aboriginal tradition

(1) The authority must have regard to the effects a proposed decision may have on the Aboriginal tradition of Aboriginal people particularly

[s 37]

concerned with land in the area.

- (2) This section does not limit section 60 as it relates to Aboriginal people.

37 Amendment of s 60 (Community considerations)

Section 60(a)—

insert—

- (iii) if a permit has already been issued to a person to carry out an activity (the *existing activity*) on the land—the likely effect on the permit holder carrying out the existing activity;

38 Amendment of s 62 (Guidelines)

- (1) Section 62(2)—

insert—

- (d) having regard to Aboriginal tradition.

- (2) Section 62(3)—

omit, insert—

- (3) If the authority prepares guidelines under subsection (1), the authority must ensure the guidelines are available for inspection under section 4.

39 Amendment of pt 4, div 4, hdg (Permit applications for particular activities)

Part 4, division 4, heading, ‘Permit’—

omit, insert—

Additional criteria for deciding permit

40 Insertion of new s 62A

Part 4, division 4—

insert—

62A Purpose and application of division

- (1) This division provides for criteria that apply for the authority deciding an application for a permit to carry out a proposed activity mentioned in a section in this division, including, if it is decided to issue a permit, the conditions of the permit.
- (2) Each section in this division, other than section 63, applies in addition to division 2.

41 Amendment of s 63 (Domestic activities)

- (1) Section 63, heading ‘Domestic activities’—

omit, insert—

Domestic activities—general

- (2) Section 63(1) and (2)—

omit, insert—

- (1) This section applies in relation to an application for a permit to carry out a domestic activity on land (the *permit land*) in the area.
- (2) The authority must issue the permit if satisfied—
 - (a) it is not prudent and feasible to carry out the domestic activity on land outside the area; and
 - (b) for an application to build a residence—
 - (i) the residence is an authorised residence; and
 - (ii) a residence has not already been built on the permit land; and

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- (iii) only 1 residence will be built on the permit land under the permit; and
 - (iv) no other residence is proposed to be built on the permit land; and
 - (c) for an application to clear or build a pedestrian or vehicular access to a residence—
 - (i) the residence is an authorised residence; and
 - (ii) the clearing or building will be carried out only on the permit land.
- (2A) This section is not limited by division 2.
- (3) Section 63(3)(a), editor's note, 'Editor's note'—
omit, insert—
Note
- (4) Section 63(3)(b), example—
omit, insert—
Examples for paragraph (b)—
 - 1 For an application to build a residence, the authority may issue the permit on conditions about the size, design and siting of the residence so as to cause the least impact on the integrity of the area.
 - 2 For an application to build a vehicular access to a residence, the authority may issue the permit on a condition about where the access must be situated so as to cause the least impact on the integrity of the area.
- (5) Section 63(4)—
insert—
domestic activity means a domestic activity under section 35.
- (6) Section 63(2A) to (4)—

renumber as section 63(3) to (5).

42 Insertion of new s 63A

After section 63—

insert—

63A Domestic activities—building additional residence

- (1) This section applies in relation to an application for a permit to build a residence on land in the area, other than an application for which a permit must be issued under section 63.
- (2) The authority may issue the permit if satisfied—
 - (a) it is not prudent and feasible to build the residence on land outside the area; and

Example for paragraph (a)—

If part of the land on which the applicant proposes to build the residence is outside the area, the authority would need to be satisfied it is not prudent and feasible for the applicant to build the residence on that part of the land.

- (b) the residence is an authorised residence.
- (3) In this section—

authorised residence see section 63(5).

43 Amendment of s 64 (Defence activities)

Section 64, before ‘The authority’—

insert—

- (1) This section applies if the authority considers a proposed activity may affect, or be affected by, the Commonwealth carrying out defence activities on land in the area.

[s 44]

44 Replacement of s 65 (Roadworks)

Section 65—

omit, insert—

65 Building community services infrastructure

- (1) This section applies in relation to an application for a permit to build community services infrastructure in the area.
- (2) The authority may issue the permit if satisfied—
 - (a) building the community services infrastructure would not have a net adverse impact on the integrity of the area; or
 - (b) there is no prudent and feasible alternative to building the community services infrastructure.
- (3) Also, if the authority considers building the community services infrastructure is likely to require canopy clearing, the authority may issue the permit only if satisfied—
 - (a) it is necessary to build the infrastructure to—
 - (i) protect public safety; or
 - (ii) allow road access to a residence; or
 - (iii) allow electricity, telecommunications services or water to be supplied to a residence; or
 - (iv) carry out another activity the authority considers necessary to manage the area under this plan; or
 - (b) the infrastructure will reduce the impact on the world heritage values or integrity of the area of other activities that are, or are likely to be, carried out.

-
- (4) The authority must decide the application in a way that, to the greatest possible extent, ensures the community services infrastructure is built only on land that is already cleared or otherwise degraded.
 - (5) In this section—
 - building*, community services infrastructure, includes—
 - (a) installing, replacing all or part of, or extending the infrastructure; and
 - (b) for community services infrastructure that is a road—upgrading the road.

45 Amendment of s 66 (Activities being carried out immediately before commencement day)

Section 66, ‘commencement day’—

omit, insert—

2019 amendment day

46 Amendment of s 76 (Definitions)

Section 76, definition *relevant Minister*, ‘*Water Resources Act 1989*’—

omit, insert—

Water Act 2000

47 Amendment of s 77 (Permit entities)

Section 77(2), ‘chief executive’—

omit, insert—

nature conservation chief executive

[s 48]

48 Insertion of new s 84

After section 83—

insert—

84 Plan amendments exempted from particular preparation and approval procedures—Act, s 52

For section 52(2)(c) of the Act, an amendment of a provision in part 8 or schedule 2, 2A or 2B may be made under section 52(2) of the Act.

49 Insertion of new pt 8

Before schedule 1—

insert—

Part 8 Transitional provisions for Wet Tropics (Review) Amendment Management Plan 2019

85 Definitions for part

In this part—

initial period, for carrying out an activity, means—

- (a) the period starting on the 2019 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 ending on—
 - (i) for an application that lapses—the day the application lapses; or

- (ii) otherwise—the day the application is decided.

previous, in relation to a provision of this plan, whether or not identified, means the provision as in force immediately before the 2019 amendment day.

86 Keeping or grazing animals

- (1) This section applies if, immediately before the 2019 amendment day, a person was—
 - (a) keeping a previous undesirable animal on land in the area under previous section 27(g); or
 - (b) grazing an animal on land in the area under previous section 27(h).
- (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.
- (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 2019* had not commenced.
- (4) In this section—

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.

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87 Activity for protecting lives or preventing injuries other than for an emergency

- (1) This section applies if—
 - (a) before the 2019 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
 - (b) the person had not finished carrying out the activity immediately before the 2019 amendment day.
- (2) The person may continue to carry out the activity in the initial period.

88 Translocating a crustacean or fish

- (1) This section applies if—
 - (a) before the 2019 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
 - (b) the authority was in force immediately before the 2019 amendment day.
- (2) The person may translocate the crustacean or fish in the area under the authority while the authority is in force.
- (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.

89 Using motorised aircraft for commercial purposes

- (1) This section applies if, immediately before the 2019 amendment day, a person was carrying on a business involving using a motorised aircraft to take-off from, or land in, the area.
- (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.

90 Reconfiguring a lot

- (1) This section applies if, before the 2019 amendment day—
 - (a) a person made a development application to a local government for the reconfiguration of a lot in the area; and
 - (b) a development approval was given for the reconfiguration.
- (2) Section 26(1)(n) does not apply in relation to the reconfiguration of the lot under the development approval.
- (3) In this section—

development application see the *Planning Act 2016*, schedule 2.

development approval see the *Planning Act 2016*, section 49(1).

91 Undecided permit application

- (1) This section applies if—
 - (a) before the 2019 amendment day, an application for a permit was made; and

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- (b) immediately before the 2019 amendment day, the application had not lapsed and had not been decided.
- (2) The following provisions continue to apply for dealing with and deciding the application as if the *Wet Tropics (Review) Amendment Management Plan 2019* had not commenced—
 - (a) previous section 47;
 - (b) previous section 51(2);
 - (c) previous part 4, divisions 2 and 4.

92 Undecided rezoning application

- (1) This section applies if—
 - (a) before the 2019 amendment day, an application was made under previous schedule 1, section 1(2); and
 - (b) immediately before the 2019 amendment day, the application had not been decided.
- (2) Previous schedule 1 continues to apply for dealing with and deciding the application as if the *Wet Tropics (Review) Amendment Management Plan 2019* had not commenced.
- (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.

93 References to previous provisions in documents

- (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

[s 50]

corresponding provision for the previous provision.

(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.

50 Replacement of sch 1, hdg (Rezoning applications by local government)

Schedule 1, heading—

omit, insert—

Schedule 1 Rezoning for essential community services infrastructure

section 20

51 Amendment of sch 1, s 1 (Local government may apply for rezoning)

(1) Schedule 1, section 1, heading—

omit, insert—

1 Application for rezoning to provide for essential community services infrastructure

(2) Schedule 1, section 1(1) and (2), after ‘local government’—

insert—

or State government entity

52 Insertion of new sch 1, s 1A

Schedule 1—

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insert—

1A Request for environmental impact assessment and other information and documents

- (1) The authority may, by written notice (the *initial notice*), ask the applicant to give the authority either or both of the following within the relevant information period—
 - (a) an environmental impact assessment meeting stated terms of reference for the proposed activity;
 - (b) other information or documents relevant to deciding the application.
- (2) The applicant may comply with an initial notice asking for an environmental impact assessment by giving the authority, within the relevant information period, a copy of an environmental impact assessment for the proposed activity prepared to comply with another law (an *existing EIA*).
- (3) Subsection (4) applies if—
 - (a) the applicant gives the authority an environmental impact assessment, including an existing EIA; and
 - (b) the authority considers the assessment does not adequately address a matter relevant to deciding the application.
- (4) The authority may, by written notice (the *supplementary notice*), ask the applicant to give the authority, within the relevant information period, another environmental impact assessment, but to address only the matter stated in the notice.
- (5) If the authority asks for and obtains an environmental impact assessment under subsection (4), the authority may not ask for

another assessment under this section.

- (6) The authority may, by written notice (the ***extension notice***), extend the relevant information period stated in the initial notice or supplementary notice.
- (7) The authority must not unreasonably refuse a request from the applicant to extend the relevant information period.
- (8) If the applicant does not give the authority an environmental impact assessment or other information or documents within the relevant information period, the application lapses.
- (9) In this section—
relevant information period means—
 - (a) for an initial notice—the period, of at least 90 days after the notice is given, stated in the notice; or
 - (b) for a supplementary notice—the period, of at least 30 days after the notice is given, stated in the notice.
 - (c) for an extension notice—the extended period stated in the notice.

53 Amendment of sch 1, s 2 (Dealing with the application)

- (1) Schedule 1, section 2, heading, ‘Dealing with’—
omit, insert—
Giving public notice of
- (2) Schedule 1, section 2(1)—
omit.
- (3) Schedule 1, section 2(3)(b), ‘local government’—
omit, insert—

[s 54]

applicant

- (4) Schedule 1, section 2(2) and (3)—
renumber as schedule 1, section 2(1) and (2).

54 Amendment of sch 1, s 3 (Decision on application)

- (1) Schedule 1, section 3(3)(b)—
omit, insert—
(b) the authority is satisfied it is necessary for the applicant to carry out the activity to provide for the community services infrastructure; and

- (2) Schedule 1, section 3(3)(c), (5), (6) and (8), ‘local government’—
omit, insert—

applicant

- (3) Schedule 1, section 3(3)(c), ‘the plan’—
omit, insert—

this plan

55 Amendment of sch 1, s 4 (Review of authority’s decision)

- (1) Schedule 1, section 4(2), ‘local government may ask’—
omit, insert—
applicant may, within the review request period, ask

- (2) Schedule 1, section 4(3), ‘local government’—
omit, insert—

applicant

- (3) Schedule 1, section 4(6), after ‘submissions’—
insert—

(the *review decision period*)

(4) Schedule 1, section 4—

insert—

- (7) However, the review decision period may be extended—
 - (a) by the Minister under subsection (8); or
 - (b) by agreement between the authority and the applicant.
- (8) The Minister may, by written notice to the authority and the applicant, extend the review decision period to a stated day if—
 - (a) the authority has asked the Minister to extend the period; and
 - (b) the Minister is satisfied the extension is reasonable having regard to—
 - (i) the nature of the application; and
 - (ii) any other matter relevant to the authority's capacity to decide the application.
- (9) In this section—

review request period means—

 - (a) 60 days after the applicant is given notice of the reviewable decision under section 3(6); or
 - (b) if a longer period is agreed between the authority and the applicant—the longer period.

56 Amendment of sch 1, s 5 (Appeal from authority's decision on review)

Schedule 1, section 5(2), 'local government'—

[s 57]

omit, insert—

applicant

57 Replacement of sch 2 (Undesirable plants and animals)

Schedule 2—

omit, insert—

Schedule 2 Undesirable plants

schedule 3, definition *undesirable plant*

anil indigo (*Indigofera suffruticosa*)

ant tree—see long john tree

anzac flower (*Montanoa hibiscifolia*)

Arabian coffee (*Coffea arabica*)

ardisia (*Ardisia elliptica*)

balsam pear (*Momordica charantia*)

bamboo (*Bambusa balcooa* or *Bambusa vulgaris*)

blue snakeweed (*Stachytarpheta jamaicensis*)

Brazilian nightshade (*Solanum seaforthianum*)

brillantaisia (*Brillantaisia lamium*)

buddleia (*Buddleja madagascariensis*)

butterfly tree (*Bauhinia monandra*)

calopo (pasture legume) (*Calopogonium mucunoides*)

caltrop (*Tribulus terrestris*)

Caribbean pine (*Pinus caribaea*)

castor oil bush (*Ricinus communis*)

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cat's claw creeper (*Macfadyena unguis-cati*)
ceara rubber tree (*Manihot glaziovii*)
centro (pasture legume) (*Centrosema pubescens*)
Chinese glory bower (*Clerodendrum chinense*)
clitoria (*Clitoria laurifolia*)
Clyde road grass (*Paspalum virgatum*)
coral berry (*Ardisia crenata* or *Rivina humilis*)
coral tree (*Erythrina x sykesii*)
creeping river (*Echinochloa polystachya* cv. *Amity*)
cucumber tree (*Parmentiera aculeata*)
devil's trumpet (*Datura stramonium*)
downy thornapple (*Datura innoxia*)
east Indian mahogany (*Chukrasia tabularis*)
elephant grass (*Pennisetum purpureum*)
elodea (*Elodea canadensis*)
fierce thornapple (*Datura ferox*)
fishpole bamboo (*Phyllostachys bambusoides*)
giant bramble (*Rubus alceifolius*)
giant reed (*Arundo donax*)
glow vine (*Saritaea magnifica*)
glycine (*Glycine*)
golden dewdrops (*Duranta repens*)
golden shower (*Castilla fistula*)
grader grass (*Themeda quadrivalvis*)
granadilla (*Passiflora quadrangularis*)

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grewia (*Grewia asiatica*)
guinea grass (*Megathyrsus maximus*)
hairy thornapple (*Datura wrightii*)
Hindu thornapple (*Datura metel*)
hiptage (*Hiptage benghalensis*)
Indian plum (*Flacourtia jangomas*)
itch grass (*Rottboellia cochinchinensis*)
ivy gourd (*Coccinia grandis*)
Japanese honeysuckle (*Lonicera japonica*)
Japanese sunflower (*Tithonia diversifolia*)
Java plum (*Syzygium cumini*)
knobweed (*Hyptis capitata*)
leucaena (*Leucaena leucocephala* subsp. *leucocephala*)
Liberian coffee (*Coffea liberica*)
lion's tail (*Leonotis nepetifolia*)
long john tree (*Triplaris weigeltiana*)
milkweed (*Euphorbia heterophylla*)
mistflower (*Ageratina riparia*)
molasses grass (*Melinis minutiflora*)
morning glory (*Ipomoea spp*)
mother-in-law's tongue (*Sansevieria trifasciata*)
native thornapple (*Datura leichhardtii*)
navua sedge (*Cyperus aromaticus*)
neem tree (*Azadirachta indica*)
pagoda flower (*Clerodendrum paniculatum*)

Panama rubber (*Castilla elastica*)
para grass (*Urochloa mutica*)
perennial horsegram (*Macrotyloma axillare*)
persian shield (*Perilepta dyeriana* syn. *Strobilanthes*)
pink snakeweed (*Stachytarpheta mutabilis*)
praxelis (*Praxelis clematidea*)
puero (pasture legume) (*Pueraria phaseoloides*)
raintree (*Samanea saman*)
red ivy (*Hemigraphis colorata*)
sanchezia (*Sanchezia parvibracteata*)
sky flower—see golden dewdrops
snakeweed (*Stachytarpheta x adulterine* or
Stachytarpheta x trimenii)
spiny emex (*Emex australis*)
stinking passionflower (*Passiflora foetida*)
syngonium (*Syngonium podophyllum*)
sweet prayer plant (*Thaumastochloa danielii*)
thorny poinciana (*Caesalpinia decapetala*)
turbine vine/oliliqu'i (*Turbina corymbosa*)
Venezuelan pokeweed (*Phytolacca rivinoides*)
wandering jew (*Tradescantia spp*)
white beech (*Gmelina arborea*)
wild petunia (*Ruellia caerulea*, *Ruellia simplex* or
Stephanophysum longifolium)
wild tobacco bush (*Solanum mauritianum*)
yellow allamanda (*Allamanda cathartica*)

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yellow granadilla (*Passiflora laurifolia*)

yellow guava (*Psidium guajava*)

Schedule 2A Particular undesirable animals

section 33(n) and schedule 3, definition *undesirable animal*

Part 1 Fish

cichlid (all species)

guppy (*Poecilia reticulata*)

mosquito fish (*Gambusia holbrooki*)

tilapia (*Tilapia mariae*)

Part 2 Other animals

cane toad (*Bufo marinus*)

cat (*Felis catus*)

cattle (*Bos taurus*)

chital deer (*Axis axis*)

dog (*Canis familiaris*)

exotic earthworm (*Pontoscolex corethrurus*)

fallow deer (*Dama dama*)

fox (*Vulpes vulpes*)

goat (*Capra hircus*)

honey bee (*Apis mellifera*)

pig (*Sus scrofa*)

rabbit (*Oryctolagus cuniculus*)

red deer (*Cervus elaphus*)

rusa deer (*Cervus timorensis*)

water buffalo (*Bubalis bubalis*)

zebu cattle (*Bos indicus*)

Schedule 2B Regional ecosystem numbers for rainforest areas

schedule 3, definition *rainforest area*

3.11.3, 3.11.4

3.12.5, 3.12.21

7.1.4

7.2.1 to 7.2.6

7.3.3, 7.3.4, 7.3.10, 7.3.12, 7.3.17, 7.3.19,
7.3.23, 7.3.25, 7.3.28

7.3.35 to 7.3.37

7.3.38, 7.3.42, 7.3.43, 7.3.49, 7.3.50

7.5.2

7.8.1 to 7.8.3

7.8.4

7.8.11 to 7.8.15

7.11.1 to 7.11.3

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7.11.5, 7.11.7, 7.11.8, 7.11.10, 7.11.12,
7.11.13, 7.11.14

7.11.23 to 7.11.25

7.11.27 to 7.11.31

7.12.1, 7.12.2, 7.12.6, 7.12.7, 7.12.9

7.12.10 to 7.12.13

7.12.16, 7.12.17

7.12.19 to 7.12.24

7.12.26, 7.12.38, 7.12.39, 7.12.40

7.12.42 to 7.12.50

7.12.52, 7.12.66, 7.12.68

9.11.9

9.12.8, 9.12.34

58 Amendment of sch 3 (Dictionary)

(1) Schedule 3, definitions *area*, *commencement day*, *community services infrastructure*, *general waste disposal facility*, *integrity*, *mine*, *motor vehicle*, *regulated waste disposal facility*, *road*, *undesirable plant*, *world heritage values* and *zone*—

omit.

(2) Schedule 3—

insert—

2019 amendment day means the day the *Wet Tropics (Review) Amendment Management Plan 2019* commences.

area means the wet tropics area unless a contrary intention appears.

assessable development see the *Planning Act 2016*, section 44(3).

assessment manager see the *Planning Act 2016*, schedule 2.

community services infrastructure means infrastructure for supplying electricity, telecommunications services, transport services or water.

Examples of infrastructure—

- power and communication cables
- bridges, railways, roads
- water supply towers and pipelines

developed visitor infrastructure means infrastructure, other than limited visitor infrastructure, designed and constructed—

- (a) for providing access for visitors to the area; or

Examples—

boat ramps, visitors' car parks

- (b) for presenting the area to visitors or informing visitors about the area; or

Examples—

information shelters, lookouts, nature-based tourist parks

- (c) for assisting the hygiene, safety or shelter of visitors in the area; or

Examples—

public toilet facilities, waste disposal areas

- (d) otherwise, for the use of visitors in the area.

Examples—

barbecue facilities, camp grounds, nature-based tourist accommodation, picnic facilities

existing use, of land, see section 54(7) of the Act, definition *existing use*.

firebreak means a cleared area, other than a road,

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that is used only to control fire.

general waste see the *Environmental Protection Regulation 2008*, schedule 12, part 2.

integrity, of the area or land in the area, has the meaning given in the operational guidelines, but only to the extent it relates to natural heritage.

limited visitor infrastructure means infrastructure designed and constructed—

- (a) for any of the following purposes—
 - (i) providing access for visitors to the area;

Example—
a walking or cycling track
 - (ii) presenting the area to visitors or informing visitors about the area;

Examples—
information boards, small-scale viewing platforms
 - (iii) assisting the hygiene, safety or shelter of visitors in the area; and

Examples—
small-scale toilet facilities, visitors' shelters
- (b) to ensure the infrastructure and its use by visitors have a low impact on the integrity of land in the area.

Examples of the operation of paragraph (b)—

- 1 A walking or cycling track includes a boardwalk to minimise the impact of visitors walking or cycling on parts of the track that may otherwise be subject to erosion.
- 2 A walking or cycling track includes a footbridge crossing a gully containing native plants that might otherwise be damaged by visitors walking or cycling on the track.

- 3 A camping platform is established in a camping area to limit the places where visitors may camp and minimise the impact of disturbance to the camping area.

management purposes, of a zone, means the management purposes for the zone under part 2, division 2.

motor vehicle see the *Transport Operations (Road Use Management) Act 1995*, schedule 4.

nature conservation chief executive means the chief executive of the department in which the *Nature Conservation Act 1992* is administered in relation to protected areas.

operational guidelines means the document called ‘Operational Guidelines for the Implementation of the World Heritage Convention’, developed by the world heritage committee and published on UNESCO’s website.

permit holder means a person who holds a permit.

property map of assessable vegetation see the *Vegetation Management Act 1999*, section 20AK.

rainforest area means an area shown on a property map of assessable vegetation that is designated by a regional ecosystem number mentioned in schedule 2B.

regional ecosystem number means the regional ecosystem number established for a regional ecosystem under the Regional Ecosystem Description Database.

Note—

The Regional Ecosystem Description Database is kept by the Queensland Herbarium and is available on the Queensland Government website.

residence means a class 1a building under the *Building Act 1975*.

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road means a road as defined by the *Transport Operations (Road Use Management) Act 1995* but does not include a walking or cycling track.

State government entity means a government entity under the *Public Service Act 2008*, section 24, but does not include a government owned corporation.

this plan means this management plan.

translocating, a crustacean or fish, means—

- (a) bringing the crustacean or fish into the area and releasing it into a watercourse in the area; or
- (b) taking the crustacean or fish from a watercourse in the area and releasing it in another watercourse in the area.

undesirable plant means a plant mentioned in schedule 2.

visitor infrastructure means—

- (a) developed visitor infrastructure; or
- (b) limited visitor infrastructure.

walking or cycling track means a track that is built, established or maintained for walking or cycling.

waste facility see the *Environmental Protection Regulation 2008*, schedule 12, part 2.

watercourse—

- (a) means a creek, impoundment, lake, river or stream in which water flows intermittently or permanently; and
- (b) includes the bed and banks of the creek, impoundment, lake, river or stream.

world heritage committee means the World

Heritage Committee established under the World Heritage Convention.

world heritage values, of the area, or land in the area, means the natural heritage contained in the area or land.

zone means a management zone mentioned in section 6 and identified on a zoning map under section 7.

- (3) Schedule 3, definition *lawful access road*, ‘or track’—
omit.
- (4) Schedule 3, definitions *lawful access road* and *upgrade*, ‘the commencement day’—
omit, insert—
1 September 1998
- (5) Schedule 3, definition *undesirable animal*, paragraph (a), ‘schedule 2’—
omit, insert—
schedule 2A
- (6) Schedule 3, definition *upgrade*—
insert—
 - (e) for a road that is not sealed—seal the road.

Endnotes

ENDNOTES

- 1 Approved by the Governor in Council on [Approved by Governor Date].
- 2 Notified on the Queensland legislation website on [Notification Date].
- 3 The administering agency is the Department of Environment and Science.

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