Queensland

Explanatory Notes for SL 1998 No. 161

Wet Tropics World Heritage Protection and Management Act 1993

WET TROPICS MANAGEMENT PLAN 1998

EXPLANATORY NOTE

GENERAL OUTLINE

Authorising Law

This explanatory note pertains to the *Wet Tropics Management Plan 1998* under the *Wet Tropics World Heritage Protection and Management Act 1993.* The head of power to make this Plan is provided under part 3 of the Act. Under s.41 of the Act the Wet Tropics Management Authority is required to prepare a management plan for the Wet Tropics Area as soon as practicable. A final management plan is subordinate legislation under the Act (s.47), and may make provision for any matter for which a regulation may be made under the Act (s.41).

Purpose

The purpose of the Management Plan is to meet the obligations of the State Government and the Authority under the Act. Under the Act the Authority was established to ensure that Australia's obligation under the World Heritage Convention in relation to the Wet Tropics Area is met (s.7).

How will the policy purpose be achieved?

In order to achieve the policy purpose and to meet Australia's obligation under the World Heritage Convention for the Wet Tropics Area, the Wet Tropics Management Plan divides the area into management zones where activities which may have a detrimental impact on the area's natural heritage values are either prohibited, allowed or allowed under permit. The Plan specifies that, in making permit decisions, the most important consideration is the impact of the proposed activity on the integrity of the natural heritage of the area. The Plan also requires that decision makers take into account social, economic and cultural effects and the need of the community for the proposed activity.

Consistency with authorising law/other legislation

The Plan is consistent with the authorising law. The Act states that Parliament recognises Australia's obligation under the Convention to ensure the protection, conservation, presentation, rehabilitation, and transmission to future generations of the natural heritage of the area, and that it is Parliament's intention that the area should be established and maintained as a world heritage area of the highest standard. The Authority was established to ensure that Australia's obligation under the World Heritage Convention is met. The Authority must perform its functions consistent with the protection of the natural heritage values of the area. The management plan (along with s.56 of the Act which defines certain prohibited acts) is the principal tool for the Authority to meet its statutory obligations for the protection of the area.

Alternative regulatory options

Given the statutory requirement under s.41 of the Act for the preparation of a management plan as soon as possible after the commencement of part 3, there are not considered to be any alternative regulatory options.

Benefits and costs of implementation

Many benefits of the Plan cannot be given a monetary value but are highly valued by members of the community locally, nationally and internationally. The area is recognised internationally as an area of

outstanding universal value and in agreeing to listing of the area Australia accepted a responsibility for its protection as part of the heritage of mankind as a whole. In local terms the area is valued both in its own right as an important part of the amenity and lifestyle of the people of North Queensland and as a place to visit. It is also the basis of an immensely valuable ecotourism industry based on its large expanses of pristine tropical rainforests and its outstanding scenic vistas. The tourism industry is estimated to bring over $753 million to the region annually. The Plan seeks to protect the resource on which this industry is based in a state which will guarantee that it continues to attract tourists now and in the future. Finally, a significant benefit of the Plan is perceived locally to be the bringing of a much greater degree of certainty into decision making in the area. This is especially important to the tourism industry, to those who wish to undertake development and other activities within the area, and to local people who wish to access the area. In this context, the Plan provides a base for detailed planning for future visitor infrastructure, walking tracks and related facilities.

In developing the Plan attention has been given to assessing the value that various community sectors place on access to the area for activities not necessarily directly related to the protection of world heritage values. These include access for recreation, grazing, beekeeping, defence purposes, tourism, and the provision of community infrastructure. Within the constraints of the primary obligations under the Act, the Plan seeks to provides a fair balance, and gives due regard to the social and economic needs and expectations of the community. Provision is made under the Act for compensation where the constraints of the plan result in injurious affection to landholders.

Fundamental legislative principles

The Plan is consistent with fundamental legislative principles.

Consultation

How was consultation carried out?

Consultation has been consistent with, and indeed exceeded, the statutory requirements under ss.42-44 of the Act.

Consultation commenced in March 1992 with a discussion paper and questionnaire called "Wet Tropics Plan: Your First Invitation to Comment". While this document was on public exhibition the Authority also commissioned a regional community attitudes survey involving over 2000 people.

In August 1992, a major discussion paper called "Wet Tropics Plan: Strategic Directions" was released. Public meetings and workshops were held and written submissions invited and received. Based on these comments and the Authority's statutory obligations, a draft Wet Tropics Plan was subsequently prepared and placed on public exhibition in October 1995. The Plan remained on public exhibition for over six months and during this time the Authority ran public meetings, workshops, and special meetings for government agencies and Aboriginal communities. Written submissions were invited and received.

Following the close of public exhibition in April 1996, further rounds of consultation and negotiation took place with representative bodies of major community sectors as well as government land management agencies, continuing up to the time of finalisation of the Plan.

Results of consultation

Following the exhaustive public consultation process outlined above, most community groups agreed that, while they may not have gained every concession sought, the Plan represents a reasonable balance across a wide range of competing interests.

The more important changes made to the Plan in response to community concerns include:

- a special process for rezoning lands in zone B to accommodate essential community infrastructure
- a change in zone naming to the neutral names A,B,C,D
- provision for the building of walking tracks and associated infrastructure under permit in all zones
- reclassification of certain key roads to provide a greater level of access
- guaranteed issue of permits for private landholders for domestic

use of land

- provision for the issue of new beekeeping permits in zones C and D
- additional recognition of community concerns in decision making, including social and economic impacts of decision making
- recognition of the concept of "limits to growth"
- provision for negotiating with a person or group who has or claims rights concerning land in the area, including rights and interests held by Aboriginal people particularly concerned with the land, while continuing to regulate potentially damaging activities under the Plan
- provision of statutory time limits for decision makers to respond to permit applications
- requirement for reasons for decisions to be recorded in a register.

NOTES ON PROVISIONS

Details of specific clauses are as follows.

PART 1—PRELIMINARY

1. This section presents the short title of the statutory plan.

2. The date of commencement is set for 1 September 1998. Proclamation of ss.56 and 57 of the Act will be on the same day. This time period is provided to allow for any necessary notification to the community and adjustments by those affected by the plan.

3. This section points out that definitions of words used in the plan are provided in a dictionary scheduled to the plan. This schedule is part of the legislation.

4. Maps and documents referred to in the plan will be available for inspection or purchase at the Authority's office and other places, including the offices of Department of Environment, Department of Natural Resources and local governments. The cost of purchasing a document will not normally be greater than the cost of producing it.

5. Forms, such as permit application forms, may be prepared especially for use under this plan by the Authority.

PART 2—MANAGEMENT ZONES

Division 1—Establishment of zones

6. The Act provides that a management plan may divide the area it relates to into management zones. This plan divides the whole Wet Tropics Area into four zones, called A, B, C, D respectively. The zones have different degrees of integrity, physical and social settings and management purposes; these are described in more detail later.

7.The zoning maps are introduced in this section. The official zoning maps are drawn at a scale of 1:50 000 and are available for inspection. The 1:100 000 maps provided with copies of the plan are for information purposes only. They should not be considered as the official zoning maps, and decisions with legal implications should not be based on information contained on them. Zones cover the whole area and do not overlap.

8. This section points out that a zoning map can only be amended by the full procedure for amending the plan (as set out in the Act). A zoning map has the full force of law from the same day as the plan commences (or an amendment is gazetted).

9. Local government may apply for rezoning of lands in zone B for essential community infrastructure. In this case, the process to be followed is set out in Schedule 1.

Division 2—Zone A

10. This section describes land included in zone A. The land will have a high degree of integrity and will be remote from disturbance.

11. Land in zone A will display a high degree of integrity (i.e. it is in its natural ecological, physical and aesthetic condition, and is able to sustain this condition) and will be remote from disturbance. Visitors may expect to find solitude and no obvious management presence.

12. It is the intention that the plan would protect the integrity of land in the zone and result in restoration of any disturbed land to its natural condition.

Division 3—Zone B

13. This section describes land in zone B. Like land in zone A, it will have a high degree of integrity but will not necessarily be remote from disturbance.

14. Land in zone B will either be recovering towards its natural state or becoming remote from disturbance. Visitors can expect solitude and limited evidence of a management presence.

15. It is intended that the plan would result in the integrity of the land being protected and any disturbed land being restored. As opportunities arise, restored land would be transferred to zone A. It is not the intention, however, that existing facilities or infrastructure would be forcibly removed from the zone, and it is recognised that recovery to zone A condition may occur over an extended time.

Division 4—Zone C

16. Land in zone C already contains disturbances, which are often associated with existing community infrastructure. Visitor facilities may also be located in this zone.

17. While there is some disturbance in the zone, the land is still in a

mostly natural state. Visitors to this zone will be able to appreciate nature, but may find some evidence of modern society and management.

18. It is intended that the majority of new and existing infrastructure and facilities will be accommodated in this zone (and zone D, in the case of visitor facilities). The zone will be managed to minimise any adverse impact of these facilities and associated activities, while protecting the integrity of the land.

Division 5—Zone D

19. Zone D contains lands where there are, or may be, visitor facilities of a well developed type. Visitors and visitor facilities will not be confined to this zone, but it is intended that the more intensive organised visitor activities and associated facilities (such as picnic shelters, barbecues, interpretive facilities, hardened car parks, etc.) would be focused here.

20. Lands in zone D will still be in a mostly natural state. A visitor can expect to enjoy nature here with minimal efforts, some comforts and social interaction. The presence of management is likely to be obvious.

21. It is intended that this zone will provide particular opportunities for presenting the area to visitors and enabling visitors to enjoy and understand what they see. The zone will be managed to minimise any adverse impacts of activities and facilities, and to protect and rehabilitate the land.

PART 3—CONTROL OF ACTIVITIES

Division 1—Explanation

22. This section explains how activities are controlled under the Plan. The main way that activities are controlled is under s.56 of the Act, which prohibits destruction of forest products. The Plan controls activities by—

- prohibiting additional activities under s.56 of the Act

- providing exemptions from these prohibitions in different zones.

Exemptions are provided by allowing certain activities, with or without a permit. This section also points out that a person may enter into a cooperative management agreement or other agreement with the Authority which may allow for varying the way the Plan applies to the person e.g. such an agreement may allow the person to carry on activities otherwise illegal under the Plan or normally requiring a permit.

23. This section points out that the Plan applies to native title holders but also meets the "freehold equivalence test" under the Commonwealth *Native Title Act 1993*, by ensuring that native title holders are not at a greater disadvantage at law under the Plan than are ordinary title holders.

24. To avoid any doubt, it is pointed out that—

- this plan cannot allow a person to do something that is illegal under another law
- the fact that a permit may be issued for an activity does not mean the Authority or another decision maker is obliged to issue one.

Division 2—Prohibited activities

25. This section is simply informational, reminding that it is an offence under s.56 of the Act to destroy forest products.

26. Activities prohibited in the area are listed in this section. Because an activity is prohibited does not mean that it will not be possible to do it anywhere in the area. Many prohibited activities are actually allowed or permitted in specified zones. In practical terms, this section lists those activities that are regulated by the plan. Regulated activities include keeping undesirable plants and animals, mining and quarrying, interfering with a watercourse, building and maintaining roads and structures and operating vehicles. The section also provides information on the penalties for carrying out any of these activities illegally.

Division 3—Activities allowed

27. Activities which may be undertaken in all zones without a permit are listed. They include activities for the urgent protection of life and property, fire control, driving on certain roads, grazing, mining (under a permit under the *Mineral Resources Act 1989*) and operating existing community services infrastructure.

28. In addition to these listed activities, an activity may also be carried out without a permit if it causes no more than minor and inconsequential damage. Some examples of what might and might not be considered minor or inconsequential are given.

29. Activities for the protection, conservation or rehabilitation of lands, or driving on a lawful access road may be carried out on freeholdor native title land by landholders and native title holders respectively, or others acting with their consent.

30. Under this section, the Chief Executive of the Department of Environment may carry out an activity in a protected area without a permit, provided he or she considers the activity would be consistent with

- the principles and criteria in part 4 of this Plan
- national park management principles or the protection needs of cultural heritage values.

31. The Authority itself may also carry out activities if it considers they are consistent with the principles and criteria set out in part 4 of the Plan.

Division 4—Activities allowed under permit

32. Activities listed in this Division may be carried out subject to a permit.

33. This section lists the activities which may be carried out in all zones subject to a permit. They include activities that were being lawfully carried out before commencement, activities which are part of a native title right, building a residence, maintaining a road or structure, clearing vegetation around a structure, building a walking track and driving on certain types of roads.

34. Additional activities which may be carried out under permit in zones C and D only are listed here. They include building a road or structure, beekeeping, quarrying and extracting water.

35. Landholders of freehold title and native title holders may be issued with permits for domestic activities on their land, including building a residence, access, house garden or orchard and extracting water for domestic use. Later in the Plan it is made clear that if a landholder applies for a permit for these purposes, the Authority must issue the permit, but may attach conditions.

36. If prohibiting an activity would result in injurious affection to a landholder, the landholder may be issued a permit for the activity.

37. A permit may also be issued to carry out an activity that a person already has permission to carry out under another Act administered by the Minister. This applies even if the activity would otherwise be illegal under the Plan.

38. In the case of zone B, an activity may also be permitted if carrying it out would reduce the overall impact on the World Heritage Area. For example, building a new powerline could be permitted if it led to the removal of two old powerlines. This is sometimes referred to as the "Consolidation of Impacts" rule. This provision does not mean that a new activity would be permitted simply because it was the less damaging of two alternative new proposals (e.g. building one new powerline as against building two new powerlines through an area where there were previously no powerlines at all).

39. In some circumstances, local government may need to undertake studies to determine if a site is suitable for essential community infrastructure, or to assess the likely environmental impact. This section makes provision for the Authority to permit such activities even if otherwise inconsistent with the zoning provisions.

Division 5—Negotiations and variation of controls under agreements

40. This section requires the Authority to negotiate with a person seeking negotiations in circumstances where the person has rights or is claiming rights, the exercise of which could adversely affect World Heritage values.

Such negotiations would be undertaken with a view to entering into mutually beneficial agreements consistent with achieving the primary management goal for the World Heritage Area. An example is given.

41. Under s.10(1)(f) of the Act, the Authority may enter into cooperative management agreements with landholders and others. These agreements are intended to be for the mutual benefit of landholders and the World Heritage Area, are entirely voluntary, and may provide a range of benefits to the landholder (including financial assistance and technical advice). This section of the Plan creates a special kind of cooperative management agreement which allows parties to the agreement to undertake activities which are otherwise illegal under the Plan. The person wishing to do this must agree to contribute in some way to the primary goal.

42. Other special agreement mechanisms are provided for in this section to accommodate any negotiated outcomes under s. 40. These agreements will essentially allow for variation and flexibility of controls under the plan where the exercise of a person's rights could adversely impact on the area's world heritage values. The Authority can only enter such an agreement where it would contribute to achieving the primary goal. This section makes it clear the authority can enter into agreements with a person prior to formal native title determination.43. This section clarifies that the Plan applies to a person entering into one of the special agreements under division 5 subject to the terms of the agreement. Such agreements must be available for public inspection.

Division 6—Exemptions

44. Similarly, any activity that destroys a forest product is exempted from the prohibition under s.56 of the Act provided it is carried out under the terms of a cooperative management agreement, is an allowed activity under division 3, or is being carried out under a permit for an activity in division 4.

PART 4—PERMITS

Division 1—Procedural matters

45. Application may be made to the Authority to carry out activities listed under division 4 of part 3. A fee may be charged for the application.

46. The Authority may set a reasonable assessment fee to cover the costs of assessing the application. If the fee is not paid by the due date, the application lapses.

47. After an application has been received, the Authority may ask the applicant for more information to help it assess the impact of the activity, and decide whether to issue the permit. If the information is not provided after a reasonable time, the application lapses. The Authority may request an environmental impact assessment if it thinks the activity might have an unacceptable impact. However, if an environmental impact assessment has already been done to meet the requirements of another law, the Authority cannot ask the applicant to do another impact assessment (though it may ask for additional information).

48. The Authority must decide the application by issuing the permit or refusing to issue the permit. If it decides to issue a permit, the Authority may attach conditions to it.

49. The Authority must decide the application and notify the applicant within 60 days. This time frame does not, however, include any time during which the applicant is responding to a request for additional information. The Minister may grant a reasonable extension to this time period. If the Authority has not notified the applicant of a decision by the due day (including any extension), it will be deemed to have refused the application. The applicant can then proceed to seek a review of the decision prior to appeal.

50. To assist it in making a decision on an application, the Authority may consult with other bodies, including government agencies and local governments.

51. Appropriate conditions may be attached to a permit. If an agreed code of practice has been developed for the activity, a general condition of complying with the code may be attached. In these circumstances, a permit

may be issued for an extended time subject to compliance with the code.

52. Permit conditions may include the payment of a security or performance bond.

53. As soon as the decision is made, the Authority must record details (including the reason for the decision) in a permit register and give written notice of these details to the applicant.

54. The Authority must maintain a register and record in it all relevant details including the activity the permit is for, any conditions that apply and the reasons for the decision. The register will be available for public inspection.

Division 2—Principles and criteria for deciding permit applications

55. The principles and criteria that must be taken into account in deciding an application are set out in this division.

56. The most important consideration in deciding any application is the likely impact of the proposed activity on the area's integrity. Integrity refers to the extent to which the area's World Heritage values are in their natural condition, and capable of sustaining themselves in this condition. The intended physical and social setting, management purpose and remoteness of zones must be considered in assessing the impact. This is the most important consideration because of clear statements in the Act concerning the government's commitment to meeting Australia's obligations under the World Heritage Convention.

57. All applications must be decided under the precautionary principle, which is one of the principles of the National Strategy for Ecologically Sustainable Development. Under this principle, if there are threats of serious or irreversible damage, lack of full scientific certainty should not be used as a reason for postponing measures to prevent environmental degradation. In simple terms, this means that if the Authority is not sure of the impact of an activity, it should err on the side of caution. However, this principle will not be taken to mean that permits will be automatically refused for all permissible activities until exhaustive scientific information is available, especially where the Authority considers the impact is likely to be minor.

58. The Authority must also consider whether there are any prudent and feasible alternatives to an activity, including alternative sites or ways of carrying it out, and the alternative of not carrying it out at all. This section gives some examples to assist in understanding the terms prudent and feasible. An alternative would not be prudent, form example, if it seriously damages another part of the area, or causes the local extinction of a species. Similarly, it would not be feasible if it were extremely costly or impractical to implement. This section does not provide for the authority to refuse a permit if it can identify any alternatives. The alternative must be both prudent and feasible.

59. This section requires that the authority make decisions in a way that minimises adverse impacts on World Heritage values. The Authority must have regard to, *inter alia*, the likely effects on threatened wildlife and scenic amenity, and cumulative impacts that could arise from a number of activities being carried out concurrently or sequentially. In making its decision, the Authority must consider what could be done to prevent or minimise impacts, monitor impacts or rehabilitate the area.

60. The Authority is also required to have regard to the effects of its decisions on the community, including landholders' interests, the amenity of land, community needs, community involvement and other social, economic and cultural effects.

61. A further matter to which the Authority must have regard is the carrying capacity of the land. Carrying capacity may be defined as the extent to which an activity may be carried on before the level of impact becomes unacceptable. In terms of visitor experience, the carrying capacity will be exceeded when the activity begins to affect the quality of experience visitors can enjoy. For example, carrying capacity would have been exceeded if

- trampling by visitors led to permanent die back of vegetation
- frequent scenic overflights ruined the enjoyment of visitors to a popular picnic area.

Division 3—Information for applying principles and criteria

62. The Authority may prepare guidelines which are relevant to decision

making under the Plan, including guidelines for flora and fauna conservation, scenic amenity, and visitor management. The guidelines will be available for public inspection and decision makers must have regard to the information in them. A set of Flora and Fauna Conservation Guidelines is published in summary form as Table 3 in Protection through Partnerships (the policy document which accompanies this Plan).

Division 4—Permit applications for particular activities

63. If a landholder applies to build a residence or access, establish a garden or orchard, or extract water for domestic use, the Authority must grant the permit. It may, however, attach conditions to the permit.

64. The Authority must also have regard to the need for the Commonwealth to carry out defence activities, especially training, within the area.

65. The section places particular constraints on the building of new roads in the area, in recognition of the particularly adverse effects on wildlife caused by long linear clearings. A permit may be issued to build a road in zones C and D, but only if there would be no net adverse impact on the area or there is no prudent and feasible alternative. Wherever possible, new roadworks should be located on already degraded land. If roadworks require canopy clearing, the Authority may only issue the permit if it is satisfied the roadworks are essential for public safety, community need, access to a residence, a necessary management activity, or will reduce the impacts of other activities.

66. If the Authority is considering an application for a permit for an activity that was being lawfully carried out before the Plan commences, it must have regard to how often and with what intensity the activity was being carried out. For example, an activity that had been carried on daily for the last year might be regarded differently from one that had only been carried out once, ten years ago.

PART 5—REVIEWS OF, AND APPEALS FROM, PERMIT DECISIONS

Division 1—Definitions

67. The section explains the meaning of applicant, original permit decision and review decision. Any reference to a court is to the Planning and Environment Court.

Division 2—Review of original permit decisions

68. If the applicant does not agree with the Authority's original permit decision, it can ask for a review of the decision. The request must be made within 60 days of notification of the original decision, or longer with the Authority's agreement.

69. The Authority must review the decision promptly, as if it were an original decision. In making the review decision, it must take into account all the principles and criteria of part 4 of this Plan.

70. The applicant must be notified of the review decision promptly, and the decision must be recorded in the register as for an original decision.

Division 3—Appeals from review decisions

71. If the applicant is not satisfied with the review decision, he or she may appeal to the court.

72. An appeal may be started up to 60 days after the applicant receives the review decision, or longer if agreed by the court.

73. The court considers the matter anew, on merit, and its consideration is not affected by previous decisions of the Authority.

74. The Court may confirm the Authority's decision, make a new decision, or return the matter to the Authority with appropriate directions.

75. A party to the appeal may appeal the court's decision to a higher court, but only on a matter of law.

PART 6—ISSUE OF PERMITS BY ENTITIES OTHER THAN AUTHORITY

76. In this part, a permit entity is a body other than the Authority which can issue permits under this Plan. Permit entities include the Department of Environment and Department of Natural Resources, as well as some other government agencies.

77. Where a permit for the activity is required from another government agency (under another law) that agency (permit entity) may also issue the necessary permit under this Plan.

78. A permit entity must decide the permit under the principles and criteria of part 4 of this Plan. Section 10(5) of the Act also applies to the permit entity in deciding the application.

79. A permit entity may require an applicant to pay a security or performance bond. The monies must be paid to the Authority.

80. A permit entity may only issue a permit under this Plan if the Authority has given written notice that it agrees with the decision to issue the permit. However, this section makes provision for the Authority and the permit entity to reach prior agreement on types of permits that may be issued without further reference to the Authority. For example, the Authority might agree with an entity that regularly issues permits to travel along certain roads that the permits may be issued without further reference to the Authority providing agreed standard conditions are always included.

81. When a permit entity decides an application, it must give written notice, including reasons, to both the applicant and the Authority. The Authority must record the details provided in the register.

82. The Authority may itself issue a permit of the kind referred to in this part.

PART 7—MISCELLANEOUS

83. This section states rules about the use of zoning maps in evidence. Unless there is evidence to the contrary, a map certified by the Executive Director is to be taken as a zoning map.

PART 8—TRANSITIONAL ARRANGEMENTS FOR CERTAIN ACTIVITIES

84. This section provides definitions for part 8.

85. For 120 days after the commencement of the Plan, a person who carries out an activity for which a permit is required, without a permit, does not commit an offence. If a person applies for a permit during this time they may continue to carry on the activity without committing an offence until—

- the permit lapses OR
- the application is decided.

86. This section provides for an extended period for deciding applications received during the initial period from 60 days to 180 days. This is to allow the authority sufficient time to assess permit applications received during the initial period for a wide range of existing activities in the area.

87. This part expires within 2 years.

SCHEDULE 1

REZONING APPLICATIONS BY LOCAL GOVERNMENT

This schedule provides a mechanism to allow local government to apply for rezoning of lands presently in zone B to accommodate essential community infrastructure. If the Authority refuses to commence the plan amendment process under the Act, the local government may appeal this decision to the Court. Once the amendment process under the Act commences, however, the final decision can be made only by the Governor in Council, on the recommendation of the Ministerial Council.

1. If a local government wishes to provide essential community infrastructure at a place which is currently in zone B, it may apply to the Authority to—

- amend the zoning map at that place from zone B to zone C
- issue a permit to carry out the activity in zone C.

2. The Authority may require the local government to provide relevant information, including an environmental impact assessment. When it has received the information, the Authority must give public notice of the application and invite submissions. All relevant information must be available for inspection by the public during the period of public exhibition.

3. The Authority must decide the application as soon as possible after the period for submissions closes. If the Authority decides to grant the application, it will prepare amended zoning maps for consideration by the Ministerial Council and the Governor in Council. Conditions may be attached to any permit issued. However, the permit may only be granted if—

- the activity could legitimately be carried out in zone C under the Plan
- the Authority is satisfied the activity is for essential community infrastructure

- the decision is consistent with the principles and criteria in part 4 of the Plan.

4. Local government may request a review of the Authority's decision. If the Authority has not decided the application within 60 days of the last day for making submissions, it will be deemed to have refused the application, and the local government may then seek review.

5. If, on review, the Authority again refuses the application, the local government may appeal to the court. The appeal must be started within 60 days of the review decision, or longer if the court agrees.

6. The court makes its decision anew, unaffected by the Authority's previous decision. The Court may confirm the Authority's decision, make a new decision or return the matter to the Authority with appropriate directions.

SCHEDULE 2

UNDESIRABLE PLANTS AND ANIMALS

This schedule lists the particular species referred to as undesirable in part 3 of the Plan.

SCHEDULE 3

DICTIONARY

This schedule defines terms used in the Plan.

ENDNOTES

1. Laid before the Legislative Assembly on . . .
2. The administering agency is the Wet Tropics Management Authority.