



Cooperative management agreements: a guide for Rainforest Aboriginal People

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The Wet Tropics Management Authority (the Authority) was established under the *Wet Tropics World Heritage Protection and Management Act 1993* (the Act) to ensure the World Heritage values of the Wet Tropics of Queensland World Heritage Area (the Area) are protected.

The Authority acknowledges the significant contribution that Rainforest Aboriginal People can make to the management of the Area. Indigenous cultural values of the Wet Tropics are also recognised on the National Heritage List.

The Authority understands that Rainforest Aboriginal People are pursuing their own community development planning to support aspirations for their Aboriginal freehold and leasehold land within the Area. The Authority is committed to supporting Rainforest Aboriginal People to uphold and strengthen their custodial relationships between their peoples and customary landscapes. Cooperative management agreements (CMAs) are a key tool to supporting this commitment.

A CMA is a way of considering and managing the impacts of community development to improve management and presentation of the Wet Tropics of Queensland World Heritage Area.

This guide has been prepared to support community development planning that Rainforest Aboriginal representative organisations and native title holders may be pursuing within the Area. It suggests ways in which Rainforest Aboriginal People's land use planning exercises could be undertaken at the same time as negotiating a CMA with the Authority, to achieve mutually beneficial outcomes.

A cooperative management agreement contributes to achieving the primary goal—the **'protection, conservation, rehabilitation, presentation and transmission to future generations of the World Heritage Area'**

Community development aspirations

The Authority recognises the wide range of community development activities that Rainforest Aboriginal People have in relation to supporting livelihoods and economic development, including:

- construction of shelters or other structures for cultural camps
- appropriate forms of ecotourism infrastructure
- arts and/or cultural centres, or visitor centres
- camping grounds or day-use areas
- walking tracks, bicycle tracks and viewing areas
- guided tours or other forms of ecotourism
- seasonal living areas and associated structures
- permanent living areas.
- development of small communities within historically disturbed areas or historic settlements inside the World Heritage Area (e.g. Mona Mona and Buddabadoo).
- better infrastructure and access to manage cultural and natural resources such as Indigenous ranger bases.

When Rainforest Aboriginal People are undertaking land use planning exercises to support these activities it is important to consider how the Wet Tropics Management Plan 1998 (the Management Plan) may affect these activities. Where there are not otherwise native title rights to undertake

these types of activities, two primary tools are available under the Management Plan which can allow development activities within the Area.

1. Zones and permits

The Wet Tropics of Queensland World Heritage Area is divided into zones. Each zone allows different types of activities under a permit system. Each zone and the activities allowed within the zone are defined in the Management Plan. All zones are managed to ensure there are minimal impacts on the integrity of the Area.

2. Cooperative management agreements (CMAs)

CMAs may be used to allow an activity which is normally prohibited under the Management Plan. CMAs may be used where a land holder or native title holder has rights and interests within the Area and where exercising those rights may impact on the World Heritage values. CMAs may be entered into where the values of the land and the impacts of an activity have been carefully considered and there are opportunities for the activity contribute to the primary goal.

Where a proposed activity is not allowed under the zones but the activity may contribute to the primary goal, a CMA may be a tool to allow development in these areas. The Authority recommends discussing community development activities early to make sure the right tools are used.

Situations where a CMA might be a useful tool to meet Rainforest Aboriginal People's aspirations:

- To support development activities and initiatives led by Rainforest Aboriginal people in a way that also protects the World Heritage values.
- Where the land tenure is Aboriginal freehold, or freehold owned by a land trust.
- Where Rainforest Aboriginal People have leasehold land that allows for different types of development activities.

Wet Tropics regulatory framework and Rainforest Aboriginal People

The Wet Tropics World Heritage Protection and Management Act 1993

- The Act is to ensure the protection, conservation, presentation, rehabilitation, and transmission to future generations, of the World Heritage values of the Wet Tropics World Heritage Area. The Act also:
 - requires that the Authority has regard to Aboriginal tradition and to liaise and cooperate with Rainforest Aboriginal people
 - recognises the significant contribution that Rainforest Aboriginal people can make to the management of cultural and natural heritage of the Area, particularly through management agreements.

The Wet Tropics Management Plan 1998

One of the main tools the Authority uses to protect the World Heritage values is by regulating certain activities, under the Wet Tropics Management Plan 1998 (the Management Plan), that might impact on these values.

Wet Tropics permits are typically required for:

- building structures, roads or walking tracks
- destroying or disturbing vegetation, earth or a watercourse
- keeping certain introduced plants or animals that might impact on the Area.

The Management Plan and native title

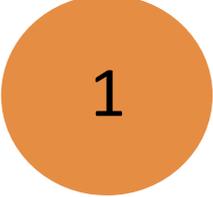
In most circumstances the Management Plan applies to native title holders in the same manner as if they held freehold title. The Management Plan does affect native title rights prescribed under the *Native Title Act 1993* (Cwlth), section 211. A permit is not required to exercise these native title rights, such as hunting, gathering vegetation for the purposes of satisfying personal, domestic or non-commercial communal needs, undertaking cultural, spiritual or ceremonial activities

Cooperative management agreements and national parks in the World Heritage Area

About 85% of the World Heritage Area is national park and is therefore subject to regulation under the *Nature Conservation Act 1992* (NCA). Queensland Parks and Wildlife Service (QPWS) must manage national park in the Area consistent with regulations under both the Wet Tropics Management Plan 1998 (the Management Plan) and the NCA. Establishing a CMA in a national park may be more difficult than in other parts of the World Heritage Area. This is because the Management Plan cannot allow something which is illegal or controlled under other legislation, for example the NCA.

QPWS manages commercial activities in national parks via commercial activity permits. Rainforest Aboriginal people who are interested in undertaking commercial activities in national parks (e.g. ecotourism, cultural tours) should also begin discussions with QPWS.

How to negotiate a CMA on Aboriginal freehold or leasehold within the World Heritage Area

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Steps in the process

Who to contact and when?

Contact the Wet Tropics Management Authority early

CMAs should be negotiated in good faith between the Authority and the applicant. It is recommended that you contact the Authority early in the planning process, particularly if you are proposing to commence master planning or other planning involving the siting and development of infrastructure that may involve:

- commercial activities (e.g. tourist facilities, forestry operations, cattle grazing)
- community services infrastructure (e.g. roads, power lines, water supplies)
- destruction and disturbance to vegetation, earth or watercourses
- permanent living areas
- keeping livestock, cats or dogs.

Contacting the Authority early will allow us to provide advice and guidance throughout the planning process so that the final community development proposal or master plan also meets the requirements for entering into a CMA.

Contact the **Wet Tropics Management Authority**

Ph: 4241 0500 | wettropics@wtma.qld.gov.au

The Authority can advise on whether there is a need to contact the Commonwealth Department of the Environment to seek advice about potential impacts on matters of national environmental significance.

Contact other relevant approval agencies

1. Contact local government to apply for development application and discuss their requirements and approval processes.
2. Contact Queensland Parks and Wildlife Service (if relevant) to discuss their requirements and approval processes.
3. For planning projects associated with Mossman Gorge, Wujal Wujal and Yarrabah, consider contacting the Queensland Department of Aboriginal and Torres Strait Islander Partnerships or Commonwealth Department of Prime Minister and Cabinet early in the process, as they may be able to assist with coordination of a master planning process:

Local government: [contact your local council](#) for information relevant to your area.

Department of Aboriginal and Torres Strait Islander Partnerships (Far North Queensland):

Phone (07) 4232 4232

Department of Prime Minister and Cabinet (Far North Queensland): Phone 1800 079 098

Department of the Environment: email epbc.referrals@environment.gov.au

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Contributing to achieving the primary goal for the World Heritage Area

How do cooperative management agreements work?

A Rainforest Aboriginal representative organisation or native title holder agrees in some way to contribute to the primary goal—the '*protection, conservation, rehabilitation, presentation and transmission to future generations of the World Heritage Area*'.

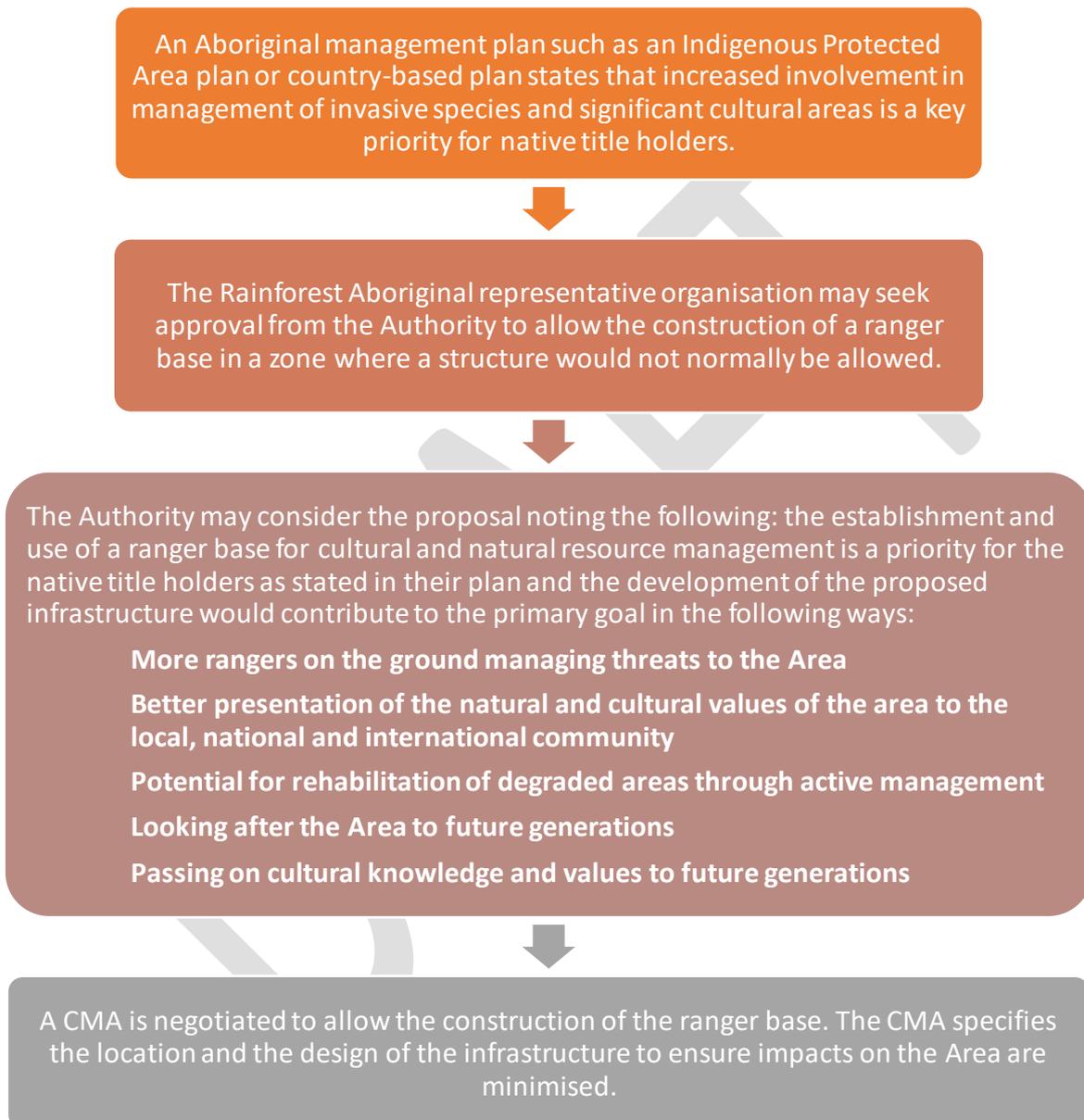
In return, the Authority agrees to allow for the Rainforest Aboriginal representative organisation or native title holders to undertake activities that they could not otherwise lawfully carry out under the *Wet Tropics Management Plan 1998*.

Generally infrastructure development will have a negative impact on World Heritage values, so land use planning should also consider other activities that could be undertaken that would contribute to the improved management of the Area. Potential activities might include:

- environmental weed and pest control programs
- cultural and ecological fire management
- rehabilitation of previously disturbed areas
- erosion and sediment control
- enhanced visitor management and presentation of the World Heritage values
- using traditional ecological knowledge to support future management of the Area.

Example: how an existing Aboriginal Management Plan might support the development of a CMA

The Authority may be able to recognise existing Aboriginal management plans through a CMA, particularly where the plan demonstrates how Rainforest Aboriginal people are contributing to the primary goal of the World Heritage Area.



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Planning for community developments

Avoiding impacts on World Heritage values

Impacts on vegetation, watercourses and other World Heritage values

- As a general principle, community development activities should seek to avoid or minimise destruction or disturbance to vegetation and watercourses. Extensive clearing should be avoided. Creek lines and drainage lines should be preserved. In the rainforest, every effort should be taken to maintain canopy connectivity so animals that require canopy can continue to move freely through the forest.
- Look for opportunities to locate buildings in already disturbed areas and close to existing community services infrastructure such as roads, electricity and water supplies.
- Undertake ecological surveys in the vicinity of proposed development sites to assess whether the proposed development is likely to impact rare and threatened Wet Tropics plants, animals or ecosystems including species that do not exist anywhere else in the world (endemic species).
- Local government planning schemes may require that firebreaks are maintained around development sites. This may require extensive clearing of vegetation. These sites should be avoided or options for minimising impacts investigated.
- Proposed excavation works or disturbance to earth should also be avoided or minimised. Appropriate erosion and sediment controls should be implemented.

Minimise impacts on vegetation, watercourses, soil, habitats and other ecological values

Consider utilising in already disturbed areas

Minimise visual impacts

Minimise impact of domestic animals and introduced plants

Is there an alternative approach or area to undertake the activity?

Visual impacts

- The Wet Tropics World Heritage Area is also listed for its scenic values, therefore design and locate buildings or roads such that they blend in with the landscape. Generally developments on ridgelines or coastal headlands should be avoided.

Domestic and undesirable plants and animals

- The keeping of domestic animals such as dogs and cats may threaten or impact on native animals. Consider Council's local laws that will restrict the keeping of these domestic animals.
- Cattle grazing is not allowed in rainforest areas and the introduction of cattle grazing into areas previously not grazed would not be appropriate.
- The growing of introduced plants that have the potential to invade the native forests must be avoided. A list of undesirable plants and animals is provided in the Management Plan.

Is there an alternative approach?

- Always look for practical and feasible alternatives when planning for developments. How important is the development to achieving community aspirations—what is the community need? Is there a better place to locate it outside the Area? Is there a better design that has less impact? Could other disturbed areas be rehabilitated to counteract the impact of the activity?

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Recognising Aboriginal planning processes in cooperative management agreements

1. The Authority is committed to recognising Rainforest Aboriginal planning processes by coordinating its advice and support to align with existing local, state and federal government assessment processes.
2. For larger community development activities the Authority recommends investigating opportunities to coordinate the planning and approval process through a master plan. Consider contacting the Queensland Department of Aboriginal and Torres Strait Islander Partnerships or Commonwealth Department of Prime Minister and Cabinet for advice about what support may be available.
3. Once the community development or master planning process commences, detailed consultation may be undertaken with:
 - a. native title holders to identify cultural, social and environmental values, and community development aspirations for the area
 - b. relevant approval agencies to seek advice and apply for development applications, permits or CMAs. **At this stage the Authority provides advice about the requirements of a CMA including requirements for designing and locating proposed activities so that impacts on the Area are avoided.**
4. At the end of your planning process, it is important that the proposed community development activities meets the relevant requirements of the Authority, state, commonwealth and local governments. Undertaking your planning in isolation, risks spending considerable time and resources on proposals that can't be approved.
5. A community development plan or master plan that is endorsed by the native title holders and includes the appropriate approval may then be recognised as a CMA under the Management Plan. Once a CMA is formalised between the Authority and a Rainforest Aboriginal organisation the agreed activities can commence.

A master plan engages the local community to determine the way an area should be used in the future. It considers environmental, social, cultural values to guide future community development.

A master plan may also assist to coordinate government planning and approval processes.

The Authority will support Rainforest Aboriginal-led planning processes by providing advice about how a master plan may meet the requirements for a CMA.

See the diagram on page 11 to see how a CMA fits with existing local, state and federal development assessment processes.

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Local government planning schemes and the Wet Tropics Management Plan

Before deciding what community developments you want to do on your land, you will need to find out what planning controls are in place under local government planning schemes. Planning controls can have a major influence over what community developments may be allowed and under what conditions.

- For more substantial community development activities, it is likely you will have to submit a development application to your local government authority (local council). This application may also need to be referred to one or more state government agencies for matters such as vegetation clearing, flooding or bushfire hazards.
- Local government will also have planning and zoning codes that you must follow when you are developing a property.
- Local government planning also considers the economic, social and environmental needs and the visions of the local community. They focus on land use, development, infrastructure and valuable features of the local government area. You can view a list of [Queensland local government planning schemes](#) or [contact your local council](#) for information relevant to your area.
- Local governments may also have local laws relating to such things as cats, dogs and keeping of livestock.

Local government planning schemes and the Wet Tropics Management Plan

It should be noted, that if there is any inconsistency between a planning scheme and the Wet Tropics Management Plan 1998, the Management Plan prevails to the extent of the inconsistency. This means that while councils may give approval for a development, if the activity is not approved by a permit of CMA from the Authority, the activity will not be allowed. A CMA must be in place to demonstrate that the activity is allowed within the Area before any development activities can commence. This is another good reason why engaging all relevant partners early in the planning processes will help avoiding roadblocks or delays later in the planning process.

To help demonstrate to local governments and other stakeholder where CMAs are in place within the Area, Authority has applied a CMA overlay to its online zoning maps. The overlay will highlight that the CMA varies the zoning rules according to the details in the agreement. CMAs will also be available for inspection from the Authority.

How a CMA supports an Aboriginal led planning process

