



# EcoSustainAbility



## Cape York World Heritage

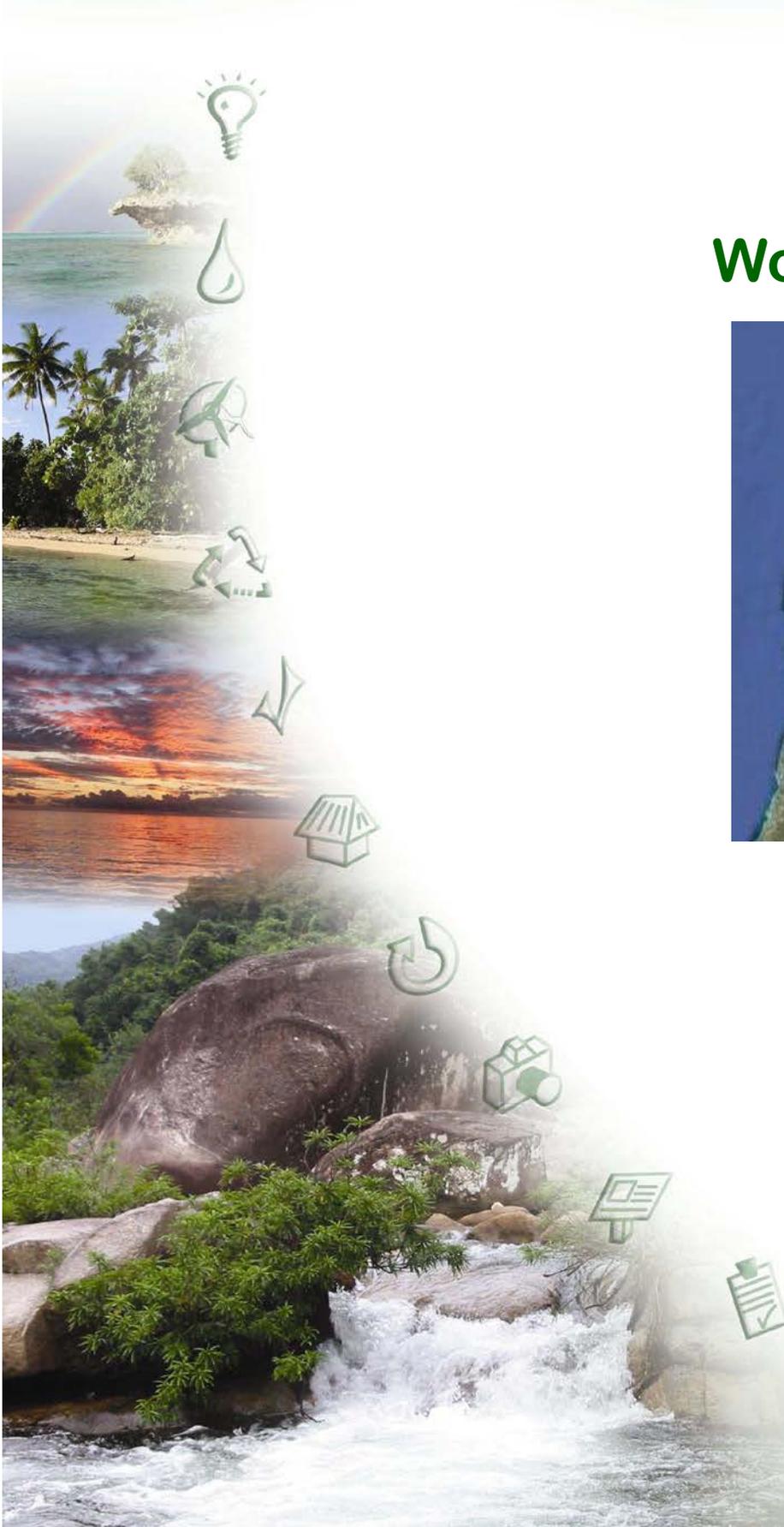


### Discussion Paper

Prepared for  
**Cape York  
Sustainable  
Futures**



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### Version Notes

Version 2.0: This version endorsed by Board of Cape York Sustainable Futures.

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## Summary

### Background

Both the Commonwealth and State governments have stated a desire to investigate the potential for World Heritage listing of Cape York. "Cape York Sustainable Futures believes that there is already sufficient legislation in place to protect Cape York Peninsula's important conservation and environmental values. A potential World Heritage nomination is not necessary to protect these values."

This report has been prepared for Cape York Sustainable Futures as a discussion paper to outline the process for World Heritage listing and provide an evaluation of various considerations for Cape York.

### World Heritage

The Convention Concerning the Protection of the World Cultural and Natural Heritage (the Convention) was adopted by the UNESCO General Conference in 1972. There are "Operational Guidelines" establishing a framework for World Heritage management. Each Country has obligations to identify, list and manage World Heritage. To be included on the World Heritage List, sites must be of outstanding universal value and meet at least one out of ten (natural and/or cultural) selection criteria, along with condition of integrity and authenticity. A protection and management regime must be in place and the nomination process must have involved consultation.

There is a wide variety of management regimes in Australian World Heritage sites, for some there is an established conservation management regime and the World Heritage listing is purely a "badge of honour" for others the World Heritage listing was the significant factor which created the conservation regime.

Each World Heritage site in Australia is unique in terms of the statutory protection, the management regime, the conservation values and the degree of community/public sensitivity. Given this the Commonwealth's approach is somewhat inconsistent, in some World Heritage sites there is a fairly active role of EPBC assessment of activities in others there is little involvement in land use planning/development assessment. The referral/scaled assessment and approval process is only after State approvals, and in some cases occasionally uses the State process.

### Cape York World Heritage Values

The CYPLUS report states: "Cape York Peninsula is one of Australia's key natural conservation areas ... it is considered ...that the combination and extent of these features of national significance result in much of the study area being of international conservation significance." "Features of conservation value are not restricted or concentrated in a few areas but are generally widespread and occur over most of the Peninsula." "It is considered that conservation of heritage values should be a major component of any land use planning or development strategy for the Peninsula, and will include both conservation management within protected areas as well as land use outside protected areas."

Reports into Cape York World Heritage significance conclude:

*"A substantial proportion of Cape York has the potential to qualify as World Heritage under the World Heritage Convention and thereby provide even greater recognition and protection. Irrespective of the status and strategic planning outcomes, as far as possible, long term land use and land management objectives should be achieved through cooperative and partnership arrangements with the Cape York communities of interest." (Mackey et al) "Nomination for World Heritage on cultural criteria would be best judged following a much more comprehensive review and analysis of data than has yet been undertaken, but the prospect of significant parts of Cape York Peninsula meeting the criteria for a 'cultural landscape' seems high. The strong link between natural and cultural heritage within such a nomination makes this an even greater prospect for Cape York Peninsula." (Valentine)*

*The issue for Cape York is that any assessment of the significance of conservation values is not able to be based on a fixed conservation regime/protected area management for the Cape, areas are being acquired and conservation management put into effect through the CYTRIG process, Wild Rivers designations, land owners establishing refuges/conservation regimes and other tenures, planning and management regimes.*

### Potential Area

DEWHA would not make any comment on the potential area for nomination regarding broad area or smaller. The Commonwealth's position that the traditional owners must agree to any nomination. DERM has established the CYPRAC process, which also includes the Cape York Peninsula Scientific Advisory Committee CYPSC and a World Heritage "Expert Panel". There is a three year Road map toward World Heritage listing which is being actively pursued.

As at June 2010 it is noted that the program is ongoing but perhaps a little delayed. The road map would require nomination of Cape York for the tentative list in early 2011, for a September 2012 lodgement of a nomination, which would see the potential listing (if approved) by mid 2014. Nomination on the tentative list would not necessarily need to be for a defined area and the boundary could yet to be defined.

It is observed that there is substantial opposition to the Wild Rivers declarations in some areas of Cape York by some key indigenous groups and traditional owners. It is unlikely for traditional owners to engage in consultation about World Heritage and promptly give their consent given the distrust in government consultation mechanisms which the Wild Rivers process has created. Further, there is the ongoing tenure resolution process and this is likely to mean that traditional owners involved in this will be more focused on these negotiations relating to their land ownership and future land use than the broader World Heritage declaration.



Cape York has a growing protected area estate with eight national parks. As part of an ongoing tenure resolution process Aboriginal freehold is being created with some areas having agreed nature refuges put in place. There is also an Indigenous Protected Area and a private wildlife refuge.

It is concluded that:

- A “serial” nomination of the current and proposed National Parks, National Park (Cape York Aboriginal Land) and nature refuges on Aboriginal Land is likely to have natural conservation values worthy of World Heritage listing and may have some cultural values suitable for inclusion (but potentially not meet the cultural landscape criteria/integrity requirements given the lack of inclusion of other aboriginal lands).
- A broad scale nomination of a wider area of Cape York is likely to have the natural, cultural and cultural heritage values worthy of World Heritage listing, but will require some form of conservation management regime to meet the protection and management requirements.

It is suggested that the potential area for World Heritage listing may include:

- National Parks, National Park (Cape York Aboriginal Land);
- Areas of nature refuge on Aboriginal freehold land and other agreed areas of Aboriginal land tenure and freehold land.
- Other areas managed for conservation such as the Steve Irwin Wildlife Refuge and Kaanju Ngaachi Indigenous Protected Area.
- Some areas of pastoral leases.

## World Heritage Examples

There are many World Heritage sites and relevant aspects of their management from within Australia and overseas which are relevant to the Cape York situation. In particular there are working examples of World Heritage areas that include multiple land uses (including portions of viable grazing leases), that include Aboriginal owned and occupied lands, that contain communities and community infrastructure and that have management regimes including stakeholder participation and overarching statutory management regimes.

## Considerations

**Economic Opportunities:** Fundamentally there is a challenge for World Heritage listing of Cape York to also result in an economic benefit to the region and allow communities to gain their livelihoods from the area either unrelated to conservation/World Heritage or as a consequence).

It is concluded that any understanding of the future economy of Cape York will need to include an understanding of future mining activity and the consequent access and settlement patterns which may result from this.

It is concluded that CYPLUS's Economic Vision for Cape York (to be achieved by 2010) could still apply today. Whilst there has been much achievement toward the vision, with major initiatives such as the upgrading of roads and tenure resolution, there is still a long way to go.

World Heritage listing is not an economic outcome in itself, however it is vital that the process for consideration of World Heritage listing and the proposed management regime (including land use controls, infrastructure, access and services) understand the consequential impacts and attempt to maximise the opportunities for economic development.

**Tourism Economic Benefit:** It is concluded that there are many challenges for tourism development on Cape York. The World Heritage listing could provide some focus to the better establishment of a Cape York tourism brand, however much more effort in development of tourism products in terms of infrastructure (both on public land such as national park facilities and private such as camp sites, lodges etc.) and access (roads, coastal and marine facilities etc.) will be required to realise any greater tourism potential.

**Infrastructure:** There may be opportunities for significant benefits to arise should there be a package of large and small scale community and tourism infrastructure developed as part of World Heritage listing and its initial management.

**Land Surety:** It is clear from the provisions in the Cape York Peninsula Heritage Act 2007 regarding leases within the AICS being able to have the 75 year terms that it is envisaged that the World Heritage area may/will include pastoral leases. There is an opportunity to ensure that leaseholders have support to meet conservation and natural resource management obligations under the new leases and provide some flexibility to allow entry into tourism or other agricultural activities.

**Land Management:** The World Heritage listing of Cape York could be an opportunity for State and Commonwealth governments to establish an integrated and long term program of natural resource and conservation management assistance to indigenous and pastoral land holders. Such a program if well resourced and long term could form the backbone of World Heritage management, be a major economic input to the Cape and result in substantial capacity building, employment, career paths and empowerment for local residents.

**Land Use Changes:** There remains a tension between the realising a future economic potential for Cape York with consequent changes in land use and broad acre conservation land declarations (national park/refuges/wild rivers/World Heritage etc.). Even if this is restricted to economic activities for the current community (i.e. does not fuel major population growth and new settlement).

**Tenure:** The land tenure situation in Cape York is evolving, with the protected area estate growing and aboriginal freehold lands being established. World Heritage is not a tenure in itself, however there may be consequential impacts on future tenures dealings within and adjacent to the World Heritage area.

**Approvals:** It is likely that some form of additional approvals will be required for land uses changes and development activities within and possibly adjacent to the World Heritage area. It is possible that this will involve some form of statutory management plan which establishes an additional approval process. It is most likely that would be given effect under Queensland legislation.



There may be some development proposals which require approval under existing State planning approvals, some additional state level "World Heritage" approval and also, in some cases Commonwealth EPBC approval.

Current development approval processes are already an impediment for small business and communities on Cape York, World Heritage could exacerbate this unless processes are streamlined and there is some form of advisory service or subsidy for professional advice.

**Land Management:** It is highly likely that for lands within the World Heritage area there will be a substantial emphasis on natural habitat protection (including fences, access, water/riparian/wetlands/coast, vegetation retention/rehabilitation, fire, weeds, feral animals, and erosion and sediment control). There are likely to be requirements on lands adjoining the World Heritage area as well.

**Access:** Given the size and remoteness of Cape York, access is a critical issue. World Heritage management will need to provide for the ongoing maintenance, upgrading and further development of access roads, airports and marine facilities.

**Services:** Given the size and remoteness of Cape York and the dispersed nature of communities and settlement patterns, services are a critical issue to providing for community livelihoods. World Heritage management will need to provide for the ongoing maintenance, upgrading and further development of services to support thriving communities.

**Tourism:** Tourism remains the main mechanism to realise any economic benefit from World Heritage listing and is the most prospective means for communities to gain economic independence and sustain livelihoods from any Cape York World Heritage Area. Tourism can form a major mechanism to present the World Heritage values and if developed using best practice sustainability/ecotourism much growth in tourism could be accommodated without loss of World Heritage values. In order to achieve this: access; services; infrastructure; facilities; appropriate tenures/land access for commercial ventures; and efficient and timely approvals processes will be required. The management regime for World Heritage will need to include proactive development of tourism opportunities and involve overall strategic level and precinct based tourism planning, not just reactive regulation.

**Grazing and Agriculture:** There remain a range of uncertainties with potential listing of Cape York and the viability of the cattle industry on Cape York. At the Cape scale, the viability of the pastoral industry needs to be considered, at the property scale the implications of and support for any increased land management obligations to protect World Heritage values needs to be addressed.

**Indigenous:** It is noted that there are substantial challenges to obtain traditional owner consent to World Heritage listing and that this process could take a longer period as traditional owners move from focus on the areas of consideration for listing to the management, constraints and obligations for their uses and the management and decision making framework for management of the World Heritage area. Despite these challenges there are many models in Australia and overseas of World Heritage areas owned and jointly managed with traditional owners.

**Local Determination:** The management arrangements for a Cape York World Heritage area will need to include a mechanism to effectively involve the wide range and dispersed nature of stakeholder groups and local community interests of Cape York.

**Management Arrangements:** It is concluded that at this stage there has been no decision regarding the management regime for the proposed Cape York World Heritage Area. A management regime will need to address the multiple tenure types (including national parks, aboriginal land and leasehold land) and given the multiple tenures some form of overarching statutory protection, land use and development approvals process is expected. It is likely that the management regime will include an overall Strategic level management plan which may include zoning and development approvals processes. To date there have been no commitments from state and federal government as to the management arrangements.

**Management Resources:** It is concluded that a long term funding model with contributions from both Commonwealth and State governments will be required to adequately resource the management of a Cape York World Heritage Area. To date there have been no commitments to such funding.



## Potential Vision

Cape York has thriving communities who derive their livelihoods from natural resource management, tourism, grazing and mining. Community development and the economy is supported by ongoing improvements to access and services. There are opportunities for entrepreneurial enterprises for tourism and new agricultural activities. The cultural and natural values of the Cape have been recognised by World Heritage listing of national parks, nature refuges and areas of Aboriginal land and pastoral leases voluntarily included within the area. Landholders with lands in the World Heritage area derive benefits for their proactive management for conservation values. The management of the World Heritage area is undertaken by a single, well resourced management body streamlining integrated Commonwealth and State approvals and management programs and with landholder and local community determination as fundamental planks of its management.

## Potential Principles

1. The World Heritage nomination is based on natural and cultural values, and cultural landscape criteria.
2. No land is included in the World Heritage area nomination without landholder knowledge and consent.
3. Prior to nomination for World Heritage listing:
  - a. Consultation process for the nomination of Cape York includes all interested stakeholders (no closed door reference groups).
  - b. The tenure resolution process is substantially completed and the extent of protection of conservation values in protected areas is understood.
  - c. The management regime including the form of any management body, statutory planning and approvals processes and resources is determined through consultation with all interested stakeholders.
  - d. There is a commitment to provide for development of tourism products in terms of infrastructure (both on public land such as national park facilities and private such as camp sites, lodges etc.) and access (roads, coastal and marine facilities etc.) which be required to realise any greater economic contribution.
  - e. There are commitments to funding and allowing for ongoing maintenance and development of access, infrastructure and services.
  - f. Land tenure arrangements address surety, flexibility and allow capital raising options.
  - g. A program of community based land management is committed to and well resourced.
  - h. Any specific State approval process for the World Heritage area, streamlines other approval processes rather than adding another layer and seamlessly integrates any Commonwealth requirements.
  - i. After the tenure resolution process is substantially complete, the viability of the grazing industry across Cape York is assessed and viability of individual properties is taken into account in setting the potential boundary.
  - j. Firm, long term commitments are made in relation to allowable land uses of areas within and adjoining the World Heritage area, this takes into account other land use/development constraints such as Wild Rivers.
  - k. An economic futures plan is developed with interested stakeholders and government policy and funding commitments to its implementation are made prior to nomination for World Heritage listing.
  - l. Informed consent from all the people of Cape York Peninsula.



# 1 Introduction

## 1.1 Background

### 1.1.1 Proposed World Heritage Listing

Both the Commonwealth and State governments have stated a desire to investigate the potential for World Heritage listing of Cape York.

The heritage values, of the widespread natural landscapes and living indigenous culture of Cape York has been recognised for many years. In August 1974, When Australia first signed the World Heritage Convention, Cape York was listed as a potential site. In 1980, Cairns hosted the second World Wilderness Congress, at this the wilderness and heritage values of Cape York were brought to prominence, as was the significance of the nearby tropical rainforests, the wet tropics.

In recent decades, various processes, including the Cape York Peninsula Land Use Study, a wilderness study, a much publicised agreement between traditional owners, conservation groups and graziers, the proposal to build a space base, mining proposals, native title claims, the recent Wild Rivers declarations and the Department of Environment and Resource Managements tenure resolution process have all highlighted the conservation significance of the natural values and the living indigenous culture of the Cape.

As of June 2010, Cape York had not been included on Australia's tentative list for World Heritage listing (a pre-requisite for World Heritage nomination). Based on an agreement between the Commonwealth and Queensland governments, Queensland was facilitating a process to identify a potential area to investigate the natural and cultural values and identify an area for potential nomination World Heritage listing.

### 1.1.2 Community Petition

In the period 2007 to 2010 there had been many concerns about the Wild Rivers declarations and the implications on existing and future land uses and livelihoods on Cape York. This has resulted in a level of mistrust between and among various groups and the Queensland government. With concern over the potential adverse impacts that World Heritage listing could result in, a community petition was raised with several hundred signatures.

"The residents of Cape York Peninsula and its surrounds are opposed to a blanket listing of Cape York for any World Heritage nomination. We agree that an evaluation be undertaken to identify appropriate areas of land that have priority conservation significance and that these will require targeted management. We urge both governments to consider the following issues when considering a World Heritage nomination for Cape York Peninsula:

- That the people of Cape York Peninsula be fully engaged in and consent to the process
- Provide a sustainable future for generations to come by providing real jobs relevant to the people of Cape York Peninsula
- Provide a best practice land management plan
- Provide infrastructure necessary to sustain viable industry outcomes for the people of Cape York Peninsula
- Undertake a fully investigated impact study on the social, economic and environmental affect and inform the CYP people
- That the Government provide a complete scientific report on the environmental values and why they need to be protected and how this will be achieved through World Heritage listing."



### 1.1.3 CYSF Position

Cape York Sustainable Futures has concerns over World Heritage listing, the following position statement was prepared:

“Cape York Sustainable Futures believes that there is already sufficient legislation in place to protect Cape York Peninsula’s important conservation and environmental values. A potential World Heritage nomination is not necessary to protect these values.

Cape York Sustainable Futures suggests that no one is in a better position than the people of Cape York Peninsula to determine what is best for their region as they have been looking after their country and managing their land in some cases, for thousands of years.

Cape York Sustainable Futures does not support a blanket listing of the whole of Cape York Peninsula but agrees that an evaluation be undertaken to identify appropriate areas of land that have priority conservation significance that will require targeted management.

We look at the Wet Tropics and the Great Barrier Reef as an example and note that these have become engines for growth in tourism and economic development that is based on strong community support within the local region and has become essential to the economic development of Cairns.

The community of Cape York Peninsula is not convinced that the Government has a plan to support economic development in the region. Cape York Sustainable Futures believes that future development of Cape York must encompass sustainable economic, social, cultural and environmental development for the Cape York region.

CYSF would like to see an economic futures plan on how to utilise the wilderness values to support the Cape York community to ensure that these values will be protected. Closing off areas of land will only degrade the landscape and the values and will not protect the land for future generations.

Cape York Sustainable Futures agrees that future generations of the Peninsula should be involved in the future management of Cape York Peninsula.”

See Appendix 2 for the most recent position statement by CYSF.

## 1.2 Scope

This report has been prepared for Cape York Sustainable Futures as a discussion paper to outline the process for World Heritage listing and provide an evaluation of various considerations for Cape York. The scope of this discussion paper is:

1. As far as can be determined, the current options for World Heritage listing (Valentine report, plus any other information available);
2. The overall changes in land use rights/ environmental controls with World Heritage listing for places within the World Heritage site, adjoining or nearby (e.g. role of Commonwealth with EPBC approvals etc.).
3. An analysis of the potential implications of the additional conservation regime across the various land tenures/uses for each of the proposed World Heritage listing scenarios.
4. Examples of outcomes for land uses etc. in other sites (e.g. tenure changes and land use prohibitions for Wet Tropics and other World Heritage sites).
5. An analysis of the potential opportunities for various land uses and sustainable development from

World Heritage listing for the sustainable future of Cape York.



6. A brief overview of the inter-relationship between World Heritage listing and other conservation tenures/zoning/declarations, e.g. national park, wild rivers, private nature refuge, environmental covenants etc.
7. An analysis of the potential management regimes (regulations/plans/zoning) etc. based on other Australian examples (Wet Tropics, CERRA, Kakadu, Willandra, Shark Bay etc.)..
8. The role of current land use in conservation management (fire/weeds/ferals) and the need for ongoing active management of lands included in the World Heritage site.
9. An overall summary of the potential future scenarios of the extent of World Heritage listing, the extent of additional management/regulation and the potential opportunities for current and future land uses.
10. A potential future scenario which maximises the potential for a sustainable future for Cape York, whilst achieving conservation.

NOTE This discussion paper has not specifically undertaken any analysis of native title/indigenous land rights implications of World Heritage listing, but does address community and traditional owners roles in potential management models.

### **1.2.1 Approach**

This discussion paper has been prepared based on available literature and consultation with the various government agencies (particularly DEWHA and DERM) and managers of other World Heritage sites. The considerations and concerns set out in the discussion paper were informed by a workshop held in Cooktown on the twelfth of March 2010.

A draft of this report and the Future Scenario was presented to the CYSF Board in Weipa in early June 2010 and has been finalised following their input.

### **1.2.2 Consultation**

The development of this report has mostly relied on published information. There has been consultation with Commonwealth (DEWHA) and Queensland officers (DERM), who have been very helpful in outline current processes. A variety of stakeholders have been consulted informally.

NOTE: A number of attempts were made to have discussions with Balkanu and Cape York Partnerships in an endeavour to ensure that the considerations addressed all stakeholders concerns and aspirations. The CEO of Balkanu identified some concerns with aspects of CYSF's position on other issues and declined to be involved in the development of this discussion paper. Notwithstanding, it is suggested that there are more commonalities in concerns and issues between the various communities of Cape York with regards to World Heritage listing than there are potential differences, as such dialogue between all stakeholders is to be encouraged.

## **1.3 Status**

The status of this version is a discussion paper which has been adopted by the Board of Cape York Sustainable Futures. The report attempts to outline the views of stakeholders and is not necessarily an opinion held by EcoSustainAbility.



## 2 World Heritage

### 2.1 International Convention

The Convention Concerning the Protection of the World Cultural and Natural Heritage (the Convention) was adopted by the UNESCO General Conference in 1972. The Convention came into force in 1975 and is now ratified by 186 States Parties.

The Convention aims to promote cooperation among nations to protect heritage from around the world that is of such outstanding universal value that its conservation is important for current and future generations. It is intended that, properties on the World Heritage List will be conserved for all time. States Parties to the Convention commit themselves to ensure the identification, protection, conservation, and presentation of World Heritage properties. States recognize that the identification and safeguarding of heritage located in their territory is primarily their responsibility. They agree to do all they can, using their own resources and, at times with international assistance, to protect their World Heritage properties.

In addition to the Convention, the “Operational Guidelines for the Implementation of the World Heritage Convention” is the main framework for World Heritage management.

#### 2.1.1 Obligations

Each Country has obligations to identify, list and manage World Heritage. States parties agree, amongst other things, to as far as possible:

- adopt a general policy which aims to give the cultural and natural heritage a function in the life of the community and to integrate the protection of that heritage into comprehensive planning programs;
- undertake appropriate legal, scientific, technical, administrative and financial measures necessary for the identification, protection, conservation, presentation and rehabilitation of this heritage; and
- refrain from any deliberate measures which might damage, directly or indirectly, the cultural and natural heritage of other Parties to the Convention, and to help other Parties in the identification and protection of their properties.

#### 2.1.2 World Heritage Committee

The Convention is administered by a World Heritage Committee, which consists of 21 members elected from those States that are Parties to the Convention. Elections are held every two years. The Committee's main tasks are to:

- decide on the inscription of new properties on the World Heritage List
- discuss all matters relating to the implementation of the Convention
- consider requests for international assistance
- ensure States meet their obligations under the Convention to protect World Heritage properties
- administer the World Heritage Fund.

The Committee is supported by a small secretariat, the World Heritage Centre, which is a part of the United Nations Educational, Scientific and Cultural Organisation (UNESCO) based in Paris, France.

#### 2.1.3 World Heritage List

The World Heritage List includes 890 properties forming part of the cultural and natural heritage which the World Heritage Committee considers as having outstanding universal value. These include 689 cultural, 176 natural and 25 mixed properties in 148 States Parties.



#### 2.1.4 “In Danger”

There is a List of World Heritage in Danger to inform the international community of conditions which threaten the values for which a property was inscribed as World Heritage, and to encourage corrective action. Armed conflict and war, earthquakes and other natural disasters, pollution, poaching, uncontrolled urbanization and unchecked tourist development pose major problems to World Heritage sites. Dangers can be ‘ascertained’, referring to specific and proven imminent threats, or ‘potential’, when a property is faced with threats which could have negative effects on its World Heritage values.

The World Heritage Committee can inscribe on the List of World Heritage in Danger properties whose protection requires ‘major operations (...) and for which assistance has been requested’. Inscribing a site on the List of World Heritage in Danger allows the World Heritage Committee to allocate immediate assistance from the World Heritage Fund to the endangered property. Inscription on the List of World Heritage in Danger is not perceived in the same way by all parties concerned. Some countries apply for the inscription of a site to focus international attention on its problems and to obtain expert assistance in solving them. Others however, wish to avoid an inscription, which they perceive as a dishonour. The listing of a site as World Heritage in Danger is not meant to be a sanction, but as a system established to respond to specific conservation needs in an efficient manner.

#### 2.1.5 Values

To be included on the World Heritage List, sites must be of outstanding universal value and meet at least one out of ten selection criteria. In summary, the criteria are:

##### World Heritage Values (Cultural)

- i. Masterpiece of human creative genius
- ii. Interchange of human values
- iii. Exceptional testimony to cultural tradition/civilisation
- iv. Outstanding example of building/landscape
- v. Traditional human settlement/land use/sea use
- vi. Tangibly associated with events and living traditions

##### World Heritage Values (Natural)

- vii. Superlative natural phenomena, exceptional natural beauty
- viii. Earth’s history, record of life, geological processes
- ix. Significant ecological and biological processes, ecosystems/communities
- x. Natural habitats for in-situ conservation

#### 2.1.6 Integrity and Authenticity

In addition to the values, there are conditions of integrity and authenticity which must be met, in summary these are:

##### Authenticity (cultural criteria)

Reliability of information, cultural context etc.

##### Integrity (all properties)

Wholeness and intactness

All elements, adequate size for representation

There are specific integrity conditions for each natural criteria.



### 2.1.7 WH Protection and Management

The Convention and Operational Guidelines have specific obligations on Countries for their World Heritage sites. Specifically, there are pre-requisites for legislative and regulatory protection, boundaries for effective protection, buffer zones, management systems and sustainable use which must be met before World Heritage listing can be achieved.

### 2.1.8 WH Tentative List

Under the new Operational Guidelines (since 2005) a site must be on the tentative list prior to nomination. Countries are “encouraged to prepare tentative lists with the participation of site mgrs, local/regional governments, local communities, NGO’s other interested parties”. As such there is an expectation of community knowledge of and (hopefully) support for World Heritage listing.

Cape York is not yet on the Tentative List! Given this, there is a twelve month process within the meeting cycle of the World Heritage Committee for inclusion of Cape York on the Tentative List before a nomination can proceed.

### 2.1.9 WH Nomination Process

Once a site is included on the tentative list the following summarises the process for a World Heritage nomination:

30 Sept	Year -1	Draft Nomination
15 Nov	Year -1	Secretariat review of draft
1 Feb	Year 1	Nominations Due
1 Mar	Year 1	Secretariat (Completeness)
March	Year 1	Sent to advisory bodies (IUCN, ICOMOS etc.)
May	Year 2	Advisory Bodies report
June/July	Year 2	WH Committee

## 2.2 World Heritage In Australia

### 2.2.1 Seventeen Sites

There are seventeen World Heritage sites in Australia, the Fossil Mammal Sites (Naracoorte and Riversleigh), Fraser Island, Gondwana Rainforests, Great Barrier Reef, Greater Blue Mountains, Heard and Macdonald Islands, Kakadu, Lord Howe Island, Macquarie Island, Purnululu, Royal Exhibition Building and Carlton Gardens, Shark bay, Sydney Opera House, Tasmanian Wilderness, Uluru- Kata Tjuta, Wet Tropics of Queensland and Willandra lakes. In addition the Australian Convict Sites and the Ningaloo Coast are being nominated.

### 2.2.2 Variety of Management

There is a wide variety of management regimes in Australian World Heritage sites, for some there is an established conservation management regime and the World Heritage listing is purely a “badge of honour” for others the World Heritage listing was the significant factor which created the conservation regime (e.g. the Wet Tropics).



Australia's constitution creates a unique situation whereby the Australian (Commonwealth) government has additional "external affairs powers" to govern matters otherwise the responsibility of states when the matter is the subject of an international agreement. This was the outcome of the "Franklin Dam Case" where the High Court ruled that the Federal Government had the power to stop the state building the dam in a World Heritage Site. This led to some very acrimonious processes where States and Territories opposed World Heritage listing, as much owing to their loss of "sovereignty" as to disagreeing with the conservation significance of the place. Public lobbying of World Heritage Committee delegates at international meetings by States and Territories against the nomination of a place by the national Government (e.g. for Kakadu stages 2 and 3 nominations and the Wet Tropics) caused much bemusement by other Countries. This process led indirectly to changes to the Operational Guidelines in which the protection and management must be established and provincial/local/state governments must be involved in the nomination process.

The Commonwealth Government has entered into an agreement with States that essentially empowers them to identify sites for the Commonwealth to formally nominate.

It is important to understand that it is the Commonwealth Government's responsibility to identify and manage World Heritage, in many instances it "delegates" this to the States. However for all World Heritage sites in Australia the Constitution gives the Commonwealth the "external affairs" powers to control activities to effect conservation that it would otherwise not be involved in. NOTE: This is also the case for endangered species, migratory species and other matters for which Australia has entered into international agreements. In many cases this is rarely implemented, for other places the Commonwealth is more actively involved.

### **2.2.3 Environmental Protection and Biodiversity Conservation Act 1999**

The Environmental Protection and Biodiversity Conservation Act 1999 (EPBC Act) is the overall legislation of the Commonwealth for environmental management and conservation and replaced a variety of National Parks, wildlife, World Heritage, national estate legislation.

The EPBC Act has a set of "Matters of National Environmental Significance"(MNES), which include endangered species and World Heritage values. There is a referral required of a development or activity may affect a MNES, in some cases, the Commonwealth "calls in" a project seeking a referral. Once a referral is made, a decision is made as to whether there may be an effect on MNES, is so there is a range of assessment processes, from assessment on preliminary documentations to a full public enquiry. There are consultation processes involved in these assessment processes.

Each World Heritage site in Australia is unique in terms of the statutory protection, the management regime, the conservation values and the degree of community/public sensitivity. Given this the Commonwealths approach is somewhat inconsistent, in some World Heritage sites there is a fairly active role of EPBC assessment of activities in others there is little involvement in land use planning/development assessment. The referral/scaled assessment and approval process is only after State approvals, and in some cases occasionally uses the State process.



## 3 Cape York Conservation and World Heritage Assessment

### 3.1 CYPLUS

In the 1990's the Cape York Peninsula Land Use Study set out a long term framework for the future of Cape York. This was a landmark process in that it was undertaken with both Commonwealth and State governments involvement. The Stage 2 Report (1997)<sup>1</sup> sets out a series of strategies to support an overall vision. The Vision (for 2010!) included the concepts of Cape York being a "special part of Australia", residents having respect for each others values", economic independence, quality human services and cooperative arrangements. The Report sets out a range of strategies for conservation and natural resource management. Despite there having been an extensive and in-depth land use planning study, the strategies included the need for detailed assessment of the conservation values and the need for a Natural Resource Management Strategy which would set out categories for conservation significance/management. The Report mentions consideration of the international significance but no World Heritage.

CYPLUS did not include proposals for World Heritage listing, although the potential international significance of the Cape (and therefore the potential for World Heritage listing) was recognised. Despite the Stage 2 CYPLUS report suggesting further studies and planning for conservation it did set out proposed initial areas for government support for management actions and protection of natural values (see Figure 1).

#### 3.1.1 Conservation and Heritage Significance

As part of the CYPLUS project, an "Assessment of the Conservation and Natural Heritage Significance of Cape York Peninsula" was undertaken.<sup>2</sup> The assessment identified areas of natural heritage significance across Cape York. The assessment involved modelling conservation values focused on particular themes, or where known used species specific or point location information. The report details the distribution of particular conservation values and also outlines the values of thirty-six places identified as being of natural conservation significance. Extracts from the Executive Summary are relevant:

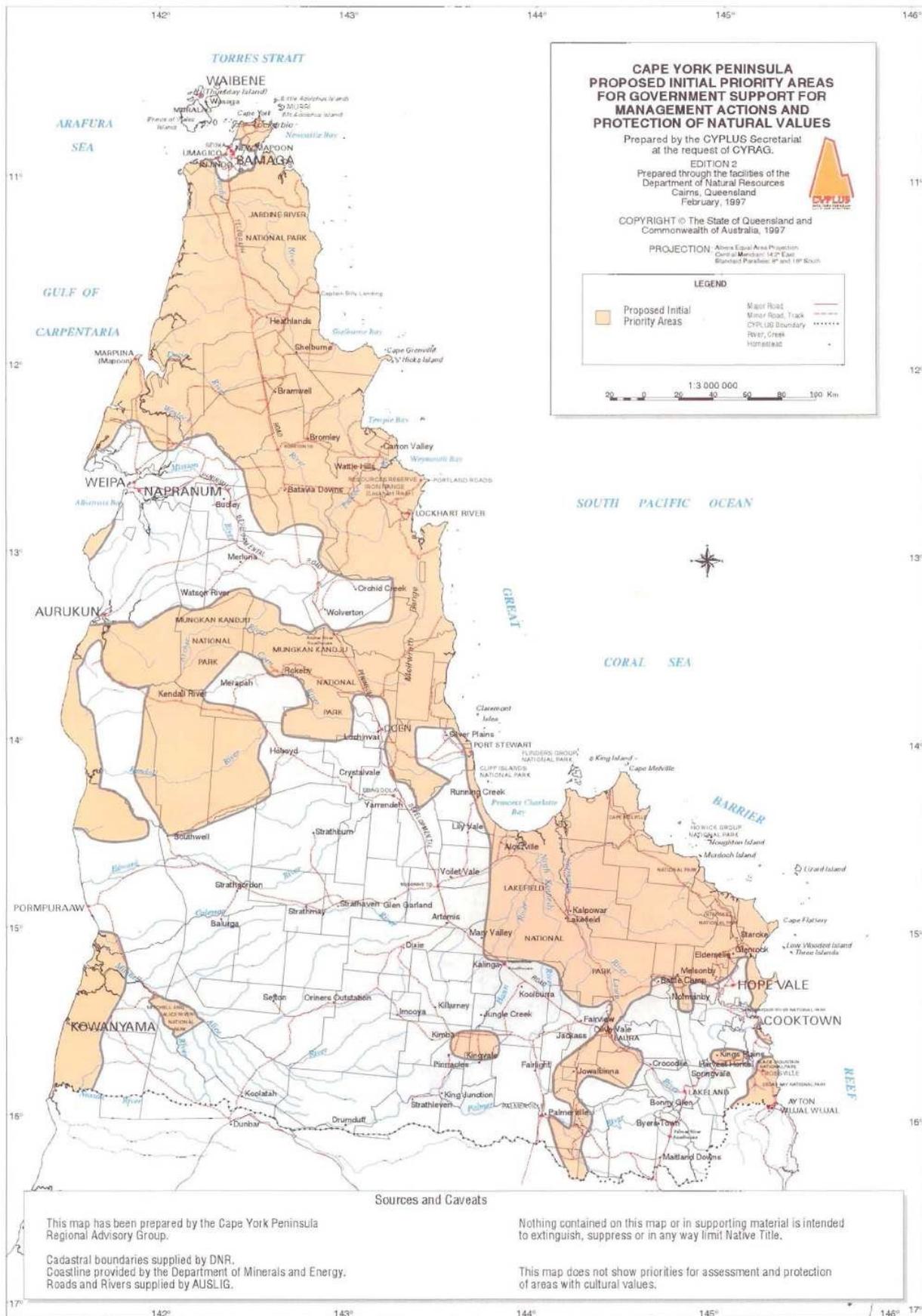
Cape York Peninsula is one of Australia's key natural conservation areas. Its dunefields and deltaic fan deposits are amongst the best developed in the world, while the biogeographic and evolutionary relationships of the plants and animals to the biota of New Guinea provides important insights into the evolutionary history of Australasia. In a national context, Cape York Peninsula contains major areas of wilderness, heathlands, rainforest, riparian vegetation, and wetlands. The Peninsula also contains some of Australia's highest concentrations of rare and threatened species as well as restricted endemics. It is also an important area for species richness, and is particularly rich for invertebrates, freshwater fish, mangroves, seagrass and orchids. *It is considered by the authors, that the combination and extent of these features of national significance result in much of the study area being of international conservation significance.*

<sup>1</sup> Cape York Regional Advisory Group (1997) *Cape York Peninsula Land Use Strategy – Our Land Our Future: A Strategy for Sustainable Land Use and Economic Social Development*, (Queensland Department of Local Government and Planning and Commonwealth Department of Environment, Sport and Territories)

<sup>2</sup> H. Abrahams, M Mulvaney, D. Glasco & A. Bugg (1995) *An Assessment of the Conservation and Natural Heritage Significance of Cape York Peninsula* (Australian Heritage Commission and the Environmental Resources Information Network for CYPLUS).



Figure 1: CYPLUS Priorities





Features of conservation value are not restricted or concentrated in a few areas but are generally widespread and occur over most of the Peninsula. For example, the best examples (being the largest and least disturbed patches) of each of the 201 natural vegetation classes that occur on the Peninsula, are not found in particular areas but are distributed right across the region. Similarly, although rare vegetation classes tend to be clustered in certain areas, a different set of areas are important for different values such as endemic species or wetlands.

Over 80% of the Peninsula has been identified as having natural conservation significance for at least one natural heritage attribute. The vastness and importance of this area, together with the widespread nature of individual values, necessitates a regional consideration of natural heritage values in land use planning, rather than a focus on a few key areas. *It is considered that conservation of heritage values should be a major component of any land use planning or development strategy for the Peninsula, and will include both conservation management within protected areas as well as land use outside protected areas.*

A major reason why the conservation values are so extensive is that, unlike much of Australia, Cape York Peninsula is little fragmented with the large majority of the Peninsula still retaining its natural vegetation structure. About 40% of Cape York Peninsula is of very high wilderness quality. (Wilderness quality consists of a continuum from highly disturbed urban areas to pristine natural areas). Australia has eighty biogeographic regions (Thackway and Cresswell 1995). The Peninsula is one of fifteen biogeographic regions where the majority of the region is of high or very high wilderness quality. No other large, predominantly natural area in Australia contains the diversity, in such large areas, of major vegetation structural types that are found on Cape York Peninsula.

The assessment goes on to identify a range of specific values on the these of wetlands, sea and shorebird habitat, rare and uncommon features, rainforest and heathlands, endemism, features of biogeographic and evolutionary significance species richness, dune fields and geological sites. The report stresses the value of the whole and intact river catchments (“whole river systems of high wilderness quality”) and also identifies particular values of research sites. The report did not address cultural heritage.

## 3.2 Mackey Report

Following the CYPLUS process, ANUTECH was engaged to undertake an assessment of the natural heritage significance of Cape York Peninsula. The report<sup>3</sup> derived a framework criteria for assessment of the natural heritage values and then compiled known information. Extracts from the report’s summary include:

At the global and most general scale, Cape York Peninsula contains three globally significant bioclimatic domains and a wide range of ecosystems. Rainforests, open forests. Woodlands, shrublands. heaths. sedge lands. grasslands, mangroves. seagrass. coral reefs and saltmarsh systems are well represented and relatively undisturbed by modern technology. *It is this retained integrity of natural systems and processes. Over such a vast area across entire watersheds that gives Cape York Peninsula its unique character and global environmental significance. Australia, alone among nations with large areas of monsoonal wet/dry tropical environments. has all opportunity to avoid the*

*mistakes of ill-advised development with attendant land and groundwater degradation, water pollution, and biodiversity loss. As the CYPLUS process itself has demonstrated, there has been a developing community desire, matched by political support, for a total bioregional approach to the sustainable development of Cape York Peninsula.*

<sup>3</sup> Mackey B, Nix H, Hitchcock P (2001) *The natural heritage significance of Cape York Peninsula* (unpublished report to the Queensland Government by ANUTECH).



A substantial proportion of Cape York has the potential to qualify as World Heritage under the World Heritage Convention and thereby provide even greater recognition and protection. Irrespective of the status and strategic planning outcomes, as far as possible, long term land use and land management objectives should be achieved through cooperative and partnership arrangements with the Cape York communities of interest.

The Mackey report then goes on to provide specific findings against criteria such as: geo-evolution, geodiversity, bioevolution, biodiversity, natural integrity, ongoing natural processes, contribution and knowledge and aesthetics.

### 3.3 Valentine Report

In 2006 Associate Professor Peter Valentine reported to the Queensland National Parks and Wildlife Service on "Compiling the Case for World Heritage Listing for Part of Cape York Peninsula"<sup>4</sup>

A review of available literature on Cape York Peninsula natural heritage and analysis of the precedents and prevailing practices of the World Heritage Committee was undertaken. The specific requirements for inclusion on the National Heritage list was also reviewed despite much more limited availability of practice and precedent. In my opinion the evidence referred to is adequate to conclude that a case exists for the nomination of Cape York Peninsula for both the National Heritage list and for the World Heritage list. The case is strong for both natural and cultural heritage attributes for the National List and while the evidence is better assembled for natural heritage I am equally convinced that cultural heritage criteria for the National List can also be met, although it will require significant collaborative compilation effort. Nomination for World Heritage on cultural criteria would be best judged following a much more comprehensive review and analysis of data than has yet been undertaken, but the prospect of significant parts of Cape York Peninsula meeting the criteria for a 'cultural landscape' seems high. The strong link between natural and cultural heritage within such a nomination makes this an even greater prospect for Cape York Peninsula.

Unlike Uluru and Kakadu, Cape York Peninsula has many discrete Indigenous traditional owner groups and each of these will need to be separately involved in any development of a World Heritage nomination that includes extensive areas of the Peninsula. Cultural heritage is in the first instance entirely in the hands of traditional owners who must therefore agree to the extent of any sharing that may be implicit in a cultural heritage nomination. Given the views of both Conservation groups and Aboriginal people that World Heritage nomination will only proceed with Traditional Owner consent the most appropriate process to confirm the basis of any Cultural World Heritage nomination is as part of this consent engagement.

Valentine states: "The evidence suggests that Cape York Peninsula can meet the following criteria for World Heritage listing":

- (vii) to contain superlative natural phenomena or areas of exceptional natural beauty and aesthetic importance
- (viii) to be outstanding examples representing major stages of earth's history, including the record of life, significant on-going geological processes in the development of landforms, or significant geomorphic or physiographic features
- (ix) to be outstanding examples representing significant on-going ecological and biological processes in the evolution and development of terrestrial, fresh water, coastal and marine ecosystems and communities of plants and animals

<sup>4</sup> Valentine P (2006) *Compiling the Case for World Heritage Listing for Part of Cape York Peninsula* (unpublished report to Queensland National Parks and Wildlife Service, see <http://www.derm.qld.gov.au/register/p02227aa.pdf>)



(x) to contain the most important and significant natural habitats for in-situ conservation of biological diversity, including those containing threatened species of outstanding universal value from the point of view of science or conservation

In addition Valentine considered that there is a possible case for listing using cultural heritage criteria:

(iii) to bear a unique or at least exceptional testimony to a cultural tradition or to a civilization which is living or which has disappeared

(v) to be an outstanding example of a traditional human settlement, land-use, or sea-use which is representative

of a culture (or cultures), or human interaction with the environment especially when it has become vulnerable under the impact of irreversible change

(vi) to be directly or tangibly associated with events or living traditions, with ideas, or with beliefs, with artistic and literary works of outstanding universal significance. (The Committee considers that this criterion should preferably be used in conjunction with other criteria).

Valentine concludes:

On the basis of a limited exposure to examples from across the Peninsula the opportunities for cultural listing seem to be there and it is expected these would be confirmed and deepened as part of the process of developing a nomination, however there are some significant challenges in making a link between evidence and the criteria. It is probable that a nomination under the Cultural Landscape option would be successful. The possible inclusion of Indigenous Protected Areas and other forms of community conservation is also examined. There is potential for Indigenous lands to contribute significantly to a World Heritage nomination. The framework for this should include full engagement with Traditional Owners whose cultural property must form the basis of any nomination. For this reason it would be premature to advance specific attributes as a basis for a World Heritage nomination.

Some of the associated elements that may ensure a greater likelihood of success have been identified and the possibility for these to be incorporated in a nomination has been explored. Key components of this refer to the integrity of the site nominated, the management arrangements that may guarantee protection and conservation of the site and the importance of participation of the community both in the nomination process and in the subsequent management arrangements.

Because there are a number of options available (in terms of specific places and sites to be included in any nomination) the potential use of a Biosphere Reserve approach has been explored. This internationally popular approach (nearly half of all natural WH sites are also in Biosphere Reserves) may provide a unifying theme for advancing the World Heritage prospects for Cape York Peninsula. It may also be applied in conjunction with a serial nomination for core conservation areas. The key elements of Cape York Peninsula that align with the World Heritage natural criteria are identified, largely based on Mackey et al. 2001 but supplemented with additional material. The crucial importance of the existing integrity of Cape York Peninsula has been reinforced and linked to future management arrangements. This aspect is also critical in the context of boundary design.

Valentine sets out a range of potential scenarios for the area for listing:

- Scenario 1 – All Cape York (less some mining leases)
- Scenario 2 – Core Conservation Areas “Serial nomination”
- Scenario 3 – Eastern Cape York
- Scenario 4 – Greater Eastern Cape York
- Scenario 5 – State Lands

Scenarios 3, 4 and 5 are shown in Figures 2–4 below.



Figure 2: Valentine Scenario 3 – Eastern Cape York

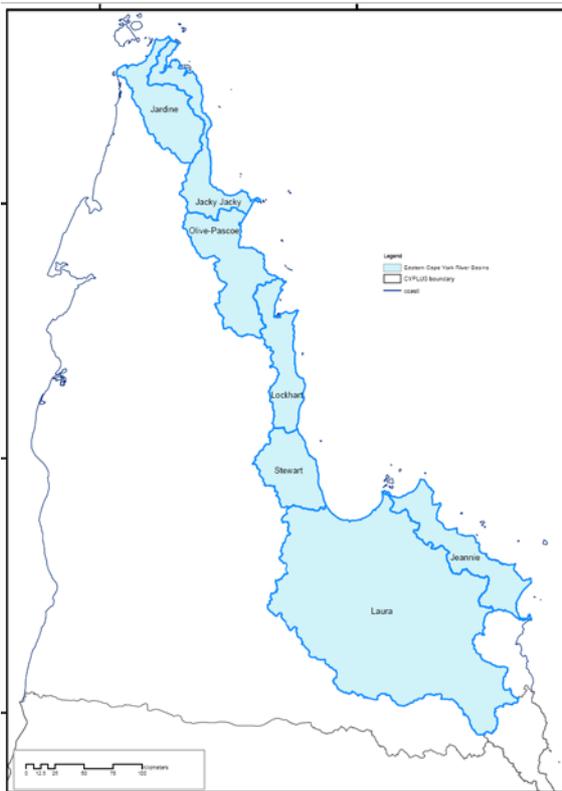


Figure 4: Valentine Scenario 5 – State Lands

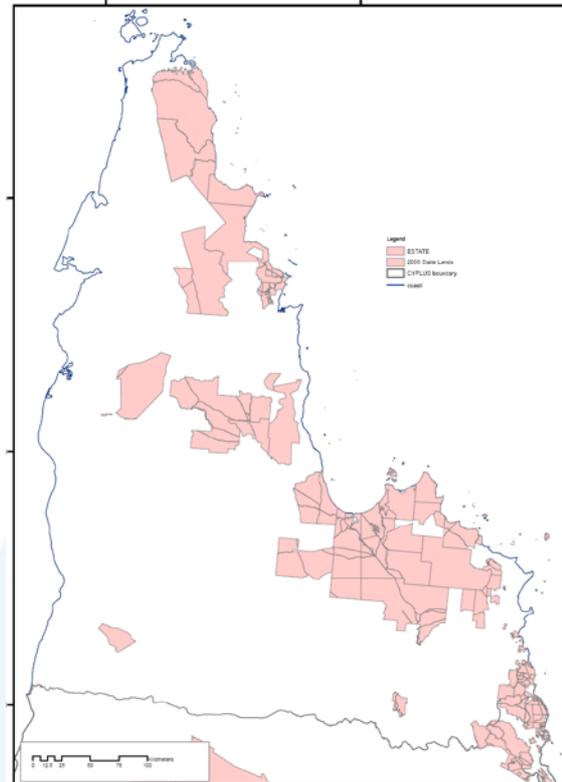
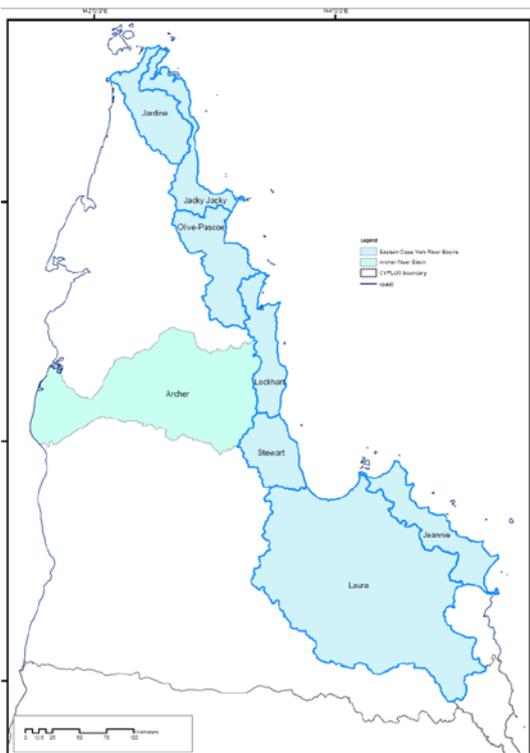


Figure 3: Valentine Scenario 4 – Greater Eastern Cape York





## 3.4 Values

### 3.4.1 Conservation Significance in Context

The challenge for the assessment of the conservation significance of values in Cape York is that one needs to understand the conservation status of all the habitat for the lifecycle of a population of a species or the extent of other occurrences of a community/assemblage/ecosystem in order to be able to enunciate its conservation significance.

Whilst there are many conservation values of Cape York known, for many species/communities/ecosystems the knowledge base is not complete for the whole of Cape York. Thus a species that “is only known from” a wetland/catchment/forest type etc. and is considered of high conservation value in that known place may be later found to be much more prevalent. Whilst this does not reduce the overall conservation significance of the value per se (e.g. the intrinsic value of a species etc.) it may reduce the conservation significance of the original place if the species/community/assemblage/ecosystem is found to be more ubiquitous.

There is a further challenge on Cape York as the conservation significance of a place depends upon the conservation status of the other places in which the values exist. For example if a species is “only known from” three mountains/wetland/catchment/forest types etc. and only one of these has formal conservation/protected area management status, the significance of the place is high, however should the other places be protected the individual significance of the place is potentially of lesser individual importance (although of course all three, or more instances of the species occurrence may be critical to its long term survival).

The issue for Cape York is that any assessment of the significance of conservation values is not able to be based on a fixed conservation regime/protected area management for the Cape, areas are being acquired and conservation management put into effect through the CYTRIG process, Wild Rivers designations, land owners establishing refuges/conservation regimes and other tenures, planning and management regimes.

### 3.4.2 Summary of Values

The above extracts of the statements of values of Cape York give an overview. Recent summarised of the “key statistics”<sup>5</sup> include:

Rainforest flora 1286 species

- (1583 in the wet tropics)
- 124 endemic species
- 284 shared with Wet Tropics
- 91 shared with New Guinea
- 31 shared with NT

<sup>5</sup> Summarised from an unpublished slideshow (DERM?).



## Values

- Evolution of savannah woodland
- “Scleromorphy”
- Eucalypt dominated vegetation
- Migratory birds
- Endangered spp (e.g. turtle nesting)
- Beauty
- Earths history
- Breakup of Gondwana
- Mixing of continental and asian biota
- Glacial effects on vegetation
- Geology and landforms
- Ongoing ecological and biological processes

## Cape York is 3% of Australia

- 21% of plants
- 22% of vertebrates
- 57% of butterflies
- 40 endemic fauna spp.
- 31 endemic butterfly

## 3.5 Potential Area -Commonwealth

Discussions were held with DEWHA officers in relation to the potential nomination of Cape York. DEWHA outlined that Queensland (DERM) is to determine area, but DEWHA must be satisfied and will run the necessary consultation program. The Commonwealth are “Observers” to Queensland’s Cape York Regional Advisory Committee (CYPRAC) process. DEWHA would not make any comment on the potential area for nomination regarding broad area or smaller.

The Commonwealth’s position is fundamentally that the traditional owners must agree to any nomination.

## 3.6 Potential Area - Queensland

Discussions were held with DERM officers, however no commitments were made regarding a broad area nomination or smaller. The State’s position is also that traditional owners must agree with any nomination. DERM has established the CYPRAC process, which also includes the Cape York Peninsula Scientific Advisory Committee CYPSC and a World Heritage “Expert Panel”.

## 3.7 Road Map

A program toward World Heritage nomination has been established, the “Road Map” (see Table 1). The program would see nomination by the end of 2012, the key timelines include:

- Tenure Resolution process continues
- Consultation on cultural values June 2010
- CYRAC “supported” consultation March 2010–June 2011
- Information presentations September 2011
- Indigenous informed consent decision March 2010
- WH Consultation early 2012 (boundary already supported in indigenous consent?)
- Social/Economic cost/benefit (late 2010)



Table 1 : Road Map

2009		2010			2011			2012			2013				
Oct	Dec	Mar	June	Sept	Dec	Mar	June	Sept	Dec	Mar	June	Sept	Dec		
Ministers <sup>1</sup>				Ministers				Ministers				Ministers			
<b>Indigenous engagement</b>															
AICS / NH / WH (incl TL) briefing	Consent model and decision process agreed	Consultation on possible cultural values	Provide information updates		Develop community initiatives		Information presentations <sup>2</sup>	Indigenous consent decision <sup>3</sup>	WH consultation	Develop and implement community initiatives					
<b>Community engagement</b>															
AICS / NH / WH (incl TL) briefing	Consultation advice sought from CYPAC	CYPAC supported consultation						WH consultation							
<b>Values identification</b>															
CYP Heritage story development	Collate heritage values information with CYPSCAC and CYPAC		Comparative analysis determines values significance level (AICS / NH / WH / other)		WH nomination type decision (C, N, CL or mixed)		Boundaries determined (AICS / NH / WH)		AICS declared	National Heritage assessment (incl owner / occupier consultation)		World Heritage nomination written			
	<b>Management framework</b>														
Audit current management framework		Define required WH management framework						Establish management framework		Implement management framework		Tenure resolution – through CYTRIG			
<b>Additional information</b>															
		Native Title implications	Social cost / benefit analysis												
		3 <sup>rd</sup> party obligations	Economic cost / benefit analysis												

As at June 2010 it is noted that the program is ongoing but perhaps a little delayed. The road map would require nomination of Cape York for the tentative list in early 2011, for a September 2012 lodgement of a nomination, which would see the potential listing (if approved) by mid 2014. Nomination on the tentative list would not necessarily need to be for a defined area and the boundary could yet to be defined.

### 3.7.1 Desktop Studies

DERM have advised that the following desktop projects below form part of the 'roadmap' which will guide the process for a World Heritage listing on Cape York Peninsula.

- Indigenous Cultural Heritage: A desktop overview of the Indigenous cultural heritage values Cape York Peninsula that can form a framework upon which sub-regional and local stories can be further developed through community engagement.
- Non-Indigenous Cultural Heritage: A desktop overview of the non-Indigenous cultural heritage values on Cape York Peninsula
- Ethno-ecology: A desktop overview of the ethno-ecological heritage values that can form a framework upon which local ethno-ecological stories can be further developed through community engagement to provide information that may be used to support or address the Cultural and Cultural Landscapes criteria for World Heritage listing
- Natural heritage (3 reports – Flora, Fauna and Geology): A desktop overview of the flora, fauna and geology of Cape York Peninsula that may be used to support or address the National and World Heritage Natural Criteria.
- Consent Framework: A consent framework which will guide State and Australian Government bodies in establishing a clear process to seek consent from Traditional Owners of land on Cape York Peninsula to allow the nomination of suitable lands for inclusion on the World Heritage list.



- Indigenous Framework: A desktop report that will:-
  - Identify gaps in existing processes of engagement and participation that are not inclusive of Traditional Owner cultural values along with community support in any World Heritage nomination on Cape York Peninsula.
  - Outline a process for Indigenous engagement and participation for the AICS and World Heritage program from the initial consultation through to a potential World Heritage nomination
  - Guiding principles and protocols for Government to engage with Traditional Owner and Indigenous community to establish mechanisms for their involvement in the managing and protecting AICS and World Heritage program that recognises and supports Traditional Owner governance structures and decision making processes and cultural values.
- Management Audit: A summary of all the natural land management regimes and programs on Cape York Peninsula that may relate to World Heritage management. An overview of existing World Heritage management arrangements within Australia.

### **3.7.2 Traditional Owner Consent**

It is observed that there is substantial opposition to the Wild Rivers declarations in some areas of Cape York by some key indigenous groups and traditional owners. It is unlikely for traditional owners to engage in consultation about World Heritage and promptly give their consent given the distrust in government consultation mechanisms which the Wild Rivers process has created and the ongoing dissatisfaction at the constraints on livelihoods that the Wild Rivers declarations may have on traditional owners. Further, there is the ongoing tenure resolution process and this is likely to mean that traditional owners involved in this will be more focused on these negotiations relating to their land ownership and future land use than the broader World Heritage declaration.

Given this, unless the Commonwealth and State governments decided to proceed without traditional owner consent, it is likely that the road map process may be substantially extended while these other processes are resolved and to take into account the implementation of the traditional owner consent process. .



## 4 Cape York Conservation

### 4.1 Need for World Heritage

#### 4.1.1 Need for Conservation?

Fundamentally some stakeholders question the need for World Heritage listing to achieve conservation outcomes on Cape York.

To some extent this depends on a philosophy of whether World Heritage listing is just an acknowledgement of significance or a protection tool in its own right. As discussed above it is the external affairs powers that mean some stakeholders (particularly conservation groups) that consider World Heritage listing a protection tool as it brings in the Commonwealth as having a role and the ultimate say in development decisions. There is of course also the argument that World Heritage listing will mean greater conservation and management resources.

#### 4.1.2 Values with Current Uses and Management

From another perspective, some stakeholders argue that if Cape York currently has such high conservation values and given its history of pastoral and other land uses, that as the values are there with the ongoing existing land uses there is no need for greater protection..that the existing land uses and tenure/management regime has been adequate to maintain the conservation values to date and should be good enough into the future!

#### 4.1.3 Need for Conservation

Mackey set out some threats to conservation values on Cape York, although many of these (such as the Space Base) are no longer proposed. Whilst the various authors have identified the potential conservations values the management needs and threats have not been evaluated with the same level of rigour (to date).

### 4.2 QLD Legislation and Approvals

#### 4.2.1 Cape York Peninsula Heritage Act 2007

The Cape York Peninsula Heritage Act 2007 (the Act) aims are to:

- ensure ecologically sustainable use of land, including pastoral land, in the Cape York Peninsula region;
- recognise the economic, social and cultural needs and aspirations of Indigenous communities in relation to land use in the region;
- recognise the contributions of the pastoral industry to the economy and land management in the region; and
- identify significant natural and cultural values of Cape York Peninsula.

The Queensland government suggests that the Act will benefit the Indigenous community, pastoral industry and conservation groups, by:

- designation of Indigenous community-use areas in Aboriginal land, which are suitable for aquaculture, agriculture or grazing purposes; and creation of a limited capacity for clearing under the Vegetation Management Act 1999 in those areas;
- the protection of native title rights in the Wild Rivers Act 2000, and the setting aside of a reserve of water for Indigenous communities;



- designation of areas of international conservation significance (AICS) to initially recognise World Heritage values, and the development of integrated management plans for national parks and nature refuges in these areas;
- the removal of impediments to the declaration of national parks by establishing joint management arrangements with Indigenous landholders;
- the introduction of rural lease terms of up to 75 years (increased from a maximum of 50 years), subject to conditions regarding Indigenous land use agreements and leasehold land;
- a requirement that Government consider the impact on the Cape York grazing industry for any transfer of a lease or to convert the lease to another tenure
- a requirement that Government consult with an advisory committee comprising all key stakeholder interests.

The following committees have been established to advise the Minister for Natural Resources and Water:

- Cape York Peninsula Regional Advisory Committee: is responsible for advising the Minister in relation to the declaration of Indigenous community-use areas, and for advising on the environment and multiculturalism in relation to the declaration of areas of international conservation significance.
- Cape York Peninsula Regional Scientific and Cultural Advisory Committee: advises the Minister about matters relating to the natural and cultural values of land proposed as an Indigenous community-use area.

The Act includes the declaration of an Area of International Conservation Significance. Whilst there are specific requirements under the Act for the Minister to consult before an area is declared, there do not appear to be any provisions which in any way control land use or create a conservation regime for an AICS area.

#### **4.2.2 Other Legislation**

There is a range of other legislation which affects lands use, conservation and natural resource management in Queensland which applies in Cape York:

Nature Conservation Act 1992

Land Act 1994

Aboriginal Land Act 1991

Vegetation Management Act 1999

Wild Rivers Act 2005

Water Act 2000

Marine Parks Act 2004

Wet Tropics Act

Mineral Resources Act

Aboriginal Cultural Heritage Act

Integrated Planning Act 1997 /

Sustainable Planning Act 2009)

Coastal Protection and Management Act 1995

Local Government Act 1993

Land Protection (Pest and Stock Route Management) Act 2002

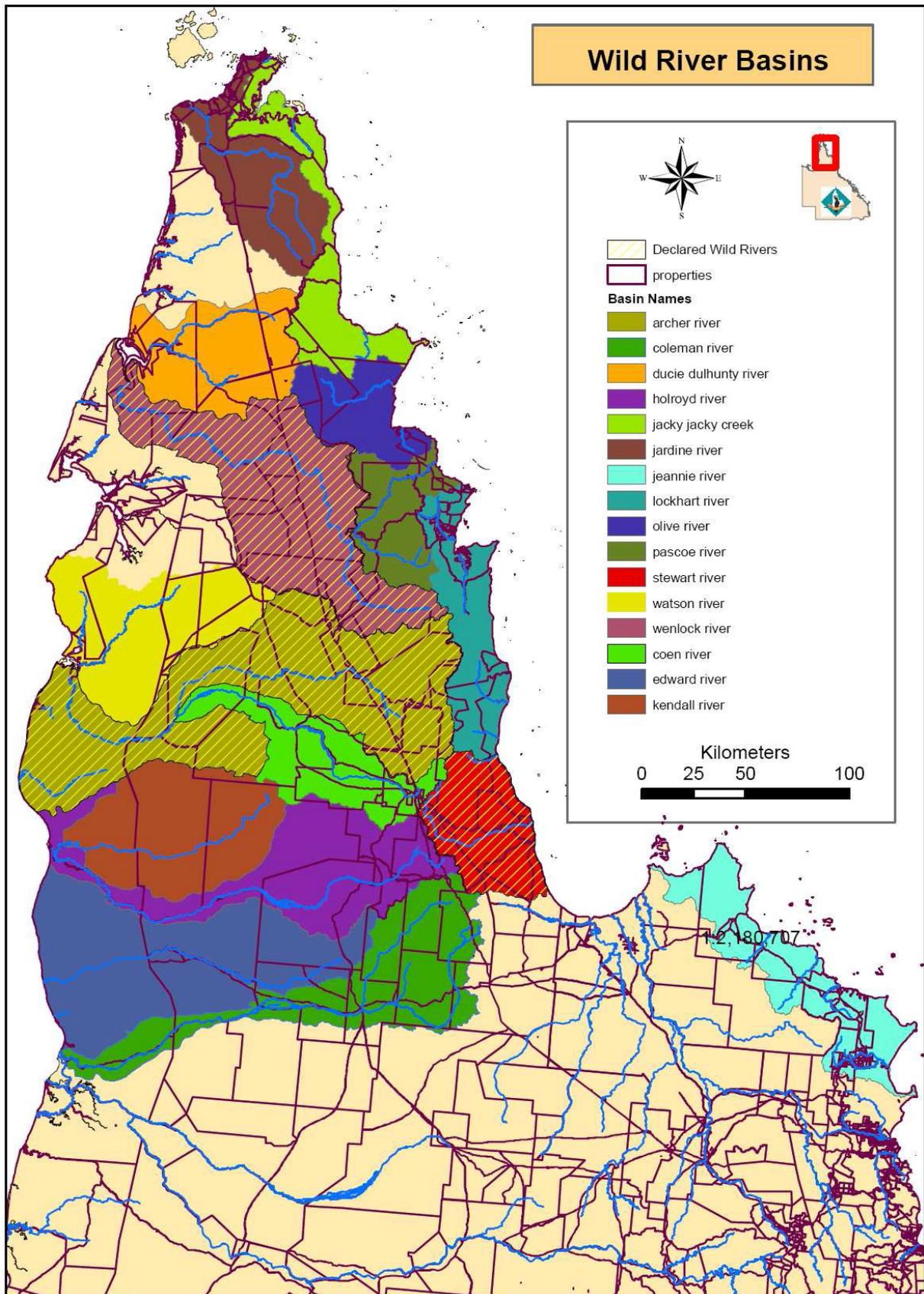
Forestry Act 1959

#### **4.2.3 Wild Rivers**

There has been a lot of controversy about the Wild Rivers declarations in Cape York. To some extent it has polarised views and whereas ten years ago the heads of agreement process resulted in conservation, pastoral and indigenous groups collaborating, the relationship between conservation and indigenous groups has soured with their polarised support for versus opposition to the Wild Rivers declarations.



Figure 5: Wild Rivers and Catchments





In a 2004 election commitment, the Queensland Government identified the following river basins on Cape York Peninsula as potential wild river areas:

- the Jardine, Ducie, Wenlock, Watson, Archer, Holroyd and Coleman river basins on the western Peninsula
- the Jackey Jackey, Olive–Pascoe, Lockhart, Stewart and Jeannie river basins on the eastern Peninsula.

On 3 April 2009 wild river declarations took effect in the Archer Basin, Lockhart Basin and Stewart Basin. The Wenlock was declared in June 2010 (see Figure 6).

There is a moratorium on some water extraction in effect in the basins proposed but not yet declared Wild Rivers.

Wild river areas usually include the river drainage basin. They have clear boundaries and are divided into management areas as follows:

- high preservation area—the area within and up to one kilometer each side of the wild river, its major tributaries and special off–stream features, such as floodplain wetlands
- preservation area—the wild river area outside a high preservation area
- floodplain management area—a floodplain area with a strong hydrologic connection to the river system; may overlap a high preservation area or a preservation area
- subartesian management area—aquifer area with a strong hydrologic connection to the river system; may overlap a high preservation area and/or a preservation area
- designated urban area—area which includes any town or village in the wild river area. In these areas, certain types of development activity are exempt from wild river requirements
- nominated waterways —secondary tributaries or streams in preservation areas that have been designated for wild river purposes.

## 4.3 Protected Areas

There are ten National Parks (Jardine River, Iron Range, Mungkan Kandju, Lakefield, Starke, Cape Melville, Jack River, Staaten River, Endeavor River and Mount Cook ) and four areas declared National Park (Cape York Peninsula Aboriginal land) Lama Lama, Kulla, Alwal and Errk Oykan under the Nature Conservation Act.

There are fourteen nature refuges declared on Aboriginal freehold and other areas.

Table 2: Nature Refuges

Annan River Nature Refuge	159	15/12/2006
Annan River Nature Refuge (Area B)	319	29/08/2008
Artemis Antbed Nature Refuge	2,116	5/12/1997
Esk River Nature Refuge	126	16/12/2005
Haggerstone Island Nature Refuge	49	4/06/1999
Kalpowar Nature Refuge	28,855	2/06/2007
Melsonby (Gaarraay) Nature Refuge	3,610	2/03/2007
Mungumby Creek Nature Refuge	97	9/05/2003
South Endeavour Nature Refuge	4,148	17/06/2004
Balclutha Creek Nature Refuge	2,066	28/11/2008
Balclutha (Lava Hill) Nature Refuge	976	28/11/2008
Lilyvale Nature Refuge	6,710	28/11/2008
Mount Croll Nature Refuge	5,131	28/11/2008
Running Creek Nature Refuge	38,570	28/11/2008



Further, there is the Kaanju Ngaachi Wenlock and Paoe Rivers Indigenous Protected Area which includes areas of Aboriginal freehold, areas of the Mungkan Kandju National Park and Kulla (McIlwraith Range) National Park (Cape York Peninsula Aboriginal Land) and other tenures. This is managed by the Chuulangan Aboriginal Coporration in accordance with DEWHA's national Indigenous Protected Areas program.

Lastly, there is the Steve Irwin Wildlife Reserve (the former "Bertiehaugh" cattle station) which is a privately held lease and managed as a wildlife refuge.

## 4.4 Cape York Heads of Agreement

The Cape York Peninsula heads of Agreement was signed in 1996 by the then ATSIC, Cape York land Council, the Cattlemans Union, the Australian Conservation Foundation and the Wilderness Society. The agreement was a major achievement in reconciling the various interests of conservation, the cattle industry and Aboriginal people in Cape York. The agreement is no longer held as the main plank of cooperation by the parties but is still referred to as a framework for a reconciled future for Cape York. The agreement is included at Appendix 1.

## 4.5 QLD Government Program

The following summarised the Queensland Government's position regarding Cape York.

"The Queensland Government has undertaken a challenging and ambitious agenda to deliver outcomes in CYP, in partnership with those who live there and those who take a passionate interest in its future. This has occurred in areas which traditionally have been the source of much conflict and division – land and economic justice for Indigenous Traditional Owners and communities; recognition and conservation of the region's internationally significant, natural and cultural values, including its living Indigenous culture; pastoralism and mining interests."

The Queensland Government still refers to the head of agreement and proposes that the achievement of often conflicting objectives is to "ensure all those affected by regional land use *and management in CYP are informed and consulted, and to the greatest extent practicable, able to participate in the forming of these decisions.*"

In early 2009, the Premier wrote: "...many of the key elements of the Queensland Government's policy agenda in CYP are at critical points in their implementation with much investment and effort expended to date but with a great deal more work still to do." The program outlined includes:

- CYTRIG – completing the land acquisition program and finalising the resolution of tenures to ensure acceptable outcomes for both of the "dual purposes" including the hand-back of existing National Parks to Traditional Owners and finalisation of their attendant Indigenous Management Agreements.
  - Wild Rivers – finalising the roll out of all agreed wild rivers in CYP
- CYPHA – progressing the work of CYPRAC and CYP SCAC to deliver advice to Government on defining the Area of International Conservation Significance (AICS) and approving any Indigenous Community Use Areas (ICUAs) and associated Special Indigenous Purposes, and establishing the Indigenous Regional Protected Areas Committee.
  - National and World Heritage Nominations and Listing processes.



#### 4.5.1 CYTRIG

The Cape York Tenure Resolution Implementation Process was established originally to resolve tenure issues of 20 parcels of State owned land. In addition further land has been purchased and in total over \$21m has been spent purchasing 1.3m hectares. Under CYTRIG 580,072 hectares of land has now been transferred back to Aboriginal freehold ownership. Additionally, Traditional Owners have agreed to an area of approximately 87,347 hectares being included as Nature Refuges and 533,075 hectares of new national parks have been created.

The current focus for acquisitions is in western Cape York. There are essentially two key areas, the first comprising Strathmay, Harkness, Balaruga and the second encompassing the properties of Dixie, Wulpan, Crosby and Kilarney. The aim is to create National Park (Cape York Peninsula Aboriginal Land) and to return land for homelands (some of which in turn may become nature refuges).

In some cases there are nature refuges which have been established on aboriginal freehold

The CYTRIG process is ongoing, Figure 6 depicts current processes.

#### 4.5.2 Current Land Tenures/Uses

Figure 6 depicts lands of various categories:

- National Parks: includes national Parks and national Park (Cape York Aboriginal Land) as declared by mid 2010.
- Pending Acquisitions: includes lands as advised by DERM that currently have been or are planned to be acquired under the CYTRIG process. It is expected that these lands will become national park or aboriginal freehold.
- Possible Acquisitions: includes lands that have been advised by DERM may be acquired under the CYTRIG process. It is possible that these lands may become national park or aboriginal freehold.
- Aboriginal Freehold: these lands are Aboriginal freehold.
- Aboriginal Tenure: these lands are various other aboriginal held lands.
- Private Nature Refuge: includes the Steve Irwin Wildlife Reserve.

NOTES RE FIGURE 6:

1. The map has been derived based on available CYSF held data and may include out of date layers.
2. There are numerous parcels and aspects not included which could be.. e.g. the Split Rock lands held by an Aboriginal land trust, etc.
3. It is intended to revise the map as updated information is available.

### 4.6 Conclusions

Cape York has a growing protected area estate with 15 national parks (on the mainland as at May 2010). As part of an ongoing tenure resolution process Aboriginal freehold is being created with some areas having agreed nature refuges put in place. There is also an Indigenous Protected Area and private wildlife refuge.



Figure 6: National Parks and Existing Proposed Acquisitions

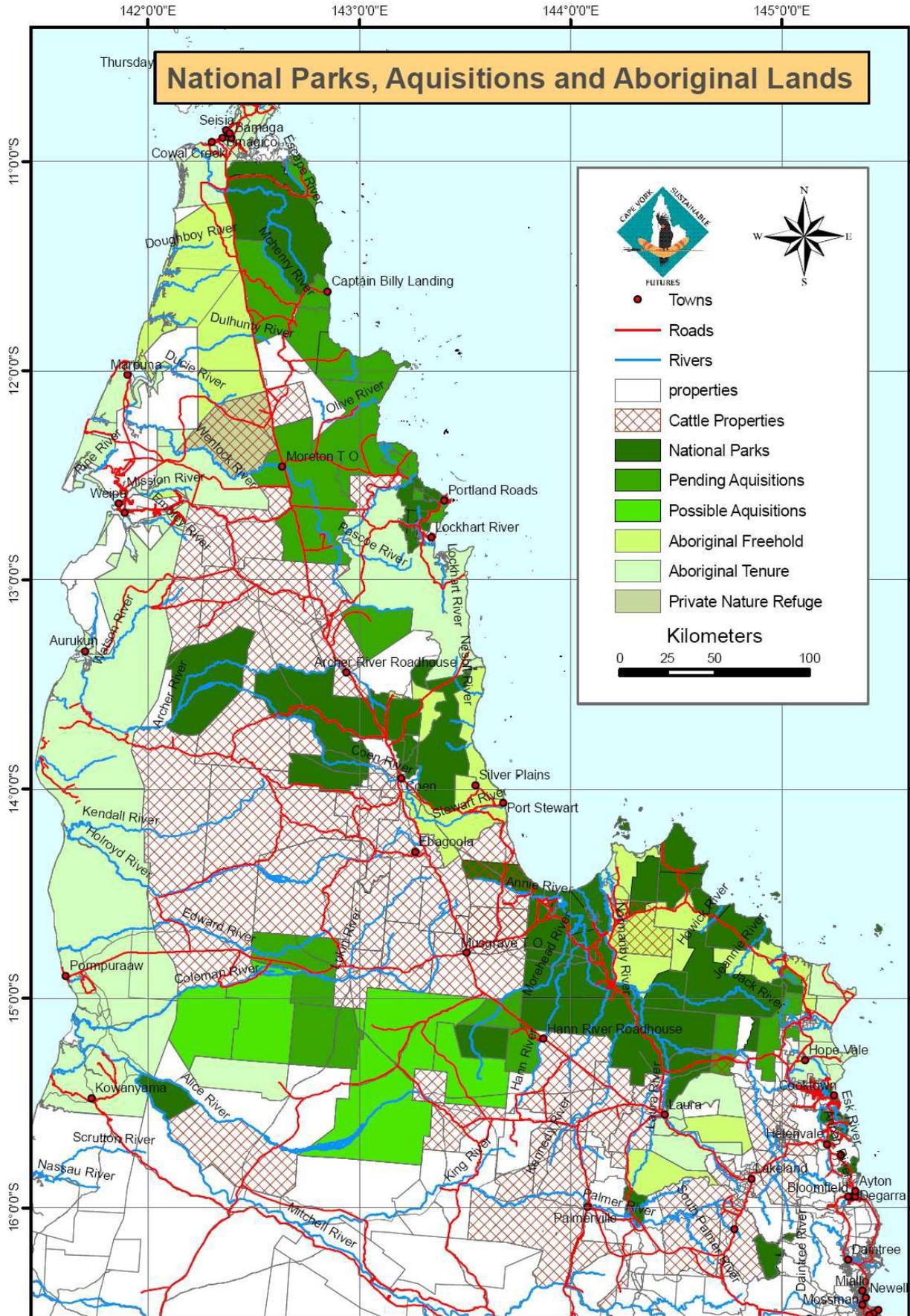
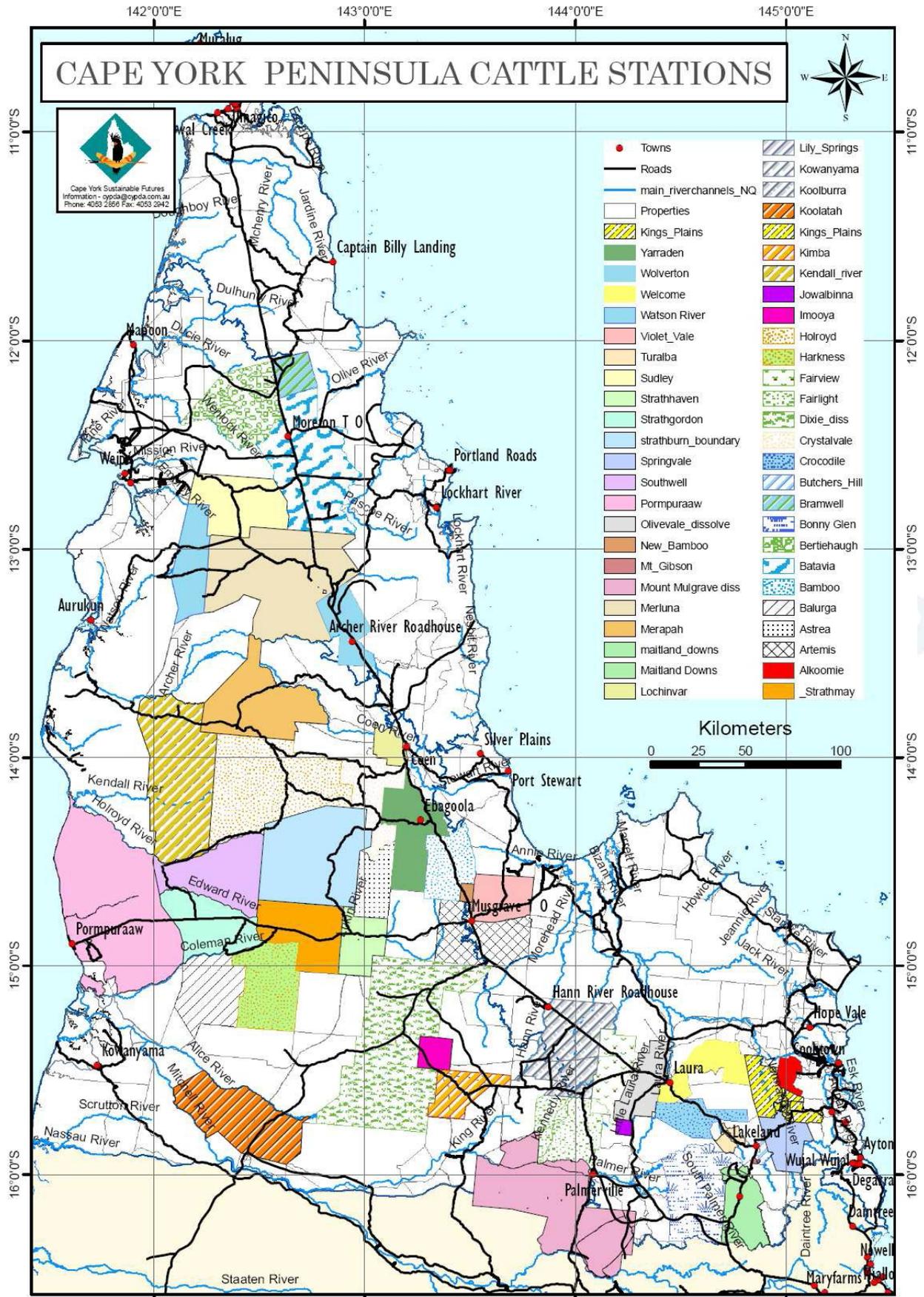




Figure 7: Grazing Lands





## 5 Potential World Heritage Nomination

### 5.1 Discussion

Based on the Valentine report and the results of the tenure resolution process (which is ongoing), there would appear to be a number of considerations relating to a potential World Heritage listing of Cape York.

Fundamentally the identification of the area for World Heritage nomination requires both the spatial determination of the natural and cultural values as well as the establishment of a protection and management regime which will meet the Operation Guidelines requirements for Protection and Management.

1. It can be assumed that all lands that are National Park or National Park (Cape York Peninsula Aboriginal land) will be included in any World Heritage nomination. The basis of this assumption is that they have been acquired by Government owing to their conservation values.
2. It is assumed that large areas of lands subject to “pending land dealings” as advised by DERM and those lands the result of the Premiers correspondence (as future land acquisitions) will be included as they are being acquired by Government owing to their conservation values and at least 50% of these areas will become National Park (Cape York Aboriginal Land) and some of the areas returned for homelands as Aboriginal freehold will be made nature refuges.
3. It is assumed that other areas of Cape York that have some form of conservation tenure may be included (this can range from Aboriginal Land with some form of conservation management agreement or nature refuge designation, private conservation lands such as the Steve Irwin Wildlife Reserve and other government lands e.g. esplanades etc.).
4. Given the above, it is concluded that at the minimum a “serial” nomination based on the lands listed above is potentially viable based on natural values, however there could be issues associated with integrity given there are substantial areas of natural habitat with conservation values not included. The “protection and management” requirements for World Heritage listing could be a challenge to meet for such a serial nomination particularly the “boundaries for effective protection” aspects.
5. The spatial extent of other cultural values, specific sites etc. may allow for such a serial nomination to include some nominated cultural values (if specific sites of materiel and non materiel culture are known), however it is unlikely that such an area would be justifiable on cultural landscape grounds as there are many areas where there are cultural landscapes in Aboriginal lands adjoining the area and there could be issues of integrity and authenticity.
6. For a nomination to also include the cultural landscape criteria it is likely that additional lands that are Aboriginal lands including Aboriginal freehold would need to be included, these lands would also have a range of conservation values.
7. A broader nomination that includes all the national parks and the majority of the east coast Aboriginal lands is likely to include a wide range of natural and cultural values, including cultural landscape values worthy of nomination for World Heritage.
8. The further addition of much of the west coast Aboriginal lands could result in a broad acre nomination which includes much of the natural and cultural values, but would only include limited areas of the “inland” catchments (much of which is presently on grazing tenures).



9. The Wild Rivers declarations would appear to have some conservation effect, but are not in themselves a tenure or overall conservation management/protection regime.
10. Other land use and legislative instruments with conservation effect such as the Vegetation Management Act etc. but do not in themselves create a tenure or overall conservation management/protection regime which is likely to meet the requirements for protection and management as set out in the Operational Guidelines.
11. As such the inclusion of lands such as grazing leases and aboriginal freehold that are not the subject of nature refuge agreements would most likely require some additional conservation management/protection regime to satisfy the protection and management requirements for World Heritage listing.
12. A broad scale nomination which includes lands of other (non conservation) tenures (such as grazing and aboriginal freehold) is likely to have the conservation and cultural values and as such is likely to best represent the “World Heritage” values however some form of conservation protection and management regime is likely to be required beyond the current legislative framework if such a broad scale nomination were proposed.

NOTE: in the above discussion, it is assumed that the Commonwealth and Queensland governments will not wish to rely on the EPBC Act’s protection of Matters of National Environmental Significance for the “protection” of any non-conservation tenure lands proposed for World Heritage listing. It has been assumed that some form of overall State level protection and management regime will be implemented.

## 5.2 Conclusions

It is concluded that:

- A “serial” nomination of the current and proposed National Parks, National Park (Cape York Aboriginal Land) and nature refuges on Aboriginal Land is likely will have natural conservation values worthy of World Heritage listing and may have some cultural values suitable for inclusion (but potentially not meet the cultural landscape criteria/integrity requirements given the lack of inclusion of other aboriginal lands).
- A broad scale nomination of a wider area of Cape York is likely to have the natural, cultural and cultural heritage values worthy of World Heritage listing, but will require some form of conservation management regime to meet the protection and management requirements.

It is suggested that the potential area for World Heritage listing may include:

- National Parks, National Park (Cape York Aboriginal Land);
- Areas of nature refuge on Aboriginal freehold land and other agreed areas of Aboriginal land tenure and freehold land.
- Other areas managed for conservation such as the Steve Irwin Wildlife Refuge and Kaanju Ngaachi Indigenous Protected Area.
- Some areas of pastoral leases.



## 6 World Heritage Examples

### 6.1 Introduction

The identification and management of World Heritage sites world wide has faced many of the challenges that Cape York has. This section highlights a few examples and describes aspects of relevance to Cape York, the case studies present are not meant to be a complete description of the site or tis management just a discussion of some pertinent aspects are included.

### 6.2 Willandra

Willandra is the first of Australia's World Heritage sites. The Willandra Lakes Region is an extensive area in south west NSW that contains a system of ancient lakes formed over the last two million years, most of which are fringed by a crescent shaped dune or lunette. Aborigines lived on the shores of the lakes for at least 50,000 years, and the remains of a 40,000 year old female found in the dunes of Lake Mungo are believed to be the oldest ritual cremation site in the world.

Figure 10 XXX?? shows the area of the World Heritage site, which is only partly National Park and the rest is grazing tenures. Initially a ccompensation program was initiated for affected pastoralists who had had their lands included in the World Heritage nomination without consultation.

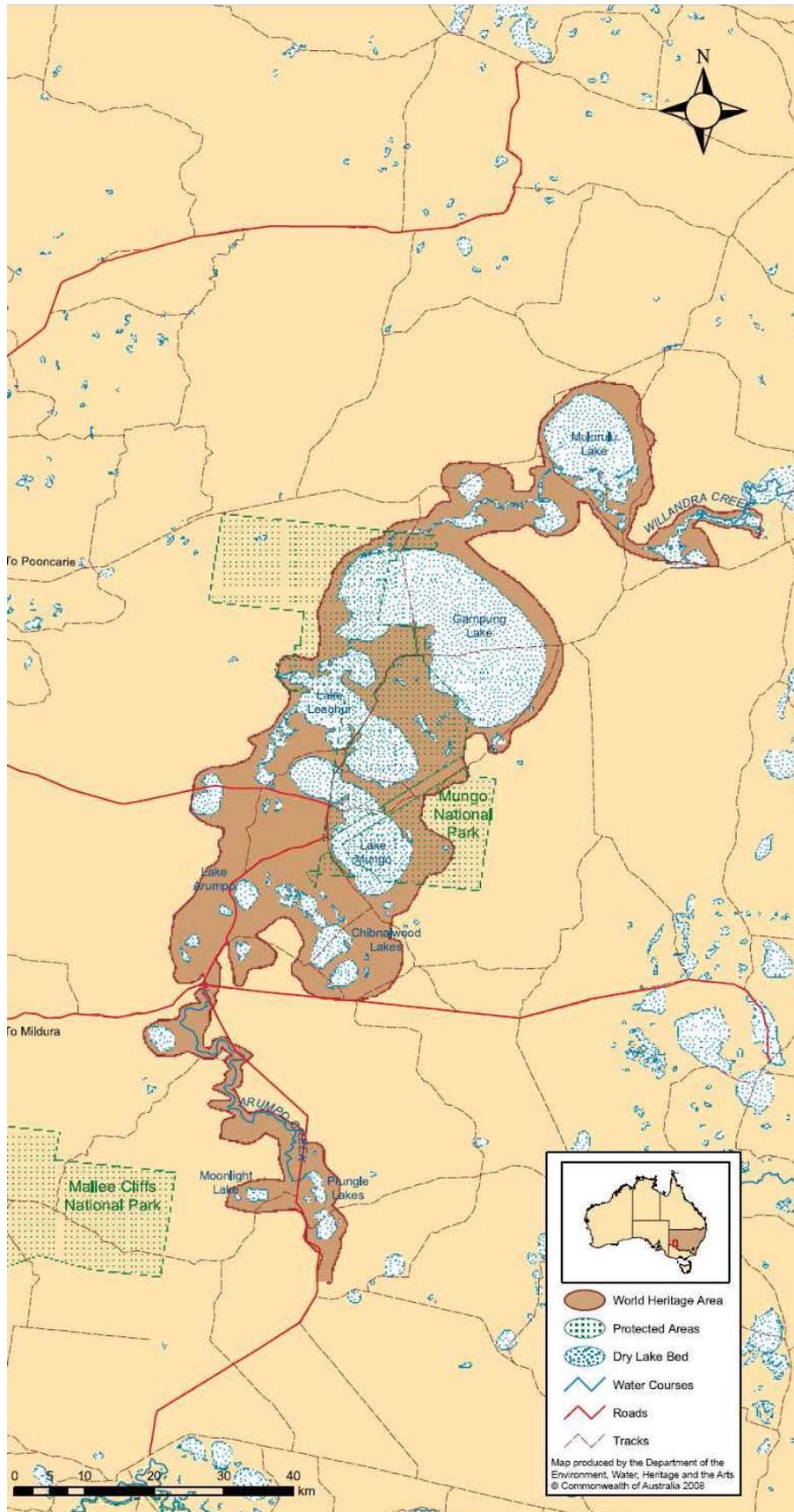
Policy coordination and funding are joint responsibilities of the State and Commonwealth with advice from the Community Management Council, the Technical and Scientific Advisory Committee and the Elders Council. Day-to-day management is the responsibility of the New South Wales National Parks and Wildlife Service and the New South Wales Department of Lands. The Elders Council advises on Indigenous cultural matters.

There is a NSW Regional Environmental Plan which gives statutory protection to the World Heritage site and a National Park Management Plan. In 1996 "Sustaining the Willandra" was prepared as a Plan of Management for the World Heritage site. It is currently being reviewed.

Mungo Lodge is located within Mungo National Park and within the World Heritage site. There is some camping allowed on grazing leases within the World Heritage site. The owners of one grazing lease who have recently moved to tourism at their homestead (just outside of the actual World Heritage site), needed a lengthy, involved and frustrating process to excise a small part of the grazing lease and to have a new lease re-issued for tourism purposes.



Figure 8: Willandra World Heritage Area





## 6.3 Shark Bay

Shark Bay World Heritage site is in Western Australia just south of Carnarvon and is mostly marine reserve (see Figure 11). Twenty one percent of the land area of the World Heritage site is pastoral lease. A further fifty percent of the land area was pastoral lease that has been acquired by government (see Table 2).

The Strategic Plan for the World Heritage site includes an overarching “desired future”, this includes the following:

- Degraded areas are rehabilitated and threatening influences such as pollutants, introduced plants and animals, fire and human activities are being effectively controlled.
- Primary production and other industries are continuing in an ecologically, economically, and socially sustainable manner, while ensuring World Heritage values and integrity of the Property are protected.

Table 3: Shark Bay Tenures

Area	Area of WHP (Ha)	Area of WHP (%)
<b>Marine</b>		
Marine reserves	882 000	40.2
Other State waters	687 750	31.4
<b>Land</b>		
Pastoral leases - not to be surrendered	131 732	6.0
Ex Pastoral lease - purchased & surrendered	251 522	11.4
Pastoral lease - proposed surrender	61 247	2.8
National parks, nature reserves, conservation parks	121 825	5.6
Other land (UCL, UMR, Shire reserves)	56 607	2.6
Freehold	842	0.04
<b>TOTAL</b>	<b>2 193 521</b>	<b>100</b>

## 6.4 Wet Tropics

The Wet Tropics is a relevant World Heritage site as it is immediately adjacent to Cape York. The site was listed in 1987 amid much controversy. Essentially the Commonwealth wanted to stop rainforest logging which was considered unsustainable. The site was listed (despite the Queensland government enacting tighter controls on logging, establishing a form of conservation regime and making representations against listing to the World Heritage Committee in Paris). Once listed, the Commonwealth was able to utilise the constitutional external affairs powers and logging ceased. Subsequently Commonwealth and Queensland governments have cooperated on the management of the site.

There is a specific Wet Tropics Ministerial Council, a statutory Authority (with board members chosen by State and Commonwealth), a specific Act and a statutory management plan. The role of the Authority has been well established in Queensland planning/development approval processes with the Authority having “concurrence” or “advice” agency status.



Figure 9: Shark Bay

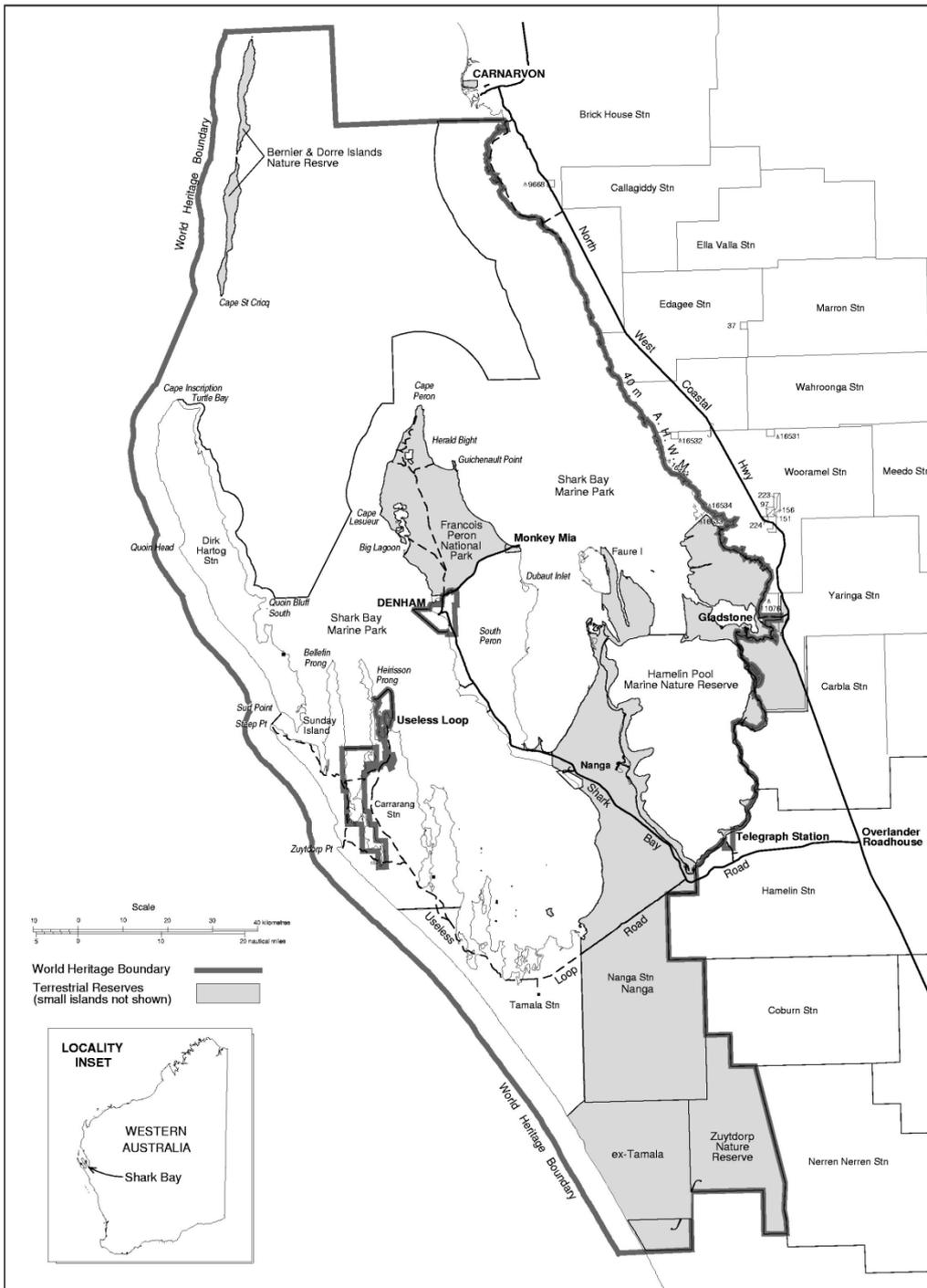
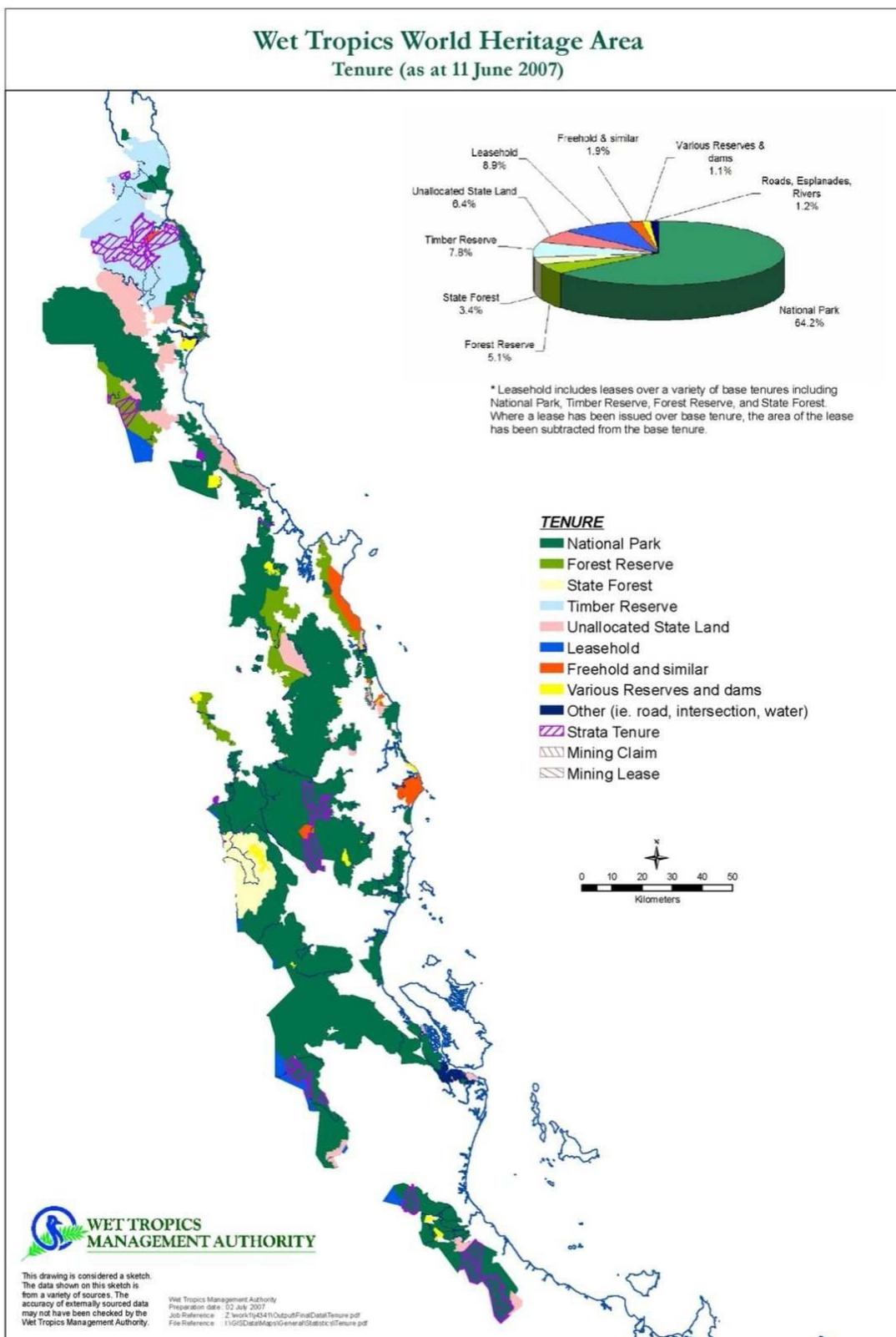




Figure 10: Wet Tropics Tenures





The site is essentially a “serial” nomination with all of the rainforested ranges and as much lowland rainforest as could be included at the time of listing. At the time of listing a significant proportion of the area was State Forest and Timber Reserve, almost all of this has been converted to national park in the last decade. At present, 1.9% is freehold and 8.9% are leases.

The area includes grazing leases, although these have largely been revoked or not re-issued. Many leases were not renewed and/or boundaries were changed. In some cases this was owing to concerns that cattle could not be kept out of rainforested areas on grazing properties and/or the fire regime of grazing land use was inconsistent with maintaining the World Heritage values of wet sclerophyll and rainforest. These concerns developed over time, with a significant policy change made some fifteen years after the initial World Heritage listing.

Given much of the forested area had been the subject of forest logging there were many forest haul roads and snig tracks throughout the area, at the time of listing there was over 2000km of roads and tracks in the World Heritage Area. Given the lack of the logging as an economic activity to pay for maintenance of the roads and tracks, many fell in disrepair and have been closed. In a few instances, this has resulted in key access for tourism, local recreational visitors and/or local community connections being lost. Probably of little significance at a regional scale but in some cases this has affected neighbouring communities and individual businesses.

At the time of listing Tourism was promoted as a key economic opportunity to replace the economic loss of rainforest logging. There is no doubt that the wet tropical rainforests are a major drawcard for tourism to Cairns and “Tropical North Queensland and that tourism has grown since World Heritage listing. However, the attempts to spread the benefits to other than “honey pot” destinations have had limited success. In the early 1990’s there were many tour operators taking small four wheel drive busses to Cape Tribulation, on day trips to the Clohesy River and other sites. A couple of factors changed the nature of this tourism. The sealing of the Cape Tribulation road saw self drive hire cars as a popular mode of travel and a day tours consolidated to a smaller number of tour operators using mini-busses. The Clohesy River has reduced to a few tour operators through competition for the close to Cairns day tour with the establishment of Skyrail and Rainforestation near Kuranda. The high maintenance costs of the forest track resulted in the closure of one route once used by tour operators. There have been numerous strategies to move tourism to the areas south of Cairns, with limited success. The Mamu Canopy Walk and Misty Mountains walking tracks are two major initiatives. The main growth in “rainforest” small business tourism has been the development of small bed and breakfast or guesthouse style accommodation adjoining the wet tropics, mainly near major destinations such as the Daintree and cape tribulation and to a lesser extent Mission Beach.

The conclusion is that, yes rainforest tourism has been an economic success around the Wet Tropics, but some communities have missed out or seen little benefit owing to fundamental factors of tourism dynamics (access, product, linkages with other attractions/products/accommodation etc.). Further that the costs of maintaining remote access tracks has not been met by tourism use and in some cases these have been closed.



At the time of World Heritage listing many statements were made by Commonwealth and later State government Ministers that there would be “no buffer zone” yet over the last twenty years, as the community’s and agencies’ expectations of the level of protection afforded the Wet Tropics has developed, development approvals on lands adjoining the Wet Tropics have often required additional assessment/harsher conditions owing to their location. In some instances sites adjoining the Wet Tropics have been required to be referred under the EPBC Act and the location adjoining the Wet Tropics World Heritage Area has been considered a Matter of National Environmental Significance (thus additional Commonwealth development assessment being required).

In a few instances, despite the Wet Tropics Management Authority being established with both State and Commonwealth legislation, and a Statutory Plan being in place (requiring specific impact assessment of the effects on World Heritage values for some development proposals), additional Commonwealth assessment of projects under the EPBC within the Wet Tropics has been required (e.g. Kennedy Highway Upgrade).

In relation to the establishment of a full management regime (with a State/Commonwealth ministerial Council, a Statutory Authority and a statutory management plan), the conclusion is that this agency is not fully “delegated” with the protection of World Heritage values as development approvals are on occasion still called in and receive additional assessment under Commonwealth (EPBC Act) processes.

## 6.5 Ningaloo

Ningaloo (which includes Monkey Mia and Coral Bay near Exmouth in Western Australia, see Figure) was the most recent nomination (2010). It included an extensive consultation process. However the ABC reports that there was still some community dissatisfaction at the outcome of the process:

The State and Federal governments have jointly announced the Ningaloo Coast in WA's north-west has been nominated for its natural beauty, biological richness and international significance.

The proposed area covers 710,000 hectares and includes the Ningaloo Reef, Cape Range and a coastal area stretching more than 200 kilometres south to Red Bluff.

But, not everyone is celebrating the World Heritage Listing nomination.

Exmouth community and business groups have expressed concern it could hamper future development activities in the area.

### Concerns Ignored

Exmouth Shire President Ronnie Fleay says while she supports the proposed listing, the community was ignored over their preferred boundary options.

Ms Fleay says she was assured by WA's former Environment Minister Mark McGowan that strong consultation with community groups would be a major factor in determining the boundaries.

"It seems our (current) Minister, (Donna Faragher) has changed that boundary considerably and included a much larger area despite community opposition," she said.

She says the community is concerned the extended boundaries will impact on future development and expressed doubt that the World Heritage Nomination will make any difference to tourism and boosting the local economy.

"An economic report showed us that World Heritage regions actually don't shift any tourism numbers or tourism dollars, which was quite astonishing," she said.

Ms Faragher concedes the nominated boundary won't be agreed to by everyone.



"There have been some in the community who believe the boundary is too small, there are others who say it is too large."

"However, I believe that we have put forward an appropriate boundary that certainly takes into account a number of the concerns that have previously been raised such as issues surrounding quarrying activity and mining activities."

Ms Faragher says both governments would seek to identify some locations for tourism development as early as possible.

"What we've said as a state is that it is very important that we therefore identify some potential areas for future tourism development," she said.

"It's really important from our point of view that they are identified early on and that they are in a framework that will be signed jointly by the Commonwealth and State ministers."

Exmouth Chamber of Commerce Vice-President Brian Reading says he's disappointed that the exact location of where the boundary zone starts and finishes remains unclear.

"The biggest problem the chamber has is the undisclosed buffer zone that hasn't been pointed out," he said.

"Within the constitution and the rulings of the World Heritage Organisation, it's clearly pointed out that each nominated area has to come with a buffer zone of some kind."

"That's going to have the biggest effect on local governments and anybody who wants to come and invest their enterprises in the region," said Mr Reading.

#### Tourism benefits

Meanwhile, the WWF's Paul Gamblin believes heritage recognition will provide the region with positive opportunities for tourism.

"It presents opportunities for low-impact tourism and well-managed tourism that doesn't actually damage the values that people go and see," he said.

"We think this nomination could actually present significant opportunities for Western Australia's tourism industry."

Mr Gamblin says the community should not be worried about the impact on future development.

"People shouldn't be concerned that their activities that are sustainable will be affected."

The World Heritage centre in Paris will assess the nomination over the next 18 months.

The listing will not offer any additional protection to the reef.

Ningaloo includes a range of tenures. Whilst the setting of a boundary for a World Heritage listing is unlikely to gain consensus across all stakeholders, there are still challenges to ensuring Community understanding of and acceptance of boundaries and management regimes. Despite an extensive consultation process leading up to nomination, key community leaders remain doubtful of the benefits and worried about additional constraints on the regions future.



Figure 11: Ningaloo



## 6.6 Greater Blue Mountains

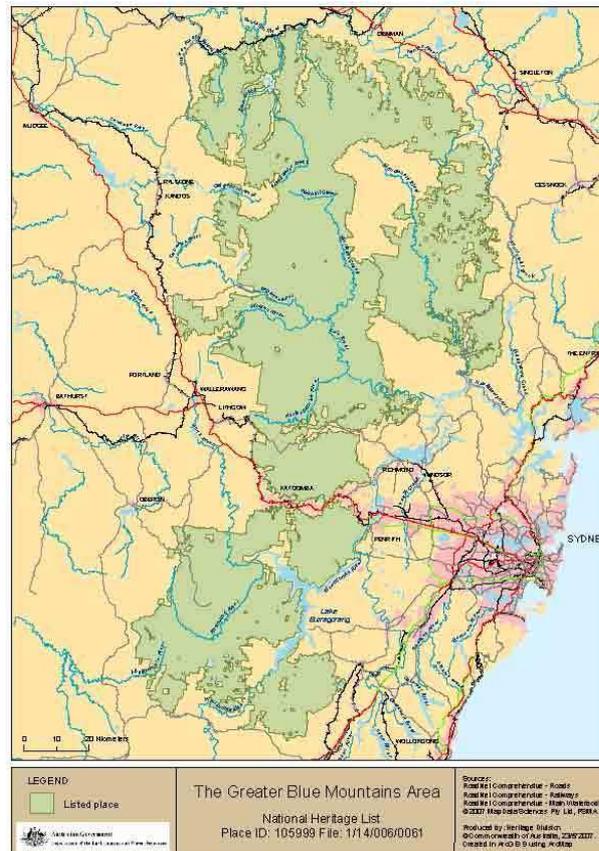
The Greater Blue Mountains consists of over 10,000 km<sup>2</sup> of mostly forested landscape on a sandstone plateau 60 to 180 kilometres inland from central Sydney, New South Wales. The property includes very extensive areas of a wide range of eucalypt communities and large tracts of wilderness. The high wilderness quality of much of the Greater Blue Mountains constitutes a vital and highly significant contribution to its World Heritage value.

The entire World Heritage area is national park (with one small area of karst managed by a public trust). Each national park has a management plan and there is an overall Strategic Plan for the World Heritage Area. NSW National Parks Service is the prime manager of the World Heritage Area. There is an advisory committee with scientific and community members which advised both State and Commonwealth ministers. NSW National Parks and DEWHA are undertaking a “co-management program” with the following objectives:

1. To ensure DEWHA and NPWS understand the significance of the GBMWA to Aboriginal people in the region.
2. To record the personal stories about Country, living history, values and significance as told by Aboriginal community members with connection to the GBMWA.
3. To seek agreement from the Aboriginal community to incorporate into the revised PoMs (sic plans or management) for the three reserves, and to feed into the National Heritage listing assessment process, words, phrases or alternative forms of expression that capture the significance and values of the area to the local Aboriginal community.



Figure 12: Greater Blue Mountains



1. To provide the community with a tangible output from the project.

The conclusion in relation to the Greater Blue Mountains World Heritage Area is that the World Heritage listing of a range of national parks has provided an overall regional approach to managing the whole area and a framework for State/Commonwealth cooperation and engagement with the community generally and the local aboriginal community.

## 6.7 Kakadu and Uluru - Joint Management

Kakadu and Uluru Kata Tjuta National Parks in the Northern Territory are World Heritage listed. Being in the Northern Territory, the Commonwealth government has ultimate land use control and is the “crown” as far as land ownership. Given this the Commonwealth dealt with the management and protection of both parks by vesting their management in a Federal agency (now DEWHA) essentially partitioning them from the Northern Territory governments’ day to day management. Both have Plans of Management and are thriving areas of nature and cultural conservation with substantial tourism which benefits the local people. Both Parks have recognised traditional owners.

In the case of Uluru a formal “hand back” to the Traditional Owners The title deeds to this land were handed back to the Traditional Anangu Owners by the Governor General of Australia in 1985. In turn the land was leased back to the Australian Government to be reserved as a national park for 99 years. DEWHA state:

Since the return of Uluru–Kata Tjuta to the traditional owners, the Anangu people and the Australian Government have been working together to:



- keep Tjukurpa strong (Anangu traditional law and way of life)
- support a healthy culture and society
- look after country and protect a national symbol
- protect the World Heritage natural and cultural environments of the park

There is a Board of Management which has a majority of traditional owners, Commonwealth and tourism representatives.

Kakadu has been occupied by Aboriginal people for more than 50,000 years. Kakadu is a prime example of a living cultural landscape. Covering nearly 20,000 square kilometres, Kakadu is one of very few places World Heritage listed for both its cultural and its natural values. Its enduring natural values stem from its exceptional beauty and unique biodiversity, its variety of landforms, habitats and wildlife. Kakadu National Park is managed jointly by its Aboriginal traditional owners and the Director of National Parks.

DEWHA state:

Approximately 50% of the land in the park is Aboriginal land under the Aboriginal Land Rights (Northern Territory) Act 1976, and most of the remaining area of land is under claim by Aboriginal people. Title to Aboriginal land in the park is held by Aboriginal land trusts. The land trusts have leased their land to the Director of National Parks for the purpose of a national park for the enjoyment and benefit of all Australians. Traditional owners have also expected that having their land managed as a national park would assist them in looking after their land in the face of growing and competing pressures. They saw a national park as establishing a way to manage the land that could protect their interests and be sympathetic to their aspirations. Parks Australia and the Aboriginal traditional owners of Kakadu are committed to the principle of joint management of the park and arrangements to help this happen are highlighted throughout the Kakadu National Park Management Plan (2007–2014).

The EPBC Act provides for boards of management to be established for parks on Aboriginal land. The Kakadu Board of Management, which has an Aboriginal majority (ten out of fifteen members), representing the Aboriginal traditional owners of land in the park, was established in 1989. The Board determines policy for managing the park and is responsible, along with the Director, for preparing plans of management for the park. The Management Plan is the main policy document for the park and strives to balance strategic or long-term goals and tactical or day to day goals.

It is noted that the land rights situation for Kakadu and Uluru are quite different to Cape York. The hand back of Uluru occurred prior to the Mabo decision and Native Title Act. In the case of Kakadu, the Land Rights Act in the NT, had already established a system for claim and recognition of land rights of traditional owners.

The conclusion is made that there are very strong models for the management of World Heritage sites jointly between traditional custodians and National park agencies. It is further noted that both of these parks have thriving tourism. However it is also noted that the traditional owners do not undertake any economic land use (other than hunting/gathering and living in the area and tourism ventures). This is contrasted with Cape York where there are a variety of indigenous commercial enterprises (beef cattle, tree crops etc.) to support livelihoods which occur on lands which may be considered for World Heritage listing.

## 6.8 Global

There are many examples and case studies which address particular aspects relevant to Cape York, it is not intended for this section to in any way be comprehensive. Some examples of World Heritage and their management are briefly listed below, highlighting aspects related to Cape York.



- Dinosaur Provincial Park in Alberta Canada is listed for natural criteria, including examples of badlands and with riparian habitat values. The World Heritage site includes an area of national park and other lands which including grazing land uses. The World Heritage site is managed by provincial government agencies.
- Jiuzhai Valley in China is in western Sichuan province and in an autonomously managed Tibetan area. The areas is highly scenic valleys and lakes leading to 4000m high mountains with significant cool temperate forest values (including habitat areas for the Giant Panda). The National Park was originally declared after logging ceased and there has been on ongoing rehabilitation/revegetation program including very proactive fire management. The Park is inhabited with Tibetan villages. Tourism has grown substantially with tourism taking a day to traverse the valley by bus and walking on well managed boardwalks, spectacular lakes and waterfalls create unique scenery. and the Park receives over one million visitors a year with a daily limit of 12,000! Away from the tourist areas, traditional grazing is carried out on alpine meadows. The World Heritage site is managed by the national government's National Park agency, in association with services provided by local county and provincial governments.
- Lorentz National Park in Papua, Indonesia is a very large World Heritage site (the largest National Park in South-east Asia at 2.5 million hectares). Despite being in Indonesia, Lorentz is as close to Cape York as Kakadu! It includes the highest peak in Papua (with a residual glacier) and a continuous, intact transect from the snow-cap to tropical marine environment, including extensive lowland wetlands. The Park was listed in 1999, but remains closely watched by the World Heritage Bureau as effective management has yet to be established. At the time of listing, 150,000 hectares of the National Park was not included in the World Heritage site owing to the presence of mining leases. The National Park status has not been finalised as the boundary has not been surveyed, a great challenge in the very remote tropical forest/wetland/alpine/montane environments.

The site is occupied by the Asmat indigenous peoples who have lived a subsistence lifestyle in the area for thousands of years. There have been some tensions between the Indonesian Government and the local people as some local indigenous people have formed resistance/guerilla groups opposing Indonesian rule of Papua.

A Strategic Plan was prepared for the Park in 2004 (with Australian assistance) and a national park agency was created in 2007 however effective management of the site is yet to be implemented. The provincial and regency level governments essentially ignore the World Heritage and national park status in their development planning. The World Heritage Committee has sought responses to management concerns (illegal logging, road construction in the alpine area, illegal fishing, Phytophthora die back of nothofagus forest, planning for a new regional town and the need for management) and in 2008 the World Heritage Bureau commissioned an independent monitoring mission to evaluate the management of the site.

## 6.9 Conclusions

There are many World Heritage sites and relevant aspects of their management from within Australia and overseas that are relevant to the Cape York situation. In particular there are working examples of World Heritage areas that include multiple land uses (including portions of viable grazing leases), that include Aboriginal owned and occupied lands, that contain communities and community infrastructure and that have management regimes including stakeholder participation and overarching statutory management regimes.



## 7 Considerations

### 7.1 Introduction

During development of the discussion paper, key CYSF stakeholders raised a range of concerns and issues relating to the possible World Heritage listing of Cape York. These included:

- Opportunities from World Heritage
- Changes in Land Use
- Tenure
- Land Management
- Access
- Services
- Tourism
- Grazing and Agriculture
- Indigenous
- Approvals
- Local Determination
- Resource Management
- Boundaries
- Buffer Zones

This section discusses these considerations. In this section, discussion is in plain text and where possible, conclusions are highlighted in italics.

### 7.2 WH Opportunities

Many stakeholders outlined that they were not opposed to World Heritage listing, but wished to understand the potential opportunities and benefits. Firstly to ensure that the future potential of Cape York and the livelihoods of communities on Cape York may be realised.

#### 7.2.1 Economy

Fundamentally there is a challenge for World Heritage listing of Cape York to also result in an economic benefit to the region and allow communities to gain their livelihoods from the area either unrelated to conservation/World Heritage or as a consequence).

Cape York has a tyranny of distance, whilst the large scale natural landscapes are the very foundation of its natural values, including the wilderness aspects, this creates a remoteness for any economic activity.

Further, whilst conservation is a major goal for Cape York, so is regional development. The present population is not sustained by internal economic activity with a major proportion of the population reliant on welfare, unemployed or underemployed and with many small businesses barely viable.

Mining remains the largest, concentrated activity, mostly on the western Cape and is not considered in any detail here. The decision on Boundaries and the management of any World Heritage listing of Cape York will need to resolve where potential new mines can occur. The recent Wild Rivers declaration of the Wenlock has shown Governments inclination to ensure conservation of natural values, without necessarily, prohibiting mining in the area, certainly ensuring conservation is the priority.

It is concluded that any understanding of the future economy of Cape York will need to include an understanding of future mining activity and the consequent access and settlement patterns which may result from this.



According to CYPLUS about 84% of Cape York is used for extensive agriculture and traditional indigenous use, whereas only 3% is used for intensive agriculture and mining with a further 2% towns and services areas. The remainder is nature conservation which has grown with the declaration of new parks since the 1997 CYPLUS report. The CYPLUS report had an economic vision (for 2010!) with a “reconciled and harmonious community where the residents have achieved a vibrant broad, sustainable economy that supports the needs and aspirations of residents lifestyles”. The vision outlines a range of aspects to achieve this including tenure security, conservation of nature and culture with multiple land use, retention and re-investment of local economic benefits, development of a skilled workforce, provision of transport and service infrastructure and cooperative/partnership approaches.

It is concluded that CYPLUS’s Economic Vision for Cape York (to be achieved by 2010) could still apply today. Whilst there has been much achievement toward the vision, with major initiatives such as the upgrading of roads and tenure resolution, there is still a long way to go.

World Heritage listing is not an economic outcome in itself, however it is vital that the process for consideration of World Heritage listing and the proposed management regime (including land use controls, infrastructure, access and services) understand the consequential impacts and attempt to maximise the opportunities for economic development.

### **7.2.2 Tourism Positioning and Development**

There are examples worldwide where World Heritage listing has been an important aspect of the branding and tourism positioning of a natural and cultural area. Fundamentally, from a potential tourist’s perspective if an international body has recognised the global significance of a place, it may be worth seeing! However, there often needs to be major efforts on the branding and then significant investment in the actual delivery of the tourism product (access, infrastructure, human resources etc.) for any realisation of a benefit to the local community and economy.

Cape York has a challenge with tourism, its value is the large scale landscapes and the highly scenic places/attractions (be they waterholes, beaches, headlands, rock art, mountains or rivers) are widely separated. The challenges for this have constrained growth of tourism, ventures even where there are close attractions and access such a Pajinka Lodge had difficulties.

The Cape York Peninsula & Torres Strait Tourism Development Action Plan – 2008–2011 states:

Tourism development throughout Cape York and the Torres Strait will undoubtedly be a positive move towards meeting the increasingly diverse demands of both domestic and international visitors, but it is not exclusively for the benefit of visitors or the tourism industry alone. It is also about providing commercial and non-commercial opportunities that will promote community and personal development and self-fulfilment.

This region represents a unique opportunity for tourism in Queensland, offering a range of nature-based and cultural tourism experiences while at the same time providing the opportunity for local communities to improve their self sufficiency through active involvement in the tourism industry.

While tourism development in Cape York and the Torres Strait needs to reflect market demands and commercial realities, unlike a traditional industry driven approach, communities will play a pivotal role in shaping the nature and direction of tourism product development in the region.

The Action Plan describes the target markets and product:



Visitation to Cape York is dominated by mature Australians, German-speaking Europeans, British, North Americans and New Zealanders travelling as part of a group or in hire vehicles. Through improved infrastructure and destinational promotion the opportunity to open new markets and increase current smaller markets such as fly-in fishing, cruising and specific themed touring will increase. Improvements to road access will open the Cape to a wider touring market and present communities off the main track the opportunity to cater to the more adventurous 4WD traveller.

The main activities visitors are seeking while in Cape York are:

- 4WD
- Camping
- Exploring
- Fishing
- Swimming
- Relaxing
- Sightseeing

Niche Markets are small yet significant and include:

- Fly in/fly out fishing
- Fly in/fly out sightseers
- Self drive international camping
- Backpackers
- Bird watching – Iron Range and Lockerbie Scrub
- Hunting – pigs. Rifle and bow-hunters

Potential market segments include:

- Bird watching
- Diving
- Cruise shipping
- Super Yacht cruising
- Family members “War memories” tours

It is noted that the above does not overtly mention cultural tourism with the visitor being guided through a natural/cultural landscape by traditional owners, tourism products for the Cape which have been successful in Kakadu and elsewhere in the Top End of the Northern Territory.

The Action Plan includes proposals for further development of visitor facilities in national parks, the identification of tourism opportunities and “tourism champions” in local communities, a tourism reference group and developing a Cape York brand.

It is concluded that there are many challenges for tourism development on Cape York. The World Heritage listing could provide some focus to the better establishment of a Cape York tourism brand, however much more effort in development of tourism products in terms of infrastructure (both on public land such as national park facilities and private such as camp sites, lodges etc.) and access (roads, coastal and marine facilities etc.) will be required to realise any greater tourism potential.

### **7.2.3 Compensatory Infrastructure Development**

In many cases of World Heritage listing some form of compensation has been offered to impacted communities. In the Wet Tropics example there was a structural adjustment package for the local businesses and communities affected by the cessation of rainforest logging. In the Cape York example there is not necessarily a dominant land use or economic driver which will cease with listing. Having said that governments (State and Commonwealth) may be encourage to provide increased expenditure on infrastructure development with the focus of the Cape at the time of an immediately following World Heritage listing.



The ongoing development of the main roads, national park facilities are examples of such infrastructure development. There may be an opportunity to evaluate the key infrastructure needs for compatible economic development and community livelihoods as identified in CYPLUS and other more recent work and gain Government commitments to this as part of a “compensation” (or maximising benefits!) package for World Heritage listing.

Apart from the major roads and infrastructure, small scale infrastructure such as a track to an attraction in a national park, a boat ramp, a community water supply can have significant local benefits.

There may be opportunities for significant benefits to arise should there be a package of large and small scale community and tourism infrastructure developed as part of World Heritage listing and its initial management.

#### **7.2.4 Lease Surety and Flexibility**

The Cape York Peninsula Heritage Act 2007 has the provisions which allow the longer term pastoral leases (75 years) in exchange for conservation and agreements with traditional owners (in the Area of International Conservation Significance, AICS). This may present a significant opportunity for leaseholders, particularly if there are long term commitments by government to support the financial costs of conservation measures (such as fencing off a rainforest pocket or wetland etc.). However there may be increased land management obligations to achieve the conservation outcomes and if there is no surety of financial assistance for natural resource and conservation management the obligations on leaseholders may outweigh the surety of the longer leases.

In other places, such as the Gulf Savannah (e.g. the Savannah Guides), the Northern Territory and Willandra, pastoral leasees have diversified their use to include tourism, from hosting visitors at homesteads to providing access to bush camping, running boat cruises on a billabong to even the creation of a private nature refuge and ecolodge (e.g. Arkaroola in South Australia). Undertaking such activities as part of a pastoral lease is often not allowed. There may be an opportunity for the new leases to allow for some minor tourism uses of pastoral leases in a manner which provides a mechanism for pastoralists to diversify their business and gain some benefit from tourism.

There may also be a desire by some pastoralists to have other farming activities on their land (such as fruit crops, fish ponds etc.) which may otherwise be restricted by their lease conditions. There may be an opportunity in resolving the new leases to include some flexibility for these other minor (in terms of area of activity as a proportion of the lease area) activities

It is clear from the provisions in the Cape York Peninsula Heritage Act 2007 regarding leases within the AICS being able to have the 75 year terms that it is envisaged that the World Heritage area may/will include pastoral leases. There is an opportunity to ensure that leaseholders have support to meet conservation and natural resource management obligations under the new leases and provide some flexibility to allow entry into tourism or other agricultural activities.

#### **7.2.5 Land Management Assistance**

While discussed above as part of the lease agreements, long term commitments by government to support the financial costs of conservation measures (such as fencing off a rainforest pocket or wetland etc.) and natural resource management (fire, weeds, ferals etc.).



One important aspect is to maximize the opportunity by developing long term programs for such land management assistance. There is presently a program of land and sea country rangers on various aboriginal lands and also the Wild Rivers rangers. For both indigenous and pastoral lands, long term programs which allow the employment and training of permanent staff and resourcing of their equipment and supplies for natural resource and conservation management is far preferable to programs which provide grant funding on a short term project basis. Such short term project funding does not create a long term capacity and economic activity on the Cape.

The Savannah Guides program has shown how the pastoral community can adopt tourism and provide a unique interpretive program, in a similar way, there could be an opportunity for some form of “Ranger” program where pastoral leases or nominated staff are appointed to a role for conservation management or interpretation/presentation of the areas of nearby areas of the World Heritage area (both those that include the Pastoral lease and other nearby public lands within the World Heritage Area.

Pastoralists who ran cattle on various properties successfully transitioned to become “range managers” of Shoalwater Bay Training Area when their lands were acquired by the Commonwealth for military training. The training area is a large scale natural; landscape with conservation of natural values a major focus of its management, the range managers have a diversity of natural resource management and conservation responsibilities.

The World Heritage listing of Cape York could be an opportunity for State and Commonwealth governments to establish an integrated and long term program of natural resource and conservation management assistance to indigenous and pastoral land holders. Such a program if well resourced and long term could form the backbone of World Heritage management , be a major economic input to the Cape and result in substantial capacity building, employment, career paths and empowerment for local residents.

### **7.3 Changes in Land Use**

There are concerns by stakeholders regarding a general move to National Park/nature reserve status, lease conditions and conservation controls (such as Wild Rivers) and other aspects which will affect economic land uses. Lease conditions may restrict additional land uses. The listing of a World Heritage area may result in restricted access or closed access to areas, approvals and zoning may affect ability for new land uses and buffer zones may increase the effect on non-conservation land uses beyond the actual World Heritage area.

These concerns are valid and whilst the proposed boundary is unknown and management arrangements undefined are hard to allay or evaluate.

There is a pro-active program of developing nature refuge agreements with pastoral leaseholders. On the face if it this provides some conservation effect and ensures that the pastoral activity can be maintained whilst achieving real conservation outcomes and commitments from the pastoralist to sustainable land management practices. There remains a tension between the long term commitment required by pastoralists versus the one-off project funding for sustainability initiatives.

There remains a tension between the realising a future economic potential for Cape York with consequent changes in land use and broad acre conservation land declarations (national park/refuges/wild rivers/World Heritage etc.). Even if this is restricted to economic activities for the current community (i.e. does not fuel major population growth and new settlement).



## 7.4 Tenure

The CYTRIG process has involved acquisition of land and which has been converted to national park or aboriginal freehold. In general there has been a move in land tenures toward greater conservation protection and more formalising the use rights. The process is slowly clarifying the likely long term make up of tenures on the Cape, although each acquisition under CYTRIG results in specific negotiations between the traditional owners and Government with no pre-determined outcome.

As discussed above, most leases are for a specific purpose and may require renegotiation to amend conditions for any change of use.

This report does not address the complex nature of Aboriginal/native title lands other than to recognise that the process on Cape York involves a variety of entities including Prescribed Body Corporate (and/or Registered Native Title Body Corporate) who hold native title, Aboriginal Land Trusts (holding Aboriginal Freehold and Aboriginal corporations (holding pastoral leases etc.). It is noted that more than one of these organisations may exist (often with common membership) for a parcel of land (e.g. where there has been a successful native title determination on Aboriginal freehold land).

Fundamentally there is often a concern by stakeholders that World Heritage listing is a tenure in itself, and can change current tenures. World Heritage listing, in the case of Cape York is unlikely to be a land tenure. However there are likely to be tenure implications as government decisions on changes to tenure in the future would need to take into account the World Heritage status.

The land tenure situation in Cape York is evolving, with the protected area estate growing and aboriginal freehold lands being established. World Heritage is not a tenure in itself, however there may be consequential impacts on future tenure dealings within and adjacent to the World Heritage area.

## 7.5 Approvals

The approvals regime likely for a Cape York World Heritage area will depend upon the proposed boundary and the tenure types within it. It is likely that there will need to be a conservation planning/approvals/zoning regime for all lands other than national parks within the World Heritage area (this is most likely necessary to meet the protection and management requirements of the Operational Guidelines).

Given this it is most likely that some form of additional approvals will be required for land uses changes and development activities within and possibly adjacent to the World Heritage area. It is possible that this will involve some form of Statutory management plan which establishes an additional approval process. It is most likely that would be given effect under Queensland legislation.

The Commonwealth's EPBC Act would also be relevant. The Commonwealth could form an agreement with Queensland to accredit State development approval processes for minor and routine development approvals, however for major activities the Commonwealth would be likely to require the EPBC assessment process to be run by DEWHA.

There may be some development proposals which require approval under existing State planning approvals, some additional state level "World Heritage" approval and also, in some cases Commonwealth EPBC approval.



Under current development approvals small businesses and community groups find it hard to obtain development approvals under the Sustainable Planning Act owing to the remoteness and difficulty is cost efficiently obtaining required specialist advice. Environmental, planning and engineering consultants become prohibitive for small projects given the additional costs with the remote locations. It is likely that this will be exacerbated with World Heritage listing likely to result in additional approvals and/or a higher level of documentation and assessment of potential impacts.

Current development approval processes are already an impediment for small business and communities on Cape York, World Heritage could exacerbate this unless processes are streamlined and there is some form of advisory service or subsidy for professional advice.

## **7.6 Land Management**

As discussed above, there is an opportunity for Cape York that the focus on the protection and management of World Heritage values will result in greater resources for land management. There will undoubtedly be an increased emphasis on natural habitat protection, with requirements relating to fences, access, water/riparian/wetlands/coast, vegetation retention/rehabilitation, fire, weeds, feral animals and erosion and sediment control.

It is highly likely that for lands within the World Heritage area there will be a substantial emphasis on natural habitat protection (including fences, access, water/riparian/wetlands/coast, vegetation retention/rehabilitation, fire, weeds, feral animals, and erosion and sediment control). There are likely to be requirements on lands adjoining the World Heritage area as well.

## **7.7 Access**

For a remote and huge area such as Cape York access is a major issue. CYPLUS Stage 2 outlined a suite of major strategies for roads and transport. This includes a range of road upgrading requirements and the recognition of the key role shipping and airport facilities play in regional development and the creation of a sustainable economy.

The ongoing maintenance of roads and other access needs to be considered, borrow pits etc. for gravel re-sheeting of existing roads and new roads need to be considered. Given the broad acre listing likely for Cape York it will be unworkable to have a policy of obtaining such gravel resources from “outside” the World Heritage area. There are precedents both in Australia and world-wide where this sort of minor quarrying is permitted for maintenance of essential infrastructure. Similarly water is needed for road maintenance and a pragmatic approach to allowing minor and/or irregular water extraction for such purposes will be needed.

There is an ongoing need for major roadwork and upgrading including improved routes new bridges, flood immunity works etc. There are likely to be many reasons for new roads and access to be desirable and/or necessary and as such the management of the World Heritage area needs to have a framework which does not constrain access to the existing network but does have provision for consideration of major upgrading of existing and construction of new roads, this may be a realignment of a major road to gain a safer geometry, a new access road to a boat ramp/campsite/attraction/farming area/aboriginal outstation etc.



Access is not restricted to roads, marine and boating facilities on Cape York are presently limited, however there may be a desire for new small port facilities and/or recreational boating facilities such as boat ramps, landing pontoons, berths, boat harbours, wharves, marinas and even in some instances dredged channels for safe navigation across river mouths etc. Whilst a Port of the scale of Weipa's is unlikely to be proposed anywhere else, smaller scale facilities are likely to be required to realise Cape York's economic potential (at least to provide good livelihoods for the present population).

Activities such as forest clearing for roads, riparian disturbance for bridges, dredging and removal of marine plants for marine facilities and hard rock quarries for the sealing of roads and airstrips are likely to be needed within the World Heritage area, obviously the environmental impacts need to be understood, assessed and mitigation strategies implemented but it will be important for the World Heritage area not to have a blanket prohibition on these types of activities associated with access.

Given the size and remoteness of Cape York, access is a critical issue. World Heritage management will need to provide for the ongoing maintenance, upgrading and further development of access roads, airports and marine facilities.

## 7.8 Services

The size and dispersed nature of settlement in Cape York makes for a major challenge to provide services. The CYPLUS Stage 2 vision outlines the need for access to a high level of quality human services. The services that may be required include new water extraction and water pipelines, water supply/storage dams and reservoirs, powerlines, telecommunications cables and towers and community facilities (health, education, recreation, municipal functions, public open space etc.).

Given the size and remoteness of Cape York and the dispersed nature of communities and settlement patterns, services are a critical issue to providing for community livelihoods. World Heritage management will need to provide for the ongoing maintenance, upgrading and further development of services to support thriving communities.

## 7.9 Tourism

As discussed on the Opportunities section above, tourism has the potential to grow in Cape York and for some areas provide a significant contribution to the local economy and provide for local livelihoods. There are however many aspects and issues which may need resolution.

There are examples world wide of ecotourism and sustainable tourism in World Heritage areas. Models for appropriate tourism include Australia's EcoCertification and the Global Sustainable Tourism Criteria. In the discussion below, it is assumed that tourism development on Cape York occurs in a manner which is sustainable and presents World Heritage values (as required by the Operational Guidelines). Further, it is noted that many World Heritage areas have very intensive and high levels of visitation (which does require impact reducing infrastructure and management), and as such it is assumed that tourism could grow in many areas of Cape York without adverse effects on World Heritage values.

Fundamentally tourism needs access. Given a lot of the existing and potential tourism is by self drive vehicles this means public roads and tracks. Access to coasts, rivers etc. for vessels is also fundamental. Whilst at present air access is not a major aspect of the tourism on Cape York, should cost effective scheduled commercial flights be developed to key destinations, there may be more opportunities for "fly-in" tourism.

Access is not just roads, airstrips and boating facilities it needs access to the attractions and the ability to use areas for activities.



Once there is access, facilities are required, from camping grounds and walking tracks, visitor centres and boatramps, motels and ecolodges, stores and service stations, cafes and roadhouses etc. all make up the suite of facilities to support tourism and create products.

These facilities and access are required at the scale for the tourism product, i.e. for the traditional self drive to the tip of Cape York, these facilities are required as set of access/attractions/facilities which suite the itineraries of the self drive tourist, then in areas (e.g. Lakefield) where the tourist experience is more concentrated in one area the opportunities need to be integrated to provide a worthy experience/tourism product. Thus tourism precinct planning is required, it is not just a rock art shelter and interpretive sign or camp ground that makes tourism, but an understanding of the range of access/attractions/facilities that make the product. The development of a fly in ecolodge tourism product, requires the airstrip, the air line, the ecolodge, but also access to a range of attractions and activities for the product to be viable.

For tourism to thrive on Cape York and provide a significant economic contribution, private enterprise is required to develop the accommodation, tours and services to support tourism. Whilst the national parks provide important access and facilities at natural and cultural attractions, the whole tourism product will also require the opportunity for commercial activities. These may include tours on public lands, concessionaire style/lease businesses on public lands and tourism investment on private lands. Approvals and land tenure options to facilitate this will be required.

One issue in this regard is the various tenures of aboriginal land and leases can preclude banks from lending if they do not have mortgage-able security (a bank cannot become mortgagor in possession and recover a debt if land is part of a large lease or is unalienable aboriginal freehold etc. Resolution of this will require tenures (including specific purpose leases that allow for commercial lending and surety of capital investment and/or the development of alternative means for businesses to raise capital for tourism ventures.

There are many tourism opportunities on pastoral leases, which may allow leasees to gain additional revenue (beyond the core business of grazing cattle). This may require approvals and changes to lease conditions.

Tourism remains the main mechanism to realise any economic benefit from World Heritage listing and is the most prospective means for communities to gain economic independence and sustain livelihoods from any Cape York World Heritage area. Tourism can form a major mechanism to present the World Heritage values and if developed using best practice sustainability/ecotourism much growth in tourism could be accommodated without loss of World Heritage values. In order to achieve this: access; services; infrastructure; facilities; appropriate tenures/land access for commercial ventures; and efficient and timely approvals processes will be required. The management regime for World Heritage will need to include proactive development of tourism opportunities and involve overall strategic level and precinct based tourism planning, not just reactive regulation.

## 7.10 Grazing and Agriculture

A major proportion of Cape York is used for grazing cattle and other agriculture. There are many programs in place to encourage good natural resource management and sustainability of the land use. These are not discussed in any detail here.

Given the Cape York Heritage Act envisages that the AICS will include pastoral leases, it is likely that at least some areas of some cattle stations are likely to be included in the World Heritage area. This then creates a series of issues which will need to be addressed.



Fundamentally, if the whole of a pastoral lease is not included in the World Heritage/AICS area how the 75 year lease provisions will operate needs to be determined.

Given the example of the Wet Tropics where over time the policies changed and as it was found impractical to exclude cattle from areas of conservation value (e.g. rainforest) a policy to stop grazing and not renew leases was enacted, there needs to be longer term certainty of the outcomes for grazing on Cape York.

The viability of the cattle industry has not been assessed as part of this discussion paper, however this will need to be evaluated. Once all the public land acquisitions are completed will there remain a viable industry? Particular issues include road maintenance, where four properties justified road maintenance if one is left at the end of the road, will the roads be maintained for this lone property? How much this is an issue has not been determined, but it has been raised by stakeholders.

Consideration of this includes the support services, from the local roadhouse to specific services such as agricultural suppliers which as the numbers of pastoral properties decline become unviable or are located further away.

The viability of an individual property after the conservation and land management needs to protect World Heritage values of the World Heritage area in or adjoining a pastoral lease need to be determined. There could be situations where a property is no longer viable? Restrictions on water extraction, pasture crops, access and fire regimes may be issues which affect viability of an individual property. How much this is an issue has not been determined, but it has been raised by stakeholders.

There will undoubtedly be an increased emphasis on natural habitat protection, with requirements relating to fences, access, water/riparian/wetlands/coast, vegetation retention/rehabilitation, fire, weeds, feral animals and erosion and sediment control. This may require additional resources in the form of grants etc. To ensure the obligations (which are beyond the “normal” land stewardship obligations) do not affect the viability of the pastoral use

There remain a range of uncertainties with potential listing of Cape York and the viability of the cattle industry on Cape York. At the Cape scale, the viability of the pastoral industry needs to be considered, at the property scale the implications of and support for any increased land management obligations to protect World Heritage values needs to be addressed.

There are further considerations regarding the future potential of properties, new uses as technologies and pastoral techniques evolve and improve. There is a need for long term flexibility to allow for this innovation.

## 7.11 Indigenous

As discussed above the development of this discussion paper has not involved any detailed consultation with indigenous groups. It is understood that Balkanu have issues with the “road map”.

It is noted that there are substantial challenges to obtain traditional owner consent to World Heritage listing and that this process could take a longer period as traditional owners move from focus on the areas of consideration for listing to the management, constraints and obligations for their uses and the management and decision making framework for management of the World Heritage area. Despite these challenges there are many models in Australia and overseas of World Heritage areas owned and jointly managed with traditional owners.



## 7.12 Local Determination

Numerous stakeholders have raised the aspirations of local communities for local determination. Cape York has a very dispersed population over a large area with a disproportionately high number of groups, from land trusts, corporations and other entities, community groups and the local government including Cook Shire, Weipa Town Authority and Aboriginal Shire Councils.

The management arrangements for a Cape York World Heritage area will need to include a mechanism to effectively involve the wide range and dispersed nature of stakeholder groups and local community interests of Cape York.

### 7.12.1 NRM Process – relevance to WH?

There have recently been moves to establish a Natural resources management Board for Cape York. How this organisation will be involved in and engaged in management of a Cape York World Heritage Area has not been determined. Indeed the relevance of an NRM board may be reduced if a World Heritage management agency is established and controls the majority of resources/funding for conservation/natural resource management.

The role of the proposed NRM Board in relation to World Heritage management should be clarified.

## 7.13 Management Regimes

### 7.13.1 Corporate Governance, Planning and Statutory Protection

From consultation with DERM and DEWHA officers it is apparent that no particular management regime or model has been determined as yet for the proposed Cape York World Heritage area. Given the likely inclusion of national parks, aboriginal freehold, pastoral leases and other tenures, it is likely some form of multiple tenure statutory/management regime will be required to meet the protection and management requirements of the Operational Guidelines.

The range of management regimes could include a Wet Tropics style management Authority, with specific enabling legislation and a statutory management plan, some extension to the Cape York Heritage Act and creation of World Heritage provisions for Cape York in the Sustainable planning Act or other Queensland legislation to give effect to protection and specific land use/development approval processes in the World Heritage area to a less statutory regime with a series of negotiated agreements for the non-national park lands of any Aboriginal freehold and pastoral lease areas (e.g. nature refuge agreements etc.).

It is expected that the management regime will need to include Aboriginal traditional owners, local community and tourism industry leaders and others.

It is concluded that at this stage there has been no decision regarding the management regime for the proposed Cape York World Heritage Area. A management regime will need to address the multiple tenure types (including national parks, aboriginal land and leasehold land) and given the multiple tenures some form of overarching statutory protection, land use and development approvals process is expected. It is likely that the management regime will include an overall Strategic level management plan which may include zoning and development approvals processes. To date there have been no commitments from state and federal government as to the management arrangements.



### **7.13.2 Management Resources**

From consultation with DERM and DEWHA officers it is apparent that Governments have not specifically committed to any special long or short term funding model for the management of a Cap York World Heritage area. As discussed above, it is likely that there will be the need for management planning, some form of statutory/management body, a consultative body and consultation process, development assessment processes and of course actual conservation management on the ground. The Operationj guidelines also require presentation of World Heritage values and it is expected that management resources would need to be applied to developing further visitor access and facilities and interpretation programs to present World Heritage values.

It is concluded that a long term funding model with contributions from both Commonwealth and State governments will be required to adequately resource the management of a Cape York World Heritage Area. To date there have been no commitments to such funding.





## 8 Potential Scenario

### 8.1 Framework

This section sets out a vision and set of principles for World Heritage listing/management of Cape York, should it proceed. The vision and principles attempts to reconcile the various issues and considerations outlined above.

Following review by the Board, these form the basis for a CYSF position on World Heritage listing which will be adopted/modified for use during consultation with State/Commonwealth government agencies regarding the potential listing and subsequent management of any World Heritage site.

#### 8.1.1 Potential Vision

Cape York has thriving communities who derive their livelihoods from natural resource management, tourism, grazing and mining. Community development and the economy is supported by ongoing improvements to access and services. There are opportunities for entrepreneurial enterprises for tourism and new agricultural activities. The cultural and natural values of the Cape have been recognised by World Heritage listing of national parks, nature refuges and areas of Aboriginal land and pastoral leases voluntarily included within the area. Landholders with lands in the World Heritage area derive benefits for their proactive management for conservation values. The management of the World Heritage area is undertaken by a single, well resourced management body streamlining integrated Commonwealth and State approvals and management programs and with landholder and local community determination as fundamental planks of its management.

#### 8.1.2 Principles

1. The World Heritage nomination is based on natural and cultural values, and cultural landscape criteria.
2. No land is included in the World Heritage area nomination without landholder knowledge and consent.
3. Prior to nomination for World Heritage listing:
  - a. Consultation process for the nomination of Cape York includes all interested stakeholders (no closed door reference groups).
  - b. The tenure resolution process is substantially completed and the extent of protection of conservation values in protected areas is understood.
  - c. The management regime including the form of any management body, statutory planning and approvals processes and resources is determined through consultation with all interested stakeholders.
  - d. There is a commitment to provide for development of tourism products in terms of infrastructure (both on public land such as national park facilities and private such as camp sites, lodges etc.) and access (roads, coastal and marine facilities etc.) which be required to realise any greater economic contribution.
  - e. There are commitments to funding and allowing for ongoing maintenance and development of access, infrastructure and services.
  - f. Land tenure arrangements address surety, flexibility and allow capital raising options.
  - g. A program of community based land management is committed to and well resourced.



- h. Any specific State approval process for the World Heritage area, streamlines other approval processes rather than adding another layer and seamlessly integrates any Commonwealth requirements.
- i. After the tenure resolution process is substantially complete, the viability of the grazing industry across Cape York is assessed and viability of individual properties is taken into account in setting the potential boundary.
- j. Firm, long term commitments are made in relation to allowable land uses of areas within and adjoining the World Heritage area, this takes into account other land use/development constraints such as Wild Rivers.
- k. An economic futures plan is developed with interested stakeholders and government policy and funding commitments to its implementation are made prior to nomination for World Heritage listing.
- l. Informed consent from all the people of Cape York Peninsula.





## Appendix One

### Cape York Peninsula Heads of Agreement



# Cape York Peninsula Heads of Agreement

The Cape York Peninsula Heads of Agreement was signed by the Aboriginal and Torres Strait Islander Commission Peninsula Regional Council ('ATSIC'), the Cape York Land Council ('CYLC'), the Cattlemen's Union of Australia ('CU'), the Australian Conservation Foundation ('ACF') and The Wilderness Society ('TWS') on February 5, 1996. The agreement represents a significant development in regional land usage and it provides a model for regional reconciliation in other areas of Australia.

The agreement is significant in that it represents the combined efforts of conservationists, pastoralists and Aboriginal people in the establishment of an agreement which embodies the broad interests of all three parties. The agreement expresses a commitment by all parties to the development of 'a management regime for ecologically, economically, socially and culturally sustainable land use on the Cape York Peninsula' (cl 5).

Under Heads of Agreement the Aboriginal people gain a tangible working agreement for the resolution of native title issues by negotiation rather than litigation, while cattlemen gain security in relation to native title. Conservation groups, who have maintained a strong presence throughout negotiations also gain by a commitment to World Heritage values throughout the Cape York Peninsula and by greater funding for the management of the acquired land.

The genesis of the agreement dates back to August 1994 when the Peninsula Branch of the Cattlemen's Union decided, in light of the Wik People's case, 'That wherever possible, pastoral leaseholders and Aboriginal people with traditional interests [should] resolve issues and conflict through direct negotiations held in good faith.'

The parties commit themselves to approach the State and Federal Governments to secure their support for the Heads of Agreement. Further, agreements will be pursued with mining, tourism and other industry groups with interests in Cape York Peninsula. The CU, CYLC and ATSIC will invite their constituents to become individual parties to an agreement which could secure recognition under the [Native Title Act 1993](#) (Cth).

Therefore the Heads of Agreement represents the first step in the potential development of a regional agreement. At present, the [Native Title Act](#) offers limited support for such agreements. The Federal Government and other stakeholders are currently examining proposals to enhance statutory support for such agreements, particularly where they were made prior to a court determination that native title exists in a particular area.

To date, the Queensland Government has refused to ratify the agreement, despite the Federal Government's endorsement of the agreement.

1. The CU, ACF and TWS acknowledge and affirm that the Aboriginal people, represented by the CYLC, and the Peninsula Regional Council of ATSIC, are the original inhabitants of Cape York Peninsula who are entitled by their traditional law to their traditional customs and culture including access to areas of traditional significance.

2. The Aboriginal people of Cape York Peninsula, the ACF and TWS acknowledge and affirm that pastoralists of Cape York (including non CU members) are significant landholders who have existing legal rights and concerns related to their industry and lifestyle.

3. The parties acknowledge that there exist on Cape York Peninsula areas of significant conservation and heritage value encompassing environmental, historical and cultural features, the protection of which is the responsibility of State and Federal Governments in conjunction with the parties.

4. The parties maintain their respective positions on the East Coast Wilderness Zone but shall encourage negotiations between pastoralists in the Zone and the State Government on its creation. If the negotiations prove unsuccessful, the parties undertake to meet again to discuss the matter.

5. All parties are committed to work together to develop a management regime for ecologically, economically, socially and culturally sustainable land use on Cape York Peninsula, and to develop harmonious relationships amongst all interests in the area,

6. Subject to cl 5, all parties are committed to the development of a sustainable cattle industry on Cape York Peninsula.

7. The parties are committed to jointly approach [*sic*] the State Government to secure upgraded lease tenure for pastoral properties and restructure lease boundaries under the existing provisions of the *Queensland Land Act*. As a necessary prerequisite for this process, a property management plan shall be developed for each property consistent with cl 5, in consultation with existing landholders. The parties agree to encourage leaseholders to make necessary applications to the State Government for these purposes.

8. The CU and CYLC agree to make joint approaches to secure investment for development of the cattle industry through the Indigenous Land Corporation, the Rural Adjustment Scheme, and other sources.

9. The Aboriginal people agree to exercise any native title rights in a way that will not interfere with the rights of pastoralists.

10. Pastoralists agree to continuing rights of access for traditional owners to pastoral properties for traditional purposes. These rights are:

ò right to hunt, fish and camp;

ò access to sites of significance;

ò access for ceremonies under traditional law;

ò protection and conservation of cultural heritage.

11. These rights shall be attached to the lease title and shall be consistent with a detailed code of conduct to be developed between pastoralists and traditional owners. The code of conduct shall ensure leaseholders are protected from public liability claims arising from the exercise of access rights.

12. The code of conduct for access shall be a minimum to apply to the region, but there shall also be provision for additional features to be negotiated between traditional owners and individual landholders.

13. The parties agree that areas of high conservation and cultural value shall be identified by a regional assessment process according to objective national and international criteria. There shall be an independent review acceptable to all parties in the case of dispute as to whether the values are consistent with the criteria. Where such areas are identified, the landholder shall enter into appropriate agreements to protect the area under State or Commonwealth provisions which may include World Heritage listing. As part of such agreements, funds shall be provided for management of the area, monitoring of agreements and equitable economic and social adjustment.

14. There shall be no compulsory acquisition of private leasehold or freehold land without prior negotiation with the landowner, and unless all reasonable avenues of negotiation including the agreements detailed in cl 13, are exhausted.

15. The purchase of land for the protection and management of cultural and environmental values shall only take place as land becomes available commercially.

16. The parties support the establishment of a fund for the purpose of purchasing land with identified high environmental and cultural values by the Commonwealth Government. The fund also shall contain funds for effective management of land purchased by the fund.

17. Land purchased through the fund shall be assessed for World Heritage values.

18. The management regime to apply to land purchased through the fund shall be negotiated between the Commonwealth and State governments and traditional owners and shall be based on culturally and ecologically sustainable use of the land's resources to achieve Aboriginal economic viability. Negotiations will involve relevant community organisations and traditional owners on a sub-regional basis, and particularly in the following sub-regions:

i. Kowanyama vii. Lockhart River

ii. Pormpuraaw. viii. Coen

iii. Aurukun ix. Laura

iv. Napranum x. Cooktown

v. Old Mapoon xi. Hope Vale

vi. Northern Peninsula xii. Wujal Wujal

19. The nomination for World Heritage listing of any land on Cape York Peninsula shall proceed only where there is a management arrangement which is negotiated with all landholders who may be affected directly by such listing.

20. The parties shall approach the Commonwealth and the State to become parties to this agreement process.

21. The parties are committed to pursuing agreements with the mining and tourism industries and with other industries with interests in Cape York Peninsula.



## Appendix Two

### CYSF Position Statement





# CAPE YORK SUSTAINABLE FUTURES

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## Position Statement – Cape York Peninsula World Heritage Nomination

Cape York Sustainable Futures believes that there is already sufficient legislation in place to protect Cape York Peninsula's important conservation and environmental values. A potential World Heritage nomination is not necessary to protect these values.

Cape York Sustainable Futures suggests that no one is in a better position than the people of Cape York Peninsula to determine what is best for their region as they have been looking after their country and managing their land in some cases, for thousands of years.

Cape York Sustainable Futures does not support a blanket listing of the whole of Cape York Peninsula but agrees that an evaluation be undertaken to identify appropriate areas of land that have priority conservation significance that will require targeted management.

We look at the Wet Tropics and the Great Barrier Reef as an example and note that these have become engines for growth in tourism and economic development that is based on strong community support within the local region and has become essential to the economic development of Cairns.

The community of Cape York Peninsula is not convinced that the Government has a plan to support economic development in the region. Cape York Sustainable Futures believes that future development of Cape York must encompass sustainable economic, social, cultural and environmental development for the Cape York region.

CYSF would like to see an economic futures plan on how to utilise the wilderness values to support the Cape York community to ensure that these values will be protected. Closing off areas of land will only degrade the landscape and the values and will not protect the land for future generations.

Cape York Sustainable Futures agrees that future generations of the Peninsula should be involved in the future management of Cape York Peninsula.

To this end any World Heritage nomination should be based on natural and cultural values, and cultural landscape criteria. No land should be included in the World Heritage area nomination without landholder both Indigenous and non-Indigenous knowledge and consent.

Prior to nomination for World Heritage listing we would like to see:

- A consultation process for the nomination of Cape York that includes all interested stakeholders (no closed door reference groups).
- The tenure resolution process is substantially completed and the extent of protection of conservation values in protected areas is understood.

CYSF - Working in partnership with



- The management regime including the form of any management body, statutory planning and approvals processes and resources is determined through consultation with all interested stakeholders.
- There is a commitment to provide for development of tourism products in terms of infrastructure (both on public land such as national park facilities and private such as camp sites, lodges etc.) and access (roads, coastal and marine facilities etc.) which be required to realise any greater economic contribution.
- There are commitments to funding and allowing for ongoing maintenance and development of access, infrastructure and services.
- Land tenure arrangements address surety, flexibility and allow capital raising options.
- A program of community based land management is committed to and well resourced – i.e. this must be in the form of real long term jobs for the people of Cape York Peninsula
- Any specific State approval process for the World Heritage area, streamlines other approval processes rather than adding another layer and seamlessly integrates any Commonwealth requirements.
- the viability of the grazing industry across Cape York is assessed before any nomination is considered and viability of individual properties is taken into account in setting the potential boundary.
- Firm, long term commitments are made in relation to allowable land uses of areas within and adjoining the World Heritage area, this takes into account other land use/development constraints such as Wild Rivers.
- An economic futures plan is developed with interested stakeholders and government policy and funding commitments to its implementation are made prior to nomination for World Heritage listing.
- Informed consent from **all** the people of Cape York Peninsula.

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