

Kalpowar Reserve for Aboriginal and Recreation Purposes

Management Plan

Title: **Kalpowar Aboriginal and
Recreation Purposes Reserve**

Trustees: **Kalpowar Land Act Reserves Ltd
Queensland Government represented by the
Department of Environment and Resource Management**



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1. Introduction

1.1 The management plan

This management plan has been prepared by the Kalpowar Land Act Reserves Ltd (the Corporation) and the Department of Environment and Resource Management (DERM) to meet statutory obligations in managing the Kalpowar Aboriginal and Recreation Purposes Reserve for community purposes. It states the proposed future uses of the reserve. The plan has been prepared specifically to address the issue of visitor access, camping and associated activities in the Reserve.

1.2 Background

The Kalpowar Reserve for Aboriginal and Recreation Purposes was created as part of a negotiated settlement between the State and the Native Title holders in this part of Cape York Peninsula. The settlement included the allocation of land to national park and Aboriginal freehold land, the rationalisation of roads and the dedication of two reserves. This management plan deals with one of these reserves.

The area was originally part of the Kalpowar Holdings, a group of properties, acquired by the State for conservation purposes. Historically the area has been used for camping and boat launching access.

Continued public access to the area has been provided for, as the reserve is dedicated for community purposes, specifically Aboriginal and Recreation Purposes.

2. Description of land

2.1 Location

The reserve is about 125km north of Laura and lies beside the Marrett River.

Area: 452 hectares (Map of Reserve - Appendix 1)

2.2 Administration attributes

Tenure: Lot 1 on SP156403 (Reserve for Aboriginal and Recreation Purposes)

Parish: Harmal and Kalpowar

County: Melville

Local Government: Cook Shire Council

2.3 Tenure context

This reserve consists of a 60m wide strip along a road of approximately 40km long leading to two riverside camping areas beside the Marrett River and two camping areas south of Bathurst Head (see Map at Appendix 1).

The lands adjacent to this reserve are Aboriginal freehold land held by the Kalpowar Land Trust (Lot 7 on SP156403) and a Reserve for Aboriginal, Beach Protection and Environmental Purposes for which the Corporation and DERM are joint trustees (Lot 4 on SP156403).

2.4 Native Title status

A Native Title Claim Application (Ref No QC97/048) is registered over the Reserve and adjacent lands. The Native Title Applicants (the Kalpowar people) and the State of Queensland have signed an Indigenous Land Use Agreement that authorises the creation of the reserve, management arrangements and infrastructure including toilets, fireplaces, picnic facilities and access tracks to camping areas.

2.5 Biophysical description

The reserve is located 125km north of Laura beside the Marrett River and south of Bathurst Heads. The area features spectacular chenier ridges and coastal wetlands with adjacent patches of rainforest, corypha palm woodlands and grasslands. The grasslands support populations of endangered white-bellied crimson finches.

2.6 Cultural and social attributes

Story places, middens, ceremonial sites, art sites and burial sites occur in areas near the reserve and play an important role in linking the Kalpowar Aboriginal people with their spiritual past.

2.7 Existing infrastructure

At the time that the reserve was created, the existing infrastructure was an unsealed road. The trustees had agreed to the provision of necessary infrastructure to support the community purpose for which the reserve was created. This infrastructure was constructed during the development of this management plan.

The trustees have established four camping areas within the reserve at the sites shown in the map at Appendix 1. Toilets and shelters are provided at the camp sites close to the coast. The other two camp sites are bush camps with minimal facilities.

Structures include:

- 2 hybrid sewage treatment plants
- 2 pedestal building structures
- 2 group shelters
- Campsite layouts
- Picnic tables and barbecues
- Vehicle control barriers

3. Existing and proposed uses and interests

3.1 Existing and proposed uses

The gazetted primary use of the reserve is for Aboriginal and recreation purposes.

The existing uses of the reserve are proposed to continue. They are:

- Public access and use of designated camping areas for nature-based recreation.
- Use by Kalpowar people in accordance with traditional law and custom.
- Access by the Kalpowar people and their invitees to adjacent Kalpowar Land Trust lands.

3.2 Existing and proposed interests

There are no existing registered interests over the Reserve, nor is it anticipated by the Trustees that any interest will be registered during the life of this plan.

3.3 Conditions of use

Members of the public visiting the reserve will be required to pay camping fees and are only permitted to camp at the four designated camping areas in accordance with this management plan and any signs on site. (See Section 6.4 for further details).

Seasonal closure of the reserve may occur during the wet season and public notices will be erected advising the public of the closure.

4. Management arrangements

4.1 Joint trustees

A Joint Trusteeship Agreement has been entered into between DERM and the Kalpowar People represented by the Corporation. The Agreement sets out roles and responsibilities for each of the Trustees.

This Joint Trusteeship is intended to be an interim measure to provide the resources and expertise required to establish the reserve as an operating community resource.

The Kalpowar people and DERM have agreed that once the reserve is fully operational, DERM will withdraw from the joint trusteeship, leaving the Corporation as sole trustee.

4.2 Trustees' contact details

Kalpowar Land Act Reserves Ltd
c/- Cape York Land Council
PO Box 2496
Cairns QLD 4870
Phone: (07) 4053 9222
Fax: (07) 4051 0097

Department of Environment and Resource Management
PO Box 2066
Cairns QLD 4870
Phone: (07) 4046 6770
Fax: (07) 4046 6768

5. Community consultation

The Trustees developed the draft management plan in consultation with the Kalpowar people. The draft plan was advertised in Cooktown for public comment in November 2009 and was mailed to key stakeholders. Comments were received from staff of the Cook Shire Council in relation to development approvals for facilities and Balkanu Cape York Development Corporation in relation to the objectives of the plan. The Trustees agreed to the actions recommended in those comments.

6. Objectives and proposed actions

6.1 Objectives

The objectives of this plan are:

- To provide for sustainable community access and use of the reserve for recreational purposes including camping, fishing and other nature-based activities
- To ensure protection of the Aboriginal cultural heritage values of the reserve
- To ensure the involvement of the Corporation in management of the reserve
- To ensure management is consistent with natural and cultural values of the reserve.
- To provide social, economic and cultural benefits to the Kalpowar people
- To encourage public understanding and respect for the cultural and biodiversity values found on the land.

6.2 Proposed actions

The Trustees will carry out these management actions.

- Maintain camping areas and associated infrastructure within the reserve.
- Install signs to assist visitor orientation.
- Maintain 4WD access routes.
- Ensure Aboriginal cultural heritage values are protected.
- Ensure natural resource management actions, including fire management and pest control strategies, are consistent with the management regimes for the surrounding Aboriginal land and protected areas, including the fire and pest management plans developed from time to time for the adjacent nature refuge areas.

6.3 By-Laws to apply

The Trustees propose to adopt Model By-Laws from Schedules 7, 8, 9 and 10 of the Land Regulation 1995, to apply to the whole reserve as shown in the map at Appendix 1. This will occur through the process described in Part 2A of the Land Regulation 1995. The Model By-Laws broadly relate to

- Business and management of the trust land
- Financial management of the trust land
- Protection and use of the trust land
- Consumption of liquor on the trust land

6.4 Commerciality

The Trustees will administer and collect visitor camping fees in accordance with the Fee Schedule in Table 1. The fees will increase periodically in line with the fees applicable in camping areas managed by the Queensland Parks and Wildlife Service. Signs on site will be used to advise visitors of the current fee schedule.

Table 1

Fee Schedule

Camping fees are \$5 per person per night or \$20 per family group per night.

A family group is up to two adults and accompanying children under 18. Children under 5 are free.

The maximum length of stay is 14 days

The Trustees may also enter into future commercial arrangements with commercial operators seeking access for nature-based tourism activities. It is not the intention of the Trustees to confer exclusive use of any part of the reserve under a commercial trustee lease arrangement. Public access to the reserve will be maintained in accordance with the provisions of this plan.

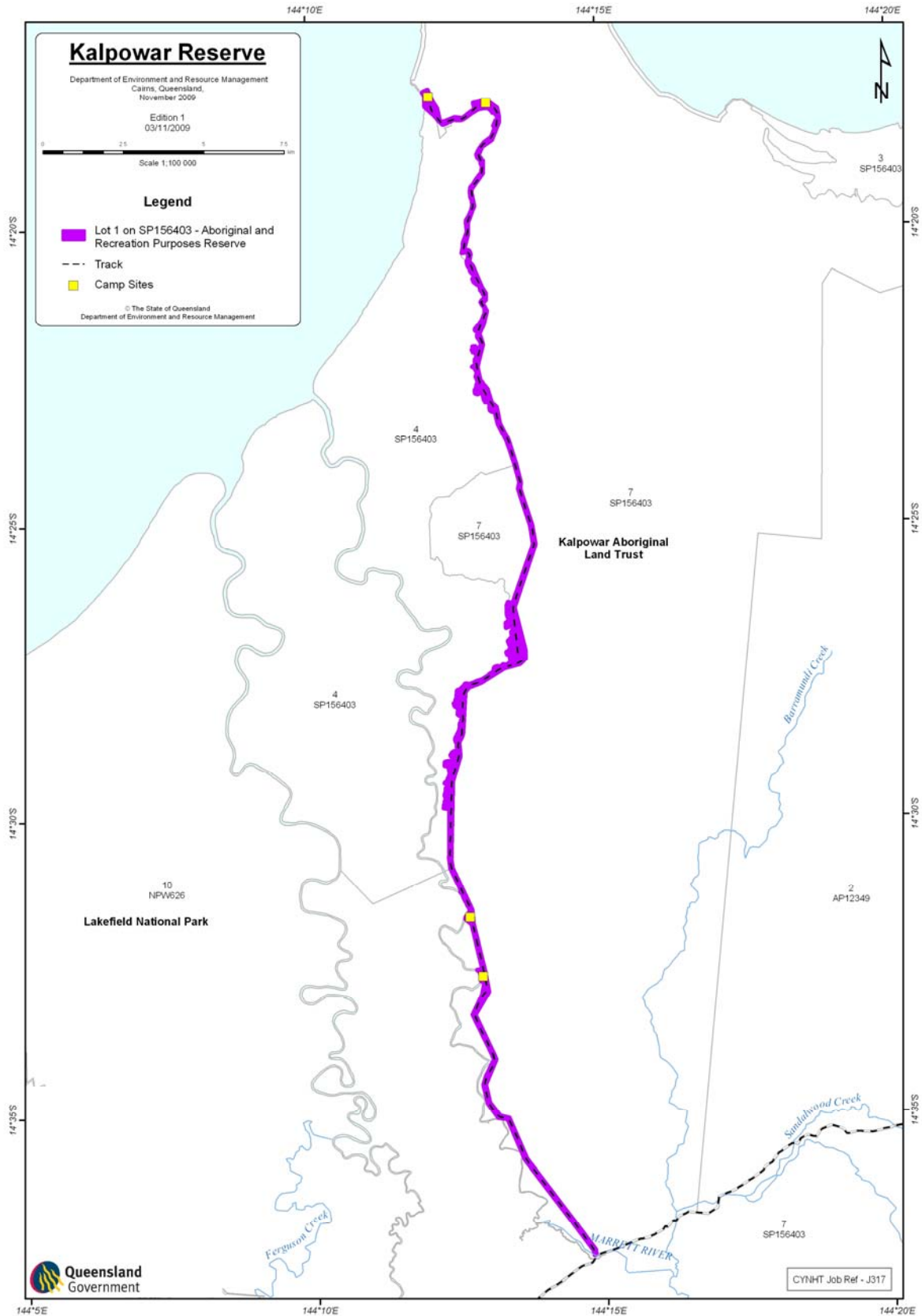
All income from camping fees and any other commercial arrangements will be used for management of the reserve including:

- ongoing development and maintenance of the camping areas;
- maintenance of access routes;
- natural resource management including fire management and pest control.

7. Monitoring and revision

Implementation of this plan will be monitored on site and reviewed at least annually at meetings of the Trustees. The initial duration of the plan is five years with a review each five years thereafter.

Appendix 1: Map of reserve



Appendix 2: Legislation

The principal legislation governing the Reserve is the *Land Act 1994*. Chapter 3, Part 1, Divisions 1 and 2 make provision for the dedication, management and use of unallocated State land as a reserve for community purposes and ensures that reserves are properly and effectively managed by persons (the **trustees**) who have some particular association or expertise with the reserve and its purpose, or with the local community, and who will manage the land in a way that is consistent with the purpose for which the reserve was dedicated, by ensuring that it is not diminished by granting inappropriate interests over the reserve.

In this regard, and specifically relating to use and management of community purpose reserves, land to which Section 4 of the *Land Act 1994* applies must be managed for the benefit of the community by having regard to the following principles:

Sustainability

- sustainable resource use and development to ensure existing needs are met and the State's resources are conserved for the benefit of future generations

Evaluation

- land evaluation based on the appraisal of land capability and the consideration and balancing of the different economic, environmental, cultural and social opportunities and values of the land

Community purpose

- if land is needed for community purposes, the retention of the land for the community in a way that protects and facilitates the community purpose

Protection

- protection of environmentally and culturally valuable and sensitive areas and features

Consultation

- consultation with community groups, industry associations and authorities is an important part of the decision making process

Administration

- consistent and impartial dealings
- efficient, open and accountable administration

Trustees' functions are to

- (a) manage the trust land consistent with achieving the purpose of the trust;
- (b) fulfil the trust within their conditions of appointment (if any);
- (c) control noxious plants on the trust land; and
- (d) keep records required by the Minister or required under this and other Acts.

A trustee has a duty of care for the trust land, and unless the Minister otherwise decides, a trustee's functions include protecting and maintaining, so far as is reasonable, all improvements on the trust land. Trustees also have specific accounting and record keeping responsibilities as detailed in the *Land Act 1994*. This plan is compliant with the provisions of the *Land Act 1994*.

The provisions and requirements of the *Native Title Act 1993* have been addressed;

In Queensland, Aboriginal cultural heritage is protected by the *Aboriginal Cultural Heritage Act 2003* whether or not it has been identified or listed. Aboriginal cultural heritage can exist

on an area of land regardless of the land tenure. Substantial penalties exist for unlawfully harming Aboriginal or Torres Strait Islander cultural heritage.

Under Section 23 of the *Aboriginal Cultural Heritage Act 2003* a person who carries out an activity must take all reasonable and practicable measures to ensure the activity does not harm Aboriginal cultural heritage. The *Aboriginal Cultural Heritage Act 2003* Duty of Care Guidelines (Section 28) have been gazetted and may be viewed at http://www.derm.qld.gov.au/cultural_heritage/legislation/duty_of_care.html.