

7.9. WANGETTI TRAIL - REQUEST FOR OWNER'S CONSENT FOR LODGEMENT OF DEVELOPMENT APPLICATIONS

REPORT AUTHOR	Team Leader Property
MANAGER	Manager Community Services
DEPARTMENT	Community Services
RECOMMENDATION	

That Council:

- 1. As a joint trustee of reserve land described as Lots 6 and 39 SP309107, provide its consent for the lodgement of development applications and other necessary documents, for consideration by Council, as relates to the further development of the Wangetti Trail project within the Douglas Shire Council local government area.**
- 2. As a joint trustee of reserve land described as Lot 31 SP129117, located within the Cairns Regional Council local government area, provide its consent for the lodgement of development applications and other necessary documents, for consideration by Council, as relates to the further development of the Wangetti Trail project.**

EXECUTIVE SUMMARY

A written request has been received on behalf of Department of Environment, Tourism, Science and Innovation (DETSI) seeking consent from Douglas Shire Council (DSC), as joint trustee, of reserve land described as Lots 6 and 39 SP309107 for lodgement of Development Applications and other necessary documents for the next stage of the Wangetti Trail project. Similarly, DSC is also a joint trustee of reserve land described as Lot 31 SP129117 located within the Cairns Regional Council (CRC) local government area. DSC's consent is also required for a similar process for Lot 31.

BACKGROUND

The Wangetti Trail (the Trail) is a dual-use walking and mountain biking track intended to stretch from Palm Cove through to Port Douglas. It is designed to be a premier ecotourism experience showcasing the region's stunning coastal, hinterland and World Heritage-listed Wet Tropics scenery and indigenous cultural history. DSC had previously lobbied the State for it to fund the development of the Trail.

The area of the Trail, to which the request refers, is contained partly within Lots 6 and 39 SP309107 and also extends into adjoining State land (National Park) to the west. Additionally, there are various access points connecting to the Captain Cook Highway corridor.

Reserve 6787 (R899) is a reserve for recreation purposes and includes multiple lots, eight in total, seven of which are within the DSC local government area and one within the CRC local

government area. The fact that the reserve encompasses lots in both local government areas requires that both councils are trustees of the reserve and therefore all of the lots contained therein.

The consulting planners engaged by DETSI, are now commencing the process to prepare and lodge DAs for the next stage of the Trail. Before they can progress with lodgement they must first secure owner consent from affected property owners including DSC and CRC.

In April 2021, DSC gave its consent for lodgement of a DA, relevant to the Trail, over these same lots. Due to proposed amendments to the alignment of the Trail means that new DAs need to be submitted and, as a consequence, owner consent is required again. Additionally, consent will also need to be provided for likely permit applications under the *Wet Tropics Management Plan 1998* and required permit variations under the *Environment Protection and Biodiversity Conservation Act 1999* (Cth).

COMMENTS

If DSC grants consent for lodgement of the DAs etc over all of the identified trust land, including that which is located within the CRC local government area, then it (DSC) will only undertake its normal planning processes for those lots that are located within its own local government area. For CRC the process will be similar in that it will only consider and assess DAs lodged within its own local government area.

This matter has been put before Council (DSC) for consideration and provision of a suitable resolution as there is no delegated authority from Council to the Chief Executive Officer to provide the necessary owner consent as required under the *Planning Act 2016*.

Once formal consent is received by the consulting planner, necessary documents will be lodged with DSC for consideration and assessment.

It is pointed out that provision of consent, in this instance, is purely to enable lodgement of necessary documents in furtherance of the DA process and is not construed as consent or approval of the actual DAs themselves.

PROPOSAL

That Council:

1. As a joint trustee of reserve land described as Lots 6 and 39 SP309107, provide its consent for the lodgement of development applications and other necessary documents, for consideration by Council, as relates to the further development of the Wangetti Trail project within the Douglas Shire Council local government area.
2. As a joint trustee of reserve land described as Lot 31 SP129117, located within the Cairns Regional Council local government area, provide its consent for the lodgement of development applications and other necessary documents, for consideration by Council, as relates to the further development of the Wangetti Trail project.

FINANCIAL/RESOURCE IMPLICATIONS

Both DSC and CRC have stated in previous dealings with the Trail project that neither council will accept development or construction costs nor any ongoing maintenance responsibilities for the Trail or its associated infrastructure.

RISK MANAGEMENT IMPLICATIONS

It is expected, as with that part of the Trail already defined within Lot 31 SP129117, that a trustee lease will result between DETSI and both councils, as trustees. Liability and risk management responsibilities are addressed in the existing trustee lease and it is expected that similar conditions will be contained in any future lease arrangement for subsequent stages of the Trail.

SUSTAINABILITY IMPLICATIONS

Economic:	It is expected that the completed trail will have positive economic outcomes by way of its ecotourism focus, potential for local business support and new business opportunities and underpin long-term growth and liveability of the region.
Environmental:	Challenges will arise relevant to erosion and sediment control particularly during significant seasonal rainfall events. It is intended that management of these and similar challenges will fall to the State as the asset-owner.
Social:	Fostering of cultural awareness and support for traditional owners plus improved recreation infrastructure.

CORPORATE/OPERATIONAL PLAN, POLICY REFERENCE

This report has been prepared in accordance with the following:

Corporate Plan 2025-2030 Initiatives:

Theme 1 - Liveability

To deliver community activities to promote safe, healthy, inclusive and socially engaged communities with an environmental conscious.

1.1 - Deliver community initiatives that support healthy, inclusive and socially engaged communities.

1.7 - Investigate and promote environmental, green, eco-friendly and nature focused initiatives.

Theme 2 - Prosperity

Council plans, builds and maintains the infrastructure required to improve our lifestyle and promote economic growth, working actively to support local businesses.

2.7 - Build strong local, State and Federal relations.

Operational Plan 2025-2026 Actions:

Continue to support and partner with the State for the development of the Wangetti Trail as this is a State Government project - Finalise infrastructure requirements, preferred route, and land tenure for the Mowbray North section.

COUNCIL'S ROLE

Council can play a number of different roles in certain circumstances and it is important to be clear about which role is appropriate for a specific purpose or circumstance. The implementation of actions will be a collective effort and Council's involvement will vary from information only through to full responsibility for delivery.

The following areas outline where Council has a clear responsibility to act:

Custodian Council owns and manages infrastructure, facilities, reserves, resources and natural areas. In fulfilling its role as custodian, Council will be mindful of the community, the economy, the environment, and good governance.

CONSULTATION

- Internal:**
- Inter-team consultation (within DSC) relevant to the request lodged by the consultant seeking DSC consent has been undertaken.
 - Subsequent consultation with DSC's Planning Team seeking advice on matters relevant to consideration of DAs etc when received from the consulting planner.
- External:**
- Gilvear Planning as the consulting planner on behalf of DETSI.
 - Cairns Regional Council Property Services Team.

COMMUNITY ENGAGEMENT

There has been no community engagement by DSC as the application and development process is being driven by the State.

ATTACHMENTS

Nil