

6.4. INDIGENOUS LAND AND SEA CORPORATION TRUSTEE LEASE PART OF L94 SR257 MOSSMAN GORGE

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DEPARTMENT People and Community Services

RECOMMENDATION

That Council:

1. **Offers a further trustee lease to Indigenous Land and Sea Corporation, over part of Lot 94 on SR257 Mossman Gorge, to conduct a cultural tourism venture, including guided walking tours on existing tracks:**
 - a) **for a term of five (5) years from 1 December 2023 expiring on 30 November 2028;**
 - b) **rental of \$1,251.49 (including GST) for the first year of the term and subject to annual review in accordance with the Brisbane All Groups Consumer Price Index (CPI);**
 - c) **lessee to be responsible for all reasonable costs associated with the preparation and registration of the lease;**
2. **Delegates authority to the Chief Executive Officer in accordance with Section 257 of the *Local Government Act 2009* to determine and finalise all matters associated with the lease and the Land Management Plan.**

EXECUTIVE SUMMARY

The Indigenous Land and Sea Corporation (ILSC) (previously named Indigenous Land Corporation) currently holds a ten year lease over Council trust land described as part of Lot 94 on SR257, (identified as Lease A on Attachment 1) Mossman Gorge, expiring 30 November 2023.

ILSC have sought a further trustee lease for another ten years. Support from stakeholders was requested by Council in considering a further lease, including from Bamanga Bubu Ngadimunku Aboriginal Corporation (BBN). BBN have advised that they would prefer a five year lease.

Having considered the reasons offered by both parties, it is recommended that a five-year trustee lease be granted.

This report seeks Council's approval to issue a further trustee lease to Indigenous Land and Sea Corporation.

BACKGROUND

Lot 94 on SR257 is a reserve for water purposes on Rex Creek and is primarily used by the trustee (Council) for water infrastructure purposes. Water infrastructure on the trust land maintained by Council includes: water intake; water screening chamber; disused building (formerly a storage facility for chemicals); water pipes; old power station infrastructure; four semi-permanent bush shelters.

Secondary use of the reserve, under the trustee lease to ILSC, is for low impact commercial purposes, to use the existing walking tracks in conjunction with the Mossman Gorge Visitors Centre.

The ten-year trustee lease to Indigenous Land and Sea Corporation (ILSC) over Lot 94 SR257 expires 30 November 2023.

COMMENTS

The Indigenous Land and Sea Corporation is a corporate Commonwealth entity established under the *Aboriginal and Torres Strait Islander Act 2005*. ILSC's aim is to assist Indigenous people with the acquisition and management of land to achieve economic, environmental, social and cultural benefits.

Letters of support for the provision of a ten (10) year lease were received from Voyages Indigenous Tourism Australia and Jabalbina Aboriginal Yalanji Aboriginal Corporation.

Negotiations between BBN and ILSC are currently underway regarding the future of the Mossman Gorge Centre. It is to that end that BBN have expressed their desire for a five-year lease, rather than the ten years that ILSC have requested. Council's Property staff have met with both parties and have formed the view that the five year lease will provide security of tenure for ILSC and the tourism activities undertaken on the land, while also satisfying the request of BBN and the Mossman Gorge community.

PROPOSAL

The proposal is for Council to:

1. Offer a further trustee lease to Indigenous Land and Sea Corporation, over part of Lot 94 on SR257 Mossman Gorge, to conduct a cultural tourism venture, including guided walking tours on existing tracks:
 - a. for a term of five (5) years from 1 December 2023 expiring on 30 November 2028;
 - b. rental of \$1,251.49 (including GST) for the first year of the term and subject to annual review in accordance with the Brisbane All Groups Consumer Price Index (CPI);
 - c. lessee to be responsible for all reasonable costs associated with the preparation and registration of the lease;
2. Delegate authority to the Chief Executive Officer in accordance with Section 257 of the *Local Government Act 2009* to determine and finalise all matters associated with the lease and the Land Management Plan.

FINANCIAL/RESOURCE IMPLICATIONS

In line with other lessees of Council-owned and controlled land and buildings, the lessee will be responsible for reasonable costs preparing and registering the lease. External services are ineligible for Council in-kind support and costs cannot be waived, so Titles Office registration costs and surveying fees will be invoiced by Council to the lessee for reimbursement.

RISK MANAGEMENT IMPLICATIONS

Lessees must maintain public liability insurance according to the standard terms document of the trustee lease.

SUSTAINABILITY IMPLICATIONS

Economic:	The Trustee Lease enables walking tours to be conducted, providing employment for Indigenous residents and economic flow on benefits to local businesses.
Environmental:	Walking tours are low impact activities where there is minimal disturbance to the environment.
Social:	Employment and economic benefits contribute to community vibrancy.

CORPORATE/OPERATIONAL PLAN, POLICY REFERENCE

This report has been prepared in accordance with the following:

Corporate Plan 2019-2024 Initiatives:

Theme 5 - Robust Governance and Efficient Service Delivery

Strong governance and financial management are the foundations of the way in which Council will conduct its business and implement the initiatives of the Corporate Plan.

Goal 1 - We will conduct Council business in an open and transparent manner with strong oversight and open reporting.

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.
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CONSULTATION

Internal: People and Community Services, Infrastructure, Water and Wastewater, Environment and Planning, Project Office, Finance and Corporate Services and Governance

Council Workshops 3 October 2023, 7 November 2023

External: Indigenous Land and Sea Corporation
Department of Resources
Bamanga Bubu Ngadimunku Inc (BBN)
RPS Group (Surveyors)

COMMUNITY ENGAGEMENT

At the February 2007 Ordinary meeting of the Douglas Shire Council, it was resolved that Eastern Yalanji Queensland and the Douglas Shire Council Indigenous Land Use Agreement (ILUA) between the native title parties, the Douglas Shire Council and the State of Queensland be signed and sealed.

This ILUA was registered by the National Native Title Tribunal on 5 October 2007.

Within this ILUA clause 28.1 states as follows:

“The Council will use its best endeavours to negotiate with the Eastern Kuku-Yalanji People, the Bamanga Bubu Ngadimunku Inc and the State for the grant of a trustee lease under section 57 of the Land Act 1994 for low impact commercial purposes, in relation to Lot 94 on SR257”.

As a consequence of this clause, in August 2009, the Cairns Regional Council received advice from the Department of Natural Resources & Mines (DNRM), requesting that negotiations commence with respect to the proposed trustee lease.

During the negotiations, the Bamanga Bubu Ngadimunku Inc provided a letter of support for the Lease to be in the name of the ILC in order to have Kuku Yalanji Dreamtime Walks operate as an integral component of the Mossman Gorge Transit Centre.

Jabalbina Yalanji Aboriginal Corporation as the Registered Native Title Body Corporate advised of their support by way of a resolution by their Directors on 18 November 2011.

In line with the requirements above the original trustee lease was negotiated and executed.

To prepare an updated Land Management Plan and a new Trustee Lease, ILSC provided letters of support from Jabalbina Yalanji Aboriginal Corporation (Registered Native Title Body Corporate) and Voyages.

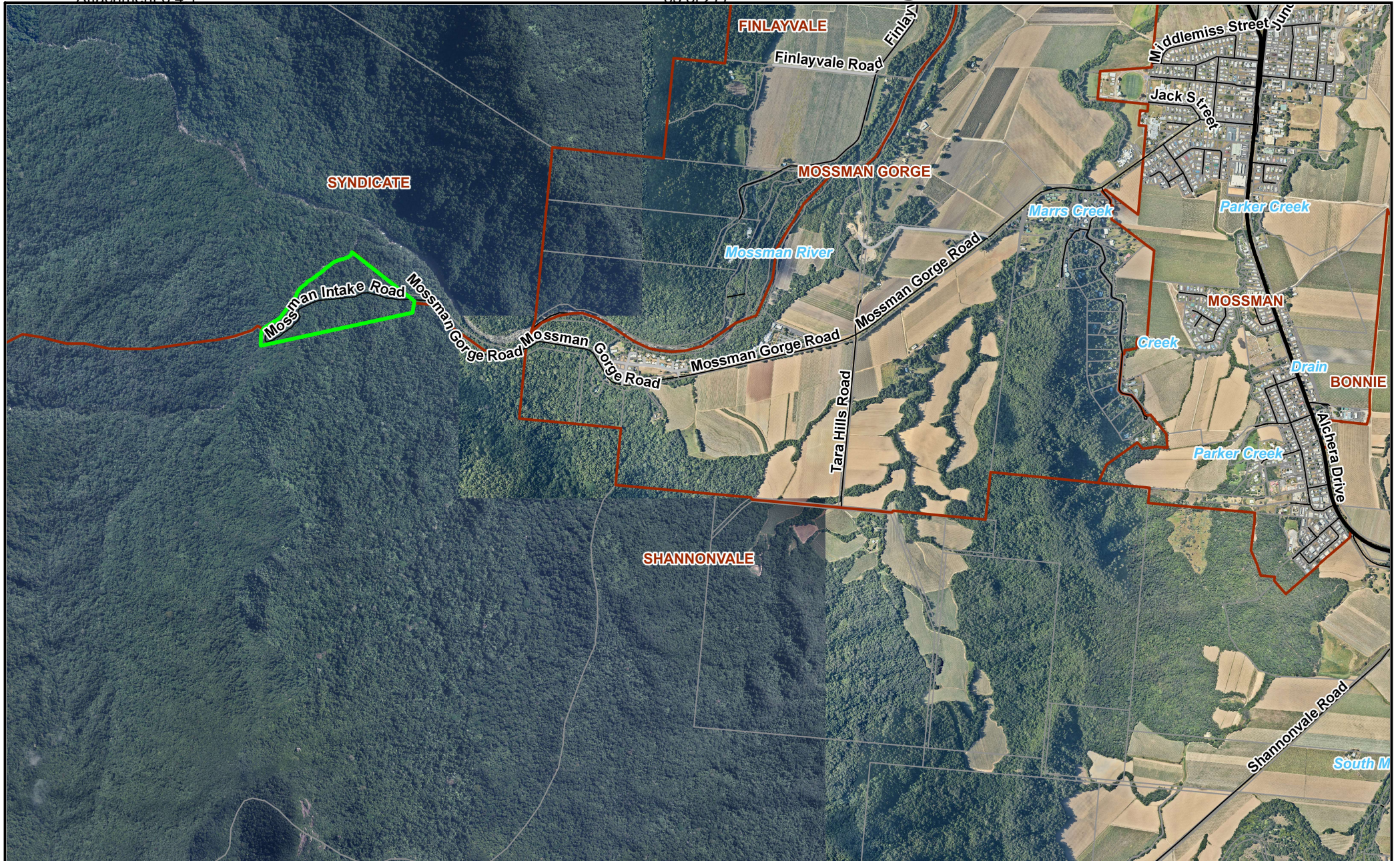
ATTACHMENTS

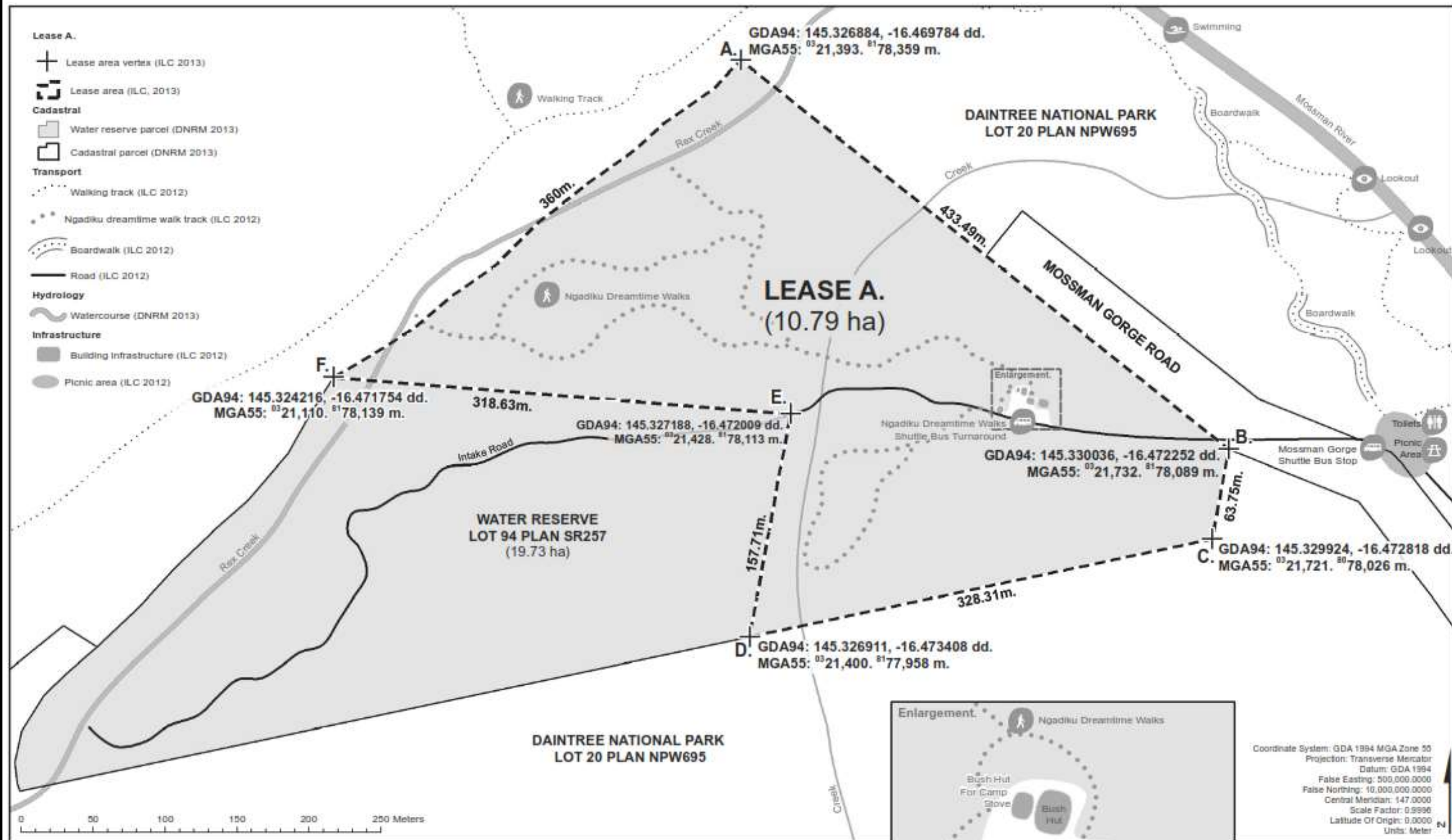
1. Lot 94 SR257 Mossman Gorge Road - Aerial Map [6.4.1 - 1 page]
2. Lot 94 SR257 Mossman Gorge Road - Trustee Lease Area [6.4.2 - 1 page]

Lot 94 SR257 Mossman Gorge Road

Attachment 6.4.1

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Lease Area for Mossman Gorge Walking Tracks

Water Reserve, Lot 94 on Plan SR257,
CAIRNS REGIONAL SHIRE, QLD.

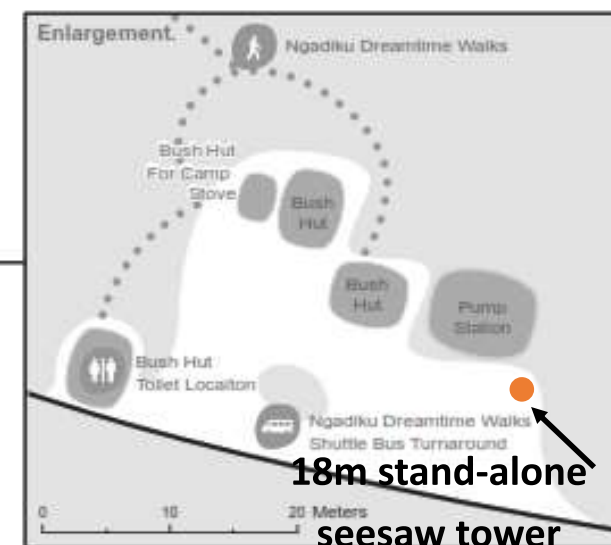
See attached data attribution for more information.

01-AUG-2013
ILC Map No.2206



Australian Government
Indigenous Land Corporation

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 All geographic calculations were performed in MGA55 projection based on GDA94 datum.
 MGA Zone 55 Projected Coordinate System based on GDA94 Datum.



MOSSMAN GORGE CENTRE

Street Address:

7L, 94L, & 152L Mossman Gorge
Road, SHANNONVALE

Real Property Description:

Lot 7 on SP212661, Lot 94 on
SR257, & Lot 152 on SR257.

Proposed Development:

3 x Radio Towers

Legend:

- Applicable site/s
- Proposed tower locations



SITE PLAN

(Lot 94—Lease Plan)

Plan No: 18-385 DA03.1 Rev: A

Date: 18/12/2018



Australian Government
Indigenous Land Corporation



The ILC GROUP

PEOPLE. LAND. OPPORTUNITY.