

### **3.1. LOT 83 SR596 CAPE TRIBULATION ROAD SALE OF LAND**

**REPORT AUTHOR** Mark Stoermer

**DEPARTMENT** Office of the Chief Executive Officer

#### **RECOMMENDATION**

**That Council:**

- 1. Resolves to delegate its power pursuant to section 257 and 262 of the *Local Government Act 2009* to the Chief Executive Officer to sell Lot 83 SR596, Cape Tribulation Road to Queensland Trust for Nature and Rainforest Rescue for the sale price of \$725,000 (Ex GST), the purchase price Council paid for the land in October 2019;**
- 2. Authorises the Chief Executive Officer to delegate the exercise of the powers contained in Attachment 2 – Instrument of Delegation - to Council’s Legal Services to act on behalf of Council for all sale negotiations and enter into a Sale Contract on behalf of Council in regard to this sale; and;**
- 3. Delegates authority under section 257 of the *Local Government Act 2009* to the Chief Executive Officer to finalise any and all matters associated with this purchase.**

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#### **EXECUTIVE SUMMARY**

In a Special Meeting dated 28 August 2019, Council resolved to purchase Lot 83 SR596, Cape Tribulation Road. On 3 October 2019 Council purchased Lot 83 SR596 for \$725,000 exclusive of GST.

Approximately 100 acres is clear, well pastured land divided into four paddocks on the western side of the road and an 80-acre paddock on the eastern side. The allotment is protected by the Wet Tropics World Heritage Protection and Management Act 1993. No vegetation clearing rights exist for the property.

On 23 July 2020 Queensland Trust for Nature and Rainforest Rescue wrote to Council if willing to sell Lot 83 for their purpose of biodiversity restoration and conservation work that both groups would undertake for the land. The land is well suited for the conduct conservation, establish plant nursery activities, develop education programs and work with the local Aboriginal groups to conduct training.

Council Officers met with Queensland Trust for Nature and Rainforest Rescue Chief Executives recently who have put an offer of \$725,000 (Ex GST) to purchase the land. As the land is currently tenanted on a short term lease for grazing purposes and will not offset all of Council’s carbon omissions the land is deemed as surplus land that would benefit Queensland Trust for Nature and Rainforest Rescue in their conservation work.

#### **BACKGROUND**

Council resolved to purchase Lot 83 and was purchased for \$725,000 slightly under valuation, an independent valuation reported the land value to be \$755,000. Council had considered developing its carbon sequestration project on the land and other ideas that would offset some of Council’s carbon footprint.

At purchase the land was tenanted for cattle grazing in which a short term lease arrangement was made available to continue to lease the land for cattle grazing until such time as Council considered their long term options to utilise the land.

Council has had recent correspondence from Queensland Trust for Nature and Rainforest Rescue expressing an interest in purchasing the land for their conservation purposes. Jabalbina Yalanji Aboriginal Corporation have been consulted on the proposal and consider this partnership an effective benefit to local Aboriginal peoples of the area to promote education and employment opportunities. Queensland Trust for Nature and Rainforest Rescue have advised they intend on purchasing the land for;

- a nature reserve;
- restore the degraded aspects of the property to full rainforest 80 hectares to be restored;
- conduct nursery operations;
- engage with Traditional Owners; and
- conduct ranger, training and learning activities with Jabalbina Yalanji Aboriginal Corporation

Queensland Trust for Nature and Rainforest Rescue intend on purchasing Lot 83 for \$725,000 (Ex GST) and all legal fees and transfer titles would be the responsible of Queensland Trust for Nature and Rainforest Rescue. Queensland Trust for Nature and Rainforest Rescue would enter into discussions with the current lessee to help facilitate continuation of lease until the land was utilised for their purposes.

## COMMENT

As Queensland Trust for Nature and Rainforest Rescue are registered under the Australian Charities and Not-For-Profit Commission Council can negotiate directly without contravening the Local Government Regulations. Legal advice sought advises Council is free to decide to sell Lot 83 to the Queensland Trust for Nature and Rainforest Rescue groups. These groups are a “*community organisation*” as defined in Schedule 8 of the Local Government Regulations (LGR). As a consequence Council can use the exception in s236(1)(b)(ii) of the LGR to avoid the need to sell the property on the open market.

Council will engage Preston Law to negotiate on their behalf in order to invoke the contract of sale, the contract of sale will be 60 days. Legal, stamp duty and transfer costs would be the responsibility of Queensland Trust for Nature and Rainforest Rescue.

## PROPOSAL

The proposal is for Council to:

1. Resolve to delegate its power pursuant to section 257 and 262 of the *Local Government Act 2009* to the Chief Executive Officer to sell Lot 83 SR596, Cape Tribulation Road to Queensland Trust for Nature and Rainforest Rescue for the sale price of \$725,000 (Ex GST), the purchase price Council paid for the land in October 2019;
2. Authorise the Chief Executive Officer to delegate the exercise of the powers contained in Attachment 2 – Instrument of Delegation - to Council’s Legal Services to act on behalf of Council for all sale negotiations and enter into a Sale Contract on behalf of Council in regard to this sale; and;

3. Delegate authority under section 257 of the *Local Government Act 2009* to the Chief Executive Officer to finalise any and all matters associated with this purchase.

## FINANCIAL/RESOURCE IMPLICATIONS

Council will sell Lot 83 for the same purchase price of \$725,000 (Ex GST), purchased in October 2019. Transfer costs and stamp duty would be the responsibility of Queensland Trust for Nature and Rainforest Rescue.

## RISK MANAGEMENT IMPLICATIONS

While the sale of the land has minimal risk and further options for Council's broader carbon neutral strategy would be explored after community consultation.

## SUSTAINABILITY IMPLICATIONS

**Economic:** The purchase of the land to Queensland Trust for Nature and Rainforest Rescue may have economic benefits to the local community and local Aboriginal groups through employment, volunteering and training.

**Environmental:** The sale of the land will directly contribute to nature conservation through establishment of a nature reserve.

**Social:** sale of land to Queensland Trust for Nature and Rainforest Rescue will have social benefits including training and educational activities in the Daintree area.

## CORPORATE/OPERATIONAL PLAN, POLICY REFERENCE

This report has been prepared in accordance with the following:

### Corporate Plan 2014-2019 Initiatives:

#### Theme 3 - Leading Environmental Stewardship

Our visitors and residents deeply value the unparalleled environment in which we live. We recognise our responsibility in protecting and preserving our natural world for generations to come. We understand the strong link between the environment and the economy: they are interdependent. Douglas Shire will be at the forefront of environmental protection by developing strategies, setting policies, and working with all stakeholders to become the envy of and to inspire locations across Australia and the World.

**Goal 1** - *We will protect our sensitive environment and plan for the impact of climate change.*

**Goal 2** - *We will implement programs that reduce and offset our environmental footprint.*

**Goal 3** - *We will continue to build water infrastructure so that the Douglas Shire may enjoy water security and water quality.*

**Goal 4** - *We will partner with the community to educate and monitor.*

**Goal 5** - *We will recognise the contribution that Traditional Owners make to the protection of the environment.*

## **Operational Plan 2020-2021 Actions:**

*3.2.1 - Following community consultation on Council's desired position for managing its carbon footprint and outcomes from the Daintree Ferry, consider options for the land including revenue generating activities and potential sale to interested parties.*

### **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:** Environmental and Planning Services  
Property Services

**External:** Queensland Trust for Nature  
Rainforest Rescue  
Jabalbina Yalanji Aboriginal Corporation

### **ATTACHMENTS**

1. QTFN Lot 83 20200805 lot 83 letter [3.1.1 - 1 page]
2. Letter of Support - Jabalbina [3.1.2 - 1 page]

5<sup>th</sup> August 2020

Mr. Mark Stoermer  
Chief Executive Officer  
Douglas Shire Council

Via email: [Mark.Stoermer@douglas.qld.gov.au](mailto:Mark.Stoermer@douglas.qld.gov.au) and [Michael.Kerr@douglas.qld.gov.au](mailto:Michael.Kerr@douglas.qld.gov.au)

Dear Mr. Stoermer, Mayor Kerr and the Douglas Shire Council,

Following on from the meeting we had last week, I am pleased to write to you with confirmation of our intention to purchase Lot 83 for the purpose for biodiversity restoration and conservation.

The board of Landscapes Queensland Limited as Trustee for the Queensland Trust for Nature today endorsed the resolution to purchase the parcel of land from DSC. The LQL board also endorsed the purchase price of \$725,000 with a 60 day term to finalise the transfer of ownership.

With the current grazing lease on Lot 83 still active, QTFN are happy for this to continue with the current licensee for a future period of 3-12 months, which I am happy to discuss in detail post transfer as we are yet to finalise the property management plan.

The partnership between QTFN and Rainforest Rescue (RR), will deliver some wonderful benefits of the region and with the development of the RR nursery operations involving training/learning activities with Jabalbina Aboriginal Corporation, I believe we can assist the Douglas Shire Council in its economic recovery post COVID-19.

On behalf of the Queensland Trust for Nature and our partner Rainforest Rescue, I would like to thank you for this opportunity and we look forward to progressing the transfer and working with council for the benefit of the Daintree.

Yours sincerely,

A handwritten signature in black ink that reads 'Stephen J. Lacey'.

Stephen J. Lacey  
Chief Executive Officer  
Queensland Trust for Nature  
0404 622 132

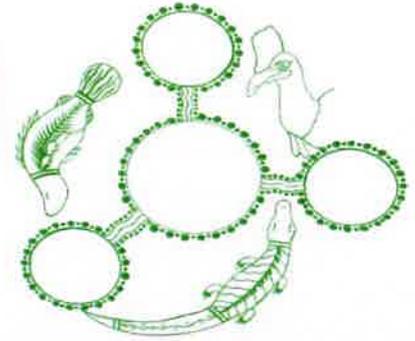
**Queensland  
Trust for Nature**

**1300 601 669**  
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# Jabalbina

Jabalbina Yalanji Aboriginal Corporation RNTBC  
ABN 79 611 886 178 ICN 7002  
Jabalbina Yalanji Land Trust  
ABN 54 650 095 845



3 August 2020

Dear Mr Stoermer

**RE: Support for QTFN and Rainforest Rescue**

I am writing in support of the potential sale of lot 83 Cape Kimberley Road to Queensland Trust for Nature and Rainforest Rescue.

Jabalbina Yalanji Aboriginal Corporation acknowledges Queensland Trust for Nature and Rainforest Rescue recognises and respects the cultural heritage, values, beliefs and responsibility to land and sea country of this land.

Jabalbina Yalanji Aboriginal Corporation currently and will continue to work in partnership with Queensland Trust for Nature and Rainforest Rescue to deliver a range of activities across land and sea country including protection of threatened species and their habitats, pest plant management, ranger programs, training and development and protection of important cultural sites, and the passing on of cultural knowledge to the next generation, caring for country, and research and monitoring.

Sale of Lot 83 to Queensland Trust for Nature and Rainforest Rescue will make a significant contribution to the social, cultural, environmental and economic development of the local Aboriginal peoples and an opportunity for local employment for the Douglas Shire. Queensland Trust for Nature and Rainforest Rescue plans to expand their work with Jabalbina Yalanji Aboriginal Corporation that will have a positive benefit to the local Eastern Kuku Yalanji people

Jabalbina Yalanji Aboriginal Corporation supports Queensland Trust for Nature and Rainforest Rescue efforts to develop this site and urge you to favourably consider their proposal.

We look forward to continuing to work in partnership with Queensland Trust for Nature and Rainforest Rescue to manage and care for country for the benefit of current and future generations.

Yours faithfully

A handwritten signature in black ink, appearing to be 'Kupa Teao', written in a cursive style.

Kupa Teao  
Chief Executive Officer  
Jabalbina Aboriginal Corporation

***Yalanji warra muruku junkurrjimaka bamangka bubuku***

"Yalanji people stand strong together for our people and our land"

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Special Council Meeting - 10 August 2020

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