

5.4. PROPOSED LAND RESUMPTION AND ROAD OPENING PART OF LOT 20 ON NPW695

REPORT AUTHOR	Property Services
MANAGER	Lisa Golding, Acting Manager People and Community Services
DEPARTMENT	People and Community Services

RECOMMENDATION

That Council:

- 1. Acquires either by private agreement or by agreement under section 15 of the Acquisition of Land Act 1967 the area of 1759m² of land being part of Lot 20 on NPW695 on Cape Tribulation Road in accordance with the landowner's offer (specified on the Financial/ Resource Implications section of this report) to facilitate the replacement of the Noah Creek Bridge;**
- 2. Approves the road opening of the acquired land to enable use of the acquired land as road and enable bridge infrastructure to be constructed within the area of new road reserve; and**
- 3. Delegates authority to the Chief Executive Office in accordance with section 257 of the *Local Government Act 2009* to finalise all matters associated with this dealing.**

EXECUTIVE SUMMARY

It is recommended that Council approves the acquisition of the area of 1759m² of land, being part of Lot 20 on NPW695 on Cape Tribulation Road, to facilitate the replacement of the Noah Creek Bridge.

The report also requests that Council approves the road opening of the acquired land to enable use of the acquired land as road and enable bridge infrastructure to be constructed within the area of new road reserve.

BACKGROUND

The Council's Project Office requested the purchase of part of Lot 20 on NPW695 located in the Daintree National Park on Cape Tribulation Road to facilitate the replacement of the Noah Creek Bridge (*Attachment 1*). The land area of 1759m² identified on the proposed Survey Plan Lot 900 on SP 296959 (*Attachment 2*) will be utilized to accommodate this project.

In accordance with the *Acquisition of Land Act 1967*, Council Officers approached the landowners of Lot 20 on NPW695, the State of Queensland, advising them of the proposed land resumption and subsequent road opening, and indicated that Council wished to acquire a portion of their land by voluntary acquisition. The residual area of Lot 20 on NPW695, after acquisition, would be 116,350.23 hectares.

On behalf of the State of Queensland, the Department of Environmental Science (DES) undertakes tenure actions in accordance with the *Nature Conservation Act 1992*. Council has received advice from DES which indicates that compensation for this land purchase should be a nominal amount of \$1,000.00.

Whilst Council has received the above offer for this land purchase, the revocation of the National Park is still subject to Ministerial in-principal approval, Parliamentary endorsement and the assent of the Governor in Council.

Native Title Rights and Interests is a key requirement to enable DES to proceed with Council's proposal. The registered claimant groups are Jabalbina Yalanji Aboriginal Corporation and Cape York United #1. Jabalbina has already confirmed on behalf of the claimant groups that there are no objections for the project to proceed.

Council has also received a notification from the Department of Resources (DR) with the conditional offer for the dedication of the State land as a road under the *Land Act 1994*, *subject to*:

- i. Completion of the form attached to the notification (due by 6 April 2021);*
- ii. Copy of 'in principle' approval from Department of Environment and Science (due by 2 August 2021);*
- iii. Completion of revocation of the National Park to Unallocated State Land (due 2 August 2021).*

Council's approval for this land purchase and subsequent road opening will expedite the DR process while DES is in the process of seeking Ministerial in-principal approval, before finalising the final steps in the revocation process.

COMMENT

Council can acquire land in 3 ways:

- Compulsory acquisition under section 9 of the Acquisition of Land Act 1967;
- Acquisition with the agreement of the landowner under section 15 of the Acquisition of Land Act 1967; or
- Private agreement.

Council's preference is to reach agreement with the landowners for the surrender of the identified area. Having an agreement with the landowner expedites the contract of sale of the land.

PROPOSAL

That Council undertakes the following actions, in order to accommodate the Noah Creek Bridge replacement project:

- Approves the purchase of the 1759m² of part of Lot 20 on NPW695; and
- Approves a subsequent road opening on the acquired land.

FINANCIAL/RESOURCE IMPLICATIONS

Based on the State's offer the land purchase will cost \$1000.00. Other legal costs associated with the purchase and the road opening are estimated to be \$3,000.00. Funding exists within the Noah Creek Bridge replacement project budget to cover this expenditure.

RISK MANAGEMENT IMPLICATIONS

If this land is not acquired in a timely manner, it will delay the replacement of the Noah Creek Bridge required for the movement of 24 hour emergency services, local residents, businesses and tourism along the Cape Tribulation Road.

SUSTAINABILITY IMPLICATIONS

Economic: New infrastructure will allow the continuous movement of emergency services, local residents, businesses and tourism along the Cape Tribulation Road.

Environmental: Nil

Social: Nil

CORPORATE/OPERATIONAL PLAN, POLICY REFERENCE

This report has been prepared in accordance with the following:

Corporate Plan 2019-2024 Initiatives:

Theme 2 - Fostering Sustainable Economic Growth

A robust economy is at the heart of a thriving community and enables investment in environmental protection. While our remoteness is a key attribute, it also presents challenges for attracting new business and investment. We must also meet the challenges of fierce competition in the tourism sector. Council will partner with industry to build, diversify and promote the Douglas economy. Council will design and deliver infrastructure, strategies and services that support the local economy and businesses.

Goal 1 - We will build appropriate infrastructure and deliver services that connect and support businesses.

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:

Builder/Owner Council makes a significant investment every year in the infrastructure that underpins the Shire through its capital works program. Council will manage its assets with appropriate frameworks and deliver its projects through robust project management.

CONSULTATION

Internal: Manager Project Officer

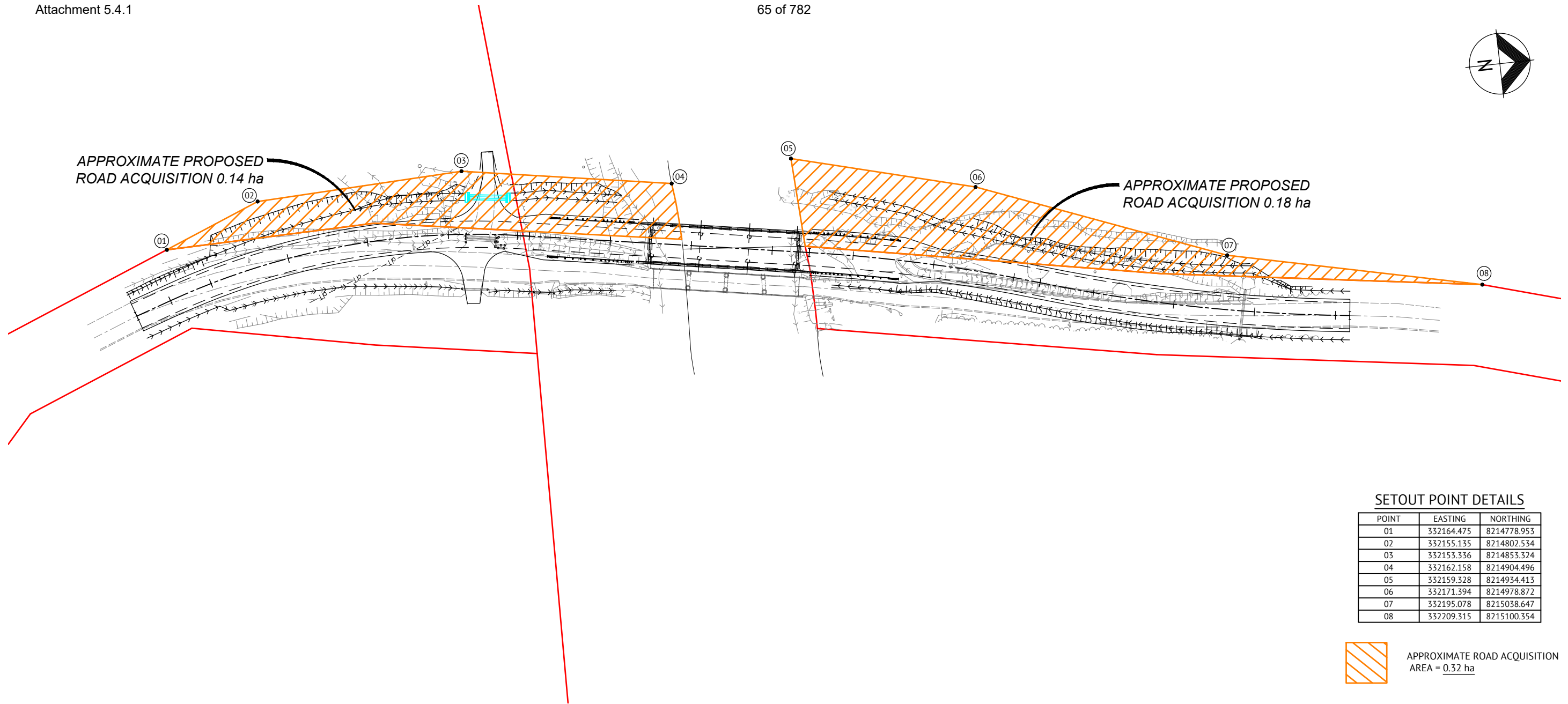
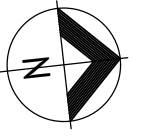
External: Department of Resources, The State of Queensland Represented by DES; Preston Law and Jabalbina Yalanji Aboriginal Corporation.

COMMUNITY ENGAGEMENT

Nil.


ATTACHMENTS

1. Noah Creek Bridge Construction Plan [**5.4.1** - 1 page]
2. Proposed Survey Plan Lot 900 on SP 296959 [**5.4.2** - 2 pages]



SETOUT POINT DETAILS

POINT	EASTING	NORTHING
01	332164.475	8214778.953
02	332155.135	8214802.534
03	332153.336	8214853.324
04	332162.158	8214904.496
05	332159.328	8214934.413
06	332171.394	8214978.872
07	332195.078	8215038.647
08	332209.315	8215100.354

 APPROXIMATE ROAD ACQUISITION
AREA = 0.32 ha

PLAN VIEW
SCALE 1:500

NOTE:
SETOUT AND AREAS ARE APPROXIMATE ONLY
AND ARE SUBJECT TO CADASTRAL SURVEY

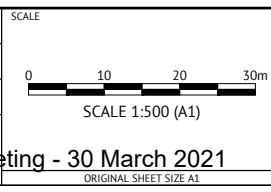
PRELIMINARY - NOT FOR CONSTRUCTION

DATE	REV	DESCRIPTION	REC	APP
12/04/19	1	PRELIMINARY ISSUE		

TOWNSVILLE OFFICE
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TOWNSVILLE, QLD 4810
PH: (07) 4772 0666
WEB: www.premise.com.au



DESIGNED
B.CORLIS
CHECKED
R.PERKINS
PROJECT MANAGER
C.MATHESON
ENGINEERING CERTIFICATION



CLIENT **NQ CIVIL CONTRACTORS PTY LTD**

PROJECT **REPLACEMENT BRIDGE AND PROPOSED ROAD ALIGNMENT**

LOCATION **NOAH CREEK, CAPE TRIBULATION**

SHEET TITLE **RESUMPTION PLAN**

JOB CODE **NQC-0023**

SHEET NUMBER **C012** REV **1**

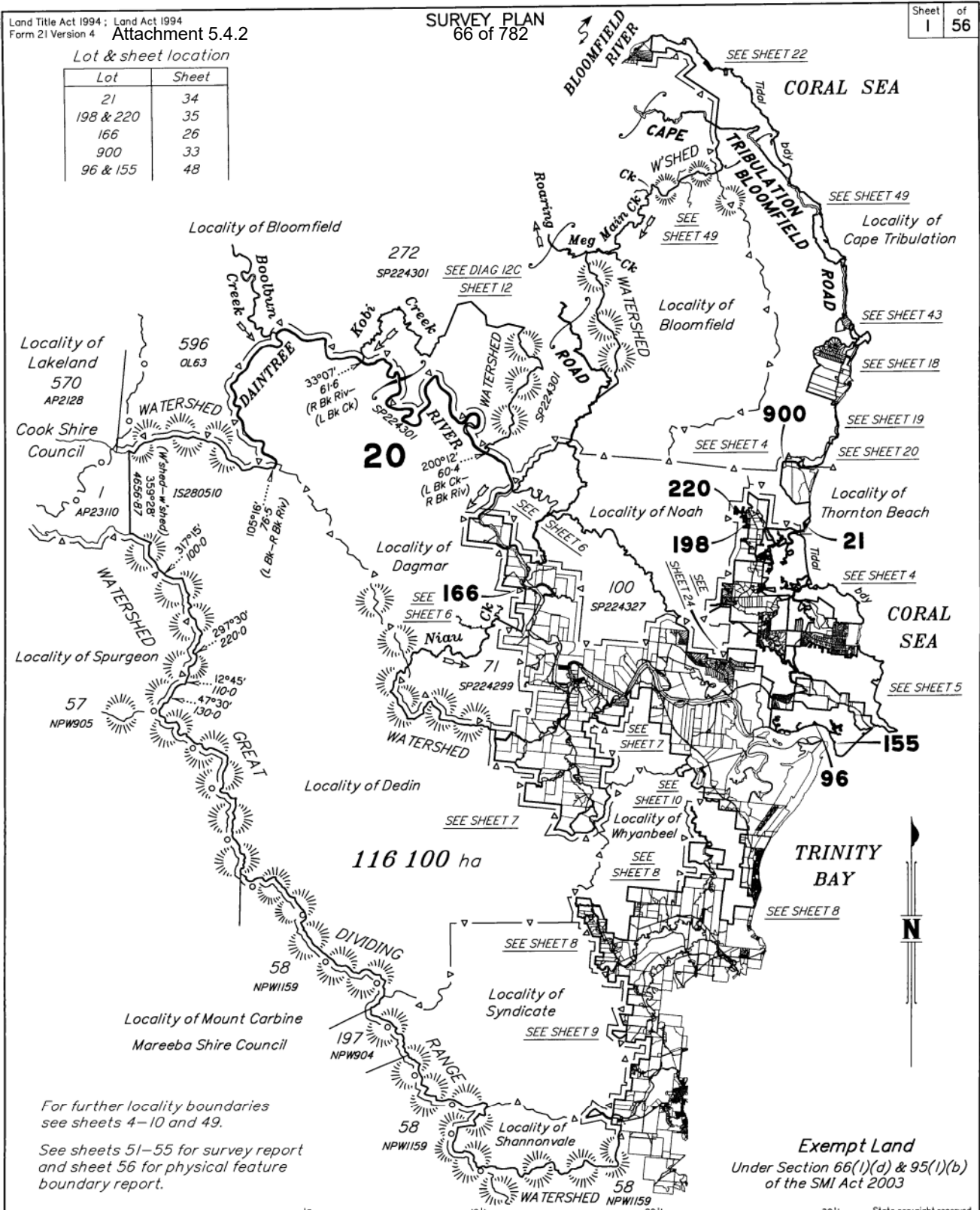
Land Title Act 1994 ; Land Act 1994
Form 21 Version 4 **Attachment 5.4.2**

SURVEY PLAN
66 of 782

Sheet **1** of **56**

Lot & sheet location

Lot	Sheet
21	34
198 & 220	35
166	26
900	33
96 & 155	48



For further locality boundaries see sheets 4-10 and 49.

See sheets 51-55 for survey report and sheet 56 for physical feature boundary report.

Exempt Land
Under Section 66(1)(d) & 95(1)(b) of the SMI Act 2003

0 10 km 20 km 30 km State copyright reserved.

**Plan of Lot 20, 21, 96, 155, 166,
198, 220 & 900**

Scale: **1:200 000**
Format: **STANDARD**

Cancelling information see sheet 3



SP296959

I, Jemma Alexandra Petrie hereby certify that I have made this plan under Section 16 of the Survey and Mapping Infrastructure Regulation 2014 and pursuant to the Survey and Mapping Infrastructure Act 2003 and Surveyors Act 2003 and associated Regulations and Standards and that the plan is accurate, and compiled from plans and information shown on sheet 3 in the Department of Natural Resources, Mines and Energy.

Jemma Alexandra Petrie
Cadastral Surveyor

26/06/2020
Date

LOCAL **Douglas**
GOVERNMENT: **Shire Council** LOCALITY: **As shown**

Metres **1:62500** Scale **1:62500**
Ordinary Council Meeting **30 March 2021**

Survey Records **No**

Attachment 5.4.2

67 900

SEE SHEET 33

SEE SHEET 1

Locality of Cape Tribulation

Noah

Tidal

Creek

body

SEE SHEET 34

20

62

64

63

86

RP898391

SP311525

SP146421

63

CORAL SEA

ROAD

Locality of Thornton Beach



220

SEE SHEET 35

51

52

SR767

SR537

COOPER

ROAD

ROAD

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SEE SHEET 34

TRIBULATION

21

STRUCK IS

418

NPW611

DP309123

SP241399

175

SEE SHEET 35

46

170

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155

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20

Locality of Diwan

DIAGRAM 4A

Scale - 1:30 000

CORAL SEA

SEE SHEET 15

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SR426

CP891017

SP224302

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BK157146

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SEE SHEET 14

SEE SHEET 13

SEE SHEET 13

Locality of Noah

20

Locality of Diwan

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