

5.4. SUPERSEDED PLANNING SCHEME REQUEST- BOUGAINVILLEA STREET COOYA BEACH

REPORT AUTHOR(S) GENERAL MANAGER	Daniel Lamond, Planning Officer Michael Kriedemann, Acting General Manager Operations
DEPARTMENT	Development Assessment and Coordination
PROPOSAL	Request for assessment against the superseded 2006 Douglas Shire Planning Scheme (as amended) for a Material Change of Use for Park and Open Space.
APPLICANT	Jabalbina Yalanji Aboriginal Corporation PO Box 463 MOSSMAN QLD 4873
LOCATION OF SITE	Bougainvillea Street COOYA BEACH
PROPERTY	Lot 86 on SP104236
LOCALITY PLAN	



Figure 2 - Locality Plan

PLANNING AREA	Conservation
PLANNING SCHEME	2006 Douglas Shire Planning Scheme (as amended)
REFERRAL AGENCIES	None applicable
NUMBER OF SUBMITTERS	None applicable
STATUTORY ASSESSMENT DEADLINE	28 September 2018
APPLICATION DATE	8 August 2018

RECOMMENDATION

That Council agrees to the request (lodged on 8 August 2018 under section 29 of the *Planning Act 2016*) to carrying out an intensification of Park and Open Space that was accepted development under the Superseded Planning Scheme, being the 2006 Douglas Shire Planning Scheme (as amended), over land described as Lot 86 on SP104236, located at Bougainvillea, Cooya Beach and that such land remain available to the public for use as Park.

LAND USE DEFINITIONS*

In accordance with the *Douglas Shire Planning Scheme 2006 (as amended)*, the land use of Park and Open Space is defined as:

Park and Open Space

Means the use of premises for active and passive recreation, aesthetic appreciation and environmental protection.

The use includes facilities for the enjoyment and convenience of users of the park and open space, such as:

- kiosks;
- picnic places;
- scenic lookouts;
- shelters;
- boardwalks
- children's play areas;
- car parking areas; and
- public toilets.

EXECUTIVE SUMMARY

Council is in receipt of a superseded planning scheme request over land described as lot 86 on SP104236. The lot is reserve land and is used as park. The land is a cultural, environmental and recreational reserve with Jabalbina Yalanji Aboriginal Corporation as trustee.

Proposed works include a small composting toilet unit and a covered shelter with a concrete slab for activities.

Toward the southern end of the reserve there is an existing amenities block and car parking area. Further to the north of the lot there are 5 traditional camping sites and a significant area of open space.

The land is zoned part conservation and part community facilities under the 2018 Douglas Shire Planning Scheme version 1.0. Under this planning scheme the 'Park' land use requires code assessment for a material change of use.

A material change of use development application is triggered when a land use changes or when an existing land use increases intensity as per the development definition within the *Planning Act 2016*. It is considered that the proposed works constitute an increase in intensity for the use of the park.

Under the superseded 2006 Douglas Shire Planning Scheme (as amended), the 'Park and Open Space' land use is noted as exempt development, meaning it cannot be made assessable development.

To further intensify the use of the park, it is a more streamlined approach for the applicant to have development established under an exempt designation rather than requiring a code assessable development application.

The request for superseded planning scheme consideration is recommended for approval.

TOWN PLANNING CONSIDERATIONS

Background

In 2017 a small dry composting toilet facility and a roofed structure with no walls but with a concrete slab was developed at the site. These buildings were developed with no building approval under the *Building Act 1975*. The buildings require building approvals. The facilities were developed when the 2006 Douglas Shire Planning Scheme was in place under the assumption that the use was exempt. To make the buildings and use lawful at this point in time, the work requires code assessment under the current planning scheme.

The site is within the Coastal Management District (CMD) which is a state government designation for land which is generally constrained by being erosion prone or at significant risk of storm tide inundation. Often when land is within this designation, referrals to technical agencies such as the Department of Environment and Science are triggered through the State Assessment and Referral Agency. After a lengthy process, the work was determined to require no referrals under the *Planning Regulation 2017*, and the assessment manager for

the proposal was determined to be Council, and not the State Assessment and Referral Agency.

Ultimately, if Council can give a superseded planning scheme approval then the works will be considered accepted development (exempt) and no referrals to the state or further development permits will be required for the works as proposed in the plans attached.

It is also important to note that under the native title determination over the land, camping from time to time is a native title right and interest, so this request has no bearing on the camp sites at the site.

Proposal

Council has been requested to apply a superseded planning scheme to the carrying out of works associated with the 'Park and Open Space' land use under the superseded 2006 Douglas Shire Planning Scheme (as amended). If the proposal is supported, it would legitimise the existing structures on the land and allow them to proceed to attaining a building approval without any further requirement for a code assessable material change of use development approval. If the works were considered under the 2018 Douglas Shire Planning Scheme version 1.0, to legitimise the expansion of the park use on site, a code assessable planning application would be triggered as the table of assessment for the conservation area requires this.

The proposal consists of retrospectively approving the expansion of the park and open space land use in order to legitimise the 2.4m x 1.2m dry composting toilet facility and ancillary water tank and the 3.5m x 8m unenclosed shelter structure.

The use of the structures will be in accordance with the trust land management plan the trustee has developed. The maintenance of the structures will be undertaken by the trustee as per the plan with no requirement for Council to maintain the works.

The applicant's request proposes superseded planning scheme consideration for maintenance of existing 5 camp sites, installation of a dry composting toilet, construction of a shelter shed to provide cover to picnic tables and one rainwater tank, maintenance of existing informal walking track through the lot to each of the camp sites and installation of interpretive signage describing the cultural heritage and environmental values of the site.

Maintenance of existing tracks, installation of interpretive signage and maintenance of the 5 existing camp sites does not require planning approvals for material change of use so the request for superseded scheme consideration is not required for these activities.

It is the trustee's intent that the park remain available for general park use by the public. It is on this basis that the request is supported.

State Planning Requirements

There are no state planning requirements as confirmed by the State Assessment and Referral Agency.

Douglas Shire Planning Scheme Assessment

The 2006 Douglas Shire Planning Scheme nominates a material change of use for Park and Open Space within the Conservation Planning area as an exempt (accepted development) land use.

Relevant Matters

Superseded Scheme Request

Council's 2018 Planning Scheme came into effect on the 2 January 2018 and under section 29 (4) (b) of the *Planning Act 2016* for a period of 1 year after the new scheme comes into effect, an applicant may request Council to apply a superseded planning scheme to the carrying out of development that was accepted development under the superseded planning scheme. Where Council agrees to the request, the assessment and determination is exclusively considered under the superseded planning scheme.

Where Council does not agree to the request, the application is assessed against the current Scheme and opportunity arises, under Division 2 of the *Planning Act 2016* for compensation for an adverse planning change as a consequence of the application being assessed and determined under the current scheme.

Referral Agency Requirements

None applicable.

Public Notification / Submissions

Not applicable.

ADOPTED INFRASTRUCTURE CHARGES

The proposed development does not trigger Adopted Infrastructure Charges.

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 area outlines where Council has a clear responsibility to act:

Regulator: Meeting the responsibilities associated with regulating activities through legislation or local law.

Under the *Planning Act 2016* and the *Planning Regulation 2017*, Council is the assessment manager for the application.

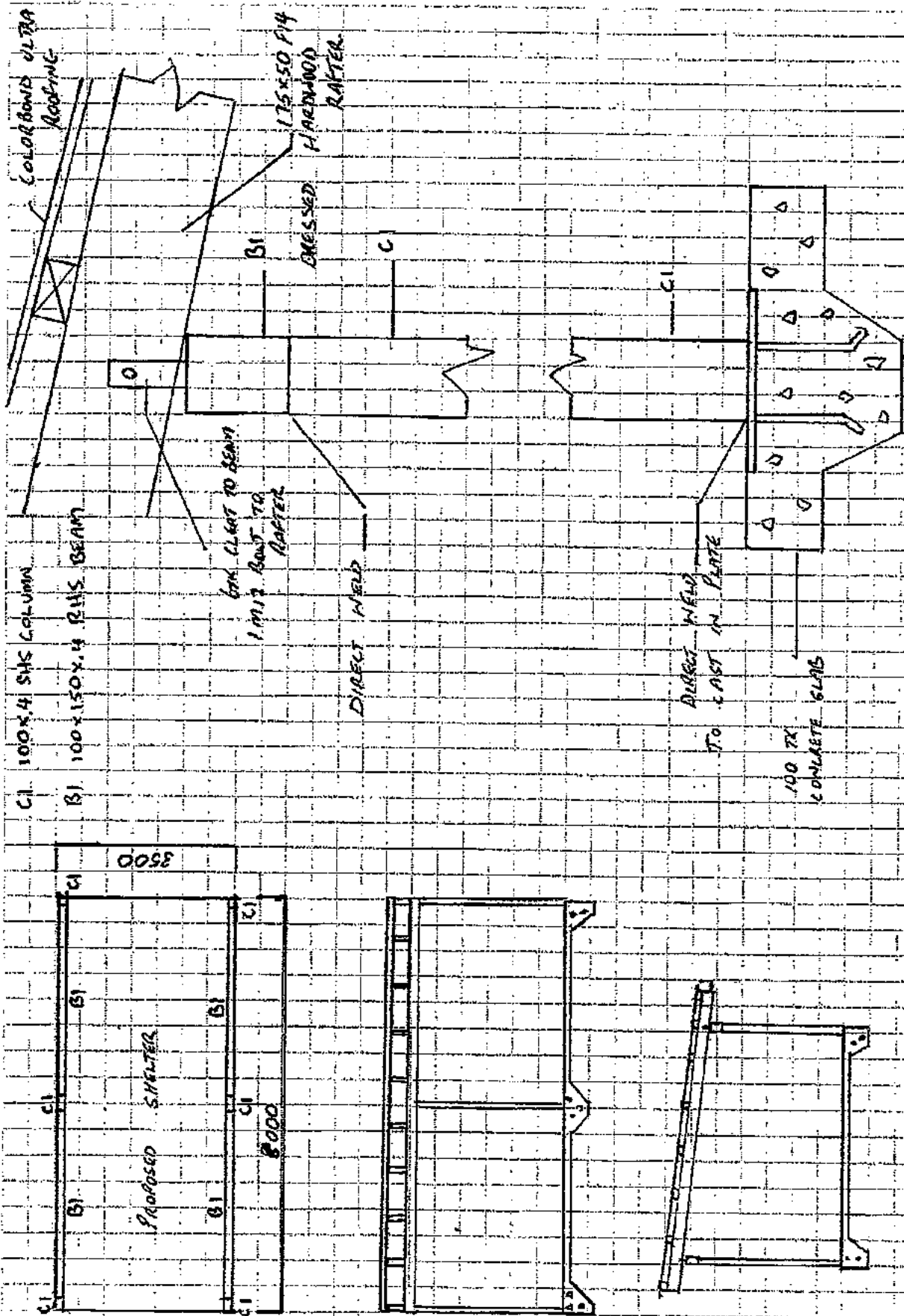
ATTACHMENTS

1. Attachment 1- Plans **[5.4.1]**
2. Attachment 2- Trust Land Management Plan **[5.4.2]**

Cooya Beach CER Reserve

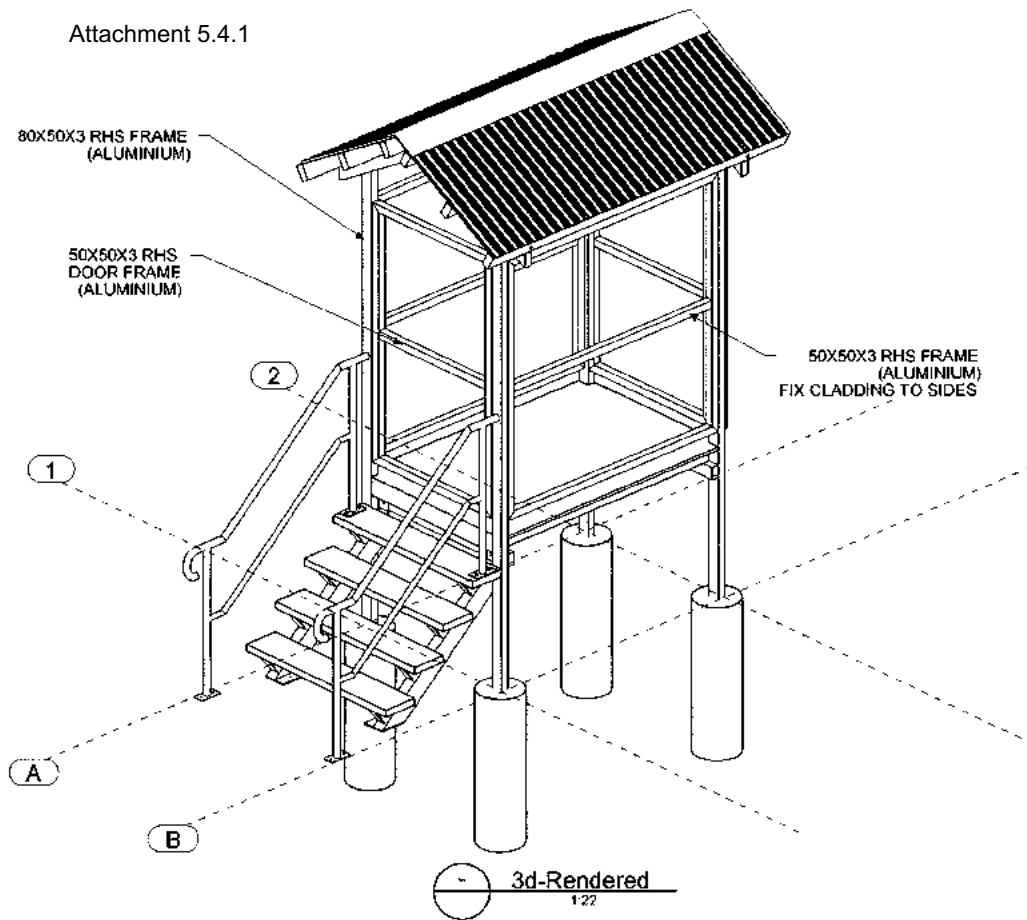
-  Camp ground
-  Shelter Shed
-  Toilet block



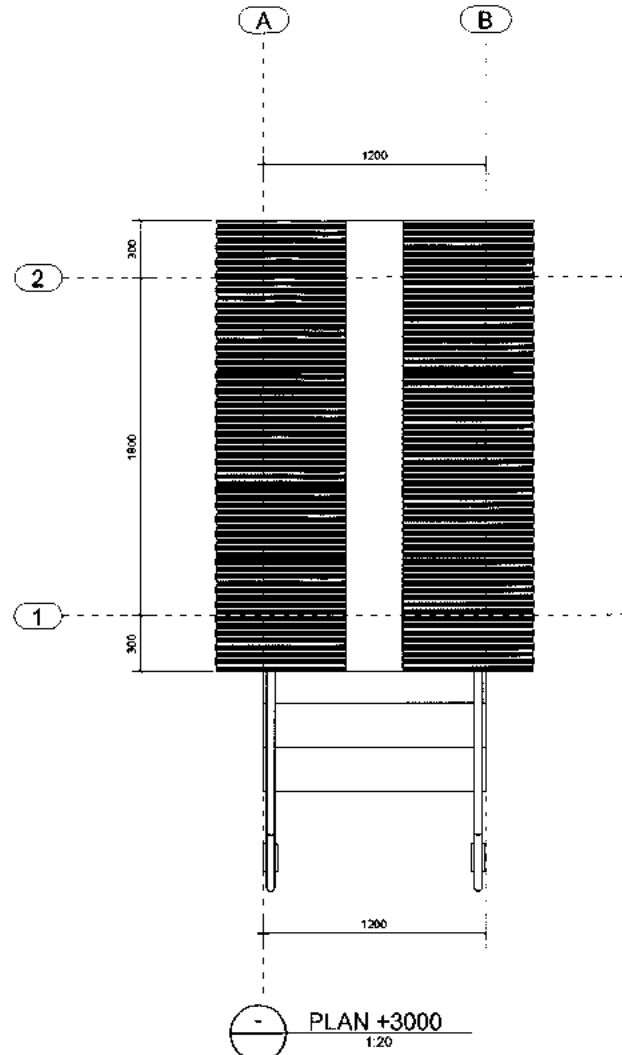


Attachment 5.4.1

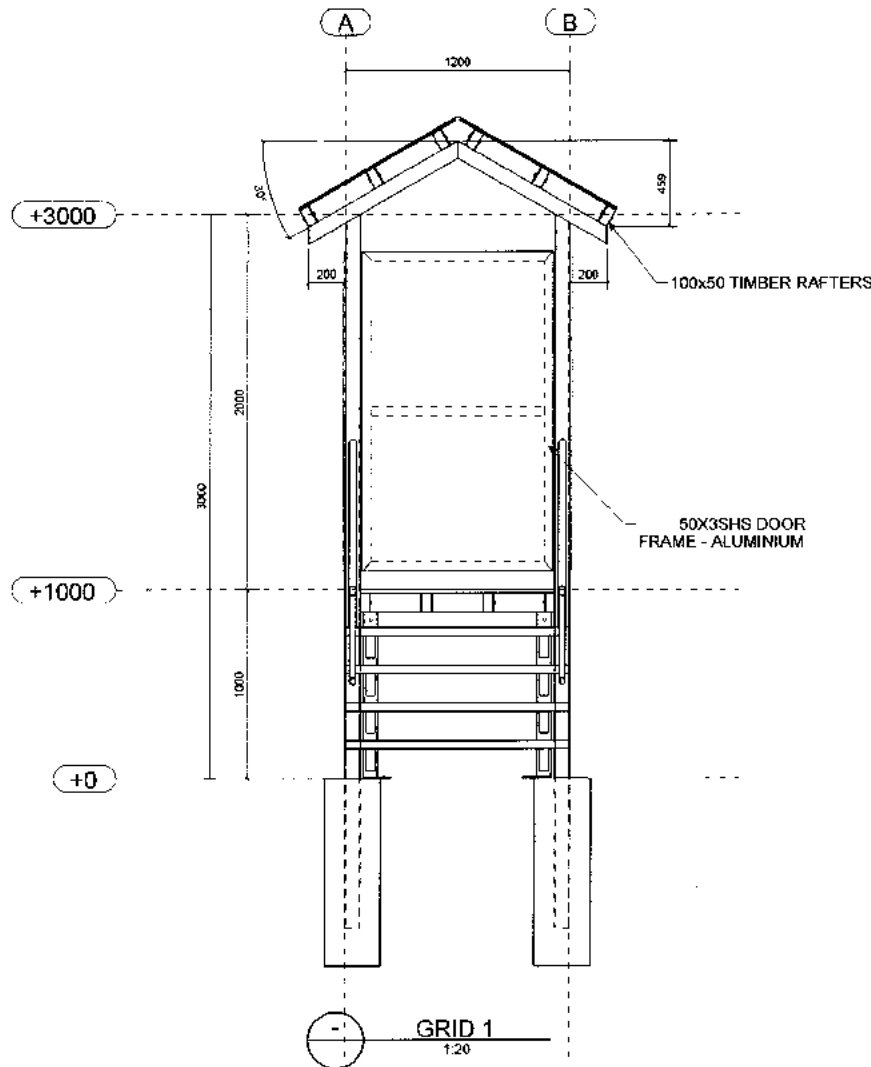
53 of 198



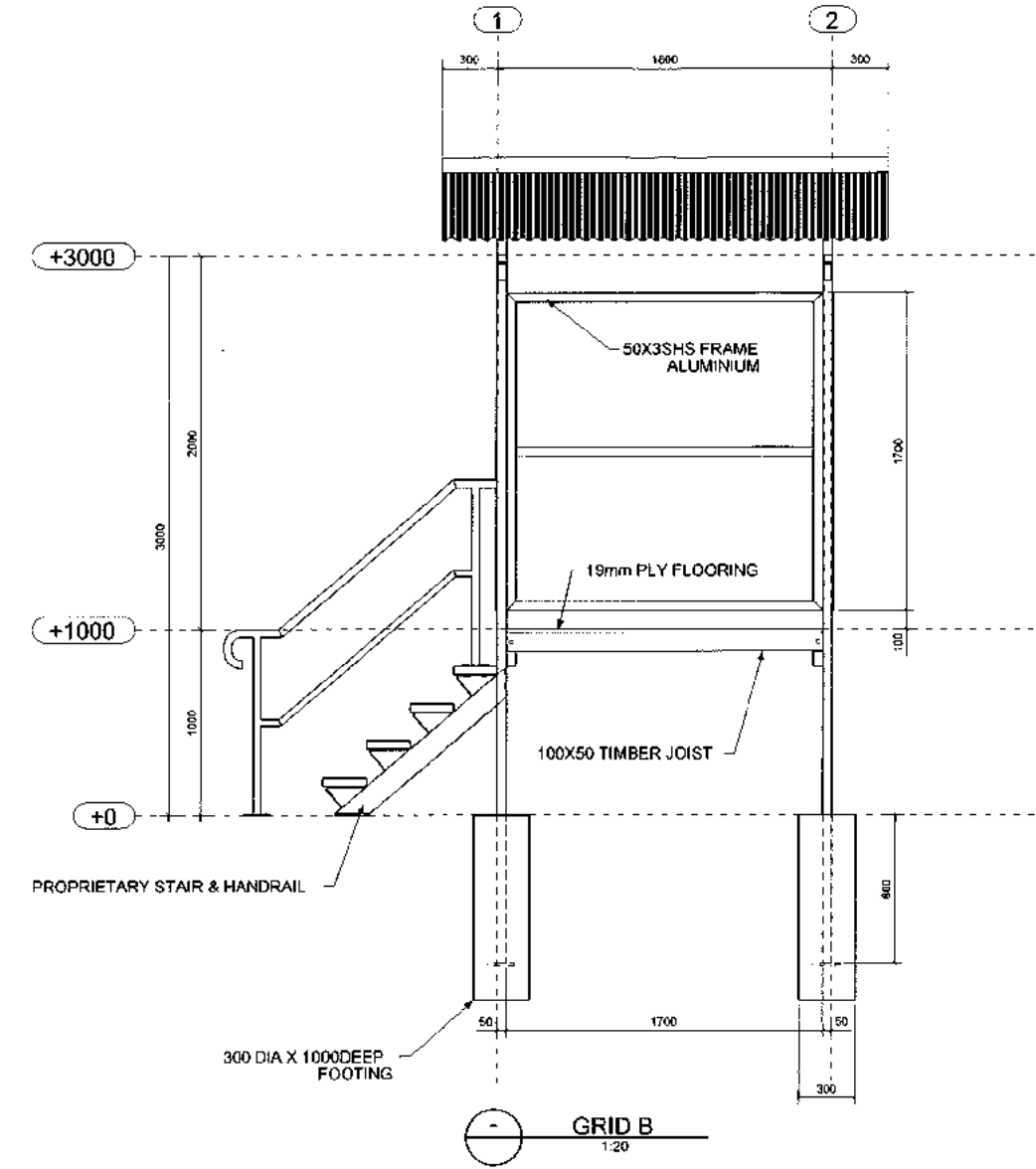
3d-Rendered
1:20



PLAN +3000
1:20



GRID 1
1:20



GRID B
1:20

GENERAL NOTES:
 1 ALL WELDS SHOWN CATEGORY SP EXCEPT UH-O
 2 ALL BUTT WELDS SHALL BE FULL PENETRATION UH-O
 3 ALL HOLES Ø DIA UH-O
 4 HOLES TO BE DEBURRED & EDGES GRIND
 ADDITIONAL NOTES:
 HDG - HOT DIP GALVANISED
 DAP - BLAST AND PRIME

Client	Bama
Project	Proposed Waterless Bush Toilets
Title	MARKING PLAN

LAZCO FABRICATIONS
 Mining and General Steel Fabrications
 8A Redden Street, Toowoomba, Cairns 4670
 P.O. Box 644E, Eastville 4870.
 Email: admin@lazcofabrications.com.au
 Office Phone: (07)4035 5211 Fax: (07)4035 5233
 BSA724 923

Drawn	xv	Chkd	xv
Date	12.05.2015	Job No	6551
Scale	1:20	Rev.	A
Drawing No:	6551-MP1		

REV	DATE	DESCRIPTION
A	12.05.2015	FOR REVIEW

Trust Land Management Plan Cultural, Environmental and Recreational Reserve, Cooya Beach

Land Management Plan applies to:	<input checked="" type="checkbox"/> A specific parcel of trust land detailed in 3 below.
Land Management Plan Duration:	This Land Management Plan will be in place for five (5) years commencing from the date all Cultural, Environmental and Recreational Purpose Reserves subject of this Management Plan are dedicated, with a review to be conducted in two (2) years, or earlier if the Trustee believes this is necessary and resources are available.

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

1. COMPLIANCE WITH LEGISLATION, PLANNING SCHEMES, etc

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; and
- (b) fulfil the trust within their conditions of appointment (if any); and
- (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 the responsibility for 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*.

The Land Act 1994 is supported by a range of policies relating to management and use of community purpose land. These include

- **Creation of Trust Land** – PUX/901/207 (see Attachment 1). The creation of this Reserve, and this Management Plan comply with the provisions of this policy.
- **Secondary Use of Trust Land** – PUX/901/209 (see Attachment 2). Whilst this Plan does not contemplate introducing any Secondary Use interests onto the Reserve, in reaching this position, the provisions of this policy have been considered in the Plan.

This plan is compliant with the provisions of the *Land Act 1994*, and supporting policies, as detailed throughout this document.

This reserve management plan acknowledges the **Wet Tropic World Heritage Area** and the provisions of the ***Wet Tropic Management Plan 1998*** (Wet Tropics Management Plan) (WTMP). This plan is concerned with managing the outstanding natural and cultural values of the region.,

This plan, where appropriate, is compliant with the provisions of the *Wet Tropics Management Plan 1998*, as detailed throughout this document.

The provisions and requirements of the **Native Title Act 1993** have a bearing on both the creation of the Reserve (a Future Act under the provisions of this Act), and the future use and development of the Reserve.

The Native Title rights and interests of native title holders were addressed in outcomes of the Eastern Kuku-Yalanji Indigenous Land Use Agreements (Clause 17 Q12006/011), as these agreements make provision for the creation of the reserve, and at the same time contemplate the extent to which the Eastern Kuku-Yalanji people are able to exercise their Native Title rights and interests on the Reserve area. With respect to the provision of the Native Title Act 1993, allowable development and activities on the Reserve will be limited to those activities that are permitted under the purposes of Cultural, Environmental and Recreational only.

This plan is compliant with the provisions of the *Native Title Act 1993*, as detailed throughout this document.

Queensland, Aboriginal and Torres Strait Islander cultural heritage is protected by the ***Aboriginal Cultural Heritage Act 2003*** and the *Torres Strait Islander Cultural Heritage Act 2003* whether or not it has been identified or listed. Aboriginal and Torres Strait Islander 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 or Torres Strait Islander cultural heritage. The *Aboriginal Cultural Heritage Act 2003* Duty of Care Guidelines have been gazetted and are an attachment to this Plan (see Attachment 3).

This plan and all future management activities comply with the provisions of the *Aboriginal Cultural Heritage Act 2003*, as detailed throughout this document.

Section 3 of the Coastal Protection and Management Act 1995 specifies that the main objects of that Act are to—

- (a) provide for the protection, conservation, rehabilitation and management of the coast, including its resources and biological diversity; and
- (b) have regard to the goal, core objectives and guiding principles of the National Strategy for Ecologically Sustainable Development in the use of the coastal zone; and

- (c) provide, in conjunction with other legislation, a coordinated and integrated management and administrative framework for the ecologically sustainable development of the coastal zone; and
- (d) encourage the enhancement of knowledge of coastal resources and the effect of human activities on the coastal zone.

The aims of the Coastal Protection and Management Act 1995 are also reflected in the ***Wet Tropic Management Plan 1998*** (Wet Tropics Management Plan) (WTMP) referred to in this document.

This plan and all future management activities comply with the provisions of the *Coastal Protection and Management Act 1995*, as detailed throughout this document.

Part 1, Division 2, Part 3 Fisheries Act 1994 specifies the purposes of that Act. The objectives of this Act specifically relevant to this Management Plan are as follows;

- (1) The main purpose of this Act is to provide for the use, conservation and enhancement of the community's fisheries resources and fish habitats in a way that seeks to—
 - (a) apply and balance the principles of ecologically sustainable development; and
 - (b) promote ecologically sustainable development.
- (2) In balancing the principles, each principle is to be given the relative emphasis appropriate in the circumstances.

This plan and all future management activities comply with the provisions of the *Fisheries Act 1994*, as detailed throughout this document.

Section 5 of the *Marine Parks Act 2004* specifies the purposes of that Act. The objectives of this Act specifically relevant to this Management Plan is that the purpose of the Act is to provide for the conservation of the marine environment through zoning, cooperative involvement of the community and providing for opportunities for public appreciation and enjoyment of the marine environment.

This plan and all future management activities comply with the provisions of the *Marine Parks Act 2004*, as detailed throughout this document.

Furthermore, this management plan recognises the following zoning and management arrangements;

- Great Barrier Reef Marine Park Authority (GBRMPA) dark blue (habitat management) zoning intended to limit damage but not limit enjoyment of the area.

- State Zoning (brown) of Estuarine Conservation Zone intended to provide for the protection of the natural integrity and values of the areas of the marine park within the zone while presenting the values of the relatively undisturbed areas of the marine park within the zone; and allowing the continuation of existing fishing use in the area.
- Cairns Regional (former Douglas Shire) Council Pest Management Plan which highlights feral pigs as a high priority pest species in addition to exotic weed species.
- Cairns Regional (former Douglas Shire) Council planning scheme classification of the area as Special Purposes Conservation.
- Cairns Regional (former Douglas Shire) Council local laws.

This plan and all future management activities comply with the provisions of these management arrangements as detailed throughout this document.

2. TRUSTEE DETAILS

Trustee's Name/s Jabalbina Yalanji Aboriginal Corporation (Eastern Kuku-Yalanji Entity)

Trustee's Address/s

Jabalbina Yalanji Aboriginal Corporation PO Box 1430 Mossman Qld 4873

3. EXISTING TENURE OF THE SUBJECT LAND

Trust Land Descriptions: Reserves for Cultural, Environmental and Recreational Purposes.

Schedule 3 Yalanji ILUA Parcel Reference (M086)

- M086 – Lot 5 on USL8735 – Cooya Beach, Mossman River Mouth (Jabalbina Yalanji Aboriginal Corporation) (Sole Trustees)

Upon completion of survey the above Property Descriptions will change. A schedule of parcels will be inserted after survey is completed. The Schedule will include:

Lot Plan: [to be inserted] Parish: Victory County: Solander Local Government: Cairns Regional Council Area of land (in hectares): 7.48

4. EXISTING DESCRIPTION OF THE SUBJECT LAND
--

<p>History of the Subject Land:</p>	<p>The area is part of the traditional country of the Eastern Kuku Yalanji People, and is a traditional area for camping, hunting, fishing and gathering. Following the arrival of Europeans, six houses were built on the Reserve area. A flood in 1920 washed the houses away, and the Reserve area has not been used for permanent living since. However, seasonal camping is continuing in the Reserve, especially during local housing shortages. Douglas Shire Council (now Cairns Regional Council) planning scheme zoned it as Special Purposes SP4 Conservation.</p> <p>The Reserve is currently being managed by Traditional Owners of the Kubirriwarra clan of the Eastern Kuku Yalanji People. During 2008-9, the Yalanjiwarra Jalunji Marrjanga Aboriginal Corporation, based in Cooya Beach, undertook extensive land management work in the Reserve as part of the Cooya Beach Revegetation and Rehabilitation project, employing up to 10 Eastern Kuku Yalanji Traditional Owners (summary included as Attachment 5).</p>
<p>Local Area Description (see also Attachment 4):</p>	<p>The reserve area (land parcel M086) dealt with in this Management Plan is located on the south shore of the Mossman River mouth opposite the M089 reserve (Newell Beach) on the north shore of the river mouth. The area is predominantly mangroves and foreshore dune complex vegetation. It adjoins a reserve (Jim Holdsworth Park) and the township of Cooya Beach on its southern side. A branch of the Mossman River adjoins the Reserve on its western side and Cooya Beach itself adjoins the Reserve to the west, with extensive sea grass areas just offshore. These adjoining intertidal areas are within the (State) Great Barrier Reef Coast Marine Park.</p>
<p>Existing 'Uses'</p>	<p>Traditional Owners continue to utilise the area for hunting, gathering, fishing, camping, cultural tourism, cultural education camps for Yalanji people and school groups and other traditional purposes. The general area has primarily been used for river based tourism, camping and recreational fishing. Campers generally make use of the toilet facilities in the adjoining Jim Holdsworth Park near the Reserve boundary. The Reserve is also used by local residents for walking, often with dogs.</p>
<p>Existing Interests:</p>	<p>There are no existing registered interests over the Cultural, Environmental and Recreational reserve, nor is it anticipated by the Trustees that any interest is likely to be registered during the life of this plan.</p>
<p>Exclusivity & Restrictions of Existing</p>	<p>The Trustees do not support any exclusive use of the Reserve by any individual or group. In accordance with the legislative provisions of the <i>Land Act 1994</i> dealing with community held land,</p>

Interests/Uses:	<p>the Trustees support the retention of the land for the community in a way that protects and facilitates the community purposes, that is, Cultural, Environmental and Recreational.</p> <p>Under the provisions of the <i>Aboriginal Cultural Heritage Act 2003</i>, and the <i>Coastal Protection Act 1995</i>, the Trustees may consider an appropriate level of signage to alert the community and its visitors to the cultural heritage and environmental values as well as any conditions of use of the site.</p>
Existing Infrastructure:	<p>Existing infrastructure on the Cultural, Environmental and Recreational Reserve area is limited to an informal walking track (located away from crocodile habitat on the western edge of the Reserve) and five informal campsites with basic camping facilities (fire pits).</p>
Native Title Status:	<p>Native Title has been addressed by way of registration of Indigenous Land Use Agreement - Eastern Yalanji, Queensland and Douglas Shire Council (now Cairns Regional Council) ILUA number Q12006/011.</p> <p>In accordance with Clause 17, notwithstanding any determination of Native Title under the NTA, the Native Title Parties will only exercise Native Title Rights and Interests within this Reserve area (for so long as it remains a reserve) and any other reserves under the <i>Land Act 1994</i> (Qld) that are situated within the Agreement Area as defined in this ILUA, in a manner consistent with the purpose of the reserves, any Management Plans for this and other reserves, the <i>Wet Tropics World Heritage Protection and Management Act 1993</i> (Qld) and the <i>Wet Tropics Management Plan 1998</i> (Qld).</p> <p>In exercising any Native Title Rights and Interests within the reserve(s) referred to above, the Native Title Parties will not:</p> <ul style="list-style-type: none"> (a) control or seek to control use of or access to the reserves; (b) take, keep, use or interfere with any plants or animals that are regulated by the Rare or Threatened Wildlife Activity Guideline, other than in accordance with the Rare or Threatened Wildlife Activity Guideline. (c)

5. PROPOSED USE/S OF THE SUBJECT LAND

Proposed 'Use/s' of the subject land:	<p>The Reserve is for Cultural, Environmental and Recreational purposes. The Trustees' primary aim is the protection of environmentally and culturally valuable and sensitive areas and</p>
--	---

	<p>features of the Reserve area and to allow appropriate recreational use to continue.</p> <p>The Trustees propose that current recreational uses and activities, including low-key day visitation, fishing, camping and traditional hunting and gathering, should continue. The use of the Reserve will be monitored, and management actions will be taken where necessary to protect cultural and environmental values.</p> <p>Policies and legislation that have been referred to in the development of this Plan are detailed in Item 1.</p> <p>The Trustees will monitor the use of the Reserve and impacts arising from the use, and may apply to the Minister to change the purpose of the Reserve if necessary under Section 31C(b) of the <i>Land Act 1994</i>.</p>
<p>Constraints and Opportunities Of the proposed use/s:</p>	<p>Refer to "Detailed Site Description" above. The current uses do not adversely impact on the Reserve and it is considered that for the life of this Management Plan this level of use may only increase marginally. The site can be considered constrained not only by its location, size and topography but also and by the Wet Tropical Coast Regional Coastal Management Plan. In particular under this plan, the site is in close proximity to acid sulphate soils where development should not occur.</p> <p>Therefore, consistent with the Wet Tropical Coast Regional Coastal Management Plan the reserve management plan should be concerned with;</p> <ul style="list-style-type: none"> • Maintenance of the stability of the beach front and dunes. • Monitoring and, where necessary, liaising with responsible State agencies to restrict vehicular traffic along the beach so as to not affect stability of erosion prone areas. • Maintenance of the integrity and natural values of mangrove and dune vegetation. <p>As there is no substantial infrastructure to protect no coastal protection works are required. However in accordance with the Wet Tropical Coast Regional Coastal Management Plan where erosion threatens Indigenous Traditional Owner cultural heritage places, consultation with the Indigenous Traditional Owners should be undertaken regarding the management options required to protect these places.</p> <p>Although not a declared fish habitat, management activities should reflect the objectives of the Fisheries Act and the Wet Tropical Coast Regional Coastal Management Plan. These actions will also conserve the Reserve's fish habitat and amenity for recreational fishing.</p>

	<p>The reserve consists of a State Zoning (brown) of Estuarine Conservation Zone intended to provide for the protection of the natural integrity and values of the areas of the marine park within the zone while presenting the values of the relatively undisturbed areas of the marine park within the zone; and allowing the continuation of existing fishing use in the area. The reserve borders a dark blue (habitat protection) zone of the Great Barrier Reef Coast (State) Marine Park. Such areas are intended to manage sensitive habitats keeping them free from potentially damaging activities.</p> <p>Low impact tourism, particularly Indigenous cultural tourism is also an opportunity. The Reserve lies close to the tourism centre of Port Douglas and could provide opportunities for visitors to see a living example of Indigenous culture, including traditional food gathering and land management. The presence of a healthy shellfish population in close proximity to a large midden is an excellent example of successful traditional Eastern Kuku Yalanji resource management. A self-guided or Traditional Owner-guided interpretive walking track with information on bush tucker and other aspects of the Reserve is an opportunity.</p> <p>The Trustees will require that any formal tours conducted into this site will require the party conducting the tour to demonstrate that it has the appropriate Public Liability Insurance and that it indemnifies the Trustees against any claims that may result from its conducted tour.</p> <p>There is opportunity to identify cultural heritage values associated with the area in accordance with Traditional Owner wishes.</p> <p>Land management opportunities exist through continuing the work of Traditional Owners employed by Yalanjiwarra Jalunji Marrjanga Aboriginal Corporation. The long, narrow shape of the sand spit within the Reserve may enhance the potential for controlling cane toads.</p> <p>Erection of any appropriate of signage to alert visitors to the Reserve's cultural heritage and environmental values as well as any conditions of use of the site will be considered (see Section 8).</p>
<p>Development intended:</p>	<p>Proposed development is to enhance the five basic camping areas with small permanent shelters including small rainwater tanks, as well as signage for the information of visitors.</p> <p>In the longer term, the Reserve will be considered for the establishment of a base and depot for an Eastern Kuku Yalanji land and sea ranger service, potentially including an environmental training centre.</p>

<p>Management proposals</p>	<p>In accordance with the Douglas Shire Council Pest Management Plan, monitoring of weed infestations will be undertaken to determine when control measures will be initiated.</p> <p>Fuel loads on any bushland on the landward side of dunes in the reserve be managed by traditional methods so as to restrict damage to dune vegetation by unscheduled fires..</p> <p>Impacts of camping, including waste disposal, will be managed by regular cleanup activities.</p> <p>Any foreshore management, particularly erosion management, including restricting vehicle access to sensitive areas where necessary, will be conducted in liaison with the responsible State agencies and in accordance with the Wet Tropical Coast Regional Coastal Management Plan.</p> <p>The environmental and conservation values of the reserve will be managed in accordance with the table below under Section 8 - Goals of the Land Management Plan.</p>
<p>Cultural Values and how these are to be managed</p>	<p>A full cultural heritage assessment has been undertaken. The results will be submitted as an annexure to this management plan to the Minister for approval after cultural heritage surveys for the other reserves managed by Jabalbina have been completed.</p>

6. COMMUNITY CONSULTATION

A notice about this and other draft reserve management plans was placed in the Port Douglas and Mossman Gazette on 15 January 2010. Notices were also placed on the Jabalbina Yalanji Aboriginal Corporation and Wujal Wujal Aboriginal Shire Council office noticeboards in December 2009.

A copy of the draft reserve management plan was forwarded to Cairns Regional Council on December 2009. Cairns Regional Council advised on May 4 2010 that the plan had been endorsed; the Council did not request any changes to the draft plan.

No other submissions were received.

Meetings were held with Traditional Owners on 12 May 2010 at the Jabalbina offices, and 21 May 2010 at Cooya Beach. Traditional Owners:

- advised that the area is a traditional camping area for the Eastern Kuku Yalanji People;
- advised of the history of the Reserve, including earlier housing and more recent management by Traditional Owners;
- advised of current pests and weeds in the Reserve;
- advised of cultural heritage places in the Reserve
- requested that low-impact camping should be supported in this management plan and that small permanent structures be developed
- requested that the Reserve be considered for the development of a future ranger base and environmental training centre for the Eastern Yalanji land and sea ranger service

Traditional owner suggestions have been included in the plan.

7. SPECIFIC MANAGEMENT PLAN REQUIREMENTS AS DETAILED IN ILUA's

The Yalanji, State and Douglas Shire (Cairns Regional Council) ILUA QI2006/011 did indicate specific Management Plan requirements as follows:

ILUA/Clause/Reserve Details	Specific requirement/s	Completed <i>(Insert details or clause of MP that addresses this requirement)</i>
Yalanji/Douglas Shire; Clause 23.1 – Cooya Beach – Lot 5 on USL8735 (M086)	If Lot 5 on USL8735 (M086) is dedicated as a reserve in accordance with clause 23.1 of the Douglas Shire ILUA, the State will apply to the Minister to approve, under section 362(1) of the <i>Land Act 1994 (Qld)</i> , the creation of a public utility easement over part of Lot 5 on USL8735 (M086), for drainage purposes, in favour of the Council. The Eastern Kuku-Yalanji Entity, as trustee of the reserve, will do all things necessary, including executing any documents, to enable the easement to be created. Draft Management Plan will be required to address this proposal and survey will need to reflect the easement requirements.	See Section 8

--	--	--

8. GOALS OF THE LAND MANAGEMENT PLAN

Goal Statement	Relevant Actions	Key Performance Indicators	Completed By (Date)	Who is responsible for the action
To protect and maintain the environmental and cultural values of the site, while allowing for appropriate recreation.	Continue regular inspections of the site	Use of the site complies with the goals and management strategies of this plan.	Upon dedication of the Reserve	Trustees in partnership with Yalanjiwarra Jalunji Marrjanga Aboriginal Corporation (YJMAC).
	Installation of signage advising that the Eastern Kuku Yalanji People are the Traditional Owners of the Reserve and providing information on visitor safety and caring for the reserve.	Signs erected, with wording agreed by Traditional Owners.	As soon as resources allow	Trustees in partnership with YJMAC
	Rubbish is cleaned up.	The Reserve is maintained in a clean and tidy state.	Ongoing, as resources allow	Trustees in partnership with YJMAC.

	<p>Establish regular weed and pest control measures, including use of traditional burning methods where necessary to control weeds or pests such as paralysis ticks.</p> <p>Monitor turtle nesting, and where necessary erect temporary fences and signs advising visitors to keep off (and keep dogs off) turtle nesting areas.</p> <p>The Trustees will seek funding and partnerships for control of pests, weeds, erosion and rubbish and for other necessary management actions.</p> <p>Develop a small permanent shelter with small rainwater tank at each of the 5 existing campsites.</p> <p>Identify cultural assets on reserve as part of annexure to this management plan.</p> <p>Undertake</p>	<p>Weeds and feral pests, especially cane toads are controlled, and regional ecosystems and native species are maintained.</p> <p>Turtle nesting on the Reserve is not disturbed by humans or pets</p> <p>Low-key camping is enhanced.</p> <p>Cultural heritage survey and inventory completed. Schedule for asset protection developed and implemented.</p>	<p>Ongoing, as resources allow</p> <p>Ongoing, as resources allow</p> <p>When resources are available.</p> <p>Ongoing, as resources allow</p>	<p>Trustees in partnership with YJMAC.</p> <p>Trustees in partnership with YJMAC.</p> <p>Trustees in partnership with YJMAC.</p> <p>Trustees in partnership with YJMAC.</p>
--	---	--	---	---

	necessary actions, including execution of any documents, to allow required drainage easement across Reserve in favour of Cairns Regional Council.	Easement created.	Following request by Council.	Trustees
--	---	-------------------	-------------------------------	----------

9. MONITORING AND REVISION

Intended Monitoring and Revision Timetable:	Annual inspections of the Trust land will be undertaken and considered against the provisions of the Management Plan
Techniques to be used to assess the quality of management and condition of the Trust land:	Community feedback; Periodic reports from Jabalbina officers and Eastern Kuku Yalanji rangers where available.

10. APPENDICES

1. **Creation of Trust Land – NRW Policy Number PUX/901/207 (shown as Attachment 1 in the Plan)**
2. **Secondary Use of Trust Land – NRW Policy Number PUX/901/207 (shown as Attachment 2 in the Plan)**
3. **The *Aboriginal Cultural Heritage Act 2003* Duty of Care Guidelines (shown as Attachment 3 in the Plan)**
4. **Locality Map – shown as Attachment 4 in the Plan**
5. **Cooya Beach Revegetation and Rehabilitation project - shown as Attachment 5.**

Attachment 4 – Map

