

7.4. TRANSFER OF TRUSTEE LEASE AND ROAD USE AGREEMENT FROM INDIGENOUS LAND AND SEA CORPORATION TO VOYAGES INDIGENOUS TOURISM AUSTRALIA

REPORT AUTHOR Property Officer

MANAGER Manager Community Services

DEPARTMENT Community Services

RECOMMENDATION

That Council:

- 1. Consents to the transfer of a Trustee Lease (described as Lease B) over part of Lot 94 SR257, registered under dealing number 723801509:**
 - a. From the Indigenous Land and Sea Corporation to Voyages Indigenous Tourism Australia Pty Ltd.**
 - b. With legal costs and other expenses incurred by Council for the preparation of suitable legal instruments to affect the transfer process including lodgement with Titles Queensland to be borne by the transferor.**
- 2. Terminates the Road Use Agreement dated 20 February 2012 made between Cairns Regional Council and the Indigenous Land and Sea Corporation.**
- 3. Enters into a Road Use Agreement with Voyages Indigenous Tourism Australia Pty Ltd:**
 - a. That authorises the use of a defined section of Mossman Gorge Road, for the purpose of restricting vehicular traffic of a particular class to the Mossman Gorge by means of a boom gate.**
 - b. That defines the terms and conditions of the road use, including provision of a shuttle bus service, and the asset maintenance obligations of both parties.**
 - c. For a term identical to and concurrent with that of the Trustee Lease expiring on 30 November 2033.**
 - d. With legal costs and other expenses incurred by Council for the preparation of the agreement to be borne by Voyages Indigenous Tourism Australia Pty Ltd.**

EXECUTIVE SUMMARY

The Indigenous Land and Sea Corporation (ILSC) holds a 10-year Trustee Lease over part of Lot 94 on SR257, and a Road Use Agreement that authorises use of a section of Mossman Gorge Road, beyond the Mossman Gorge Cultural Centre.

Voyages Indigenous Tourism Australia Pty Ltd (Voyages), a subsidiary of the ILSC, operates the Mossman Gorge Cultural Centre, cultural tourism activities upon Lot 94 SR257, and the shuttle bus service to and from the Mossman Gorge.

The ILSC is undertaking a sale process to relinquish control of Voyages. As part of that process, the ILSC seeks to transfer its interests in the Trustee Lease and Road Use Agreement to the operating entity, that is, Voyages.

BACKGROUND

The ILSC funded the construction of the Mossman Gorge Cultural Centre upon freehold land that it owns, which opened to the public in June 2012.

A Road Use Agreement made between Cairns Regional Council (prior to de-amalgamation) and the ILSC commenced in March 2012; it authorised the ILSC to restrict vehicular traffic by means of a boom gate on a section of Mossman Gorge Road, and to operate a shuttle bus service to and from the Mossman Gorge.

In August 2024 the ILSC Board resolved to undertake a sale process of Voyages.

In August 2025 the ILSC requested Council's consent to transfer its interests in the Trustee Lease and Road Use Agreement to Voyages, in preparation for the transfer of Voyages' operational assets to a new controlling entity.

COMMENTS

- The current Trustee Lease over part of Lot 94 SR257 commenced 1 December 2023 for a 10-year term. The permitted use of the lease area is to conduct a cultural tourism venture, including guided walking tours on existing tracks, and provision of a radio communications tower.
- Council is trustee of Lot 94 SR257. Council's Standard Terms for a lease over trust land, registered under dealing number 720830775, provides that a trustee lessee may transfer its interest in a Trustee Lease with the written permission of the trustee.
- In accordance with s58(2)(b) of the *Land Act 1994*, the Minister's or chief executive's approval is not required for the transfer of a Trustee Lease if the lease is a Trustee Lease (State or statutory body). Council, as a local government, is defined under the Act as a statutory body.
- The western-most extent of Mossman Gorge Road beyond the Mossman Gorge Cultural Centre, is closed to traffic of a particular class, pursuant to s69(2)(b) of the *Local Government Act 2009*. The road remains as dedicated road under Council control as the road manager in accordance with the *Land Act 1994*.
- The current Road Use Agreement, which expires 28 February 2027, includes an option for the ILSC (or an Aboriginal and Torres Strait Islander Corporation to which the interests of the agreement are assigned) to renew the agreement for a further term of 15 years.
- Voyages is classified as a Public Non-Financial Corporation and not an Aboriginal and Torres Strait Islander Corporation.
- Voyages will continue to operate the Mossman Gorge Cultural Centre, cultural tourism activities upon Lot 94 SR257, and the shuttle bus service to and from the Mossman Gorge.
- According to the ILSC, the new controlling entity (of Voyages) will commit to working with the Bamanga Bubu Ngadimunku Aboriginal Corporation (BBN) and the Mossman Gorge Community on a plan to ultimately transition ownership of Voyages to BBN in the future.

PROPOSAL

That Council:

1. Consents to the transfer of a Trustee Lease (described as Lease B) over part of Lot 94 SR257, registered under dealing number 723801509:

- a. From the Indigenous Land and Sea Corporation to Voyages Indigenous Tourism Australia Pty Ltd.
 - b. With legal costs and other expenses incurred by Council for the preparation of suitable legal instruments to affect the transfer process including lodgement with Titles Queensland to be borne by the transferor.
2. Terminates the Road Use Agreement dated 20 February 2012 made between Cairns Regional Council and the Indigenous Land and Sea Corporation.
3. Enters into a Road Use Agreement with Voyages Indigenous Tourism Australia Pty Ltd:
 - a. That authorises the use of a defined section of Mossman Gorge Road, for the purpose of restricting vehicular traffic of a particular class to the Mossman Gorge by means of a boom gate.
 - b. That defines the terms and conditions of the road use, including provision of a shuttle bus service, and the asset maintenance obligations of both parties.
 - c. For a term identical to and concurrent with that of the Trustee Lease expiring on 30 November 2033.
 - d. With legal costs and other expenses incurred by Council for the preparation of the agreement to be borne by Voyages Indigenous Tourism Australia Pty Ltd.

FINANCIAL/RESOURCE IMPLICATIONS

The maintenance component of the Road Use Agreement shall clearly define the two segment classes of the road (in accordance with Council's Civil Maintenance Management Manual), the inspection frequencies for each segment, and the response times for rectification of defects (in accordance with Council's Maintenance Schedule). The maintenance component shall stipulate that any maintenance or repairs above and beyond that contained in Council's Maintenance Schedule are the responsibility of Voyages, to be performed at their own expense, and to the satisfaction of Council.

RISK MANAGEMENT IMPLICATIONS

A Road Use Agreement provides a controlled means of vehicular access to the Mossman Gorge, in the interests of public safety, while promoting the preservation of the Daintree National Park.

SUSTAINABILITY IMPLICATIONS

Economic:

The Mossman Gorge Cultural Centre is an award-winning ecotourism destination that attracts 300,000+ visitors each year. As at 31 July 2025, the total number of employees is 77. Flow-on economic benefits can be attributed to tourism, engagement with local businesses and payment of wages to local staff.

Environmental:

One of the key responsibilities of Voyages is to promote and sustain ecotourism. Voyages works collaboratively with local communities to achieve sustainable environmental tourism practices.

In 2018, the Mossman Gorge Cultural Centre attained Green Travel Leader status, as recognition for its continual commitment to environmental and cultural sustainability. Mossman Gorge Cultural Centre has been Ecotourism Certified for the last 10 years. The low-emission shuttle bus service is one of the measures taken to ensure sustainability.

Their Environmental Management Plan communicates the importance of protecting the Heritage Listed Daintree National Park, and manages the following environmental impacts:

- Water supply and conservation
- Waste minimisation and management
- Energy use and minimisation
- Air quality
- Chemical pollution
- Minimal impact vehicle use and transport
- Cultural sites
- Site disturbance and landscaping
- Flora disturbance
- Fauna disturbance
- Noise pollution
- Visitor impacts

Social: Voyages' core purpose is to create opportunities for Aboriginal and Torres Strait Islander peoples through cultural tourism. The National Indigenous Training Academy (which operates from the Mossman Gorge Cultural Centre), aims to empower the lives of Aboriginal and Torres Strait Islander peoples by providing market leading training and employment programs. The Mossman Gorge Cultural Centre's current workforce is 63.64% Indigenous.

CORPORATE/OPERATIONAL PLAN, POLICY REFERENCE

This report has been prepared in accordance with the following:

Corporate Plan 2025-2030 Initiatives:

Theme 3 - Service Delivery

We deliver Council services effectively and efficiently to meet community expectations, focusing on the wellbeing of both the community and our employees.

3.3 - Focus on safety and wellbeing - of the community and employees.

3.9 - Preserve, protect and improve our unique environment.

Operational Plan 2025-2026 Actions:

Legislative requirement.

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: Chief Engineer;
Manager Maintenance and Operations; and

Coordinator Civil Operations.

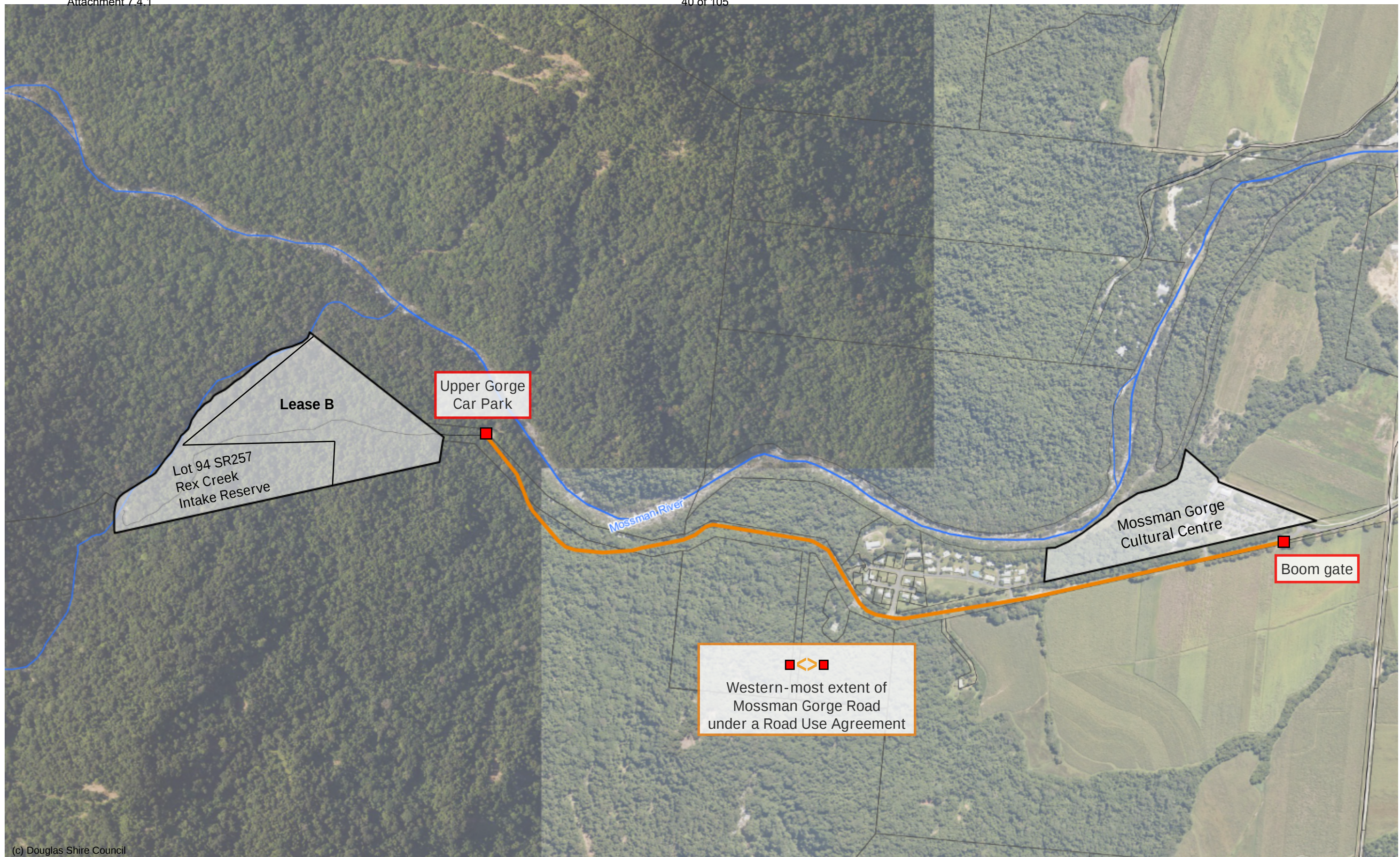
External: Indigenous Land and Sea Corporation.

COMMUNITY ENGAGEMENT

Nil

ATTACHMENTS

1. Map Identifying Trustee Lease and Section of Mossman Gorge Road under a Road Use Agreement [7.4.1 - 1 page]



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