

5.3. CAPE YORK TENURE RESOLUTION PROGRAM REQUEST FOR VIEWS ON DAINTREE NATIONAL PARK TENURE ACTIONS

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|----------------------|---|
| REPORT AUTHOR | Louise Dias, Property Officer |
| MANAGER | Terry Farrelly, Manager People and Community Services |
| DEPARTMENT | People and Community Services |

RECOMMENDATION

That Council:

- 1. Advises the Cape York Peninsula Resolution Program (CYPTRP) on the objection to proposed tenure actions (see attachments) including road closures 8, 10, 11 and the Unallocated State Land on Lot 63 RP898391. On the basis that these proposed tenure actions have current and/or future use for Council.**
- 2. Advises the CYPTRP that Council has no objections to the proposed tenure actions not mentioned above. On the basis that these proposed tenure actions have no current and/or no foreseeable use for Council.**
- 3. Delegates authority under section 257 of the *Local Government Act 2009* to the Chief Executive Officer, to progress all matters associated with these discussions.**

EXECUTIVE SUMMARY

The CYPTRP has requested Council's views on multiple proposed tenure actions as proposed inclusions into the Daintree National Park, see attachments.

Internal consultation within Council relevant Departments agreed on the objection of road closures 8, 10, 11 and Unallocated State Land on Lot 63 RP898391. Objections were made on the basis that these proposed tenure actions have current and/or future use for Council.

Officers recommendation is to advise CYPTRP that Council objects to the abovementioned tenure actions and that Council has no objections to the proposed tenure actions that are not mentioned above.

BACKGROUND

The CYPTRP returns ownership and management of identified lands on Cape York Peninsula to local Traditional Owners. Through this program, the state is changing the tenure of identified Cape York properties to Traditional Owners freehold land. Those areas of the land are being dedicated as jointly managed national parks.

The State is also converting existing national parks, to jointly managed national parks (Cape York Peninsula Aboriginal Land - CYPAL), with Traditional Owners freehold as the underlying tenure.

Traditional Owners will be the owners of the land through the grant of a Traditional Owners freehold title, provided the area will always be managed as a national park (CYPAL) under the *Nature Conservation Act 1992*.

The Department of Environment and Science is responsible for the program and the program works cooperatively with Queensland Parks and Wildlife Service and partnerships.

As per letter (*Attachment 1*) the CYPTRP has requested Council's views on the identified tenure actions (*Attachment 2 and 3*) as proposed inclusions into the Daintree National Park.

COMMENT

Internal consultation of the proposed tenure actions included the Infrastructure, Water & Wastewater, Environment & Planning, People and Community Services, Property and Project Office Departments. The outcome of the internal consultation is the objection to the following tenure actions due to the comments provided below:

- Road closure 8 – this is a formed track from Kimberley Rd to Silkwood Rd, providing an emergency link in the event of the Alexandra Range closure. This road reserve is where the old Alexandra Range used to be open, where the old range was roughly aligned. This road reserve is the only other way in to the Daintree. If the current range was to significantly fail, Council needs as many alternatives as possible.
- Road closure 10 – this provides sea access to private property.
- Road closure 11 – this section down to Cape Tribulation beach is a Council asset. Council has performed disaster repairs on this section of road as late as 2017. Removal of this section of road would allow landowners to close access to Cape Tribulation Beach. Council may have future maintenance issues if this road is closed. Council has done Natural Disaster Relief and Recovery Arrangements (NDRRA) works to the site and also works for the Queensland Government.
- USL proposed action on Lot 63 RP898391 – this site has been investigated previously as a potential boat launch access for the ferry.

No objections made to the proposed tenure actions that are not mentioned above as they are unformed gazetted roads neighbouring the National Park or Unallocated State Land that have no current or foreseeable use for Council.

PROPOSAL

That Council:

1. Advises the Cape York Peninsula Resolution Program (CYPTRP) on the objection to proposed tenure actions (*Attachment 1, 2 and 3*) including road closure 8, 10, 11 and the Unallocated State Land on Lot 63 RP898391. On the basis that these proposed tenure actions have current and/or future use for Council.
2. Advises the CYPTRP that Council has no objections to the proposed tenure actions not mentioned above. On the basis that these proposed tenure actions have no current and/or no foreseeable use for Council.
3. Delegates authority under section 257 of the *Local Government Act 2009* to the Chief Executive Officer, to progress all matters associated with these discussions.

FINANCIAL/RESOURCE IMPLICATIONS

Nil, the CYPTRP is responsible for costs associated with the tenure actions.

RISK MANAGEMENT IMPLICATIONS

Objecting to the tenure actions proposed above will assist Council to continue to have access and manage key current and future assets that are or will be critical in the foreseeable future, as advised by Council's Departments.

SUSTAINABILITY IMPLICATIONS

Economic: Objecting to the proposed road closures will ensure current and future access to locations in the Shire that are currently or will be used by locals, emergency services and tourists.

Environmental: The Alexandra Range has suffered impacts in the past due to natural disasters. The proposed road closure 8 is an emergency link in the event of the Alexandra Range closure. If the current range was to significantly fail, Council needs as many alternatives as possible.

Social: Nil

CORPORATE/OPERATIONAL PLAN, POLICY REFERENCE

This report has been prepared in accordance with the following:

Corporate Plan 2019-2024 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 5 - We will recognise the contribution that Traditional Owners make to the protection of the environment.

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: Infrastructure, Water & Wastewater, Environment & Planning, People and Community Services, and Project Office departments.

External: Nil

COMMUNITY ENGAGEMENT

Nil

ATTACHMENTS

1. Letter from CYPTRP Request for Views [5.3.1 - 1 page]
2. Table Proposed Tenure Actions [5.3.2 - 1 page]
3. Maps Proposed Tenure Actions [5.3.3 - 14 pages]



Department of
Environment and Science

Our Ref: 2019/004940

12 March 2020

Chief Executive Officer
Douglas Shire Council
PO Box 723
MOSSMAN Q 4873
Via email: enquiries@douglas.qld.gov.au

Dear Sir

I refer to previous correspondence from this office dated 15, 24 and 29 January 2020 where views on proposed tenure actions were sought from Council. You are advised to please disregard previous correspondence outlined above and accept this formal letter of request and associated attachments for consideration at Council's next General Meeting scheduled for April 2020.

The Cape York Tenure Resolution Program (CYPTRP) has completed preliminary investigations and identified additional parcels for proposed inclusion into the Daintree National Park. The investigations included a number of roads proposed for permanent closure that are a result of being unformed within the national park and four unallocated State land lots.

Therefore, CYPTRP seek the views or any other requirements that Council would like considered when assessing the outcomes of proposed tenure actions. Please find attached a detailed table and respective maps of the proposed tenure actions to assist in your considerations.

CYPTRP would appreciate if any views or requirements that may affect the future use of the proposed road actions were received by close of business **13 April 2020**. If Council wish to provide a response but are unable to do so before the due date, please notify myself before the due date to arrange a more suitable timeframe. If a response is not received by the due date and no alternative arrangements have been made, it will be considered Council have no objection or requirement in relation to this matter.

Should you require any further information, you may contact myself, Lorinda Morrissey, Senior Land Officer of the Department of Environment and Science on telephone (07) 4222 5185 or by email at Lorinda.Morrissey@des.qld.gov.au.

Yours sincerely

A handwritten signature in black ink, appearing to be "L.M.", written over a light blue horizontal line.

Lorinda Morrissey
Senior Land Officer
Cape York Peninsula Tenure Resolution Program

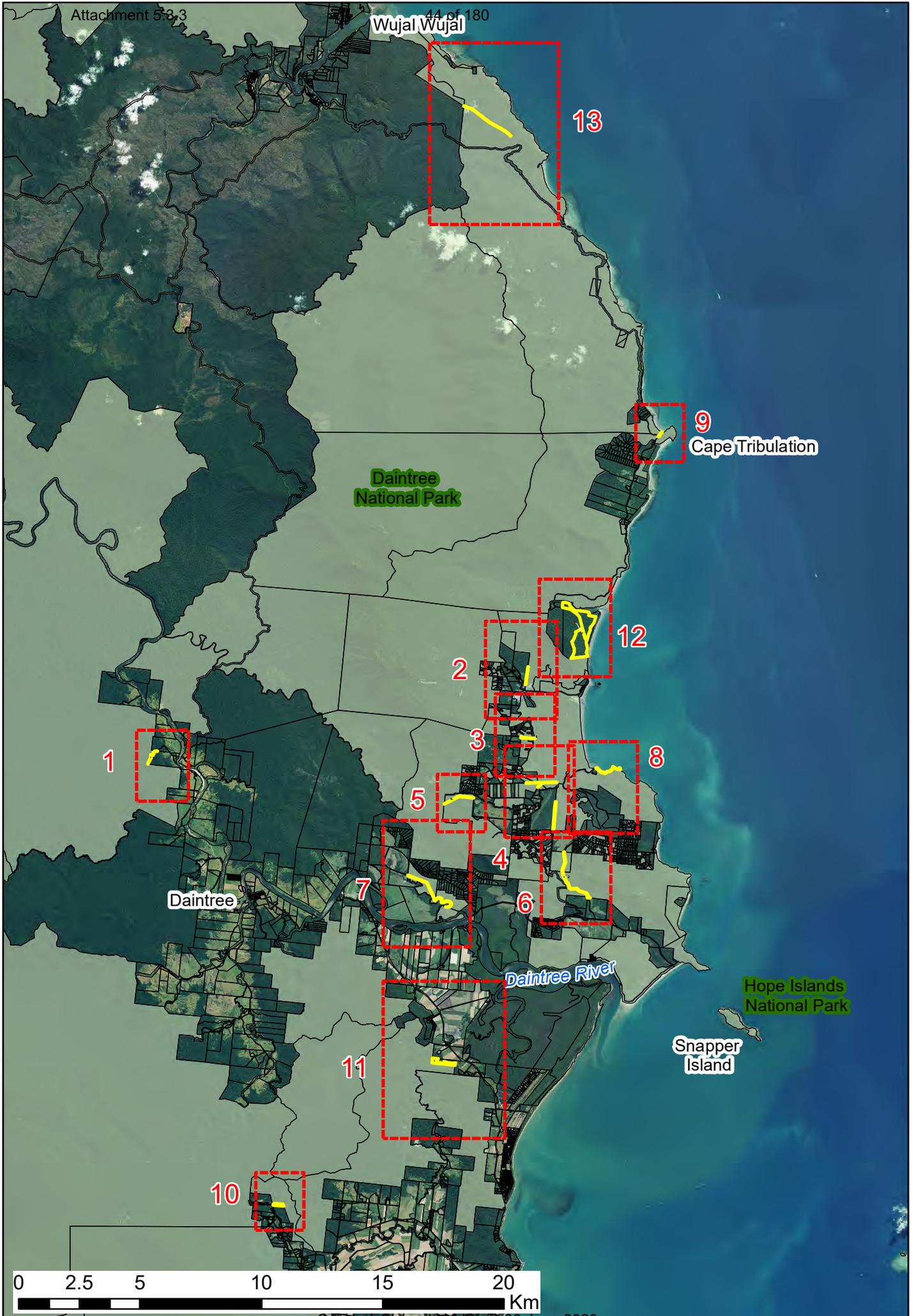
Att: Table of tenure actions
Maps

Proposed Road Actions

| Number | Action | Site Comments |
|--------|---|--|
| 1 | close road add into Daintree National Park | Unformed gazetted road neighbouring park. |
| 2 | Close road into Daintree NP | Unformed gazetted road neighbouring park. |
| 3 | close road add into Daintree National Park | Unformed gazetted road neighbouring park. |
| 4 | close road add into Daintree National Park | Unformed gazetted road surrounded by NP |
| 5 | close road add into Daintree National Park | Unformed gazetted road neighbouring park. |
| 6 | close road add into Daintree National Park | Unformed gazetted road neighbouring park. |
| 7 | close road add into Daintree National Park | Unformed gazetted road neighbouring park. |
| 8 | close road add into Daintree National Park | Unformed gazetted road neighbouring park. |
| 9 | close road add into Daintree National Park | Unformed gazetted road neighbouring park. |
| 10 | Esplanade adj freehold L27 SR426. Close road add into Daintree NP | proposing to close only the area of espl to the east of freehold lot |
| 11 | close road add into Daintree National Park | gazetted road within NP |

Unallocated State land

| Lot/plan | Area | Proposed Action |
|------------------|-------|--|
| lot 235 SR186 | 3.263 | Proposed National Park (Cape York Peninsula Aboriginal land) |
| lot 105 SP146780 | 8.67 | |
| lot 63 RP898391 | 104.9 | |
| lot 72 SP208284 | 4.67 | |



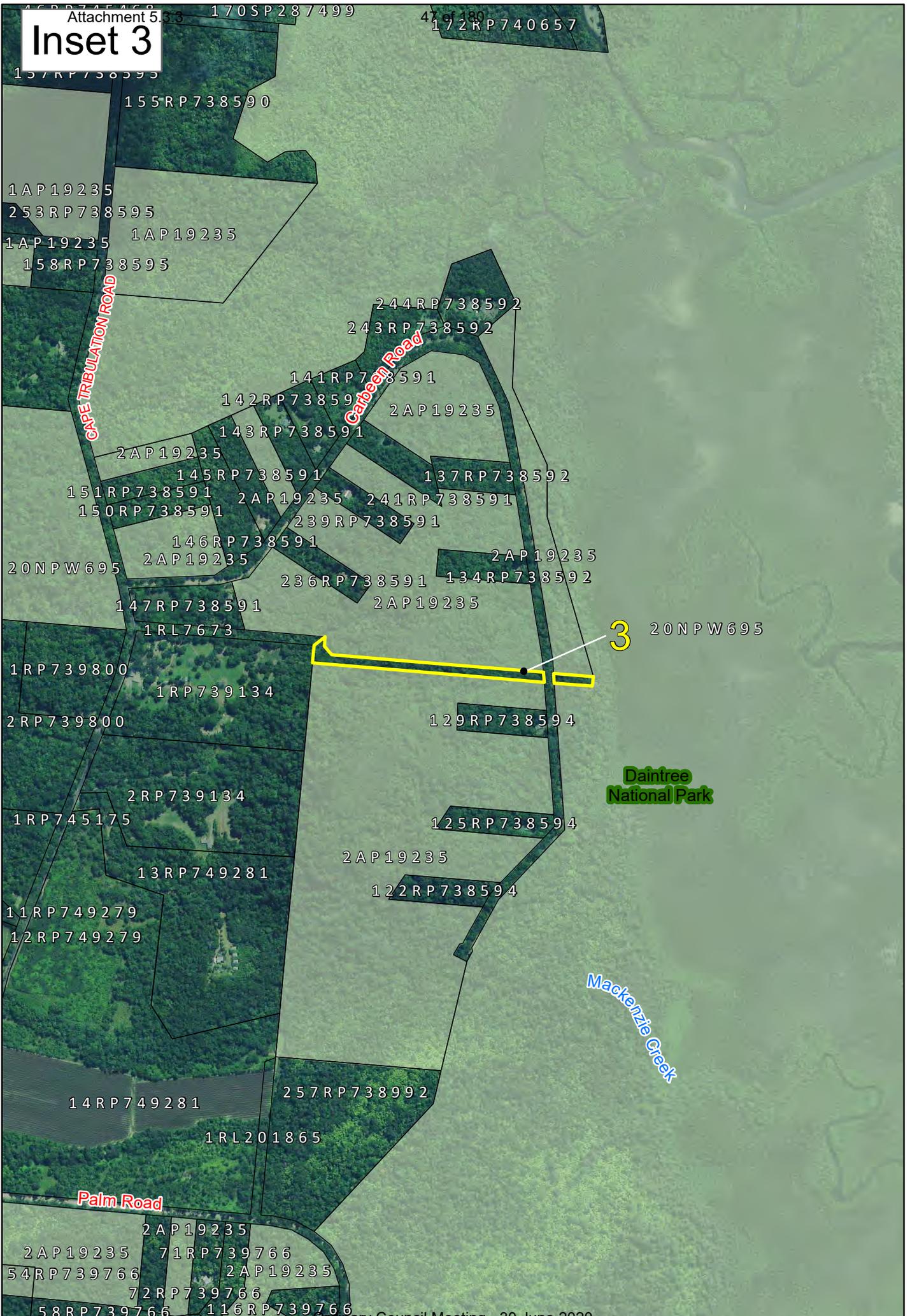
Inset 1



Inset 2



Inset 3



Inset 4



Inset 5

**Daintree
National Park**

20NPW695

Hutchinson Creek

20NPW695

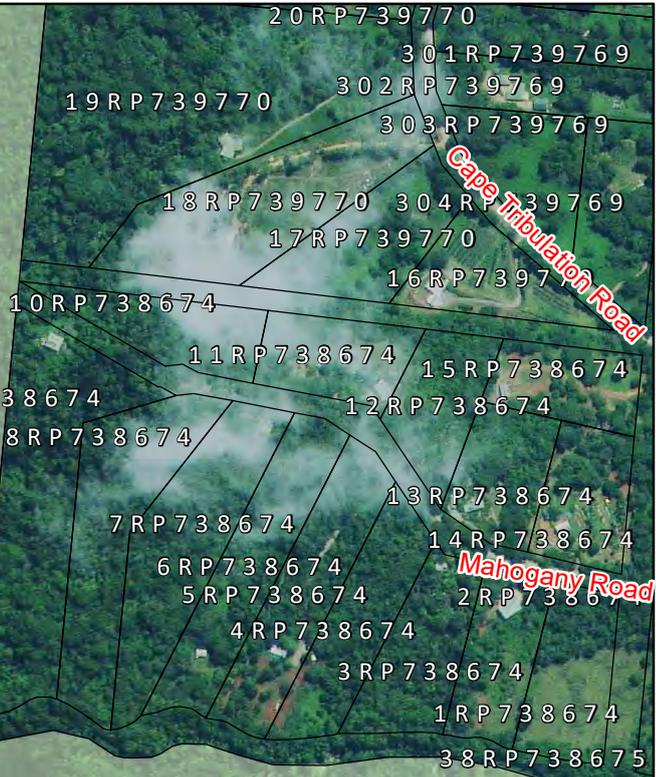
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20NPW695

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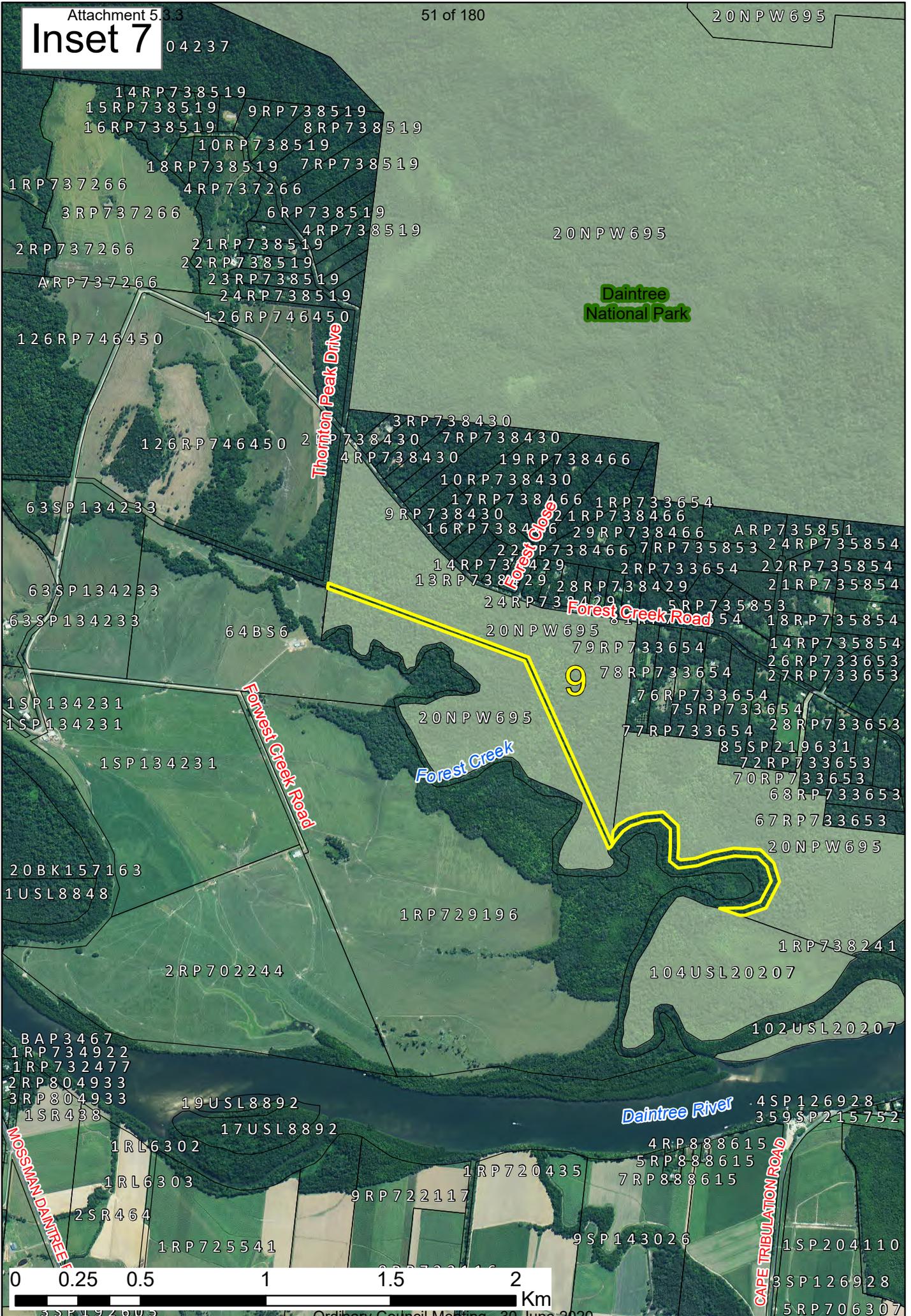
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Inset 7

04237



Inset 8

Mackenzie Creek

20NPW695

Alexandra Bay

10

27SR426

Daintree National Park

20NPW695

20NPW695

141SP224302

Buchanan Creek

79SP224302

EMTCP891017

1CP891017

20NPW695

5RP739768

141SP224302

ARP800904

239RP740658

4AP19235

241RP740658

242RP740658

243RP740658

4AP19235

244RP740658

234RP740658

4AP19235

245RP739767

232RP739771

246RP739767

6RP739768

9RP739768



Inset 9



Inset 10

206FTY1322

20NPW695

Chinaman Creek

Daintree National Park

206FTY1322

206FTY1322

194SR55

193SR82

193SR82

193SR82

235SR186

193SR82

20NPW695

193SR82

189SR714

189SR714

14SP150470

16RP743149

189SR714

13RP743149

2GTP70185

15SP150470

BSP150470

189SR714

14SP150470

2GTP70185

14SP150470

3GTP70185

20NPW695

1GTP70185

BRP740681

2RP743307

1GTP70185

1RP743307

4GTP70185

3RP743307

2GTP70185

4RP743307

9RP742838

8RP743307

3RP851512

20NPW695

1RP851512

2RP851512

5RP851512

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11RP742838

BRP846955

22SR331

12RP742838

22SR331

22SR331

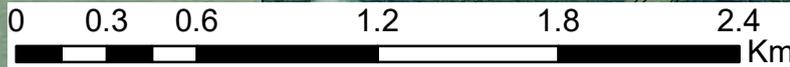
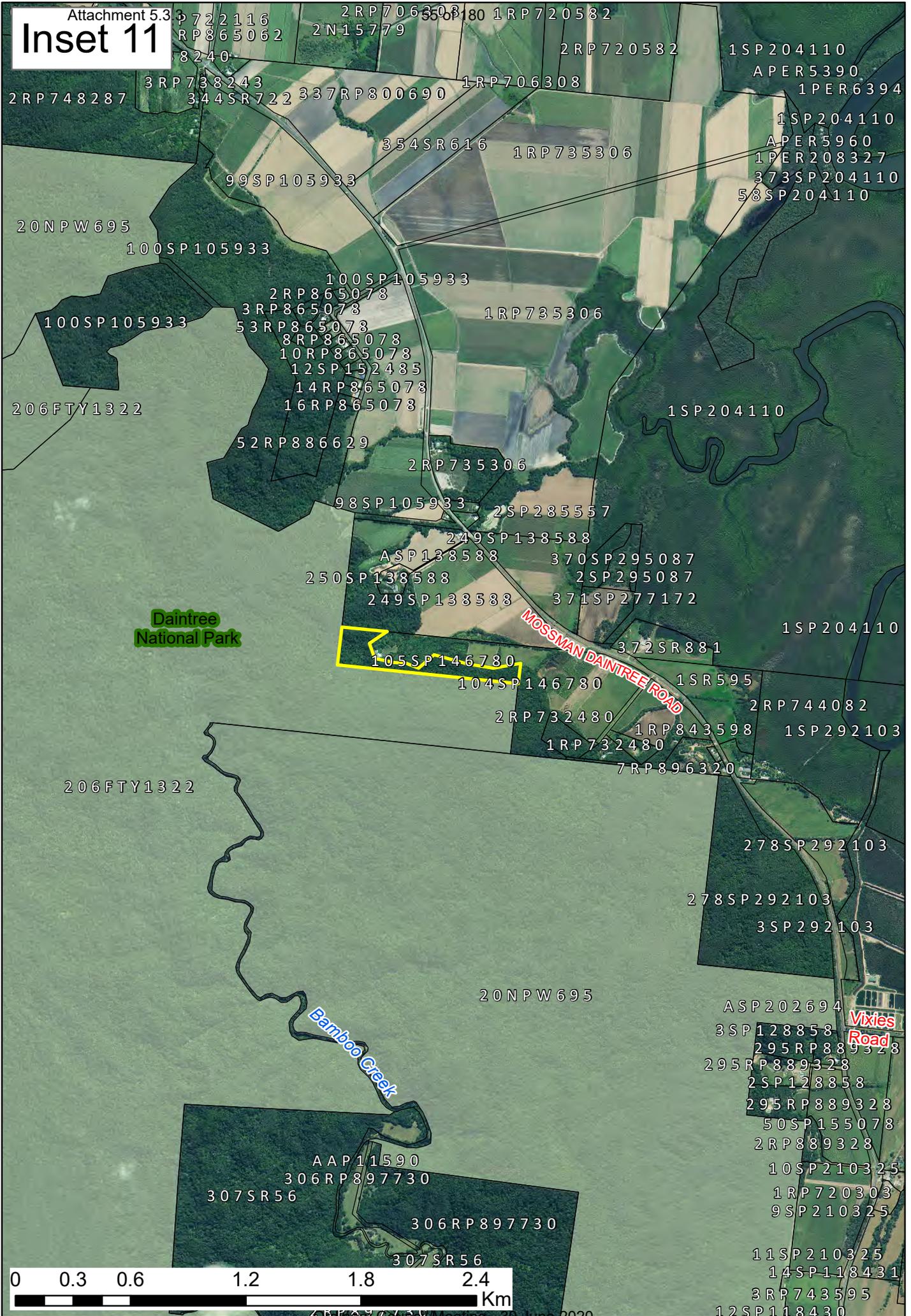


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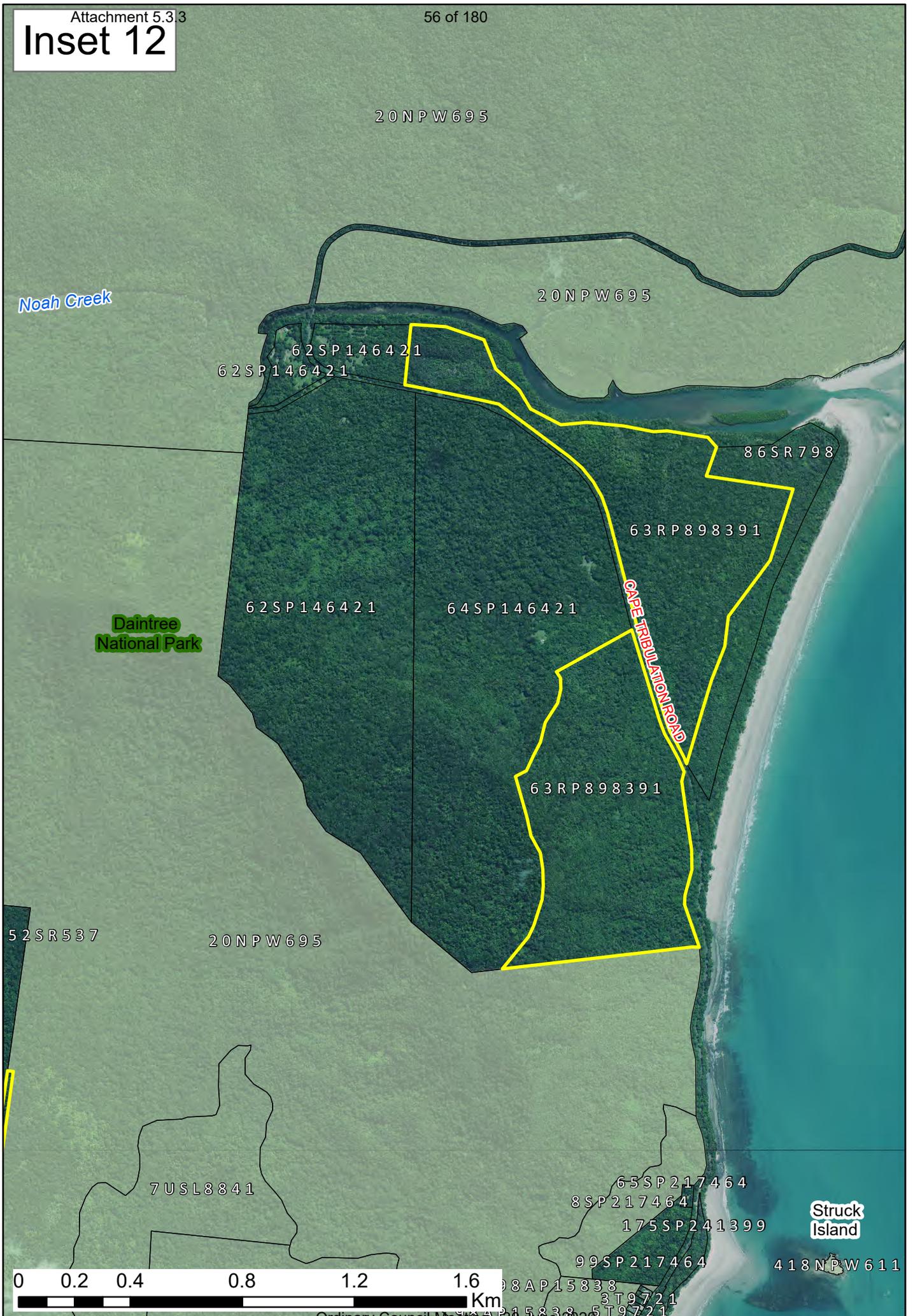
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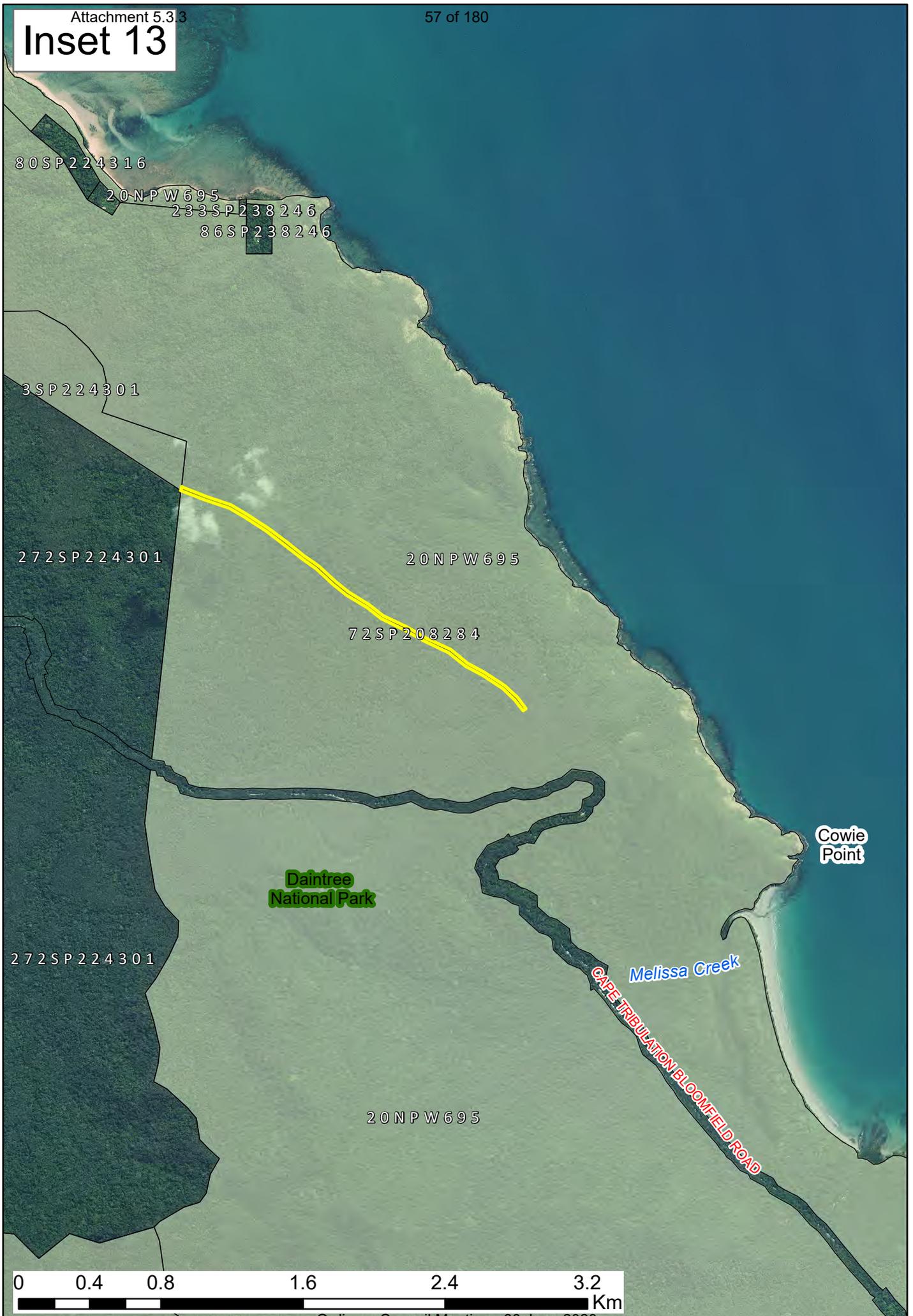
Inset 11



Inset 12



Inset 13



Daintree National Park

Cowie Point

Melissa Creek

CAPE TRIBULATION BLOOMFIELD ROAD

