



# Extract from Register of Indigenous Land Use Agreements

---

<b>NNTT number</b>	QI2006/008
<b>Short name</b>	Eastern Kuku Yalanji & Telstra
<b>ILUA type</b>	Area Agreement
<b>Date registered</b>	05/10/2007
<b>State/territory</b>	Queensland
<b>Local government region</b>	Cairns Regional Council, Cook Shire Council

---

## Description of the area covered by the agreement

The Area of Agreement is the land and waters subject to the following lots:

- 43SR804
- DSR876
- 3SR576
- 287SR864
- ASP139257
- Those parts of 20NPW695 east of Longitude 145°05'East, excluding 1SR804238 and 102DP160642
- 418NPW611
- APER2723
- 1PER3019
- APER4224
- 1PER4392
- APER4938
- 1PER4939
- 333SR437, 335SR437 and 336SR437
- APER5390
- 1PER5391
- 1PER5442
- 1PER5527
- 1PER5586
- 1PER5587
- 1PER5751
- APER5883
- APER5960
- 1PER6394
- 1PER208327
- BAP3431
- 223BK15770
- 44SR841, 45SR841 and 46SR841
- 373SR783
- 382SR864
- 94SR257
- 87SR815
- 90SR652
- 359SR709
- 86SR798
- 150SR532
- 78FTY809
- 165FTY1722 excluding 544OL133
- 20USL8398
- 2USL8491
- 21USL8500
- 6USL8625
- 8USL8626

- 44USL8667
- 5USL8735
- 1USL8764
- 1USL8767
- 1AP8350, 2AP8350 and 3AP8350
- 1AP12196
- 9USL8830
- 15USL8831
- 2USL8832, 3USL8832 and 4USL8832
- 1USL8838
- 5USL8841, 7USL8841 and 8USL8841
- 15USL8844
- 1USL8848
- 18USL8855
- 21USL8885, 22USL8885 and 23USL8885
- 3USL8888, 4USL8888 and 6USL8888
- 29USL8889
- 2USL8897
- 17USL8892 and 19USL8892
- 19USL8901, 23USL8901, 37USL8901 and 58USL8901
- 97USL8922
- 6USL8931
- 84USL8943
- 104USL20207
- 173BK15769 and 226BK15769
- 272BK15780
- 165N157119, 166N157119 and 167N157119
- 156NR38
- 98SR23 Balance
- 33SR118
- 7SR235
- 116SR247
- 61SR355
- 47SR841
- 79SR845 excluding 1CP891017
- 14SR241
- 206FTY1322
- 102USL20207
- 13USL8629
- 19USL8626
- 77SR762 Balance
- 50AP7008
- 12RP746567 Balance
- 10AP9485
- 103SR120 excluding 272SR639
- 7USL8574, 19USL8574 and 26USL8574
- 1USL8580
- 6SP139712
- 107SR828, 201-202SR828, 302-308SR828, 311SR828, 404-405SR828, 407SR828, 414-415SR828 and 503SR828
- 30USL8390
- 2AP5920
- 8SR110
- 3USL8848
- 61SR711 Balance
- 91-95W3451, 106W3451, 202W3451, 203W3451, 204W3451, 301-303W3451 and 305-308W3451
- 328SR434
- 1CP896308
- 241SR244
- 15SR42
- 9USL8904
- 80BS79
- 1SR192
- 34SR628
- 1USL8846
- 245SR49
- 107SR221
- 11SR804234
- 13SR804235
- 105D3331, 106D3331, 107D3331, 108D3331, 109D3331 and 110D3331
- 4D3335

- 3D3339
- 82RP804944
- 284SR395
- 1SR63
- 1SR858
- 85SR702
- 81SR850
- 52RP886629
- 29SP121816
- 169SR102
- 93SR284
- 95SR320
- 157SR676
- 92SR81
- 148SR825
- 127SR826
- 15SR871
- 11SP150463
- 219N7851
- 11N7853
- 374SR533
- 263SR540
- 5SP159909
- 24SR491
- 1CP903509 and 65CP903509
- 115RP748442
- 377SR534
- 369SR803
- 112SR870
- 19RP849656
- 250SR564
- 360SR705
- 11SR800907
- 378SR672
- 341CP890717
- 381SR833
- 355SR654
- 26SR875
- 88SR831
- 60BS158
- MBS289
- ASR518
- 166NPW464
- 212NPW370
- 1SR890 and 2SR890
- 34SP126723 and 37SP126723
- 28BK157125
- 67BS260
- 30BK15768
- 36C15373
- 1USL8381
- 4USL8462 and 7USL8462
- 9USL8495 and 17USL8495
- 35BK15795
- 49BK157107
- 20SR505 excluding 20SR857
- 39SR862 Balance
- 1A3023
- 19BS19
- 20BS22
- 66SP140862
- 68BS272
- 18BS18
- 1MPH40514
- 17SP167052
- 22SR294
- 6SR753
- 35SR822
- 67SP140862
- 286MPH40514 and 287MPH40514
- 58N25640 Balance
- 2USL8376 and 9USL8376

- 1USL8379
- 10USL8424, 16USL8424 and 24USL8424
- 9BS158
- 1PER5405
- WAP6994
- The north eastern severance of 544OL133
- An area 60 metres wide that includes the unnamed constructed road situated between the eastern boundary of 54BK157125 and Trevethan Falls Road as approximately shown in red on Drawing No. CLM RES 9.
- An area 60 metres wide that includes the constructed road known as Shipton's Flat Road situated between where that road meets the western (major) alignment of Shipton's Flat Road and where that road meets the northern boundary of 37BS25 as approximately shown in red on Drawing No. CLM RES 12.
- An area 60 metres wide that includes the constructed road known as Shipton's Flat Road situated between where that road meets the eastern boundary of 37BS25 and where that road meets the north western boundary of 3BS43 as approximately shown in red on Drawing No. CLM RES 12;
- An area 60 metres wide that includes the constructed road known as Shipton's Flat Road where it intersects 544OL133 as approximately shown in red on Drawing No. CLM RES 12.

Telstra Sites

- Alexandra Range Radio Transmitter Site : Lot A in Lot 20 on Plan NPW695.
- McDowall Range Radio Transmitter Site : Lot B on Plan SR 775.
- McDowall Range Passive Radio Transmitter Site : Lot A on Plan SR 775.
- Mount Leswell Radio Transmitter Site : Lot N on Plan BS 801687.
- Ayton Passive Radio Transmitter Site : Lot L on Plan SR 889.
- Mount Misery Radio Transmitter Site : Lot B on Plan SR 859

Cane Incursion Areas (SUBJECT TO SURVEY)

- That part of 370SR782 northwest of a line commencing at a point on the northern boundary of that lot at Longitude 145.398749° East and extending generally south westerly through the following coordinates points to the south westernmost corner of that lot.

Longitude (East) Latitude (South)

145.398653 16.306498

145.398538 16.306713

145.398178 16.306874

145.397950 16.307220

145.397776 16.308346

145.397481 16.308753

- Those parts of 1RP735306 described as follows:

That part of 1RP735306 commencing at a point on the eastern boundary of 1RP735306 at Latitude 16.298103° South and extending generally north westerly and generally south easterly through the following coordinate points to again a point on the eastern boundary of that lot at Latitude 16.295649° South;

Longitude (East) Latitude (South)

145.398363 16.297443

145.397379 16.295653

145.397053 16.294784

145.397398 16.293830

145.397828 16.293818

145.398509 16.294163

145.399074 16.294257

145.399096 16.295099

145.399554 16.295535

Then south westerly along the eastern boundary of that lot back to the commencement point.

That part of 1RP735306 commencing at a point again on the eastern boundary of 1RP735306 at Latitude 16.295087° South and extending generally north westerly and easterly through the following coordinate points to again a point on the eastern boundary of that lot at Latitude 16.294582° South;

Longitude (East) Latitude (South)

145.401178 16.294897

145.400993 16.294750

145.401035 16.294531

Then south westerly along the eastern boundary of that lot back to the commencement point.

That part of 1RP735306 commencing at a point again on the eastern boundary of 1RP735306 at Latitude 16.293008° South and extending north westerly, north easterly and south easterly through the following coordinate points to again a point on the eastern boundary of that lot at Latitude 16.292456° South;

Longitude (East) Latitude (South)

145.401723 16.292292

145.402196 16.291771

Then south westerly along the eastern boundary of that lot back to the commencement point.

Road Closure Area (Douglas Shire Council)

- 1AP16382

- 1-2AP16383
- 1AP16384
- 1-2AP16385
- 1-5AP16386
- 1-2AP16387
- 1-4AP16388
- 1-5AP16389
- 1-2AP16390
- 1AP16391

Road Closure Area (Cook Shire Council)

- 1AP16392
- 1AP16393
- 1-5AP16394
- 1-7AP16395
- 1AP16396
- 1AP6397
- 1AP16398
- 1AP16399

Note

Data Reference and source

- Cadastre data sourced from Dept of Natural Resources, Mines and Water, Qld (Aug 2006).
  - Roads data sourced from Dept of Natural Resources, Mines and Water, Qld (Nov 2006).
  - ILUA area compiled by NNTT based on information sourced from the Eastern Yalanji Negotiated Agreement and updates reported by the parties to the NNTT.
  - Cane incursion areas interpreted from Plan No. 92473 REY-4 prepared by Jeremy Scriven & Associates Pty Ltd (15/07/1996)
  - LGA data sourced from Dept of Natural Resources, Mines and Water, Qld (2002).
  - Balance refers to the land that remains part of that original lot, without that remainder being redescribed on a new survey plan as at 31 August 2006.
- Prepared by Geospatial Services, National Native Title Tribunal (15/11/2006)

## Parties to agreement

*Applicant*

---

<b>Party name</b>	Telstra Corporation Limited ABN 31 051 775 556
<b>Contact address</b>	Powers and Immunities Governance Global Connect Contracts Locked Bag 342 GPO Adelaide SA 5800

*Other Parties*

---

<b>Party name</b>	Agnes Walker, Eileen Walker, Hazel Douglas, John Walker Jnr and Peter Fischer (Native Title Parties)
<b>Contact address</b>	C/- Cape York Land Council PO Box 2496 Cairns QLD 4870

## Period in which the agreement will operate

---

<b>Start date</b>	not specified
<b>End Date</b>	not specified

---

## Statements of the kind mentioned in ss. 24EB(1) or 24EBA(1) or (4)

5.4 New Telecommunications Facilities on Existing Telstra Sites

The Native Title Holders agree that Telstra may Construct new Telecommunications Facilities on Existing Telstra Sites, provided that the Native Title Holders do not agree to the replacement of Cabling with more substantial infrastructure.

7.1 Application of clause

(a) This clause applies in respect of the Determination Area.

- (b) The Native Title Holders agree that Telstra may access the Transferred Land on any terms and conditions agreed between Telstra and the Land Trust for that Transferred Land and that clause 7.2 does not apply on Transferred Land,
- (c) Clause 7.2 applies in respect of those parts of the Determination Area that are not Transferred Land.

#### 7.2 Terms of access

Telstra may enter the Determination Area for the purpose of inspecting or carrying out maintenance on its Existing Telecommunications Facilities and the Excluded Telstra Sites on the following terms:

- (a) Telstra must use existing roads, tracks and helicopter pads when accessing the Determination Area, except where environmental factors such as flooding or regrowth of vegetation mean that deviation is required;
- (b) Telstra may clear vegetation from existing roads, tracks and helicopter pads in order to facilitate its access, but only in accordance with applicable laws;
- (c) Telstra will use reasonable endeavours to ensure that its access to the Agreement Area causes minimal damage to the environment; and
- (d) the Native Title Holders waive any rights they may have under the Telecommunications Act to receive additional notice of Telstra's intended access, other than in respect of the curtilage of a Residential Property, the existence and boundaries of which have previously been notified in writing to Telstra.

#### 10. Future Acts

a) The Native Title Holders consent, for the purposes of s 24EB(1)(b)(ii) of the NTA, to the doing of Future Acts (if any) that consist of:

- (i) the Construction of new Telecommunications Facilities on Existing Telstra Sites in accordance with clause 5.4;
- (ii) accessing those parts of the Determination Area that are Transferred Land in accordance with clause 7.1(b); and
- (iii) accessing those parts of the Determination Area that are not Transferred Land in accordance with clause 7.1(c) and 7.2;

#### 14.1 The Native Title Holders consent to Future Acts

The Native Title Holders consent to the doing of Future Acts subject to the conditions, if any, specified in clause 10.

#### Defined Terms:

"Determination Area" means the land and water in respect of which a determination is made in the Application that native title exists.

"Existing Telstra Sites" means the land and/or waters on which Existing Telecommunications Facilities have been Constructed including any adjacent land or waters the use of which is necessary for, or incidental to, the operation of the Existing Telecommunications Facilities.

"Major Existing Telstra Sites" means:

- (a) Customer radio terminals
- (b) Cabling facilities
- (c) Alexandra Range Radio Transmitter Site: Lot A in Lot 20 on Plan NPW 695
- (d) McDowall Range Radio Transmitter Site: Lot B on Plan SR 775.
- (e) McDowall Range Passive Radio Transmitter Site: Lot A on Plan SR 775.
- (f) Mount Leswell Radio Transmitter Site: Lot N on Plan BS 801687.
- (g) Ayton Passive Radio Transmitter Site: Lot L on Plan SR 889.
- (h) Mount Misery Radio Transmitter Site: Lot B on Plan SR 859.

"Excluded Telstra Sites" means:

- (i) Rossville Radio Transmitter Site : Lot 8 on Plan BK802441.
- (j) Ayton Exchange and Radio Transmitter Site: Lot 1 on RP745015.
- (k) Wujal Wujal CMTS Site: Proposed Lease A in Lot 10 on RP903517.
- (l) Cape Tribulation Radio Transmitter Site: Lease A in Lot 3 on RP741072.
- (m) Baileys Creek Radio Transmitter Site: Part of Lot 5 on Crown Plan BK157130.
- (n) Daintree Exchange and Radio Transmitter Site: Lot 208 on Plan D3331.
- (o) Cape Kimberley Radio Transmitter Site: Lot 96 on SR 850.
- (p) Newell Beach Radio Transmitter Site: Lot 1 on RP865823.
- (q) Wonga Beach Radio Transmitter Site: Lot 1 on RP843534.

"Future Act" has the same meaning as in the NTA.

"Telecommunications Facility" means:

- (a) any part of the infrastructure of a Telecommunications Network; or
- (b) any line, equipment, tower, mast, antenna, tunnel, duct, hole, pit, pole or other structure or thing used, or intended for use, in or in connection with a Telecommunications Network.

"Transferred Land" means that part of the Agreement Area transferred in fee simple under the Aboriginal Land Act to a Land Trust representing the Native Title Holders.

#### Attachments to the entry

Nil Attachments