



Extract from Register of Indigenous Land Use Agreements

NNTT number	QI2006/024
Short name	Eastern Kuku Yalanji & Douglas Shire Council - Local Government Agreement
ILUA type	Area Agreement
Date registered	05/10/2007
State/territory	Queensland
Local government region	Cairns Regional 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 within the Douglas Shire Council and east of Longitude 145°05' East, excluding 1SR804238 and 102DP160642
- Those parts of 418NPW611 that fall within Douglas Shire Council
- APER2723
- 1PER3019
- APER4224
- 1PER4392
- APER4938
- 1PER4939
- 333SR437 and 335-336SR437
- APER5390
- 1PER5391
- 1PER5442
- 1PER5527
- 1PER5586
- 1PER5587
- 1PER5751
- APER5883
- APER5960
- 1PER6394
- 1PER208327
- BAP3431
- 223BK15770
- 44-46SR841
- 373SR783
- 382SR864
- 94SR257
- 87SR815
- 90SR652
- 359SR709
- 86SR798
- 150SR532
- 78FTY809
- Those parts of 165FTY1722 that fall within Douglas Shire Council, excluding ASR775 and BSR775
- 20USL8398
- 2USL8491
- 21USL8500
- 6USL8625

- 8USL8626
- 44USL8667
- 5USL8735
- 1USL8764
- 1USL8767
- 1-3AP8350
- 1AP12196
- 9USL8830
- 15USL8831
- 2-4USL8832
- 1USL8838
- 5USL8841 and 7-8USL8841
- 15USL8844
- 1USL8848
- 18USL8855
- 21-23USL8885
- 3-4USL8888 and 6USL8888
- 29USL8889
- 2USL8897
- 17USL8892 and 19USL8892
- 19USL8901, 23USL8901, 37USL8901 and 58USL8901
- 97USL8922
- 6USL8931
- 84USL8943
- 104USL20207
- 173BK15769 and 226BK15769
- 272BK15780
- 165-167N157119
- 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, 202-204W3451, 301- 303W3451 and 305-308W3451
- 328SR434
- 1CP896308
- 241SR244
- 15SR42
- 9USL8904
- 80BS79
- 1SR192
- 34SR628
- 1USL8846
- 245SR49
- 107SR221
- 11SR804234
- 13SR804235
- 105-110D3331
- 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
- 1PER5405
- WAP6994

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

- 1AP16382
- 1-2AP16383
- 1AP16384
- 1-2AP16385
- 1-5AP16386
- 1-2AP16387
- 1-4AP16388
- 1-5AP16389
- 1-2AP16390
- 1AP16391

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 (14/11/2006)

Parties to agreement

Applicant

Party name	Douglas Shire Council
Contact address	C/- MacDonnells Law Cnr Shields and Grafton Streets Cairns QLD 4870

Other Parties

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

Period in which the agreement will operate

Start date	not specified
End Date	not specified

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

4.4 Subdivision P of Division 3 of Part 2 of the Native Title Act is not intended to apply to any Future Acts for which the Native Title Parties have given consent under this Deed.

7.1 If any area of land or waters comprising the ILUA Area no longer forms part of the local government area of the Shire of Douglas the ILUA Area will be reduced to the extent of the area removed from the Shire of Douglas.

8.2 The Native Title Parties consent to the continued operation, use and maintenance of:-

- (a) the Non-Extinguishing Infrastructure;
- (b) the land on which the Non-Extinguishing Infrastructure is located; and

(c) any land or waters which is adjacent to the land on which the Non-Extinguishing Infrastructure is located which is necessary for, or incidental to, the operation of the Non-Extinguishing Infrastructure.

9.1 Without limiting the generality of clause 9.2 the Native Title Parties consent to:-

- (a) the operation and maintenance by or on behalf of the Council;
- (b) the use by the public; and
- (c) the dedication by the Minister, of that area of land within the Road Opening Area.

9.3 Without limiting the generality of clauses 8.1 or 9.1 the Native Title Parties consent to:-

- (a) the operation and maintenance of off-alignment roads by or on behalf of the Council;
- (b) the use by the public of off-alignment roads; and
- (c) to the extent that the off-alignment roads are constructed outside of the area of land dedicated, declared, notified or taken for public use as a road, the dedication by the Minister to a width of sixty (60) metres or as otherwise agreed in the Douglas, Queensland and Yalanji ILUA; of the Road Opening Area.

10.2 A Work or Activity is an Approved Future Act for the purposes of this Deed if:-

- (a) it is described in a Proposed Activity Notice or Revised Activity Notice given to the Native title Parties; and
- (b) either:-
 - i) the Native Title Parties have given a Concurrence Notice; or
 - ii) consent is deemed to be given under paragraph 10 of Schedule 3.

Clause 10.4 The Parties consent to the doing of Approved Future Acts and agree that Subdivision P of Division 3 of Part 2 of the Native Title Act is not intended to apply to Approved Future Acts.

Clause 11.1 The Parties consent to the construction or carrying out of Minor Works or Activities on the conditions described in Schedule 4.

Clause 13.2 Subject to subclause 13.3, the Parties consent under the Native Title Act to the doing of any Future Act (other than a surrender of Native Title Rights and Interests) in relation to that part of the ILUA Area that is Aboriginal Land.

Defined terms:

"Aboriginal Land" has the meaning given in the Aboriginal Land Act 1991 (Qld)

"Approved Future Act" has the meaning in clause 10.2

"Future Act" has the meaning given in the Native Title Act

"Minor Works or Activities" means the acts described in paragraph 2 of Schedule 4, being:

The Future Acts are:-

- (a) construct Council Infrastructure required in emergency circumstances to ensure the safety of people and the preservation of property where people or property are subject to an immediate threat;
- (b) tree lopping in the immediate vicinity of Council Infrastructure;
- (c) repairing any damaged Council Infrastructure;
- (d) reinstating any destroyed Council Infrastructure to its pre-existing state;
- (e) inspecting Council Infrastructure;
- (f) maintaining Council Infrastructure;
- (g) fencing or barricading Council Infrastructure;
- (h) erecting sign posts;
- (i) accessing the ILUA Area at reasonable times for the purpose of undertaking anything in paragraph (a) to (h) with any machinery, equipment or personnel and by such means as are reasonably necessary (including vehicle access, foot access or access by air).

"Non-Extinguishing Infrastructure" means Council infrastructure that is:-

- (a) not Extinguishing Infrastructure; and
- (b) was constructed or established within the ILUA Area on or before the Commencement Date;

"Road Opening Area" means the areas described shown on maps in Schedule 6 of the Douglas, Queensland and Yalanji ILUA.

Attachments to the entry

Nil Attachments