



Extract from Register of Indigenous Land Use Agreements

NNTT number	QI2009/063
Short name	Djiru Cassowary Coast Regional Council Area ILUA
ILUA type	Area Agreement
Date registered	29/04/2010
State/territory	Queensland
Local government region	Cassowary Coast Regional Council

Description of the area covered by the agreement

The agreement defines the "ILUA Area" as 'the area described in Schedule 1 and depicted in the map contained in Schedule 2' to the agreement. Those schedules, including the map of the agreement area, are attached to the register extract.

The following general description of the agreement area has been provided by the National Native Title Tribunal to assist people to understand the location of the agreement area. It does not replace, and is less precise than, the description of the agreement area contained in the various schedules to the agreement noted above. It is provided for information only and should not be considered part of the Register of ILUAs:

The area subject to this agreement covers about 101 square kilometres, located east of Tully and south of Silkwood in the vicinity of Mission Beach. The agreement falls within the Cassowary Coast Regional Council local government area.

Parties to agreement

Applicant

Party name	Cassowary Coast Regional Council
Contact address	c/- MacDonnells Law Level 14, BOQ Centre, 259 Queen Street BRISBANE QLD 4000

Other Parties

Party name	Dawn Hart, John Clumpoint, Charity Ryan, Beryl Buller, Rae Kelly, Margaret Murray and John Andy who are the living members of the applicant in the Djiru People #2 and the Djiru People #3 native title determination applications, on their behalf and on the behalf of the Djiru People.
Contact address	c/- North Queensland Land Council Aboriginal Corporation 61 Anderson Street, PO Box 679N 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 PROVISIONS FOR THE PURPOSES OF THE NATIVE TITLE ACT

4.5 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.

9. FUTURE COUNCIL WORKS AND ACTIVITIES

9.1 In the event the Council wishes to construct or carry out Works or Activities in the ILUA Area in respect of which it has not already received consent under this Deed it may seek to obtain such consent by having the Work or Activity become an Approved Future Act by following the process set out in Schedule 4.

9.2 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 4.

9.3 If requested by Council, the Native Title Parties will provide all reasonable assistance to Council in securing the doing of Approved Future Acts.

9.4 The Parties consent to the doing of Approved Future Acts and agree that Sub-division P of Division 3 of Part 2 of the Native Title Act is not intended to apply to Approved Future Acts.

9.5 This clause does not apply to any part of the ILUA Area where native title rights and interests have otherwise been extinguished or determined not to exist.

10. MINOR WORKS OR ACTIVITIES

10.1 The Parties consent to the construction or carrying out of Minor Works or Activities on the conditions described in Schedule 5.

10.2 This clause does not apply to any part of the ILUA Area where native title rights and interests have otherwise been extinguished.

DEFINITIONS

"ILUA Area" means the area described in Schedule 1 and depicted in the map contained in Schedule 2.

"Minor works or Activities" means the acts described in paragraph 2 of Schedule 5, which states:

The Minor Works or Activities for which consent is given are:-

- (a) constructing 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) the removal of trees within the ILUA Area necessary to meet emergency circumstances otherwise the consent does not extend to moving trees within the ILUA area;
- (d) repairing any damaged Council Infrastructure.
- (e) reinstating any destroyed Council Infrastructure to its pre-existing state;
- (f) inspecting Council Infrastructure;
- (g) maintaining Council Infrastructure;
- (h) fencing or barricading Council Infrastructure;
- (i) erecting sign posts;
- (j) accessing the ILUA Area at reasonable times for the purpose of undertaking anything in paragraphs (a) to (h) with any machinery, equipment or personnel and by such means as are reasonably necessary (including vehicle access, forr access or access by air).

"Approved Future Act" has the meaning in clause 9.2.

"Concurrence Notice" means a notice of consent to do works described in a Proposed Activity Notice under paragraph 3 of Schedule 4, which states:

A Proposed Activity Notice given under paragraph 2 of this Schedule must contain:

- (a) wording that identifies it as a Proposed Activity Notice;
- (b) if the Work or Activity is the construction of Council Infrastructure:
 - i) a plan showing the proposed location of the Council Infrastructure;
 - ii) a description of the nature and scope of the Council Infrastructure;
 - iii) an estimate of the time required to complete the construction of the Council Infrastructure;
 - iv) a plan showing the proposed access route to Construct the Council Infrastructure;
 - v) a statement explaining why the Council requires the Council Infrastructure;
- (c) if the Work or Activity is the grant of an Occupancy Interest:
 - i) a plan showing the proposed location over which the Occupancy Interest will be granted (including a survey plan if one has been prepared by Council);
 - ii) a copy of the proposed terms of the Occupancy Interest;
 - iii) a statement explaining the reasons for grant of the Occupancy Interest.

"Council Infrastructure" means infrastructure or works owned, maintained, controlled or operated by Council for a

Public Purpose including:-

- (a) amenities, buildings, causeways, cemeteries, conduits, crossings, dams, drains, jetties, pipes, recreation facilities, reservoirs, roads, rubbish dumps, service infrastructure, sheds, transfer stations and wharves; and
- (b) works serving a public need or for a Public Purpose; and
- (c) Public Works.

"Native Title Parties" means Dawn Hart, John Clumpoint, Charity Ryan, Beryl Buller, Rae Kelly, Margaret Murray and John Andy who are the living members of the applicant of the Djiru People #2 and the Djiru People #3 native title determination applications on their own behalf and on behalf of the Djiru people.

"Proposed Activity Notice" means a notice to do Work or Activity under paragraph 2 of Schedule 4.

"Revised Activity Notice" means a notice given under paragraph 12 of Schedule 4.

"Works or Activities" means any Council Infrastructure or the grant of an Occupancy Interest that Council may provide or undertake as a local government after the Commencement Date other than Minor Works or Activities.

Attachments to the entry

[Schedule 1 - Written Description of ILUA Area.pdf](#)

[Schedule 2 -Map of the ILUA Area.pdf](#)