



Cooloola Great Walk Ecotourism Project Factsheet

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This factsheet was last updated on 5 October 2023

Overview

The Cooloola Great Walk is a 102km trail linking Noosa North Shore and Rainbow Beach.

The Cooloola Great Walk Ecotourism Project (**Project**) is a proposal by the Department of Environment and Science (**DES**) and the Department of Tourism, Innovation and Sport (**DTIS**) to establish 5 eco-accommodation camps along the Cooloola Great Walk track.

On 22 February 2020, [CABN](#) was announced as the preferred proponent for the Project.

Visit the Queensland Government's website on the project at:

[Cooloola Great Walk ecotourism project](#)

Assessment and Approvals Process

Information about the approvals required for the Project is provided below. Construction of the Project is expected to be completed in early 2024, subject to the final approvals being granted.

In summary, the Project likely requires the following approvals:

1. Development permit;
2. Nature Conservation Act approval as an ecotourism facility;
3. Heritage Act approvals;
4. EPBC Act approval;
5. Traditional Owner consent under the Aboriginal Cultural Heritage Act.

Development permit under the Planning Act

A development permit may be needed under the *Planning Act 2016* (Qld) framework. This may provide opportunities for community input via submissions and possible appeal if it is an 'impact assessable' application. There will be no community appeal rights for a 'code assessable' application, but submissions may still be provided to the decision maker for these applications.

The Project covers areas within the Noosa Shire Council and Gympie Regional Council local government areas.

Assessment and approvals by both Councils are likely to be required in relation to the Project. At the date this factsheet was published, no development applications for the Project appear to have been submitted.

N.B. Review the development application trackers for the [Noosa Shire Council](#) and [Gympie Regional Council](#) to ensure you don't miss the local development approval applications.

Read: [Code or Impact Assessable Developments in Queensland](#)

Nature Conservation Act – Approval as an ecotourism facility

The development of ecotourism facilities on protected areas, such as National Parks, requires approval under *Nature Conservation Act 1992 (Qld)* (**NC Act**). Section 35(1) of the NC Act outlines when an authority may be granted in a national park, including for an ecotourism facility. The following criteria must be met when applying for a s 35 authority in relation to an ecotourism facility:

- The use will be in the public interest;
- The use is ecologically sustainable;
- The use provides, to the greatest possible extent, for the permanent preservation of the area's natural condition and the protection of the area's cultural and natural resources and values;¹ and
- The use must be prescribed under regulation.

Visit: DES has published a [Guideline](#) in relation to applying for an authority under sections 34, 35 or 35A of the NC Act.

An ecotourism facility is not currently listed as a use prescribed under *Nature Conservation (Protected Areas Management) Regulation 2017 (Qld)* for the Great Sandy National Park.² As part of the approval process, DES will arrange the required form of regulatory impact assessment and draft regulations for this authorisation to occur. The Project is awaiting final approval under the NC Act.

Visit: For more information on this process, review the [Implementation Framework - Ecotourism facilities on national parks](#).

Heritage Act approval

DES reports that the Project has been assessed under the *Queensland Heritage Act 1992 (Qld)* (**Heritage Act**) in relation to potential impact on two heritage-registered sites within the Project area, Pettigrews Timber Tramway Complex and Double Island Point

¹ *Nature Conservation Act 1992(Qld)* (**NC Act**), s 17(1)(a).

² See *Nature Conservation (Protected Areas Management) Regulation 2017 (Qld)*, sch 3 pt 2; s 17.

Lightstation. Heritage Impact Statements assessing the proposed impacts on Pettigrews Timber Tramway Complex and Double Island Point Lightstation concluded that the Project is acceptable from a heritage perspective. In January 2021, approvals were granted under the Heritage Act, provided the recommendations in the Heritage Impact Statements were followed.

Visit: Read the Heritage Impact Statements for [Pettigrews Timber Tramway Complex](#) and [Double Island Point Lightstation](#).

Commonwealth Assessment – EPBC Act

On 2 June 2021, DES referred the Project for under the *Environment Protection and Biodiversity Conservation Act 1999* (Cth) (**EPBC Act**) (**Referral**). Invitations for public comments on the Referral were open from 1 June 2021 to 16 June 2021.

On 30 June 2021, a delegate of the Minister for the Environment made a decision that the Project was not a controlled action for the purpose of the EPBC Act (**Decision**). Any opportunity to challenge the Decision by way of judicial review has now expired.

Visit: To view the referral documents and decision notice, visit the [Project Referral Summary](#).

Aboriginal Engagement

Aboriginal Cultural Heritage

The Project will need to be undertaken in accordance with the *Aboriginal Cultural Heritage Act 2003* (Qld), which requires that parties intending to carry out a land use activity in any area of Queensland have a duty of care to take reasonable and practicable measures not to harm Aboriginal cultural heritage.³

DTIS reported that the Queensland Government has been engaging with the Traditional Owners of the land, the Kabi Kabi People, in relation to the Project since July 2018, including in relation to the Aboriginal cultural heritage values of the proposed sites along the Great Cooloola Walk.

Read EDO's factsheet on: [Cultural Heritage Protection in Queensland](#)

Native Title

Ecotourism facility proponents are required to assess the native title status of proposed sites and undertake negotiations for an Indigenous Land Use Agreement (**ILUA**) if native title exists over the area.

The Queensland Government has engaged with the Kabi Kabi First National Traditional Owner Native Title Claimant Group in relation to the project and cultural heritage

³ *Aboriginal Cultural Heritage Act 2003* (Qld), s 23(1).

management and future involvement will be prescribed in an ILUA with the Kabi Kabi People.

Having Your Say

Along with native title and Aboriginal Cultural Heritage Act requirements, public consultation with Traditional Owners, local communities and other stakeholders is required as part of the assessment process.⁴

What consultation has already occurred?

DES has published information on the consultation that has been undertaken to date in relation to the Project.

Visit the Queensland Government's FAQ page on the Project here:

[Cooloola Great Walk ecotourism project - FAQs](#)

Will there be any more consultation opportunities?

There may be further consultation opportunities to provide a submission as part of the development application process if the application is impact assessable, or also where it is code assessable. However, there are no appeal rights available to those making submissions on code assessable applications.

Read EDO's factsheet on:

[Community Rights to be Involved in Development Assessment](#)

While DES, DTIS, or other government departments may engage in additional community consultation in relation to the Project, there is no obligation for them to do so under the NC Act as it appears they have fulfilled their obligations during the consultation undertaken to date.

How can I challenge the Project?

N.B. Private legal advice should always be obtained before commencing any legal proceedings as it can be very costly and time consuming.

Challenging the Development Permit decision

If the Project is impact assessable and you lodged a properly made submission during the public notification period, you will receive a copy of the decision notice and you will have the power to appeal the decision.

⁴ See page 20 of the [Implementation Framework](#) for information on public consultation requirements.

If the Project is code assessable, or you did not lodge a properly made submission, you will not have any right to appeal the Council's decision. You may provide informal submissions still to Council though.

N.B. Applications for an appeal must be made within **20 business days** from the date you received the decision notice.

If you have evidence to suggest the Project is not lawful, you may be able to make an application to the Planning & Environment Court for a declaration.

Read: [Appealing, Enforcing Development Approvals and Seeking Declarations](#)

Challenging the Nature Conservation Act decision – ecotourism facility

Once a decision has been made in relation to the approval under the NC Act, there may be rights to apply for reasons for the decision and judicial review of the decision in accordance with the *Judicial Review Act 1991* (Qld).⁵

Only a person aggrieved by the decision can apply for judicial review.⁶ Section 1730(2) of the NC Act extends the standing of aggrieved person for the purpose of applying for a judicial review in relation to a decision made under the NC Act to include (for individuals) an Australian citizen or ordinary resident, who has at any time in the 2 years immediately before the decision been engaged in a series of activities in Australia for the protection or conservation or, or research into, the environment. Grounds for judicial review include, for example, jurisdictional error, procedural error, or improper exercise of power.⁷

It is recommended that you seek reasons for the decision as this will assist in determining whether there are grounds for applying for judicial review. If, after reviewing the reasons for the decision, there is evidence that the decision was not legally valid or the decision-maker did not follow the proper process, you may consider making an application for judicial review.

We strongly recommend seeking legal advice prior to applying for judicial review, as there are costs risks in this jurisdiction.

N.B. We recommend interested members of the community seek reasons for the decision, which should ideally be made **28 days from the decision** being made, or becoming aware of the decision, however there is some discretion around this timeframe. Applications for judicial review should be made within **28 days** from receiving the reasons for the decision. If reasons aren't sought, the application must be made 28 days from being aware of the decision.

⁵ NC Act, s 1730.

⁶ *Judicial Review Act 1991* (Qld) (**JR Act**), s 20(1).

⁷ JR Act, s 20(2).

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