

ENVIRONMENTAL PROTECTION AGENCY
DIRECTOR-GENERAL'S GENERAL BRIEFING NOTE

TITLE: Lizard Island National Park – Application by Clynder Pty Ltd

DATE: 17 September 2007

1. RECOMMENDATION

- That the Director-General **note** the status of the application made by Clynder Pty Ltd to construct a tourist facility within sub-lease 8759 on Lizard Island National Park; and **note** the letter to the Cape York Land Council (CYLC) (**Attachment 1**) inviting the CYLC to submit comments in relation to the Clynder application by 8 October 2007 after which time a decision will be made pursuant to the *National Parks and Wildlife Act 1975* (NPW Act).

2. ISSUES

- Clynder Pty Ltd (Clynder) has a sub-lease over part of Lizard Island for tourist and recreation purposes.
- On 28 September 2006 Clynder submitted a revised application to construct a tourist facility comprising an accommodation house, caretaker cottage and road on Lizard Island.

Sch3(8)(1) breach of confidence

- Feb 2007 CYLC requested further information to facilitate consultation with traditional owners.
- March 2007 QPWS sought legal advice to confirm that further information should be provided.
- On the advice of Counsel, further information was provided to the CYLC in April 2007.
- 30 May 2007 CYLC advised QPWS that CYLC would conclude consultation with traditional owners within 2 weeks of that date.
- 5 June 2007 a site inspection on Lizard Island occurred and was attended by representatives of QPWS, Clynder, CYLC and traditional owners.

Sch3(8)(1) breach of confidence

CTPI 49-Sch4 - business affairs

- QPWS' primary interest is to obtain comments from CYLC regarding the Clynder application; therefore it is proposed that the attached letter is sent to CYLC requesting comments by **8 October 2007**.
- If a decision is made under the NPW Act to grant a permit to Clynder, it is likely that the CYLC and/or Mr Gordon Charlie may again seek judicial review of the decision in the Supreme Court of Queensland.
- It is proposed that the Statement of Reasons for the decision be reviewed by Crown Law prior to the applicant being informed of the decision.

3. BACKGROUND

- In 1996 Clynder made an application to construct a tourist facility within the sub-lease area. In 1997 a decision was made to grant a permit under the NPW Act. In 1997 the CYLC and Mr Gordon Charlie commenced judicial review proceedings in relation to that decision. On appeal in 2000 the decision was quashed and the court ordered that a decision be made in accordance with s.25 of the NPW Act.
- Protracted negotiations have occurred since that court decision, culminating in Clynder submitting a revised application to QPWS on 28 September 2006, which is referred to above.

3. CONSULTATION

- Consulted EPA Corporate Counsel, external Counsel, Clynder and CYLC.

CTPI 49-Sch4 - Signature

Date: 19/9/07

Executive Director

Executive Director's comment:

Director-General's comments

Released under RTI Act 2009 - NPSR

ATTACHMENT 1

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Letter to the Cape York Land Council (CYLC)

Released under RTI Act 2009 - NPSR