

7.5. MCU 2025_5809 PERMANENT PLANTATION, DAINTREE LOWLANDS

REPORT AUTHOR	Senior Planning Officer
MANAGER	Manager Environment and Planning
DEPARTMENT	Environment and Planning
APPLICATION NO	MCUI 2025_5809/1
PROPOSAL	Development Permit for a Material Change of Use (Impact Assessment) for Permanent Plantation (ecological restoration of nationally significant wetland and surrounds)
APPLICANT	Rainforest Rescue, C/- wildPLAN Pty Ltd, PO Box 8028, Cairns Qld 4870
LOCATION	Lower Daintree: 110 Cape Tribulation Road; L1, L2, L3, L9, Cape Tribulation Road; L8, L337, L354 Mossman-Daintree Road; and L1, L1, L2 L5 Prins Road.
PROPERTY	Lot 2 on N15779, Lot 9 on SP143026, Lot 3 on SP126928, Lot 8 on RP722116, Lot 1 on RP706308, Lot 1 on RP720435, Lot 1 and Lot 2 on RP720582, Lot 2 on RP721745, Lot 5 on RP706307, Lot 337 on RP800690, Lot 354 on SR616.
PLANNING SCHEME	2018 Douglas Shire Council Planning Scheme Version 1.0
ZONING	Rural Zone
LEVEL OF ASSESSMENT	Impact Assessable
PROPERLY MADE DATE	4 August 2025
STATUTORY ASSESSMENT DEADLINE	31 March 2026
REFERRAL AGENCIES	Not Required

LOCALITY

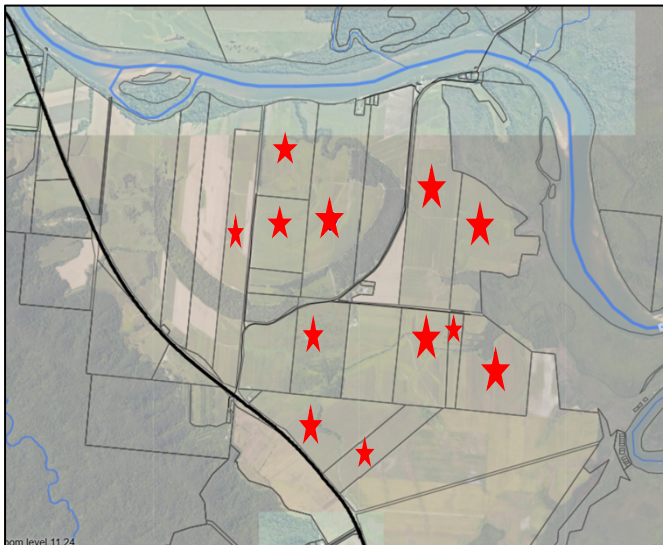


Figure 1 – Locality Plan

RECOMMENDATION

A. That Council refuse the development application in part for Material Change of Use (Impact Assessment) for Permanent Plantation (ecological restoration of nationally significant wetland and surrounds) over the balance of the land described as Lot 2 on N15779, Lot 9 on SP143026, Lot 3 on SP126928, Lot 8 on RP722116, Lot 1 on RP706308, Lot 1 on RP720435, Lot 1 and Lot 2 on RP720582, Lot 2 on RP721745, Lot 5 on RP706307, Lot 337 on RP800690, and Lot 354 on SR616, of areas not supported under the required amended plans above, on the following reasons for refusal:

- 1. The fragmentation of agricultural land is inconsistent with the Far North Queensland Regional Plan 2009-2031, the Draft Far North Regional Plan (2025), the State Planning Policy 2017 and the Planning Scheme. The Draft Far North Regional Plan identifies the land as Priority Agricultural Area. For Douglas Shire the Draft Far North Regional Plan prioritises the retention of agricultural land use over permanent plantation.**

The development of the balance of the lots, that are not included in the part approval, is inconsistent with the Draft Regional Plan being an identified Priority Agriculture Area and should be conserved and protected.

There is no identified need or determined benefit for the broadscale development of permanent plantation in the rural area in order to achieve the outcomes of: the State Planning Policy 2017, the Far North Queensland Regional Plan 2009-2031, the Draft Far North Regional Plan (2025) or the 2018 Douglas Shire Planning Scheme version 1.0.

- 2. The Strategic Framework recognises rural land as a natural resource and an asset of the Shire. The Strategic Framework identifies primary production is to remain a significant economic driver. The conversion of rural land to permanent plantation is a permanent loss of rural land.**

The development of the balance of the lots, that are not included in the part approval, is inconsistent with the Strategic Framework by resulting in a significant permanent loss of good quality agricultural land, fragmentation of remaining rural land and reduces the ability for the Shire to provide a diverse, sustainable economy.

The permanent loss of significant areas of good quality agricultural land is beyond the policy direction of the Strategic Framework, reduces the Shire's assets and negates the ability to utilise this asset in the future.

The conversion of the whole of the lots, in particular of Category X vegetation and being of good quality agricultural land is inconsistent with the Strategic Framework.

It is imperative that the natural asset of agricultural land is not undervalued nor eroded.

It is imperative that the areas of agricultural land that are not severely compromised are maintained and not fragmented.

Development must give due regard to valuing and retaining primary production land in the Shire.

- 3. The use of Permanent Plantation is not a rural activity as identified by the 2018 Douglas Shire Planning Scheme version 1.0. The use of Permanent Plantation is inconsistent with the Purpose of the Rural Zone. The use of Permanent Plantation is specifically listed as inconsistent use to establish in the Rural Zone and there are no sufficient reasons to justify the use in**

areas that are good quality agricultural land.

The development of good quality agricultural land (GQAL) that is not marginalised and is identified as Class A and Class B, for permanent plantation is inconsistent with the purpose of the Rural Zone.

The proposed development of the balance land will fragment surrounding and nearby rural land, in particular good quality agricultural land (GQAL) that is identified as Class A and Class B Agricultural Land.

- B. That Council approves the development application in part for Material Change of Use (Impact Assessment) for Permanent Plantation (ecological restoration of nationally significant wetland and surrounds) over land described as Lot 2 on N15779, Lot 9 on SP143026, Lot 3 on SP126928, Lot 8 on RP722116, Lot 1 on RP706308, Lot 1 on RP720435, Lot 1 and Lot 2 on RP720582, Lot 2 on RP721745, Lot 5 on RP706307, Lot 337 on RP800690, and Lot 354 on SR616, where the extent of approval is limited to the Permanent Plantation Approval Areas Plan required as a condition of the approval, subject to the following:

APPROVED DRAWING(S) AND / OR DOCUMENT(S) (Amended Plan Required)

The term 'approved drawing(s) and/or document(s) or other similar expressions means:

Drawing or Document	Reference	Date
Proposal Plan for Permanent Plantation (Cape Tribulation Road, Lower Daintree)	Generally in accordance with the WildPLAN drawing reference WP25 029 RAI, V1, dated 3 July 2025 and as amended by the conditions of the approval and the Council drawing Permanent Plantation Approval Areas Plan.	To be determined
FNQROC Regional Development Manual Standard Drawing/s for Vehicle Access		
Rural Allotment Access	Standard Drawing S1105 Issue E	26 November 2014

Note – The plans referenced above will require amending in order to comply with conditions of the Decision Notice.

ASSESSMENT MANAGER CONDITIONS & ADVICES

1. Carry out the approved development generally in accordance with the approved drawing(s) and/or document(s), and in accordance with:
 - a. The specifications, facts and circumstances as set out in the application submitted to Council; and
 - b. The following conditions of approval and the requirements of Council's Planning Scheme and the FNQROC Development Manual.

Except where modified by these conditions of approval.

Timing of Effect

2. The conditions of the Development Permit must be effected prior to

Commencement of Use, except where specified otherwise in these conditions of approval.

Amended Plans

3. **An amended plan must be provided, generally in accordance with the Proposal Plan for Permanent Plantation (Cape Tribulation Road, Lower Daintree) prepared by WildPLAN drawing reference WP25 029 RAI, V1, dated 3 July 2025 and amended as follows:**
 - a. **To only include the areas as identified on the Council drawing Permanent Plantation Approval Areas Plan;**
 - b. **To identify and include vehicle access paths to:**
 - i. **The Permitted Permanent Plantation Approval Areas; and**
 - ii. **The remaining rural lands;**
 - c. **The new permanent plantation areas to be setback from a State-controlled road or a local road for a sufficient distance to reduce wildlife injuries. Setbacks areas are to be established with grass species and maintained for clear visibility; and**
 - d. **The location of areas where the Permanent Plantation will be development on batter slopes to creek and waterway areas.**

The amended proposal plan must be provided to the satisfaction of the Chief Executive Officer prior to the Commencement of Use.

Revegetation Plan for Permanent Plantation

4. **The site must be revegetated in accordance with an approved Revegetation Plan for the Permanent Plantation.**

The Revegetation Plan for the Permanent Plantation must include the following:

- a. **Areas to be revegetated as per the amended proposal plan as per the conditions of this approval.**
- b. **The species for each area must consist of native and endemic species only and planted in an irregular and random fashion to blend with existing vegetation. Exotic species are not permitted.**
- c. **Species forming a coastal area buffer must be predominantly marine species.**
- d. **No species that are identified as Declared or Environmental Weeds or constitute an Invasive Species are to be established.**
- e. **No contaminated mulch is to be used or placed on the land.**
- f. **Only natural biodegradable weed matting can be installed.**
- g. **Areas are to be maintained free of Declared or Environmental Weeds or constitute an Invasive Species.**
- h. **All the trees in the planting sites must be watered during dry periods. No temporary drip or sprinkler irrigation system can be installed;**
- i. **Where soil is prepared prior to planting it must not be compacted and can only be fertilized with organic fertilizers that will not cause runoff to impact waterways and nearby marine plants.**

- j. The planting design is not to create ponding nuisances and/or concentration of stormwater flows to adjoining properties.
- k. The cross-section profile for to creek and waterway areas;
- l. Operational controls for volunteers on planting / maintenance days.
- m. A maintenance regime that includes inspections and actions to address weeds and pests including Electric Ants.

The Revegetation Plan for the Permanent Plantation must be provided to the satisfaction of the Chief Executive Officer prior to the commencement of any work or planting for the permanent plantation.

Any area affected by natural flooding or cyclone events must be revegetated within twelve months of the event, or a further period as otherwise agreed to by the Chief Executive Officer.

All planting must be established and maintained in perpetuity to the satisfaction of the Chief Executive Officer.

Stockpiling and Transportation of Material

- 5. Bulk materials, such as mulch, transported to the site are not to be stockpiled in locations that can be viewed from adjoining premises or a road frontage for any longer than one (1) month from the commencement of works. Stockpiled materials must be bunded and covered to prevent loss of stockpile material.

Emissions

- 6. Dust emissions or other air pollutants, including odours, must not extend beyond the boundary of the site and cause a nuisance to surrounding properties.

Existing Creek and Drainage Systems

- 7. All existing creek systems and drainage areas must be left in their current state, including no channel alterations and no removal of vegetation unless consented to in writing by the Chief Executive Officer.

The applicant / owner must obtain any necessary approvals from the Department of Natural Resources and Mines for carrying out works in a watercourse.

Sediment and Erosion Control

- 8. In the event of stripping or significant ground disturbance a sediment and erosion control plan must be submitted prior to the commencement of any revegetation.

The plan must be installed/implemented prior to discharge of water from the site, such that no external stormwater flow from the site adversely affects surrounding or downstream properties (in accordance with the requirements of the *Environmental Protection Act 1994*, and the FNQROC Development Manual).

The sediment and erosion control plan must detail the various stages of revegetation for the development and the measures to be installed for each stage.

The sediment and erosion control plan must be provided to the satisfaction of the Chief Executive Officer prior to the commencement of use.

Volunteer Facilities

9. On days when volunteers attend the site to assist with planting and maintenance suitable vehicle parking must be provided onsite to the satisfaction of the Chief Executive Officer.

Prevention of the spread of weeds and pests

10. The operator/landowner must ensure the development is carried out in a manner that prevents the spread of weeds, seeds or other pests into clean areas or away from any existing infested areas.

ADVICES

1. For the commencement of use, this approval, granted under the provisions of the *Planning Act 2016*, shall lapse six (6) years from the day the approval takes effect in accordance with sections 85(1)(b) and 71 of the *Planning Act 2016*.
2. This approval does not negate the requirement for compliance with all relevant Local Laws and statutory requirements.
3. Any fill of material on the site, where fill material originates from an external site, must meet the Planning Scheme requirements for Operational Work.
4. Any machinery storage or nursery shed must meet be complaint with the Planning Scheme or achieve any necessary approval.
5. All site managers must take all action necessary to ensure materials and/or machinery and equipment on the site are secured immediately following the first potential cyclone warning and that relevant emergency telephone contacts are provided to Council officers, prior to commencement of work.
6. For information relating to the *Planning Act 2016*, log on to www.dsd.qld.gov.au . To access the FNQROC Development Manual, Local Laws and other applicable Policies log on to www.douglas.qld.gov.au.
7. The Commonwealth *Environment Protection and Biodiversity Conservation Act 1999* applies to action that has, will have or is likely to have a significant impact on matters of national environmental significance. Further information on the *EPBC Act* can be obtained from the Department of the Agriculture, Water and the Environment, website at <https://www.awe.gov.au/environment/epbc> .

8. Electric Ants

Electric ants are designated as restricted biosecurity matter under the *Biosecurity Act 2014*.

Certain restrictions and obligations are placed on persons dealing with electric ant carriers within the electric ant restricted zone. Movement restrictions apply in accordance with Sections 74–77 of the *Biosecurity Regulation 2016*. Penalties may be imposed on movement of electric ant carriers and electric ants in contravention of the legislated restrictions. It is the responsibility of the applicant to check if the nominated property lies within a restricted zone.

All persons within and outside the electric ant biosecurity zone have an obligation (a general biosecurity obligation) to manage biosecurity risks and threats that are under their control, they know about, or they are expected to know about. Penalties may apply for failure to comply with a general biosecurity obligation.

For more information please visit the electric ant website at <https://www.business.qld.gov.au/industries/farms-fishing-forestry/agriculture/biosecurity/plants/insects/electric-ants>

or contact Biosecurity Queensland 13 25 23.

9. The taking of water, or interfering with water from streams or groundwater sources, will require a permit administered under the *Water Act 2000* and issued by the regional office of the Department of Natural Resources. Further information can be obtained from the Department at www.dnr.qld.gov.au.

Cultural Heritage

10. The *Aboriginal Cultural Heritage Act 2003* and *Torres Strait Islander Cultural Heritage Act 2003* (the *Cultural Heritage Acts*) require anyone who carries out a land-use activity to exercise a duty of care.

This 'duty of care' means land users must take all reasonable and practicable measures to ensure their activity does not harm Aboriginal or Torres Strait Islander cultural heritage. The duty of care applies to any activity where Aboriginal or Torres Strait Islander cultural heritage is located. This includes cultural heritage located on freehold land and regardless of whether or not it has been identified or recorded in a database.

Consultation with the Aboriginal or Torres Strait Islander party for an area may be necessary if there is a high risk that the activity may harm Aboriginal or Torres Strait Islander cultural heritage. Guidelines have been produced to enable assessment of sites under the *Act*. These are available from the Queensland Government website and can be downloaded from the following website.

<https://www.qld.gov.au/firstnations/environment-land-use-native-title/cultural-heritage/cultural-heritage-duty-of-care>.

C. REASONS FOR DECISION

The reasons for this decision are:

1. Sections 60, 62 and 63 of the *Planning Act 2016*:
 - a. To ensure the development satisfies the benchmarks of the 2018 Douglas Shire Planning Scheme Version 1.0; and
 - b. To ensure compliance with the *Planning Act 2016*.
2. Findings on material questions of fact:
 - a. The development application was properly lodged to the Douglas Shire Council on 4 August 2025 under section 51 of the *Planning Act 2016* and Part 1 of the *Development Assessment Rules*;
 - b. The development application contained information from the applicant which Council reviewed together with Council's own assessment against the 2017 State Planning Policy and the 2018 Douglas Shire Planning Scheme Version 1.0 in making its assessment manager decision.
3. Evidence or other material on which findings were based:
 - a. The development triggered assessable development under the Assessment Table associated with the Rural Zone Code;
 - b. Council undertook an assessment in accordance with the

provisions of sections 60, 62 and 63 of the *Planning Act 2016*; and

c. The applicant's reasons have been considered and the following findings are made:

i. Part refusal of areas the balance areas being identified as unsuitable for permanent plantation as a permanent plantation development as per the reasons for refusal under A above.

ii. Despite the conflict with the Draft Regional Plan and the Planning Scheme benchmarks, part of the land is identified as suitable for approval, for permanent plantation due to the marginalised agricultural quality of the land, the benefit to the Daintree River, the support for the revegetation of land that is included in the Queensland Wet Tropics World Heritage Area and the benefit to improved water quality of waters feeding the Great Barrier Reef, subject to conditions.

Assessment Benchmarks

The following are the benchmarks applying to the development.

Benchmarks applying for the development	Benchmark reference
	Draft Far North Queensland Regional Plan (2025)
Strategic Framework Rural zone code Acid sulphate soils overlay code Bushfire overlay code Coastal environment overlay code Flood and storm tide hazard overlay code Landscape values overlay code Natural areas overlay code Transport network overlay code Access, parking and servicing code Environmental performance code Filling and excavation code Infrastructure works code	Douglas Shire Planning Scheme 2018 (V1.0) in effect 2 January 2018 (including the consideration of the Far North Queensland Regional Plan 2009-2011)

EXECUTIVE SUMMARY

Application has been made to develop broadscale permanent plantations of native revegetation on areas of former productive sugarcane lots in Lower Daintree.

Significant concern is held with the scale of the development as it conflicts with the Strategic Framework and the Rural Zone, erodes the extent of rural land and fragments remaining rural holdings.

It is agreed that some areas of the land can be revegetated as these are unsuitable for rural uses due to marginalised agricultural quality, improvement to the Daintree River, the support of land included in the Queensland Wet Tropics World Heritage Area and improved water quality to the waters feeding into the Great Barrier Reef. These areas include part of the Oxbow and fringe low-lying coastal lowlands that are often inundated with brackish water. A

further area is supported, being a small part of the land that is included in the Queensland Wet Tropics despite having been cleared and utilised for cropping for many decades. These nominated areas can support permanent plantation. Refer to the Plan of Permanent Approval Areas in Attachment 2.

The report recommends the application be refused in part upholding the Draft Far North Queensland Regional Plan, the Far North Queensland Regional Plan 2009-2031 and Council's Planning Scheme. The recommendation also approves the development in part where permanent plantation can be established for the reason identified above.

When making a decision on development applications, it is important to highlight that the Planning Scheme is the principal document that establishes key policy positions and community expectations with respect to land use and development, and other matters. The establishment of permanent plantations as proposed is inconsistent with the strategic outcomes set down for rural land as detailed in the Strategic Framework. Any approval for the establishment of permanent plantations as detailed in the development application represents a fundamental policy shift in the implementation of Council's Planning Scheme as it cuts across the strategic outcomes and purpose of the Rural zone. Any major policy shift should be considered at the time of undertaking amendments to the Planning Scheme. This provides for a more considered, and Shire wide approach and greater community consultation than that provided by the determination of a development application.

TOWN PLANNING CONSIDERATIONS

Site

The land lies generally between the Mossman Daintree Road and the southern bank of the Daintree River, Lower Daintree. Parts of the land front Cape Tribulation Road. The application is proposed over twelve (12) different land titles, comprising just over 431 hectares. Until recently, the land was utilised for sugarcane production supporting the now inoperable Mossman Mill. Parts of the land contain waterways and wetlands that disperse into the Daintree River and beyond to the Great Barrier Reef. Part of the McDowell Swamp Oxbow lies on some of the lots. The McDowell Swamp Oxbow is a 'U' shaped meander of the Daintree River that has formed over time from the overland flow of the Daintree River and by constructed gates developed through farming practices.

Figure 2 below, *General Use and Landforms*, is an aerial image detailing the former sugarcane areas, the McDowell Swamp Oxbow, the Daintree River to the north and the coastal wetlands to the east.

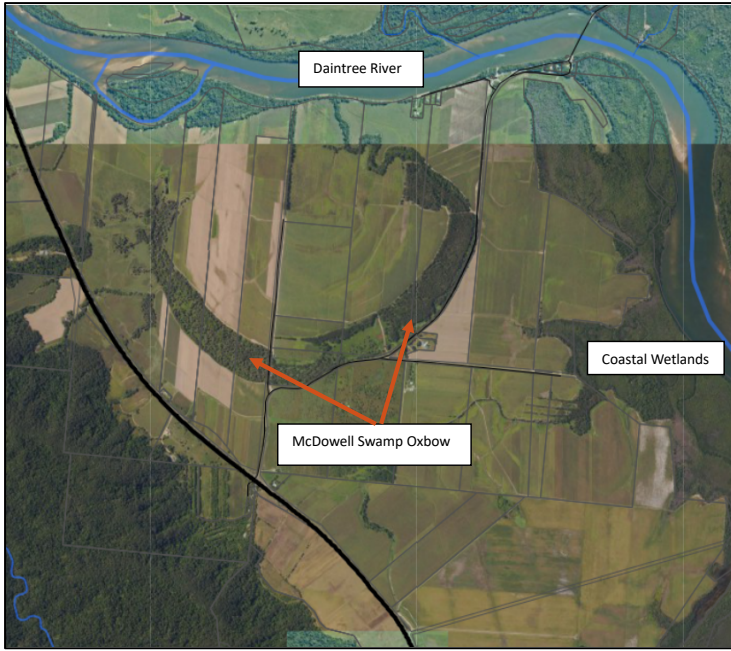


Figure 2 – General Use and Landforms

Map Source: Council Maps system

The State mapping of Wetlands and Wetland Protection Area – clearly identifies the McDowell Swamp Oxbow. Refer to Figure 3 below.

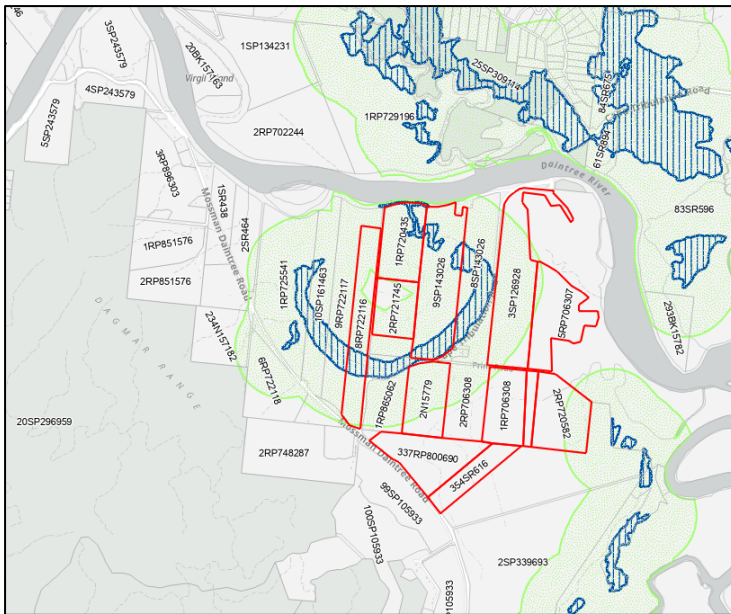


Figure 3 – State Mapping – Wetlands and Wetland Protection Areas

Map Source: Queensland government Development Assessment Mapping System. Disclaimer - the map generated has been prepared with due care based on the best available information at the time of publication. The State of Queensland holds no responsibility for any errors, inconsistencies or omissions within this document. Any decisions made by other parties based on this document are solely the responsibility of those parties. This information is supplied subject to the full terms and conditions available on the department's website.

The State Vegetation mapping identifies very limited areas of regulated vegetation, most of which reflect the McDowell Swamp Oxbow or coastal tidal areas. Most of the land is unconstrained, containing Category X Vegetation. Refer to Attachment 3 – State Vegetation Mapping for the land and Figure 4 below an extract for this area.

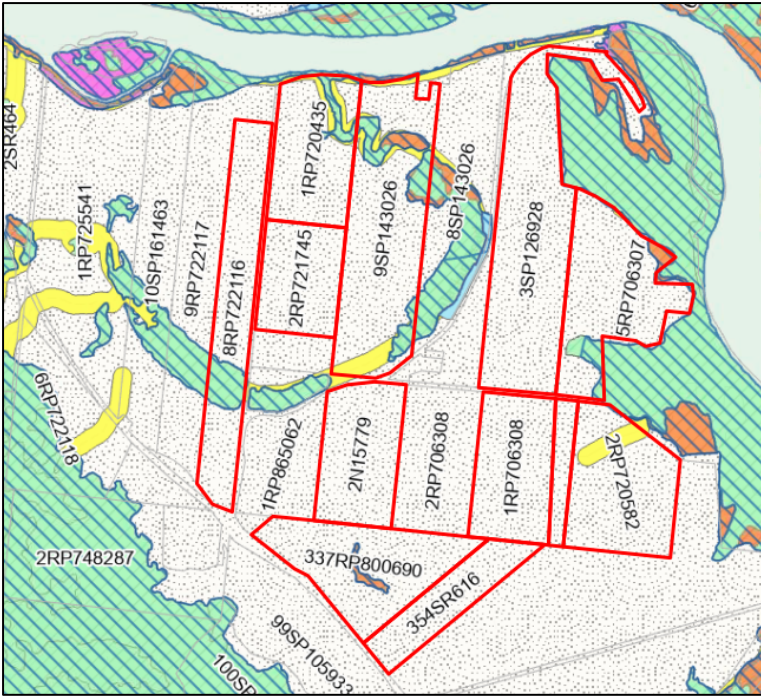


Figure 4 – Extract State Regulated Vegetation (Attachment 3)

Map Source: Queensland government Development Assessment Mapping System.

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A small component of Lot 3 on SP126928 is included in the World Heritage Wet Tropics of Queensland. Refer to the following Figure 3A below mapping the Qld Wet Tropics and the location of Lot 3 on SP126928; and Figure 3B detailing the part of Lot 3 on SP12698 included in the World Heritage Area.

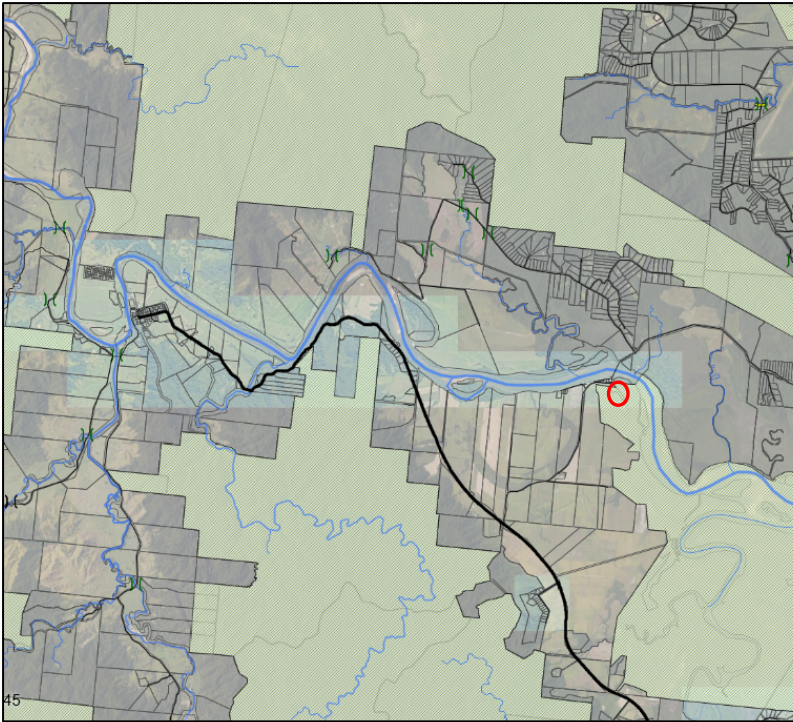


Figure 3A – World Heritage Queensland Wet Tropics – Identifying Lot 3 on SP126928
 Map Source: Council Maps system



Figure 3B – World Heritage Queensland Wet Tropics on Part of Lot 3 on SP126928
 Map Source: Council Maps system

The elevation of the site ranges from 1.0m Australian Height Datum (AHD) to over 4.25m AHD. Some areas have tidal inundation and provide low quality agricultural land.

Some of the lots are included in the State mapped Coastal Management District, differing from Council's Planning Scheme mapping where none of the lots are in the Planning Scheme Mapped Coastal Management District. Part of the land, predominantly very low-lying areas, are included in the mapped Coastal Erosion Areas.

Despite the proximity to the Daintree River and the coastal areas to the Great Barrier Reef, no part of the land is mapped under the State Planning Policy, Water Quality, High

on the department's website.

Proposal

Under the *Planning Regulation 2017*, "**permanent plantation** means the use of premises for growing, but not harvesting, plants for carbon sequestration, biodiversity, natural resource management or another similar purpose."

Application has been made over a number of lots in the Lower Daintree area on which the majority of these lots are to be used for Permanent Plantations. The Proposal Plan is included in Attachment 1.

Not all of the land in this area of Lower Daintree is included in the lots nominated in the application. Only part of the McDowell Swamp Oxbow is included in the lots nominated in the application.

The Applicant seeks the permanent plantation for "*ecological restoration of nationally significant wetland and surrounds*." Development is not proposed in the areas of the Oxbow and coastal edges that are currently naturally vegetated. Refer to the plan of development in Attachment 1. The Application has been made by Rainforest Rescue a not-for-profit organisation. It is understood Rainforest Rescue intends to acquire the individual properties, grow and plant regionally appropriate seed stock and manage the restoration. The applicant states the restoration program will create employment in the Shire. It is understood the development will be funded, to an unknown extent, by revenue from carbon and biodiversity credits.

The Applicant advises the development is a direct response to the challenges facing local sugarcane growers, having been lodged during a period when the Mossman Mill had closed and trucking cane to an alternative Mill south of Cairns was being supported. The advises that traditional agricultural practises are no longer viable on the land due to economic pressures, environmental degradation, natural hazards and impacts of climate change. The Applicant purports that the use of the land for permanent plantation is the "*highest and best use*" and offers a "*sustainable alternative to declining rural industries*."

The Applicant advised, "*a central goal of the proposal is to restore the site generally consistent with its pre-clearing condition, guided by the Pre-Clearing Regional Ecosystem (RE) Mapping available on Queensland Globe*." The restoration process will involve seed local collection, propagation of seedlings, site preparation, planting, watering and establishment and ongoing maintenance and weed control. The Applicant intends to stage the restoration subject to the acquisition timing of individual properties, seasonal flooding and weather conditions affecting the site access, availability of regionally appropriate seed stock and density and type of invasive species present.

The Applicant, Rainforest Rescue, currently employees four (4) full-time, three (3) part-time and one (1) employee. The Applicant has advised that in pursuit of the development proposal the workforce will be increased.

While the Applicant's report advises the restored area will support nature-based tourism and bring further revenue through such ventures, no material change of use is currently sought for a nature-based tourism component.

While the Application is made by Rainforest Rescue with the consent of the respective landowners, under the *Planning Act 2016* any subsequent approval runs with the land not the Applicant nor the landowners.

State Planning Requirements

Current FNQ Regional Plan 2009-2031

The Far North Queensland Regional Plan 2009-2031 ('FNQ Regional Plan') provides the framework for the sustainable management of growth and development in Far North

Queensland. The site is contained within the Regional Landscape and Rural Production Area of the FNQ Regional Plan. The *Planning Regulation 2017* requires the development be assessed against the Regional Plan to the extent that the Regional Plan is not appropriately reflected in the Planning Scheme.

The Douglas Shire Planning Scheme has been endorsed by the Minister as appropriately integrating the Regional Plan. Further assessment with respect to these planning considerations is deferred to the assessment of the development against the Strategic Framework of the Planning Scheme.

Draft Far North Queensland Regional Plan

The FNQ Regional Plan is under review by the State Government. The *Far North Queensland Draft Regional Plan 2025* (plan dated November 2025) was released on 12 November 2025 and is subject to a current public notification period concluding on Monday 5 January 2026. Under the *Planning Act 2016* the *Far North Queensland Draft Regional Plan 2025* is a *proposed state planning instrument*.

Under s45 (5) (b) of the *Planning Act 2016*, Council may have regard, “to any other relevant matter, other than a person’s personal circumstances, financial or otherwise.” Section 45 (7) and (8) (a) state the assessment manager may give weight where, “the statutory instrument or other document is amended or replaced after the development application is properly made but before it is decided by the assessment manager—the amended or replacement instrument or document to give opportunity for consideration.” Given the release of the proposed state planning instrument the following considerations are given.

The *Draft FNQ Regional Plan 2025* considers the *Regional Planning Interests Act 2014* (RPI Act) and identifies *Areas of Regional Interest (ARIs)* including *Priority Agricultural Areas (PAAs)* and *Strategic Environmental Areas (SEAs)*.

Under the *Draft FNQ Regional Plan 2025* the land is within the *Regional Landscape and Rural Productive Area*. This Area sustains “regional biodiversity and agricultural production.” The *Draft Plan* comments on this Area as follows.

“Natural assets in the RLRPA, including natural economic resources, such as prime agricultural land, need protecting and managing to ensure they are used sustainably to improve their capacity to provide ecosystem services, increase the region’s resilience and support the region’s population.”

Draft Priority Agriculture Area

The site and the land to the south, west and north is included in the Draft FNQ Regional Plan Priority Agricultural Area (PAA). Refer to Figure 5 below being an extract of the PAA mapping.

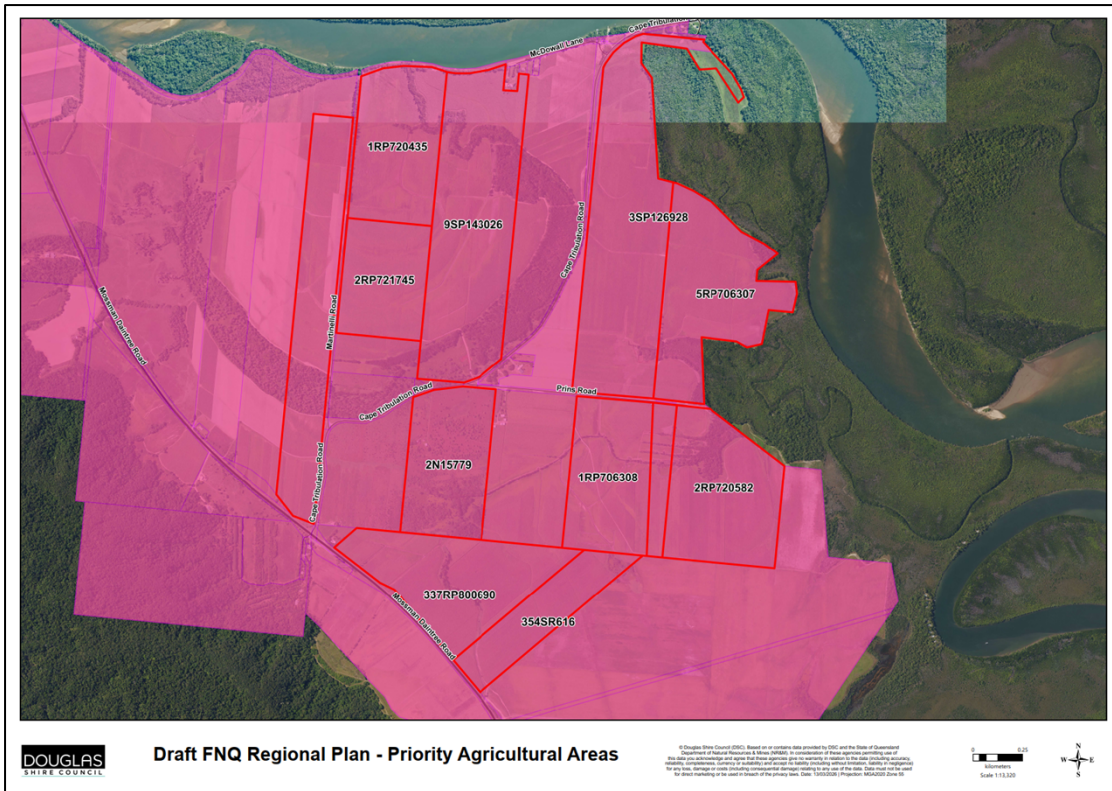


Figure 5 – Extract from Draft FNQ Regional Plan 2025 Interactive Mapping of the Draft Priority Agricultural Area (PAA) shown in pink.

Map Disclaimer: Map is based on data set provided by the Department of State Development, Infrastructure and Planning. In consideration of the State permitting use of this data Council acknowledges and agrees that the State gives no warranty in relation to the data (including accuracy, reliability, completeness, currency or suitability) and accepts no liability (including without limitation, liability in negligence) for any loss, damage or costs (including consequential damage) relating to any use of the data. Data must not be used for direct marketing or be used in breach of the privacy laws.

For the Priority Agricultural Areas the Draft Plan states as follows.

“The agricultural sector in FNQ is a cornerstone of the regional economy, providing essential support to regional markets and contributing significantly to the economic vitality of the area. This region’s well-established and robust agricultural practices not only cater to the needs of the regional community and beyond but also play a pivotal role in sustaining the regional economy. Ensuring that the region’s prime agricultural land is maintained is vital to protect the natural resources the agricultural industry depends on. Protecting these areas sustains the region and provides for its future food and fibre security. Although the Mossman Mill has closed, the agricultural land in this area remains valuable and should be protected for continued use in other local mills or for alternative cropping opportunities, including the production of Sustainable Aviation Fuels (SAF). This ensures the land continues to contribute to the region’s economic and environmental sustainability.”

While the full conversion of all the agricultural land to permanent plantation is inconsistent with the Draft Plan, it is agreed by ground truthing that some areas of the lots are not *prime agricultural land* these areas can be converted.

Economic Tourism and Biodiversity

The Draft Regional Plan considers Strategic Rehabilitation Areas (SRAs). The Policy Outcome 3 states,

“The environmental, cultural, social and economic features that comprise the region’s unique tropical and rural landscapes are identified and supported through land use outcomes that:

- *Promote long-term land management; and*
- *Maintain landscape character, while planning across the region is informed by the regional biodiversity to:*
 - *Improve ecological functioning; and*
 - *Reflect the intrinsic, social and economic value of these assets.”*

The Draft Plan includes a specific reference for the Shire as follows.

“Douglas Shire Council only

3.13 Enable opportunities to progressively rehabilitate SRAs in areas which do not diminish the viability of agriculture but provide genuine biodiversity improvements on appropriate areas of land. This may be achieved by rehabilitation of degraded riparian corridors and wetlands or poor quality areas of agricultural land.”

The majority of the land proposed for the permanent plantation is not considered to be of such poor quality necessary to be rehabilitated. Some small areas have saltwater intrusion and are of significant low-lying position rendering them inappropriate for rural cropping. It is agreed that these areas can be rehabilitated. The conditions of approval require an amended plan identifying these areas.

State Assessment and Referral Agency

There was no requirement to refer the application under Schedule 10 of the *Planning Regulation 2017*.

Douglas Shire Planning Scheme Assessment

Strategic Outcomes

Being an impact assessable development, the proposal is assessed against the entire Planning Scheme including the Strategic Framework. The Strategic Framework sets the policy direction for the Planning Scheme and forms the basis for ensuring appropriate development occurs within the Planning Scheme area for the life of the Planning Scheme.

The Strategic Framework is the highest order component of the Planning Scheme and prevails over all other components to the extent of inconsistencies.

The forever loss of the rural agricultural landscape over the entirety of the proposed lots is inconsistent with the Strategic Framework and is not supported. The forever loss of good quality agricultural land is a fundamental shift in policy direction that the Strategic Framework directs.

The Shire’s natural assets are not limited to naturally vegetated lands. The Planning Scheme specifically identifies rural agricultural land as a nature asset of the Shire. The Shire’s competitive strengths include rich agricultural soils, tropical climate with high rainfall, and proximity to Cairns. Many parts of the Shire’s rural lands are naturally inundated by fresh water as they are situated in natural floodplains. Floodwater can provide naturally regenerative benefit to rural lands.

The support of economic growth requires the retention of good quality agricultural land. The

Strategic Frameworks specifically requires the availability and viability of rural land for on-going agricultural uses is not compromised by inappropriate or incompatible development. A permanent plantation is not an industry and not a rural activity.

The proposed permanent plantation over the whole of the lots removes the extent of available agricultural land forever and forever fragments remaining lots within this locality. While the traditional use of this land for sugarcane production has ceased due to the closure of the Mossman Mill, this should not act as a catalyst for the loss of land for agricultural purposes moving forward.

The mix of agricultural and forested landscapes are fundamental components of the Shire's scenic amenity. The community's sense of place identifies this landscape mix. The traditionally cleared areas have been actively developed by agricultural pursuits for many years and give benefit of the broader shire community. This diversity yields recognised mixed landscapes as well as diversity for economic growth and greater resilience. The loss of agricultural land impacts on scenic amenity and the community's sense of place.

The proposal fails to acknowledge and give due recognition to the importance and value of primary production to the Shire. A permanent plantation is not recognised by the Planning Scheme as a rural activity. The Strategic Framework does not seek the conversion of agriculture areas that had been cleared and developed in the past, back to vegetated communities. It is imperative that this asset is not undervalued nor eroded.

The conversion of the lots to permanent plantation substantially reduces the viability of agricultural land of both the applicant's land and the neighbouring agricultural lands. It is imperative that the areas of agricultural land that are not severely compromised are maintained and not fragmented. The forever loss of significant areas of good quality agricultural land removes the ability to utilise this asset in the future for agricultural purposes.

The applicant asserts the development will create employment and economic benefits in the Shire. These assertions are not qualified. The development for the entirety of the lots has very limited opportunity for long term employment. Employment associated with a permanent plantation are not higher value jobs. The development provides limited employment opportunities. The applicant utilises significant numbers of unpaid volunteers for their restoration projects. A carbon credit scheme only applies for a limited period of time. At this point in time, the economic gain from any possible future carbon credits cannot be substantiated.

No concern is raised with the conversion of poor quality agricultural land and areas where the land is low lying and regularly inundated with brackish waters. However, the balance of the land should remain for rural production. It is agreed that parts of the Oxbow, as identified by the State Mapping should be conserved. Some of these areas, that are currently degraded were not identified by the Applicant has areas for permanent plantation.

The part approval acknowledges the significance of the Oxbow, seeking the plantation in such areas. Such conversion can assist in biodiversity and benefit the neighbouring and surrounding natural environments.

The part approval recognises the vulnerability of the Daintree River setback areas and provides the opportunity for these areas to be re-vegetated. The part approval acknowledges and supports the restoration of land included in the Queensland Wet Tropics.

The part approval acknowledges that extremely marginalised agricultural can provide improved water quality to the adjacent coastal wetlands that in turn support coastal zones and the World Heritage Great Barrier Reef. The improvements to these World Heritage Areas support local Indigenous cultural heritage landscapes.

The conversion to permanent plantation, by establishing *natural* vegetation, is a forever loss of agricultural land, fragments and isolates remaining agricultural land and reduces the Shire's

economy. The development of all the nominated lots is significantly inconsistent with the stated policy direction of the Strategic Framework.

Planning Scheme Codes Assessment Provisions

The following Planning Scheme codes are applicable to the development. An assessment has been undertaken against the applicable assessment benchmarks and the following information is provided.

Douglas Shire Planning Locality	Comment
Planning Zone	
Rural	Refer to comment below.
Land use Code	None applicable - refer to comment below
Local Plan Code	None applicable
Overlay Codes	
Acid sulphate soils overlay	No concern is raised as the development does not intend significant fill or cut nor surface exposure.
Bushfire hazard overlay	Satisfactory. The area of the vegetated Oxbow is mapped as High Potential Bushfire Intensity with a buffer area surrounding this natural feature. No concern is raised with the further development of permanent plantation in the Oxbow area, in respect to this constraint as there remains within the Planning Scheme's Vegetation Code the ability to provide for bushfire separation clearing.
Coastal environment overlay	
Flood and storm tide hazard overlay	Satisfactory. No significant excavation or fill is anticipated in the development. The development does not advise of an intent to inhibit water movements on the lots. The limited development for very low-lying areas is not anticipated the significantly change local flood and storm tide inundation regimes.
Landscape values overlay	The landscape values of both agricultural production areas and natural areas are considered in the part approval and part refusal of the application. The loss of vast tracks of agricultural landscape is not supported where the land should remain for agricultural use.
Natural areas overlay	Through the part approval and part refusal the development can comply with protecting areas mapped as Matters of State Environmental Significance (MSES) Regulated Vegetation. Vegetation. Some of the MSES watercourses and a buffer area to these watercourses are included in the part approval (MSES-Regulated Vegetation Intersecting a Watercourse). Where the MSES - Regulated Vegetation (Intersecting a Watercourse) are

	not in areas of compromises agricultural asset the part refusal applies. The part refusal of such areas does not negate the consideration of these watercourses in future development application. The lack of approval of these refusal areas retains the existing circumstance.
Transport network overlay	Complies. Existing accesses provided to the lots.
Other Development Codes	
Access, parking and servicing code	Satisfactory through conditions of approval. No specific demand rate nominated for a permanent plantation use. A condition of the approval requires sufficient parking be provided when high demand for community participation event days.
Environmental performance code	Complies.
Filling and excavation code	Through the conditions of the approval the development complies with the approval.
Infrastructure works code	Complies – development has not proposed impact on existing services.

Compliance Issues

Rural Zone

The development is incompatible with the zone. The use is a listed inconsistent use. The Performance Outcome seeks that the zone be protected from the intrusion of inconsistent uses. The consideration of the development then steps up to the zone purpose. The use for permanent plantation is not considered a rural use. The forever forfeit of the entirety of the lots does not achieve the zone purpose. The conservation of the Oxbow, as per the MSES vegetation mapping is supported, but not the conversion of significant extents of Category X (cleared vegetation areas).

The conversion of very low-lying coastal areas, where brackish waters regularly inundate and result in very poor agricultural production are supported. The proposed development of the whole of the nominated lots fragment surrounding and adjacent lots held by others and not part of the application.

The Applicant's assessment of Good Quality Agricultural Land provides the existing a map of the regimes. Refer to Figure 6 below.

The development of the parts of the Oxbow, as mapped as Category C areas are also supported.

Land use

The applicant considers the Planning Scheme's definition should be overridden by the *Planning Regulation 2017* definition of Rural Activities that includes permanent plantation as a land use. Further, that the Planning Scheme land use code for Rural Activities should also apply.

This interpretation is not concurred with. The Planning Scheme was developed with specific consideration that the use of rural land should be retained for rural purposes, as set out in the Scheme code. The Scheme does not include permanent plantation in the listed land uses for Rural Activities. This position is further substantiated in the Rural Zone Code that specifically lists permanent plantation as an inconsistent use.

Public Notification / Submissions

Public notification was carried out in accordance with section 53 of the *Planning Act 2016* for the proposed development. A 15 business day public notification period was undertaken.

Forty-eight (48) submissions were received, forty-seven (47) supported the development and one submission is an objection against the development. Twenty-nine (29) of the submissions were properly made and nineteen (19) were not properly made for various reasons, including late submissions. The majority of supporters identify the need to protect the Daintree lowlands and the McDowell Swamp Oxbow. The submission against calls out the development to be contrary to the Planning Scheme Strategic Framework as it is inconsistent with maintaining rural land for rural purposes.

All planning grounds raised in all the submissions, including those raised in the not properly made submissions, were considered in the assessment of the application.

The following is a summary of the grounds of submissions followed by an Officer comment.

Grounds of submission	Officer comment
The development sets a dangerous precedent, and Council should consider a Temporary Local Planning Instrument (TLPI) to prevent further application of this type until broad community consultation can occur and the Town plan is updated based on outcomes of that consultation	Council is required to consider the application on its merits having regard to the current Planning Scheme. The part approval with conditions and part refusal has regard to the Strategic Outcome Council intends to undertake a Planning Scheme review as per the Council's Corporate Plan. This review will include broad community consultation and can develop a Policy position.
The development goes against the Strategic Framework 3.8.4.1, Specific Outcomes (part 3) that, ' <i>The availability and viability of rural land for ongoing agricultural uses is not compromised by inappropriate or incompatible development</i> '. The proposed development goes against this outcome.	The part approval with conditions and part refusal has regard to the Strategic Outcome and maintains ongoing areas of rural land for rural uses.
While part 5 says of that carbon sequestration can occur ' <i>away from areas of quality agricultural land</i> ' and the applicant proposes that the subject area is not quality	The applicant does not demonstrate the permanent plantation will sequester carbon. Recent studies of tropical rainforest, in the North Queensland area, including sites within

Grounds of submission	Officer comment
<p>agricultural land, however there is a long history of the land growing good cane and no reason why other crops or grazing would not be successful. If the odd inundation is reason to condemn land, then much of our arable land will be condemned.</p>	<p>the Shire, have identified an increasing trend since 2000 of these areas sourcing rather than sinking carbon.</p> <p>It is agreed that occasional inundation of land does not render the land unusable for any agricultural purpose.</p> <p>Through the conditions of the approval very low-lying poor agricultural land to be developed and some of these areas include parts of the Oxbow.</p>
<p>The development is inconsistent with the Purpose of the Rural Zone Code and should be rejected.</p>	<p>The decision does not support the conversion of the entirety of the nominated lots. Full conversion is inconsistent with the Zone Code purpose.</p> <p>The part approval is limited to areas that are very low-lying and of poor agricultural quality.</p>
<p>Also in the Rural Zone Code 6.2.10.2 Purpose 3. (a) <i>'Areas for use for primary production are conserved, and fragmentation is avoided.'</i> This application does not seek to conserve rural land. It seeks the opposite.</p>	<p>The part approval is limited to areas that are very low-lying and of poor agricultural quality as well as consideration of fragmentation of the balance areas.</p>
<p>Table 6.2.10.3.b — Inconsistent uses within the Rural zone specifically includes 'Permanent Plantation'. They are applying for a specifically noted inconsistent use which should be refused.</p>	<p>The nomination of a land use to be inconsistent sets an initial position and further considerations are against the Code purpose. The part approval with conditions and part refusal considers the merits of the use and finds suitability only in limited instances having regard to the Code purpose.</p>
<p>Given that the applicant is applying for a fee waiver of around \$700k, the chances are that a further application for rates waiver would be made if this is approved. Given the financial situation of Council, approving either request would be fraught with danger.</p>	<p>The consideration of any rates reduction or waiver is not a matter in the assessment of the development application.</p>
<p>The suggestion that it will result in significant employment is laughable. There will perhaps be a few low paid jobs in seed collection and Nursery work, but Rainforest Rescue typically uses unpaid volunteers to plant. The only high paying jobs will be for the executive level, most of whom do not reside here.</p> <p>The development supports local employment and economic diversification through nature-based industries. Local jobs will be maintained and created as part of this project.</p>	<p>It is agreed that the development provides only minimal employment opportunities or provides a significant economic stimulant to the local community. The forever conversion of the entirety of the lots would diminish future income potential.</p> <p>The part approval provides some employment opportunities.</p> <p>No part of the application is for a tourism use.</p>

Grounds of submission	Officer comment
<p>The development supports local employment through seed collection, nursery propagation and land management roles, alongside new opportunities for eco-tourism and sustainable revenue streams.</p>	
<p>Rainforest Rescue has a dubious record regarding tourism promotion generally. Their marketing necessarily indicates that the area is less than pristine, and if not carefully managed can damage the mainstream marketing Council funds via Tourism Port Douglas Daintree. Given that the Douglas Shire will now rely almost exclusively on tourism, we need to tread carefully if we are to permanently remove rural land. Advertising to raise funds to replant this land will almost certainly be negative about farming, to the detriment of existing farm and farm tourism operators. The only benefactor will likely be Rainforest Rescue.</p>	<p>No part of the application seeks a particular tourism component.</p> <p>It is agreed that broadscale removal of rural land reduces the economic assets of the Shire. A sole economic reliance on tourism reduces economic resilience. The Shire has traditionally had a balance of conservation and development of which agriculture has played and continues to play a significant role.</p> <p>The part approval is limited to maintain the majority of the good quality land.</p>
<p>Rainforest Rescue rarely engages across community and relies instead of corporate and private out of town sponsors. While they make much in this application about their green credentials, they have been unable to even support a microgrid in the region, that would significantly reduce pollution. I suggest that they only support projects that result in direct financial gain to their organisation. On this basis alone, they should not be getting a 'hall pass' for inconsistent use of rural land.</p>	<p>A development application is considered on its merits, not the standing or viability of a developer.</p> <p>The part approval runs with the land, not the particular applicant or landowner.</p> <p>The capacity of a developer or landowner to follow and undertake a development is subject to their own financial circumstances. Hence the imposition of conditions that aim to provide certainty to result in expected outcomes.</p>
<p>Rainforest Rescue has a proven track record of protecting and restoring land in the Daintree.</p> <p>Hartley's Crocodile Adventures, North Queensland Wildlife Trust (NQWT) and Rainforest rescue have a long standing relationship, which has been growing strongly for over 20 years. It began when our NQWT was in its very initial stages and we would provide funding to support their tree planting projects in the Cape Tribulation area on former rainforest sites which had been cleared, degraded and eventually left abandoned. We later supported large scale cleaning up of Rainforest Rescue sites from abandoned waste such as tyres and full restoration with their nursery trees. We now provide larger</p>	<p>The locking up of land for permanent plantation where the Planning Scheme specifies land is to be maintained for other purposes is not supported unless there are suitable planning grounds.</p> <p>The part approval is limited to maintain the majority of the good quality land.</p>

Grounds of submission	Officer comment
<p>sums for deposits to help secure target sites either in a pristine or highly degraded state.</p> <p>If under the planning scheme, high value agricultural land can be protected, and those significant areas of more marginal lands (in the right ecological locations) can be encouraged, then the Shire will be able to build a more robust economy, enhance farmer diversification options, and better protect the environmental and cultural values in the region. Such an approach can also further enhance the Shire's tourism assets and reputation.</p> <p>To achieve this though, I consider that there would be value in the Shire working collaboratively with the RRRC in considering these issues. To this end, we understand the Wet Tropics Management Authority (WTMA) and other key parties have offered to work with Council to develop a more nuanced and targeted mapping layer for the region that can both protect high value agricultural land, while also attracting new investment and economic diversification in habitat restoration.</p> <p>this proposed permanent plantation has the potential to demonstrate the economic benefit of the Green Economy. Early indications are that accessing the environmental markets through stacking of biodiversity and carbon credits delivers the greatest return per hectare. Embracing the opportunities of new farming concepts such as carbon sequestration and nature positive biodiversity credit systems such as the Cassowary Credit has the potential to deliver wide-ranging benefits for the Douglas Shire.</p>	
<p>The proposal presents a net economic benefit to Douglas Shire by investing in our most valuable asset: our environment.</p> <p>The restoration directly strengthens our region's primary economic driver: nature-based tourism. It enhances the "Douglas Shire brand" and protects the environmental integrity that underpins it.</p> <p>It is always disappointing embarking on the iconic tourist drive northward from Cairns, passing Port Douglas and nearing the</p>	<p>There is a considerable percentage of the Shire that is already invested in the natural environment.</p> <p>The Planning Scheme seeks a balance of considerations and a balance of economic drivers.</p> <p>The landscape of the sugarcane farms is recognised by the Planning Scheme. The loss of the local Mill and stoppage of sugarcane production in the locality leads to alternative farming.</p>

Grounds of submission	Officer comment
<p>rainforest, only to see endless sugar cane farms in a world heritage listed area. This application presents a fantastic opportunity to reclaim land and return it to the core element that attracts tourists to the region – the rainforest and its connection to mangroves and the Great Barrier Reef.</p> <p>Furthermore, an economy based on environmental restoration and carbon sequestration is a valid and forward-thinking form of economic diversification, creating different but equally valuable local jobs and opportunities.</p> <p>This Rainforest Rescue application importantly signals the potential growth of investment in the Douglas Shire in habitat restoration in important parts of the landscape. New and emerging carbon and nature positive markets will increasingly drive demand for such investments in your Shire.</p> <p>At the same time, as transition in the agricultural economy emerges in the Shire, habitat restoration is also emerging as a complementary income stream for farmers.</p>	<p>The part approval considers compromised areas and areas that can provide improved water quality to the Great Barrier Reef.</p> <p>Recent studies identified tropic forests have a current trend of sourcing not sinking carbon.</p> <p>The conversion to permanent plantation provides low level employment for a limited period.</p>
<p>The development will restore a nationally significant wetland and endangered ecosystem, including the McDowell Swamp Oxbow.</p> <p>The development restores degraded land and protects Matters of State and National Environmental Significance.</p>	<p>The application did not seek to restore parts of the Oxbow that are currently poorly vegetated. The part approval allows for this restoration.</p> <p>The application is not over the whole of the Oxbow. Significant tacks of the land are not identified as endangered ecosystems under the State mapping.</p>
<p>Restoration will provide future habitat for native fauna and flora, including threatened species in the area.</p>	<p>Some 90% of the Shire provides natural habitat for flora and fauna. The addition of the proposed lots is a negligible increase in the extent of land provided in the Shire for native flora and fauna.</p>
<p>The restoration through a permanent plantation will create long-term biodiversity and climate resilience through reforestation.</p>	<p>The application did not seek to restore parts of the Oxbow that are currently poorly vegetated as well as providing improved water quality to waters that feed into the Great Barrier Reef.</p>
<p>The development will provide a sustainable and permanent land use to sugarcane farming, whilst supporting the local economy and community.</p> <p>The development supports the purpose of the <i>Planning Act 2016</i> by facilitating ecological sustainability through the</p>	<p>The application does not substantiate the development will provide long term economic sustainability for the land or the community. The conversion to permanent plantation removes forever the ability for possible rural use. The part refusal addresses this consideration.</p>

Grounds of submission	Officer comment
integration of environmental protection, economic development and community wellbeing.	
<p>The development responds to the Regional Plan's call for climate-responsive land uses, by restoring degraded land, improving flood resilience and supporting biodiversity corridors. These actions contribute to regional adaptation and align with broader sustainability goals.</p>	<p>The Regional Plan seeks a balance of development.</p> <p>The Draft Regional Plan (2025) identified the land as Priority Agricultural Area. The Draft Plan prioritises agricultural use over permanent plantation. The part refusal addresses this consideration.</p>
<p>The development enhances resilience to climate change and natural hazards through nature-based solutions.</p> <p>Ecological benefits – restoration of more than 400 hectares of former cane land, protection of nationally significant wetlands and re-establishment of endangered rainforest ecosystems.</p> <p>The Eastern Kuku Yalanji people and as such we are cognisant of the cultural damage done through the broad deforestation for farming and forestry. The connectivity between the Yalanji people, their culture, language, land and environment are of critical importance, and all restoration projects provide a level of cultural healing and reconciliation. The health of water catchments such as the Daintree River are significant to Yalanji people. Nature repair, particularly in riparian and wetland areas is therefore broadly supported by this organisation. The enhancement of biodiversity corridors, carbon sequestration and the improvement of water quality flowing to the Daintree River and Great Barrier Reef are all aligned with the Yalanji principles of traditional land management.</p>	<p>The part approval of the development improves water quality to the Reef and the Oxbow.</p> <p>It is acknowledged that natural landscapes give meaning to Indigenous Persons and natural landscapes have cultural significance.</p> <p>The revegetation of land needs to be balanced with future economic value.</p>
<p>The proposed permanent plantation will significantly expand upon locally available roosting and feeding opportunities for endangered Spectacled flying-foxes (<i>Pteropus conspicillatus</i>), which regularly roost in large numbers - away from human habitation - in the existing adjacent Melaleuca swamp on the northern side of the main road. We feel this could help mitigate human/wildlife conflict in the urban roosts in and around Port Douglas, by giving the animals an increased and</p>	<p>The part approval of the development includes areas of the Oxbow swamp.</p>

Grounds of submission	Officer comment
<p>alternative roosting area within the DSC LGA.</p> <p>Restoration will improve habitat quality for a suite of beneficial insectivorous bats, the endangered Spectacled Flying-fox, <i>Pteropus conspicillatus</i>, a keystone species and Matter of National Environmental Significance (MNES) to the World Heritage Wet Tropics rainforest, and other non-echolocating pollinating and seed-dispersing bats, such as the small tube-nosed bat, <i>Nyctimene robinsoni</i>, and both blossom bats. An increase in insectivorous bat activity in the Douglas Shire will benefit agricultural land through increased pest predation services. The recent International Bat Research Conference (Cairns, 3 – 8 August 2025) showcased the significant role of insectivorous bats in agricultural pest predation and the importance of maintaining and restoring natural vegetation near agricultural properties.</p>	
<p>To support a smooth approval process, the following considerations are offered:</p> <ul style="list-style-type: none"> • Enhanced Community Engagement: Consider including more detailed plans for ongoing community involvement, ensuring local stakeholders are engaged throughout the project lifecycle. • Clearer Timeline and Milestones: A detailed project timeline with key milestones would assist Council in monitoring and evaluating progress effectively. • Additional Environmental Data: Recent biodiversity surveys and climate impact assessments could help further demonstrate ecological benefits and address potential concerns. • Integration with Local Planning Policies: An explicit alignment with relevant Council planning strategies and environmental policies could reinforce the application's compatibility with local objectives. 	<p>The Planning Scheme does not require a development to include community engagement. This is a private business matter for a party acting on the approval. The application proposed staging of the development. The part approval is over limited areas. The undertaking of the approval is not time constrained.</p> <p>Recent academic studies of carbon sequestration identified a carbon sourcing trend.</p> <p>The Planning Scheme, including the Planning Scheme Policies, is the assessment code for the application.</p>
<p>We sincerely believe that Council and the Community in general, have an absolute responsibility to do everything in their power</p>	<p>The majority of rural along the Daintree River is subject to flood and/ or storm tide</p>

Grounds of submission	Officer comment
<p>to protect or rehabilitate the natural environment. Here is a golden opportunity to do just that by supporting this proposed development, especially in such a flood prone catchment area of the Daintree River.</p> <p>We all support the approval of this environmentally important back to Nature development, and to even suggest that anybody opposing this application cannot be living in the real world!</p>	<p>inundation. This does not mean these areas should be revegetated on this basis.</p> <p>The part approval and part refusal has consideration to a balance of environmental and economic considerations.</p>
<p>With the recent closure of the Mossman Mill, sugarcane farming on these low-lying, flood-prone lands is no longer profitable.</p> <p>This transition provides a sustainable land use that benefits both the community and the environment.</p>	<p>The profitability for sugarcane production is based on the lack of a local Mill and the costs to transport the product to another Mill, not the ability of the land to grow the product.</p> <p>The forever loss of agricultural land does not yield a sustainable land use.</p>
<p>All rivers meander, and the Daintree River moves quicker than most due to the high rainfall. When the lowland rainforest was first cleared and wetlands filled in, riparian buffer zones were left to protect the banks and slow erosion. Over the years I have watched the area covered in this proposal degrading severely. As the river moves, the riparian zones have becoming increasingly smaller and many areas totally disappeared altogether, and much of the area where most of the tour boats operate is just eroded bank and sugarcane. The trees can no longer grow back as there is no buffer zone just river and farmland.</p>	<p>The part approval has regard to providing a vegetated 20m setback from the top of bank of the Daintree River as per the Planning Scheme acceptable outcome.</p>
<p>Much of this area was cleared in the 1950s for cane growing but has since been abandoned. Experts have assessed this flood-prone area as marginal for agriculture, and the area is becoming weed-infested. These weeds are encroaching on and impacting the natural values of surrounding protected areas. Wildlife Tourism is increasingly finding that visitors are looking for experiences that include stories of regeneration and resilience of these ancient rainforest, reef and wetland communities.</p>	<p>All landowners are required to contain weeds and invasive species on their lands. The conditions of the part approval also have regard to maintain land free of weed species.</p>
<p>While the Daintree name itself has a fantastic reputation, the value of the river as a product for eco-tourism, is not living to this reputation. Not just the look but the lack of wildlife due to habitat loss, the birdlife on the river in my time again has dramatically decreased. This is the marine</p>	<p>The plan of the allowed areas includes part of Lot 3 on SP SP126928 that is Wet Tropics land. Otherwise, the World Heritage Area registrations do not include the remainder of the sites and there was no requirement for these lowlands to be included in the registration.</p>

Grounds of submission	Officer comment
<p>park section of the river, the gateway to the oldest rainforest on the planet which we are all so proud of. But this area no longer an experience that it once was at the very least the riparian zones should be being maintained.</p> <p>Just last week I took out a National Geographic film crew scientists and again they reiterated a now common theme, surprised at the lack of riparian vegetation and said ‘no wonder it is hard to find fish and birds here’; it was not what they expected in a marine park. I now have people telling me they will go to the Northern Territory next time which for someone that has spent almost half of my life promoting this area is very hard to hear. But it is undeniable, the impact.</p> <p>Nature tourism is the biggest drawcard to Douglas Shire, which is unique in having the two World Heritage areas, the Great Barrier Reef and the World Heritage Wet Tropics Daintree Rainforest in close proximity, and was the first shire in Australia to achieve certification as an eco-destination. Between the two are significant wetlands, such as the area Daintree Rescue is proposing to restore. The IUCN’s World conservation Conference currently being held in Abu Dhabi have been stressing the importance of the world’s wetlands. Australia’s position as the world’s driest non-polar continent makes the conservation of ours especially important. These wetlands, rainforests, and reef support the highest biodiversity of plants and animals in Australia.</p>	<p>There was no back zoning in this area of the Daintree Lowlands in either the 2006 Planning Scheme nor the current Planning Scheme where the <i>conservation</i> of the land was identified as having a higher priority than agricultural use.</p> <p>The part approval has consideration of revegetating the setback from the Daintree River and this will improve the bank stability.</p> <p>No part of the application has been lodged for a tourism use.</p> <p>The approval does not remove or reduce the World Heritage Areas.</p>
<p>One of the most common concerns raised when we talk about replanting land is the “loss of farmland.” It’s an understandable worry — agriculture has been the backbone of this region for generations, and farming families are rightly proud of that legacy. However: not all farmland in the Douglas Shire is equal. Some areas — especially low-lying land around the Daintree River is swampy ground that has never been truly productive. Heavy floods, salt intrusion, and poor soils mean those paddocks are often unproductive and with the sugar cane industry winding down, much of that ground is no longer viable for conversion to cattle.</p>	<p>The part approval and part refusal has considered a balance of revegetating compromised land and MSES communities in the Oxbow.</p> <p>Many lots that are zoned rural, within the Shire, are subject to flooding and storm tide inundation. This does not mean that they have no contribution to the Shire to the extent of removing this agricultural asset forever. The Planning Scheme seeks a balance of land uses over the Shire. The application is not for forestry where vegetation can be established and harvested over and over again, but for permanent plantation.</p>

Grounds of submission	Officer comment
<p>Combine this with the added risk of increased floods in the area, last two floods we had here, many cattle were killed and washed away. So, when we talk about restoring wetlands along the Daintree River, it's important to clear this up. Farming is a proud part of the Douglas Shire story, and productive land will always have its place.</p> <p>This isn't about farms versus forests. It's about using land wisely: farming the best land productively and restoring the least productive land so it can serve another purpose — one that strengthens our economy, protects our environment, and keeps the Douglas Shire thriving. This isn't about reducing the Shire's assets — it's about adding to them. Productive farmland remains farmland, while marginal land is turned into something that works better for everyone: healthier ecosystems, stronger flood protection, and an even more vibrant tourism industry.</p> <p>The bird life, that has declined over the last decades due to deforestation and farms using chemicals on their land, will most likely bounce back, which will benefit the ecosystem and diversity and in turn will bring more tourism to the area.</p>	
<p>This project represents a necessary and logical transition for this land. While acknowledging its agricultural past, it is crucial to assess the proposal based on current, factual evidence. The applicant's own supplied documentation provides a compelling, evidence-based case for this restoration and directly addresses potential concerns.</p> <p>1. Making appropriate use of land</p> <p>The Good Quality Agricultural Land (GQAL) Addendum Report (Schedule 3) prepared by Dr. Charissa Rixon concludes that the land should be classified as ALC Class D – Not Suitable for Agriculture.</p> <p>The report details the non-viability of sugarcane due to transport costs and logistical constraints, and the unsuitability of alternative crops like Bana Grass (invasive risk) and Sorghum (disease pressure).</p> <p>This is not a loss of productive land; it is the responsible repurposing of land that has is</p>	<p>The GQAL report is not concurred with. The land has supported cropping for many decades, during which the area was impacted by very heavy rains, inundated by flood waters and impacted by storm tide inundation. The majority of rural land within the Shire is impacted by heavy rains, flood and or storm tide inundation. Traditionally marginal floodplain land has been utilised for agriculture. The impact of constraints can reduce the extent of crops or animal husbandry and the period of use. To discount all future use of the lots denies the ability for alternative crops and the scientific research for new variants, practises and techniques.</p>

Grounds of submission	Officer comment
no longer sustainable for agriculture. It's hard to imagine a better use for this land moving forwards.	

Internal Referrals

Nil. Referrals not necessary due to the nature of the proposal.

ADOPTED INFRASTRUCTURE CHARGES

The development did not trigger Infrastructure Charges.

COUNCIL'S ROLE

Council can play a number of different roles in certain circumstances and it is important to be clear about which role is appropriate for a specific purpose or circumstance. The implementation of actions will be a collective effort and Council's involvement will vary from information only through to full responsibility for delivery.

The following area outlines where Council has a clear responsibility to act:

Regulator: Council has a number of statutory obligations detailed in numerous regulations and legislative Acts. Council also makes local laws to ensure that the Shire is well governed. In fulfilling its role as regulator, Council will utilise an outcomes based approach that balances the needs of the community with social and natural justice.

Under the *Planning Act 2016* and the *Planning Regulation 2017*, Council is the assessment manager for the application.

ATTACHMENTS

1. Attachment 1 Proposal Plan [7.5.1 - 1 page]
2. Attachment 2 Plan of Permanent Approval Areas [7.5.2 - 1 page]
3. Attachment 3 - State Vegetation Mapping [7.5.3 - 2 pages]



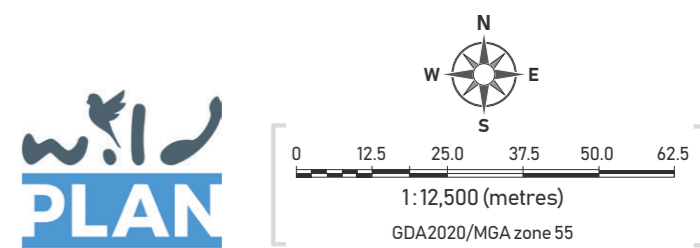
LEGEND

- SUBJECT SITES
- EXISTING CADASTRE
- STAGING
- NO DEVELOPMENT PROPOSED
- PROPOSED PERMANENT PLANTATION

PERMANENT PLANTATION VEGETATION COMMUNITY TYPE

- 7.3.23a RESTORATION AREA WITH ENDANGERED VEGETATION (REFER VEGETATION VALUE NUMBER) TOTAL OF 221.77ha
- 7.2.3e RESTORATION AREA WITH OF-CONCERN VEGETATION (REFER VEGETATION VALUE NUMBER) TOTAL OF 136.70ha
- 7.11 RESTORATION AREA WITH LEAST-CONCERN VEGETATION (REFER VEGETATION VALUE NUMBER) TOTAL OF 46.96ha

PROPERTY	RESTORATION AREA
2N15779	28.74
9SP143026	51.04
3SP126928	65.72
5RP706307	38.47
1RP720435	30.44
2RP721745	24.57
1RP706308	31.06
1RP720582	7.64
2RP720582	33.36
337RP800690	38.10
354SR616	20.25
8RP722116	35.76
APPROXIMATE RESTORABLE AREA	405.15ha



CAPE TRIBULATION ROAD - LOWER DAINTREE

Permanent Plantation (Cape Tribulation Road, Lower Daintree)

FILENAME >	PERMANENT PLANTATION_v1
PROJECT REF. >	CAPE TRIBULATION ROAD, LOWER DAINTREE
DRAWN DATE >	03 JULY, 2025
wildPLAN REF. >	WP25 029 RAI

SOURCES >



Permanent Plantation Vegetation Community Type data: Biodiversity status of pre-clearing regional ecosystems - Queensland. Publication date: 15 May 2025. © State of Queensland (Department of Environment, Science and Innovation) 2024.


Remnant Vegetation data: Remnant vegetation cover - 2021 - Queensland. Publication date: 15 May 2024. © State of Queensland (Department of Environment, Science and Innovation) 2024.


Cadastral data: Cadastral data - Queensland - by area of interest. Publication date: 12 May 2025. © State of Queensland (Department of Resources) 2023.

PERMANENT PLANTATION APPROVAL AREAS



 Cadastre (50k)
 Attachment 7.5.3
 Essential Habitat

 Category X on the
 regulated vegetation
 management map


Non remnant
 Water 126 of 304


Regulated vegetation
management map (other
vegetation categories)


Vegetation management
regional ecosystem map


Vegetation management
coastal and non-coastal
bioregions and sub-regions

 Category C on the
 regulated vegetation
 management map


 Category A or B area
 containing endangered
 regional ecosystems


 Coastal bioregions and
 sub-regions

 Category R on the
 regulated vegetation
 management map

 Category A or B area
 containing of concern
 regional ecosystems

Regulated vegetation
management map (Category A
and B extract)

 Category A or B area
 that is a least concern
 regional ecosystem

 Category B on the
 regulated vegetation
 management map

DA Mapping System - Export Map

Disclaimer This map has been generated from the information supplied to the Queensland Government for the purposes of the Development Assessment Mapping System. Note that this is a print screen only. The map generated has been prepared with due care based on the best available information at the time of publication. The State of Queensland holds no responsibility for any errors, inconsistencies or omissions within this document. Any decisions made by other parties based on this document are solely the responsibility of those parties. This information is supplied subject to the full terms and conditions available on the department's website.

Ordinary Council Meeting - 31 March 2026

Date: 16/02/2026

Queensland
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