
From: Louise Cameron <Louise@urbansync.com.au>
Sent: Thursday, 2 May 2019 9:11 AM
To: Jenny Elphinstone
Subject: FW: Douglas Shire Council MCUI 3001/2019 Material Change of Use for Telecommunication Facilities at 7L, 94L & 152L Mossman Gorge Rd, Mossman Gorge, Urban Sync Ref: 18-385
Attachments: 2019-05-02_MGC_MCU_Telcom Fac for L7, L94 & L152 Gorge Rd, SHANNONVALE (Complete)(Updated).pdf

Hi Jenny,

Please see attached updated application for your information.

To confirm, the updates solely relate to amending the Applicant from 'the Mosman Gorge Centre' to 'Voyages Indigenous Tourism Australia Pty Ltd T/A the Mossman Gorge Centre' on DA Form 1 and throughout the planning report.

Thank you.

Kind regards,
Louise.



LOUISE CAMERON Town Planner

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2 May 2019

Our Ref: 18-385

Chief Executive Officer

Douglas Shire Council
PO Box 723
MOSSMAN QLD 4873

Attention: Neil Beck – Team Leader Planning; and
Daniel Lamond – Planning Officer.

Dear Neil and Daniel,

RE: APPLICATION FOR MATERIAL CHANGE OF USE FOR 3 X RADIO TOWERS ('TELECOMMUNICATIONS FACILITY') OVER LAND LOCATED AT 7L, 94L & 152L MOSSMAN GORGE ROAD, SHANNONVALE (LOT 7 ON SP212661, LOT 94 ON SR257, & LOT 152 ON SR832).

We refer to the above matter and confirm that Urban Sync Pty Ltd (Urban Sync) has been retained by Voyages Indigenous Tourism Australia Pty Ltd T/A The Mossman Gorge Centre (the Applicant / MGC) to provide development advice and prepare an application to Douglas Shire Council (the Council) for assessment with respect to land located at 7L, 7L, 94L & 152L MOSSMAN Gorge Road, SHANNONVALE.

This Town Planning Report seeks to describe the assessable activities (three (3) radio towers) throughout the Mossman Gorge (the Gorge) area which will significantly increase the existing operational capability, including overall health and safety, of the MGC.

In support of the application, we **enclose** the following documents for Council's consideration:

- DA Form 1, Landowner's Consent and current Land Title Searches as **Appendix 1**;
- A suite of plans which present the development as **Appendix 2**;
- SARA State Mapping as **Appendix 3**;
- Copy of prelodgement meeting correspondence from Council and Department of State Development, Manufacturing, Infrastructure, and Planning (DSDMIP) as **Appendix 4**;
- Copy of current lease as **Appendix 5**;
- Assessment of applicable development code under the Planning Scheme as **Appendix 6**;
- Assessment against applicable State Development Assessment Provisions as **Appendix 7**.

Council's application fee of **\$6,470.00 no GST** is included to facilitate lodgement of the application in accordance with Council's Schedule of Fees 2018/2019 Financial Year. We trust this application can now be progressed for assessment. Should you require any further information or clarification on any matters regarding this application, please do not hesitate to contact our office.

Yours faithfully,



Louise Cameron
Town Planner.

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TOWN PLANNING REPORT

DEVELOPMENT PERMIT FOR A MATERIAL CHANGE OF USE
(‘TELECOMMUNICATION FACILITIES’)

7L, 94L, & 152L MOSSMAN GORGE ROAD, SHANNONVALE
7L, 94L & 152L
MOSSMAN GORGE ROAD, SHANNONVALE

2 May 2019

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I EXECUTIVE SUMMARY

Voyages Indigenous Tourism Australia Pty Ltd T/A The Mossman Gorge Centre (the Applicant / MGC) requests the necessary development approval from Douglas Shire Council (Council) to support the placement of three (3) 3 x Radio Towers over land located at 7L, 7L, 94L & 152L MOSSMAN Gorge Road, SHANNONVALE.

Accordingly, this development application seeks a:

- **Development Permit for Material Change of Use ('Telecommunication Facilities').**

The subject land is represented under a mixture of zoning designations, being Tourism (Lot 7), Conservation (Lot 94 and part Lot 152), and Low Density Residential (part Lot 152). A 3 x Radio Tower placed over any of the prescribed zoning designations is subject to **impact assessment**.

This report has been undertaken to:

- Examine the physical characteristic of the subject land and appropriateness of the three (3) tower locations which are specific to the development;
- Describe the development concept being the placement and/or upgrade of existing Radio Tower/s; including outlining key design and use particulars, confirming the location of each tower, its finish and height, which are reflected in the plans supporting this application.
- Address all applicable statutory requirements triggered through the *Planning Act 2016* (Qld) and the Douglas Shire Planning Scheme 2018; and
- Provide commentary on the identified key planning issues and offer reasonable alternative solutions as a means of establishing sound planning grounds in support of the proposed development, where required.

This Town Planning Report also includes a formal request by MGC to amend the existing lease in effect over Lot 94 on SR257 to formalise the placement of the proposed 18m radio tower as a 'structural improvement' under clause 4.2.1 which regulates the development of the land.

In support of the amendments to the lease, MGC submits that the proposed works:

1. Are a benefit to the community;
2. Will remain consistent with Trustee Lease; and
3. Will not result in an adverse impact on the existing water infrastructure present over the subject land.

An assessment of the development against the applicable scheme provisions has acknowledged that a high level of compliance is achieved. A small departure, however, is encountered with the zone codes seeking to limit the height of buildings/structures on Lot 94 and 152.

The project team offers that each tower is of a slender design that will ensure it blends seamlessly with and be obscured by the surrounding vegetation, is not in a position that will cause distraction to adjoining properties or passing motorists, and is not required to be fenced given the simplicity and durability of the infrastructure.

We submit this application to Council for assessment and trust that it suitably addresses all the statutory requirements under the scheme to allow favourable consideration through the application of reasonable and relevant development conditions.

2 APPLICATION DETAILS

2.1 APPLICATION SUMMARY

Approval Sought:	Development Permit for a Material Change of Use 'Telecommunication Facilities' (three (3) x Radio Towers).
Applicant:	Voyages Indigenous Tourism Australia Pty Ltd T/A The Mossman Gorge Centre
Project Description Details:	<p>The Applicant has secured funding to upgrade the existing telecommunication network to improve radio communications between the visitor centre and the Gorge, including improve the operation (i.e. health and safety) of shuttle bus services and overall tourism operations (i.e. guided walks, etc.).</p> <p>These improvements include:</p> <p><u>Lot 7:</u></p> <ul style="list-style-type: none"> Placement of an approx. 5m stand-alone digital repeater tower within an existing cleared/grass area sited along the southern boundary near the entry/exit to the shuttle bus pickup/drop off terminal. <p><u>Lot 94:</u></p> <ul style="list-style-type: none"> Removal of the existing approx. 6m tall aerial currently mounted to the site of the existing "Bush Hut Toilet Location"; and Placement of an approx. 18m tall tapered octagonal seesaw pole tower with 750mm wide concrete foundations sited in an existing cleared area adjacent to an existing walking track and 'Pump Station'. <p><u>Lot 152:</u></p> <ul style="list-style-type: none"> Placement of approx. 6.5m yagi aluminium digital repeater tower mounted to the roof of the existing two (2) storey structure currently supporting the operation of the Bamanga Bubu Ngadimunku Aboriginal Corporation (the BBNAC).
ASSESSMENT DETAILS	
Assessment Manager:	Douglas Shire Council
Planning Scheme:	Douglas Shire Council Planning Scheme 2018
Level of Assessment:	Impact
Public Notification:	Yes – in accordance with s53 of the <i>Planning Act 2016</i> (Qld)
PRE-LODGEMENT CONSULTATION	
Council:	Douglas Shire Council – refer to section 4 of this report and documentation provided as Appendix 4 .
State Authority:	Department of State Development, Manufacturing, Infrastructure and Planning (DSDMIP) and the Department of Natural Resources, Mines and Energy (DNRME) – refer to section 4 of this report and documentation provided as Appendix 4 .

RELEVANT STATE PLANNING INSTRUMENTS	
Legislation:	<i>Planning Act 2016</i> (Qld)
Planning Policy:	Sate Planning Policy (July 2017).
Planning Policy Assessment Benchmarks:	<ul style="list-style-type: none"> ▪ Agriculture (Agricultural Land Classification – Class A and B); ▪ Biodiversity (MSES – Protected Areas (Estate), MSES – Regulated Vegetation (Category B, R, Essential Habitat, Intersecting a Watercourse), MSES – High Ecological Value Waters (Watercourse), & MSES – Legally Secured Offset Area (Regulated Vegetation Offsets); ▪ Cultural Heritage (National Heritage Place); ▪ Water Quality (High Ecological Value Water Areas); and ▪ Natural Hazards, Risk and Resilience (Flood Hazard Area – Level 1 – Queensland Floodplain Assessment Overlay*).
Regional Plan:	Far North Queensland Regional Plan 2009-2031
Regional Plan Land Use:	Urban Footprint – part of Lot 152 No designated use – Lot 7 & 94
Development Assessment Mapping:	<ul style="list-style-type: none"> ▪ Fish Habitat Areas (Queensland Waterways for Waterway Barrier Works); and ▪ Native Vegetation Clearing (Regulated Vegetation – Category B).
Referrals:	Schedule 10, Part 3, Division 4, Table 3, Item 1 – Clearing for Native Vegetation.
RELEVANT LOCAL PLANNING INSTRUMENTS	
Planning Scheme:	Douglas Shire Council Planning Scheme 20218Douglas Shire Planning Scheme 2018
Local Plan:	Not applicable
Zone:	Conservation, Low Density Residential & Tourism
Overlays:	<ul style="list-style-type: none"> ▪ Flood and Storm Tide Hazard; ▪ Hillslopes; ▪ Landscape Values; ▪ Natural Areas; ▪ Potential Landslide Hazard; and ▪ Transport Network.
Infrastructure Plan:	Part 4 of the Planning Scheme.

Table 1: Application Summary

2.2 SUPPORTING DOCUMENTATION

Document	Company	Ref	Rev	Author	Reviewer	Date
Planning Report	Urban Sync	18-385	A	LC	SDR	29 April 2019
Site Plans	Urban Sync	18-385	A	LC	SDR	10 April 2019
Radio Tower Plans	INGAL EPS	GA12337	A	YL	-	23 February 2018
	INGAL EPS	GA2587	1	RS	CJJ	11 August 2008
	Austek Pty Ltd	132382-1	1	LM	-	9 March 2018

Compliance Certificate	KFB Engineers	-	-	KB	-	5 April 2018
Design Certificate	Austek Pty Ltd	HPM18F-GA12337	-	LL	OT	6 March 2018
Potential Vegetation Clearing – Site Plan	RPS Australia East Pty Ltd	PR143136-1	-	AMK	AMK	1 April 2019

Table 2: Supporting Documentation

2.3 PLANS OF DEVELOPMENT

Document	Reference	Date
18m Tower (Lot 94)	GA122337, prepared by INGAL EPS	23 February 2018
18m Tower Foundation (Lot 94)	DA2587, prepared by INGAL EPS	11 August 2008
Digital Repeater (Lot 7)	132382-1, prepared by Austek Pty Ltd	9 March 2018
Roof Mounted Repeater	132382-1, prepared by Austek Pty Ltd	9 March 2018
Site Plans	18-385 DA01-04, prepared by Urban Sync Pty Ltd	10 April 2019

Table 3: Plans of Development

3 SITE DETAILS

3.1 SITE DESCRIPTION

Site Particulars	Site 1 (Lot 7)	Site 2 (Lot 94)	Site 3 (Lot 152)
Registered Landowners:	Indigenous Land Corporation.	Douglas Shire Council (as Trustee).	The State of Queensland (represented by the Department of Communities, Disabilities, Services and Seniors) Leased by Bamanga Bubu Ngadimunku Aboriginal Corporation.
Site Location:	212 Gorge Road, Mossman Gorge, Qld, 4873	94L Mossman Gorge Road, Shannonvale, Qld, 4873	152L Mossman Gorge Road, Shannonvale, Qld, 4873
Lot and Description:	Lot 7 on SP212661	Lot 94 on SR257	Lot 152 on SR832
Site Area:	8.413ha	20.437ha (Lease A: 10.79ha)	26.983ha
Tenure:	Freehold	Reserve	Reserve
Easements/Encumbrances:	Nil	Nil	Strata Parcels (Lot A & B on SR805)
Local Government Authority:	Douglas Shire Council		

Table 4: Site Description



Figure 1: Site Location – 7L, 152L, & 94L Mossman Gorge Road, SHANNONVALE.

3.2 SITE ANALYSIS

Site Particulars	Site 1 (Lot 7)	Site 2 (Lot 94)	Site 3 (Lot 152)
Current Use/s	Mossman Gorge Centre	Mossman Gorge	Bubu Ngadimunku Aboriginal Corporation

Existing Improvements:	The eastern portion of the site is improved by the recently upgraded visitor centre; along with a series of associated out buildings and visitor carparking.	This allotment is improved by a network of walking trails of varying finish, plus series of small structures contained within the eastern portion of the site generally represented as small bush huts.	Lot 153 is made up of three connected parcels that are divided by a road parcel. The eastern-most portion remains unimproved, the southern-most allotment improved by the BBN head office, with the northern-most lot improved by the small residential subdivision located on the northern side of Mossman Gorge Road.
Topography:	The site is generally flat, with a soft slope falling across the site from east to west.	This site presents a varying topography, with a general fall from the north-west to the south-east towards the valley.	Presents a varying slope generally falling south-to-north towards the Mossman River.
Waterways:	A small portion of the Mosman River meanders through the northern boundary.	A small non-perennial minor watercourse snakes through the site, draining to the Mossman River.	A small non-perennial minor watercourse snakes through the site, draining to the Mossman River.
Vegetation:	The balance portion of the site remains unimproved and comprises intact, mature regulated vegetation.	This site comprises very dense mature vegetation that presents existing small cleared areas to support walking trails and gathering areas.	This allotment comprises dense, mature vegetation, with existing cleared areas supporting the improvements listed above.
Environmental Management & Contaminated Land:	To the best of Urban Sync's knowledge, neither of the site subject of this application are listed on either the EMR and/or CLR.		
Heritage Places:	Preliminary investigations have confirmed that none of the sites (or any of the existing structures) are present on any local or state heritage registers.		

Table 5: Site Analysis

3.3 INFRASTRUCTURE AND SERVICES

Road Frontage:	All allotments present a frontage to Mossman Gorge Road, from a two (2) lane sealed and linemarked roadway adjacent to Lot 7, including the presence of a boom gate adjacent to the entrance to the visitor centre to manage vehicular access to the Gorge, to a single lane sealed, unlinemarked roadway snaking up to and terminating at the Gorge.
Water Supply:	All allotments are serviced by existing water services (reticulated or otherwise).

Sewerage Supply:	All allotments are serviced by existing sewerage services (reticulated or otherwise).
Stormwater:	All allotments drain to an existing lawful point of discharge.
Electricity:	All allotments present a connection to the electricity supply network.
Telecommunications:	All allotments are serviced by the existing telecommunications network. Mobile phone reception

Table 6: Infrastructure and Services

4 DEVELOPMENT BACKGROUND

4.1 MOSSMAN GORGE

Mossman Gorge is an iconic tourist attraction located within the Daintree National Park managed by the Mossman Gorge Centre (the Centre) – a local indigenous ecotourism development formed in collaboration with the Indigenous Land Corporation (ILC), Voyages Indigenous Tourism Australia, and the local Kuku Yalanji people.

The Centre offers a variety of activities to visitors to this World Heritage Listed area, including self-guided walks and guided dreamtime walk tours, indigenous art gallery and a variety of other retail and food & beverage opportunities.

Considering the abundance of natural and cultural heritage values present within the Gorge coupled with the level and finish of the road infrastructure (i.e. single lane access road), access to the Gorge itself beyond the Centre is limited to walking, cycling or via one (1) of the low-emission shuttle bus in order to minimise any traffic impacts. Accordingly, each bus driver is equipped with a walkie talkie / UHF to ensure the safe movement of vehicles and pedestrian between the Centre and the Gorge. This system is also made available to staff working around the Centre and undertaking guided tours of the Gorge as part of current health and safety procedures to ensure suitable first aid response / co-ordination of emergency services.

Currently, the telecommunication service coverage within the gorge is sporadic at best. Accordingly, the Applicant now seeks to upgrade the existing telecommunication infrastructure to improve the safety of pedestrian and vehicles on the Gorge access road and to decrease time taken to respond to emergencies and ease of co-ordinate of emergency services.

4.2 PRELODGE MENT CONSULTATION

4.2.1 Douglas Shire Council

A formal prelodgement meeting was held with Douglas Shire Council on Wednesday 21 November 2018 between:

- Daniel Lamond – Douglas Shire Council; and
- Louise Cameron – Urban Sync Pty Ltd (as representative of the Applicant).

The purpose of this meeting was to formally introduce the project to Council and establish the approach to assessment matters, including the level of documentation required to support Council's consideration, consent requirements, application fees, and tenure and leasing arrangements.

Council provided in-principal support to improved telecommunications within rural/remote areas, with officers acknowledging further consideration is to be afforded during their assessment relating to the zoning of the land (i.e. conservation) and potential impacts on visual amenity, flora, and fauna.

A copy of the endorsed minutes is available as **Appendix 4**.

NB: Since this meeting, the location of the tower proposed over Lot 94 has change to ensure that the tower and its footings, including any construction activities, minimise impacts on the existing water infrastructure that traverses through the lease area. The Applicant has undertaken additional preliminary investigations and can confirm that the tower presents a suitable level of separation from the existing water main including construction of its footings.

4.2.2 Department of State Development, Manufacturing, Infrastructure, and Planning & Department of Natural Resources, Mines, and Energy.

A formal prelodgement meeting was held with the Department of State Development, Manufacturing, Infrastructure and Planning (DSDMIP) and the Department of Natural Resources, Mines and Energy (DNRME) on Wednesday 21 November 2018, with the following persons in attendance:

- Sue Lockwood and Bec Turner – DSDMIP;
- Karen Lodge (via teleconference), Cameron Venables, and Tricia Gadsen – DNRME; and
- Louise Cameron – Urban Sync Pty Ltd (as representative of the Applicant).

This meeting introduced the project to the State to confirm the applicability of all referral triggers and if there are any exemptions available with respect to upgrading this infrastructure. Consent and leasing matters were also sought to verified with respect to current tenure and leasing arrangements associated with Lots 94 and 152.

A copy of the Prelodgement meeting record and supplementary advice is available as **Appendix 4** for your information.



5 DEVELOPMENT PROPOSAL

5.1 GENERAL DESCRIPTION

This Town Planning Report sets out the statutory approvals required from Douglas Shire Council to support the placement of Three (3) radio towers 3 x Radio Tower over the prescribed land, being:

- A Development Permit for a Material Change of Use ('Telecommunication Facilities').

This application also includes a formal request to amend the existing lease with Douglas Shire Council in effect over Lot 94 on SR257 to allow for the placement of the proposed 18m radio tower as a 'structural improvement' under clause 4.2.1. This matter is explored under greater detail under **section 5.5** below.

5.2 DEVELOPMENT DETAIL

The development includes the upgrade the existing telecommunication network present throughout the Gorge to improve radio communications between the visitor centre and the Gorge itself, including the improved operation (i.e. health and safety) of shuttle bus services and overall tourism operations (i.e. guided walks, etc.).

These improvements include:

- **Lot 7:**

Placement of an approx. 5m stand-alone digital repeater tower, supported by its own solar panel and battery power pack supply. The tower will be placed on a 600mm x 600mm concrete slab with an existing cleared/grass area sited along the southern boundary near the entry/exit to the shuttle bus pickup/drop off terminal.

- **Lot 94:**

Removal of the existing 6m tall aerial currently mounted to the side of the existing "Bush Hut Toilet Location" (refer **Figure 2** below), to be replaced with the proposed 18m tall tapered octagonal seesaw pole tower – refer plans prepared by INGAL EPS as **Attachment 2**.

The tower will be placed within an existing cleared area adjacent to an existing Bush Hut and the 'Pump Station', mounted on top of an approx. 750mm wide concrete foundation (refer **Figure 3** below). No significant vegetation will be removed as a result of the construction, with only very minor trimming and/or pruning works required on one (1) or two (2) of the surrounding trees to ensure that the full movement of the towers seesaw pole arm is easily supported. Any vegetation works primarily consist of removing/managing vines and no not include the removal of any trees.

The tower will be finished in a matte green to ensure it blends in the with surrounding environment and limits any potential impacts on the character and amenity of the area.



Figure 2: Existing "Bush Hut Toilet Location" & Radio Tower to be removed.



Figure 3: Proposed location of new tower.

- **Lot 152:**

Placement of approx. 6.5m yagi aluminium digital repeater tower mounted to the roof of the existing two (2) storey structure currently supporting the operation of the BBNAC.

The purpose of this tower is to maximise the effectiveness (i.e. boost signal, reduce interference, etc.) of the communication between the towers placed over the MGC and within the Gorge itself.

A full set of the design plans are available as **Attachment 2** to assist in Council's assessment of the proposed development.

5.3 ENGINEERING

All of the towers have been certified by KFB Engineer and INGAL EPS to ensure that each tower and their associated foundations and/or connection arrangements are suitable for their respective sites.

A copy of these certificates are available as **Appendix 2** for your information.

5.4 STAGED

The development is not proposed to be staged.

5.5 REQUEST TO AMEND LEASE

In addition, the Applicant requests that Douglas Shire Council make the necessary amendments to the Lease with the ILC to support and give effect to the requested Development Permit to place the proposed 18m radio tower over Lot 94.

The current Lease with the term to 30 November 2023 includes a clause (clause 4.2.1) which limits additional structural improvements to the subject Lease Area other than for the placement of the four (4) semi-permanent traditional shelters. The Applicant recognises that this clause presents a potential obstacle in permitting construction and operation of the tower post receipt of approval. Accordingly, the Applicant requests that that the Lease be formally reviewed, amended, and approved concurrently with the assessment of this application to allow the establishment and upgrade of this infrastructure as early as practical.

A final determination can then be made which remains consistent with the lease conditions.

Therefore, the following amendments (or the like) is requested:

"4.2.1 NO STRUCTURAL IMPROVEMENTS

The Trustee Lessee must not under any circumstances erect or construct or allow to be erected or constructed any structural improvements in the Premises except for the following:

- a) *Three semi-permanent traditional shelter to be erected in the Cleared Area near the Old Power Station Side; and*
- b) *A fourth semi-permanent traditional shelter to be erected in the Cleared Area near the Old Power Station Side to house the trailer mounter portaloo; and*
- c) *A Radio Tower used to support the continued operation of the existing cultural tourism venture to be erected in an already Cleared Area.*

The Trustee Lessee is responsible for maintenance of the Radio Tower at all times and is to ensure that access to all adjacent structures and walking tracks remains uninhibited."

The amendments are considered suitable as it allows for and supports the safe and continued operation of the existing cultural tourism venture, including the associated guided walking tours; which is the purpose / permitted use defined under the Lease.

Additionally, the operational capacity of the existing indigenous ecotourism venture will continue to be realised as a community benefit as it supports ongoing tourism within the local area. The proposed radio tower will not result in an adverse impact on the underlying purpose and tenure of the land as a water reserve as the tower presents a suitable level of separation from the existing water mains.

Amendment of the Lease is therefore requested and considered suitable for support by Council in this instance.

6 LEGISLATIVE REQUIREMENTS

This section provides an overview of the legislative context of the development application under the provisions of the *Planning Act 2016* (Qld) (PA).

6.1 PLANNING ACT 2016

6.1.1 Confirmation that the Development is not Prohibited

The development is not prohibited. This has been established by considering all the relevant state and local instruments which can provide prohibitions under the PA, including Schedule 10, Parts 2-5, Parts 10-11 and Parts 16 and 20, of the *Planning Regulation 2016* (Qld) (PR).

6.1.2 Assessable Development

The project represents a material change where the placement of each tower signifies '*the start of a new use of the premises*' where the assessment would trigger approval for a Material Change of Use of Premises. The development is deemed to be considered "Assessable Development" pursuant to Section 44 of the PA, which states that "*Assessable Development is development for which a development approval is required.*"

The activity is defined as 'Telecommunication Facilities' under the relevant Planning Scheme and is located within a Conservation, Low Density Residential and Tourism zoning designations where the proposed land use activities are identified as being subject to impact assessment.

6.1.3 Assessment Manager

The Assessment Manager for this development application is Douglas Shire Council, as determined by Schedule 8 of the PR.

6.2 FAR NORTH QUEENSLAND REGIONAL PLAN

All allotments, except for a small portion of Lot 152 on SR832 are not subject to a Regional Land Use Category. Therefore, Part D of the Far North Queensland Regional Plan 2009-2031 is not relevant / applicable in this instance.

6.3 STATE PLANNING POLICY

The State Planning Policy (SPP) came into effect on July 2017, under the PA. The SPP continues to progress the purpose of SPP brought into effect in April 2016 which sought consolidate the former multiple SPP's into one document. The changes introduced as part of the new suite of legislation, included the update of Part E of the SPP to include an array of benchmarks in respect to State interests and policies relevant to each project.

A review of the proposal against the SPP (July 2017) indicates that the prescribed land is subject to a number of State interests. **Figure 4** below identifies the following interests:

- Agriculture:
 - Agricultural land classification – class A and B.
- Biodiversity:
 - MSES – protected areas (estate);
 - MSES – wildlife habitat;
 - MSES – regulated vegetation (category B);
 - MSES – regulated vegetation (category R);
 - MSES – regulated vegetation (essential habitat);
 - MSES – regulated vegetation (intersecting a watercourse);
 - MSES – high ecological values waters (watercourse);
 - MSES – legally secured offset area (regulated vegetation offsets).
- Cultural Heritage:
 - National heritage place.

- Water Quality:
 - High ecological value water areas
- Natural Hazards, Risk and Resilience:
 - Flood hazard area – level 1 – Queensland floodplain assessment overlay*.

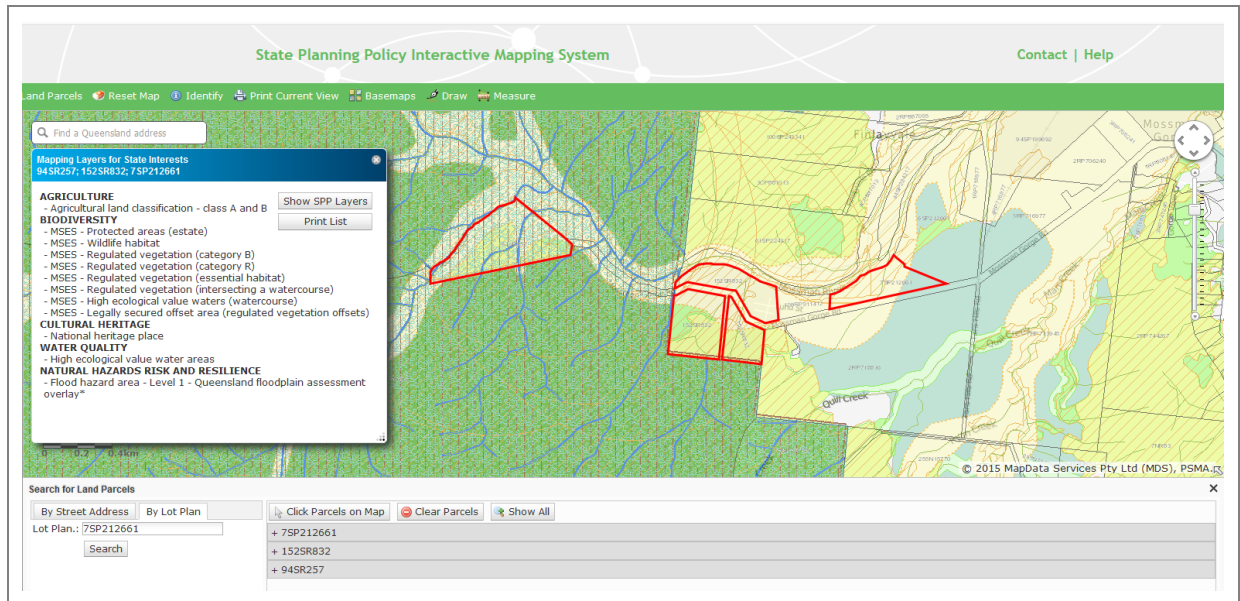


Figure 4: SP mapping (results reviewing subject site against SDAP).

We note here that all the above-mentioned State interests are appropriately reflected in the Planning Scheme. Accordingly, no further assessment is required. Where relevant, information will be included in our Planning Scheme Code assessment as **Attachment 6** to demonstrate compliance with the applicable State requirements and to facilitate the Council's considered assessment of the proposal.

6.4 REFERRALS & STATE DEVELOPMENT ASSESSMENT PROVISIONS

A review of the DA mapping system indicates that the site is subject to the following state interests:

- Fish Habitat Areas:
 - Queensland waterways for waterway barrier works.
- Native Vegetation Clearing:
 - Regulated Vegetation (Category B).

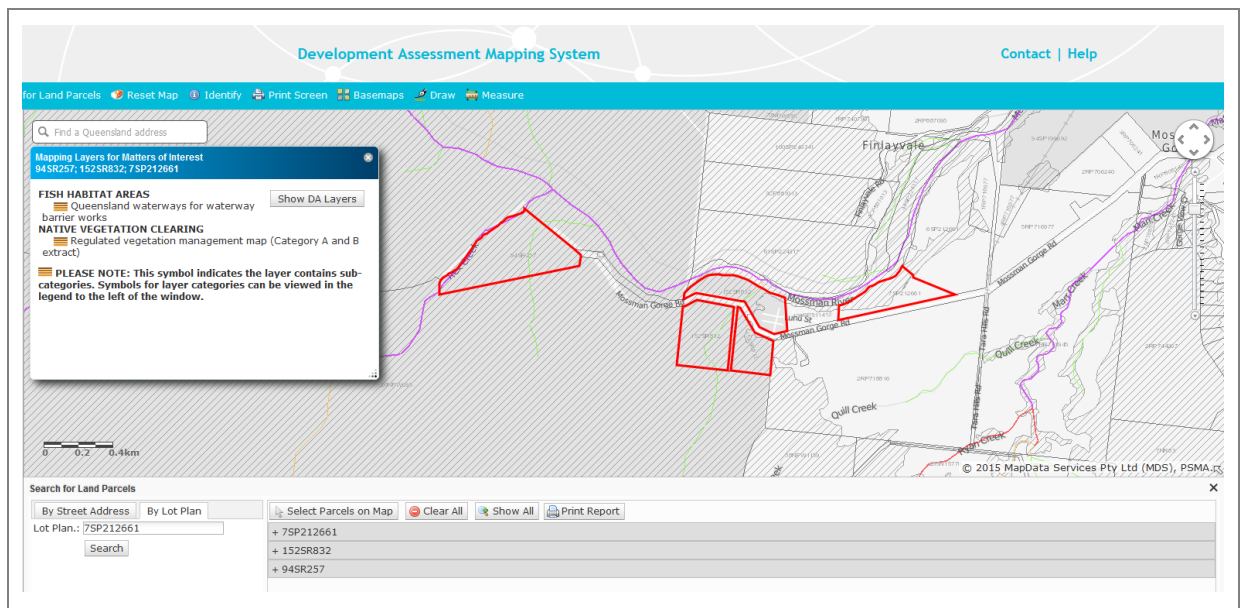


Figure 5: DA mapping (results reviewing subject site against State interests).

In consultation of Schedule 10 of the PR, it is identified that the following referral matters are applicable in determining the requirement for the application to be referred:

- Schedule 10, Part 3, Division 4, Table 3, Item 1 – Clearing Native Vegetation.

Accordingly, the application is required to be referred to DNRME for assessment and approval as a concurrence agency. As a result, the development is required to be assessed against the follow State Development Assessment Provisions:

SDAP Component	Comment
State Code 16: Native Vegetation Clearing	Refer to Code Assessment as Appendix 7 .

Table 7: Applicable SDAP Codes

With respect to the response provided against State Code 16, it is noted that assessment completed against the applicable provisions was only undertaken against the tower over Lot 94 as:

- The tower over Lot 7 presents a high level of separation from the regulated vegetation present towards the rear of the site, where there presents no opportunity for vegetation to be cleared or damaged under any exemption that may become available through approving this application; and
- As the tower over Lot 152 is mounted on the roof of the existing structure, preliminary investigations have confirmed that there are no additional exemptions that will come into effect other than those already available to the existing structure.

Accordingly, a detailed assessment of the tower over Lot 94 has identified that the development presents full compliance with all applicable assessment provision.

To confirm, the 'potential clearing areas' illustrated on the 'Potential Vegetation Clearing – Site Plan prepared by RPS are based on maximum heights for each broad vegetation group description as prescribed under the Department of Science, Information Technology and Innovation's 'The Vegetation of Queensland' v2 2015; which included the following heights and resulted in the following radius for each buffer area:

Regional Ecosystem	VMA Status	Category	Maximum Prescribed Tree Height	Buff Radius
7.12.1	Least concern	B	20m	20 x 1.5 = 30m
7.3.10	Of concern	B	20m – 25m	25 x 1.5 = 37.50m
7.3.17	Endangered	B	25m	25 x 1.5 = 37.50m

Table 8: Regional System Tree Heights & Potential Clearance Buffer Areas.

Additionally, it is noted that the plan prepared by RPS available as **Attachment 2** illustrates that the height of vegetation in proximity to the tower ranges from 10.21m – 18.83m.

6.5 PLANNING SCHEME (DOUGLAS SHIRE COUNCIL PLANNING SCHEME 2018)

6.5.1 Use Definition

The proposed development is defined under the Planning Scheme as '**Telecommunication Facility**', as outlined below:

'Telecommunication Facility'

"Premises used for systems that carry communications and signals by means of radio, including guided or unguided electromagnetic energy, whether such a facility is manned or remotely controlled."

Examples include: *"Telecommunication tower, broadcasting station, television station."*

6.5.2 Statutory Considerations for Assessable Development

The development is subject to Impact Assessment and accordingly, the relevant considerations of the Assessment Manager in making the decision are Sections 59, 60(3), and 62 of the PA and Sections 29 to 31 of the PR.

6.5.3 Applicable Zoning

The land is subject to the following Zoning designations:

Site / Lot	Zoning Designation
Site 1 – Lot 7	Tourism
Site 2 – Lot 94	Conservation
Site 3 – Lot 152	Conservation (part) and Low Density Residential (part)

Table 9: Applicable SDAP Codes

Under the respective Tables of Assessment, the development to support placement of a 'Telecommunications Facility' over each of the proposed Zones is subject to **Impact Assessment**.

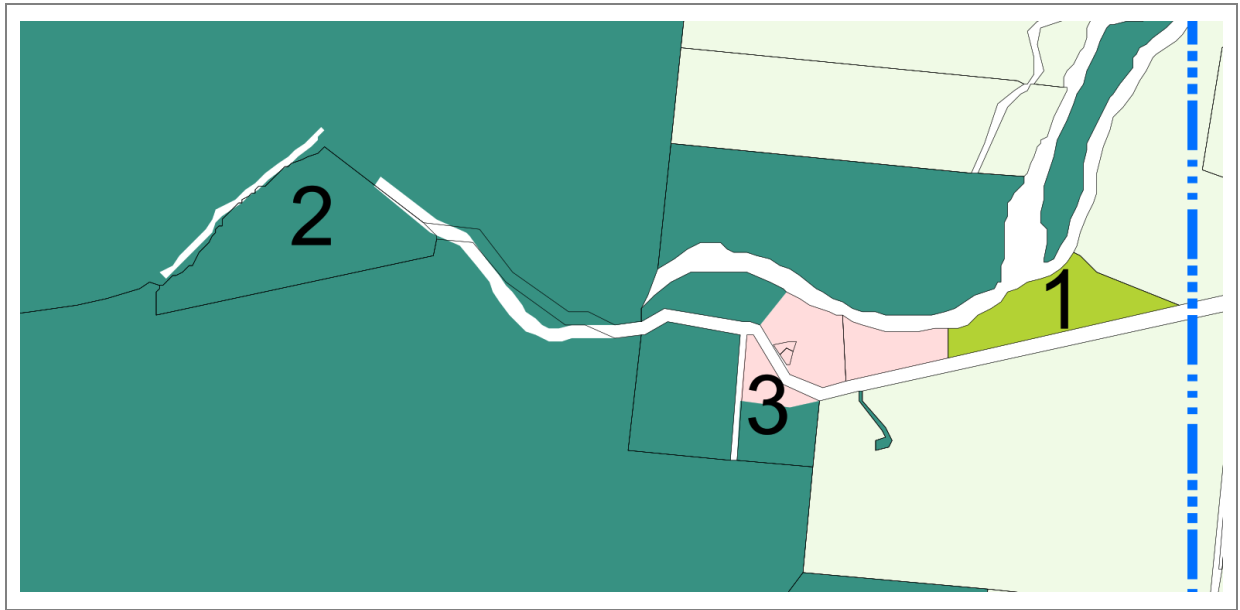


Figure 6: Zone & Zone Precinct mapping.

An assessment of the applicable development codes presented under the Planning Scheme has been completed as part of this assessment and are included as **Attachment 6** in support of the proposed development.

6.5.4 Applicable Overlays

The site is affected by the following Overlays:

- Flood and Storm Tide Inundation (Floodplain Assessment Overlay);
- Hillslopes (Area Affected by Hillslopes);
- Landscape Values (High and Medium Landscape Values);
- Natural Areas (MSES – High Ecological Value Waters (watercourse), MSES – Wildlife Habitat, MSES – Regulated Vegetation (Of Concern Regional Ecosystem), MSES – Regulated Vegetation (Intersecting a Watercourse));
- Potential Landslide Hazard;
- Transport Network – Road Hierarchy (Collector Road); and
- Transport Network – Pedestrian & Cycle Network (Iconic Recreation Route).

6.5.5 Applicable Codes

Further to the above, we note that the development is subject to assessment against the following relevant codes and provisions of the Douglas Shire Council Planning Scheme 2018:

Scheme Component	Comment
Zone Code	
Conservation (6.2.1); Low Density Residential (6.2.6); and Tourism (6.2.13).	Refer to Code Assessment as Attachment 6
Local Plan Code	
Not applicable	nil
Overlay Codes	
Flood and Storm Tide Hazard (8.2.4); Hillslopes (8.2.5); Landscape Values (8.2.6); Natural Areas (8.2.7); Potential Landslip Hazard (8.2.9); Transport Network (8.2.10)	Refer to Code Assessment as Attachment 6
Development Codes	
<u>Use Codes:</u> Telecommunication Facility (9.3.21). <u>Other Development Codes:</u> Access Parking and Servicing (9.4.1); Environmental Performance (9.4.3); Filling and Excavation (9.4.4); Infrastructure Works (9.4.5); Landscaping (9.4.6); and Vegetation Management (9.4.9).	Refer to Code Assessment as Attachment 6

Table 10: Applicable Codes

6.6 PLANNING SCHEME ASSESSMENT & DISCUSSION ON KEY PLANNING MATTERS

This section of the report outlines compliance with assessment matters against the Planning Scheme and offers additional commentary on performance-based assessment.

Overall, the development presents a high level of compliance with the relevant assessable provisions of the Planning Scheme. However, as highlighted above, the towers proposed over Lots 94 and 152 depart from the Acceptable Outcomes associated with:

- Maximum height requirements specified under the Low Density Residential (AO1) and Conservation Zones (AO2) and the Landscape Values Overlay (AO1.1);
- Coating / finishes specified under the Landscape Values Overlay (AO1.5); and
- Fencing obligations prescribed under the Telecommunications Facility Code (AO4.1).

In support of the development, assessment against the Performance Outcomes (PO), or purpose of a Code where applicable has been completed to demonstrate the suitability of the upgrade to the existing telecommunication facilities that support the operation of the Mosman Gorge Centre.

As a result of this assessment, it is determined that:

1. Design and placement of each tower is purposefully chosen to maximise and bolster the radio signals throughout the Gorge;
2. Tower design presents a slender build and is finished to blend in with their respective surroundings; and
3. Construction methodology remains unfenced to ensure the natural movement of fauna over any of the subject allotments remain unrestricted.

This project is vital to ensure communications throughout the Gorge can meet the operational demands of the Centre, whilst also recognising that the works will also result in a net community benefit.

6.6.1 Strategic Framework

The development is subject to Impact Assessment and accordingly, the relevant considerations of the Assessment Manager in making the decision are Sections 59, 60(3), and 62 of the PA and Sections 29 to 31 of the PR. In accordance with S31(1)(b) of the PR, the Assessment Manager must have regard to the whole Planning Scheme, including its Strategic Framework, when deciding an Impact Assessable application.

However, as the development expresses a high level of compliance with the applicable codes prescribed under the Planning Scheme, it is considered that this development is not required to provide a detailed assessment against the Strategic Framework in this instance.

6.6.2 Zone Code/s

As outlined above, the development is subject to three (3) separate zoning designations, spread over three given the coverage areas required to bolster the radio signals throughout the Gorge. Accordingly, all three (3) Zone Codes have been assessed as part of this application, with commentary provided below for Council's consideration.

Conservation Zone (6.2.3)

Detailed assessment against this Code has established that the tower proposed over Lot 94 presents a high level of compliance, with only one (1) departure experienced, relating specifically to the height of the tower.

AO2 of the code stipulates that any building or structure must not be more than 8.5m or two (2) storeys in height. To ensure a suitable signal strength is achieved, particularly with consideration to the surrounding height of vegetation, slope, and distance, a 18m high tower is required. The Applicant acknowledges that this exceeds the maximum height allowance by 9.5m. Accordingly, the development is required to demonstrate compliance against PO2, which states:

"The height of buildings is compatible with the character of the area and does not adversely affect the amenity of the area."

The tower will stand taller than any of the existing structures present over Lease Area A (i.e. the four (4) 'Bush Huts'). However, the intent of the tower's slender design coupled with its powercoated green finish is to blend with the surrounding mature vegetation. As outlined above under section 6.4, the vegetation surrounding the proposed location ranges from 10.21m – 18.83m in height. Thus, it is considered that the proposed 18m seesaw tower is considered to be compatible with the character and amenity of the existing mature vegetation that envelopes the site.

In accordance with PO5 of the Code, an assessment against the Overall Outcomes of the code has been provided below:

Code Requirement	Comment
Overall Outcomes	
<i>"The purpose of the Code will be achieved through the following overall outcomes:</i>	
(a) <i>Biological diversity, ecological integrity and scenic amenity are protected;</i>	Yes – the 18m tower is sited in an existing cleared portion of the site, only minor trimming/pruning works required to ensure the full seesaw motion can be achieved to undertake maintenance works (when required).

(b) <i>Any recreational or other uses of area that are in the control of the Crown, or the Council, such as reserves, national parks and the Wet Tropics World Heritage Area or areas adjacent to these areas, are consistent with the management plans of the controlling authority so that conservation and scenic amenity values of these areas are not adversely affected;</i>	The tower is considered to be consistent with the permitted use prescribed under 2.10 of the Trustee Lease (Title Ref: 49009442) in effect over Lease Area A, being a Cultural Tourism Venture as the telecommunication facilities will improve existing operational procedures, including advancing the health and safety of tourism services offered by the MGC (i.e. guided and unguided walking tours, shuttle bus services, etc.).
(c) <i>Any use of land in private ownership does not affect the environmental, habitat, conservation or scenic values of the land or surrounding area;</i>	Not applicable – the subject land is a Reserve managed in trust by Council.
(d) <i>Any low intensity facilities based on the appreciation of the natural environment or nature based recreation only establish where there is a demonstrated need and provided they have a minimal impact on the environment and scenic amenity values of the site or surrounding area;</i>	Not applicable – nature-based tourism operations are existing.
(e) <i>The provision of the Return to Country Local Plan facilitate economic and social opportunities on traditional Indigenous lands;</i>	The prescribed lots are not subject to an element depicted on Local Plan Map Sheet – LMP-007(Return to Council Local Precincts Plan).
(f) <i>Further lot reconfigurations other than amalgamations, boundary realignments to resolve encroachments, or for the practical needs of essential community infrastructure, or to facilitate Return to Country outcomes do not occur.</i>	This application does not seek to reconfigure the any of the lots subject of this application.

Table 11: Compliance with the Overall Outcomes of the Conservation Zone

Low Density Residential Zone (6.2.3)

Similar to the departure experienced above, the Yagi tower over Lot 152 also departs from the maximum height limit of 8.5m specified under AO1 of the Low Density Residential Zone Code. The Yagi tower stands 6.5m tall, where the maximum proposed height is approx. 14.5m when accommodating for the existing two (2) storey structure (i.e. office currently supporting the operation of the BBNAC) that it will be mounted on.

Accordingly, the development is required to demonstrate compliance against PO1, which states:

"The height of all buildings and structures must be in keeping with the residential character of the area."

The height of the two (2) structures combined exceeds the average height of the structures in the general area, the placement of the Yagi tower to the roof of the BBNAC office is considered to be in keeping with and not result in an adverse impact on the character and amenity of the Residential Zone as:

- The towers slender design ensures that it blends seamlessly with the surrounding mature vegetation;
- The tower cannot be viewed from Mossman Gorge Road (refer **Figure 7** below);
- From most aspects, the BBNAC office presents as a single storey structure; therefore, the addition of the tower will only present as a maximum of 9.8m in height, which only exceeds the maximum threshold by 1.3m; and
- Due to the presence of the mature and dense vegetation that encircles the BBNAC office, the Yagi tower itself cannot be seen from any adjoining or adjacent properties.

As a result, the character and amenity of the Residential Zone is considered to be protected. Therefore, the Applicant purports that the placement of this tower be supported and approved by Council.



Figure 7: Street view of BBNAC office.

Tourism Zone (6.2.3)

The development complies with, or can be conditioned to comply with, all the applicable outcomes of the Zone code.

6.6.3 Overlay Code/s

Flood and Storm Tide Hazard Overlay Code (8.2.4):

The development complies with, or can be conditioned to comply with, all the applicable outcomes present under the Flood and Storm Tide Hazard Overlay Code.

Landscape Values Overlay Code (8.2.7):

In conjunction with the height departures expressed above, the development departs from the same height particulars (i.e. 8.5m) that are also stipulated under AO1.1 of the Landscape Values Overlay Code.

In addition to the above, the Yagi tower proposed over Lot 152 also diverges from the provisions of AO1.5 where it is specified that all external features, walls and roofs are to present subdued, non-reflective palettes.

Accordingly, the development is required to demonstrate compliance against PO1, which states:

"Development within High landscape value areas identified on the Landscape values overlay maps contained in Schedule 2:

- (a) *Avoids detrimental impacts on the landscape values of forested skylines, visible hillslopes, ridgelines, the coastal foreshore or the shoreline of other water bodies through the loss of vegetation;*

Neither of the towers over Lot 94 or Lot 152 are tall enough to alter the skyline/ridgelines or be viewed from any surrounding properties located within the viewshed. The yagi tower cannot be viewed from Mossman Gorge Road, nor any adjoining or adjacent properties.

- (b) *Is effectively screened from view from a road, lookout or other public place by an existing natural landform or native vegetation, or will be effectively screened by native vegetation within 3 years of construction;*

Both towers are designed to blend seamlessly with and are buffered from view by the surrounding mature vegetation that encircles each respective site.

- (c) *Retains existing vegetation and incorporates new landscaping to enhance existing vegetation and visually soften built form elements;*

Apart from some general pruning required to support the placement of the proposed 18m tower over Lot 94, there is no vegetation proposed to be removed under this application.

- (d) *Incorporates development of a scale, design, height, position on site, construction materials and external finishes that are compatible with the landscape values of the locality;*

As per commentary provided above for each respective Zone code and item (a) above.

- (e) *Avoids detrimental impacts on landscape values and excessive changes to the natural landform as a result of the location, position on site, scale, design, extent and alignment of earthworks, roads, driveways, retaining walls and other on-ground or in-ground infrastructure;*

This development proposal does not include any earthworks that will alter the natural landforms.

NB: considered 'not applicable' for the Yagi tower proposed over Lot 152 as it will be mounted to an existing structure.

- (f) *Avoids detrimental impacts on landscape values and views as a result of the location, position on site, scale, design and alignment of telecommunications facilities, electricity towers, poles and lines and other tall infrastructure;*

As per comment provided to item (a) and (c) above.

- (g) *Extractive industry operations are avoided."*

There are no extractive industry operations considered under this application.

The towers over Lots 94 and 152 are in keeping with and protect the high landscape values present over each respective site. A detailed assessment of the development associated with a Medium Landscape Value Area has confirmed that the tower over Lot 7 demonstrates full compliance.

Overall, the development complies with, or can be conditioned to comply with, all the applicable outcomes present under the Landscape Values Overlay Code and support and approval is therefore requested.

Natural Areas Overlay Code (8.2.7):

The development complies with, or can be conditioned to comply with, all the applicable outcomes present under the Natural Areas Overlay Code.

Potential Landslide Hazard Overlay Code (8.2.9):

The development complies with, or can be conditioned to comply with, all the applicable outcomes present under the Potential Landslide Hazard Overlay Code.

Transport Network Overlay Code (8.2.10):

The development complies with, or can be conditioned to comply with, all the applicable outcomes present under the Transport Network Overlay Code.

6.6.4 Development Code/s

Telecommunication Facility Code (9.3.21):

A detailed assessment of all towers against this Land Use Code has determined that the proposal presents a high level of compliance with all assessment benchmarks, with only 1 very minor departure experienced. This departure relates directly to the requirement for each tower to be enclosed by a 1.8m fence as prescribed under AO4.1.

The Applicant has elected not to fence each tower:

- To ensure the movement of fauna over each respective site remains unrestricted;
- To limit the development footprint and maintenance requirements;
- To protect and limit any impacts on the surrounding landscape; and
- As each tower is of a simple design where any moving parts and electrical components will be safely secured (i.e. locked) where required to ensure a member of the general public cannot damage or be injured by the infrastructure.

The proposal is considered to comply with the purpose and intent of PO4 as it will not compromise the safety of the general public. Overall, the development complies with, or can be conditioned to comply with, all the applicable Development Codes of the Planning Scheme.

Access, Parking and Servicing Code (9.4.1):

The proposed development complies with, or can be conditioned to comply with, all the applicable Development Codes of the Planning Scheme.

Environmental Performance Code (9.4.3):

The proposed development complies with, or can be conditioned to comply with, all the applicable Development Codes of the Planning Scheme.

Filling and Excavation Code (9.4.4)

The proposed development complies with, or can be conditioned to comply with, all the applicable Development Codes of the Planning Scheme.

Infrastructure Works Code (9.4.5):

The proposed development complies with, or can be conditioned to comply with, all the applicable Development Codes of the Planning Scheme.

Landscaping Code (9.4.6):

The proposed development complies with, or can be conditioned to comply with, all the applicable Development Codes of the Planning Scheme.

Vegetation Management Code (9.4.9):

The proposed development complies with, or can be conditioned to comply with, all the applicable Development Codes of the Planning Scheme.

This Town Planning Report has been prepared on behalf of the Voyages Indigenous Tourism Australia Pty Ltd T/A The Mossman Gorge Centre (the Applicant) to describe the development works and to address the requirements of Douglas Shire Council under their Planning Scheme, along with the statutory provisions of the *Planning Act 2016* (Qld).

The application seeks a:

- **Material Change of Use for a 'Telecommunication Facility' (three (3) radio towers).**

This development submissions also forms a request to Council to amend the current lease terms in effect over Lot 94 on SR257 to give effect to the proposed works. As demonstrated throughout the report, the tower is in keeping with the permitted use of the lease and continues to present an overall net community benefit.

This report has described the land and development, identified the applicable statutory and legislative requirements of Douglas Shire Council under their Planning Scheme, the Douglas Shire Planning Scheme 2018, as well as at the State level under the Planning Act 2016 and other, relevant State legislation and requirements, and in doing so, demonstrated the suitability of the land to accommodate the proposed development.

A detailed assessment of the development proposal against all applicable Local and State development assessment particulars has confirmed a high level of compliance is achieved; and that the recognised departures are supported by reasonable alternate solutions that are considered suitable in this instance when consideration is afforded to the unique particulars of the project and the subject land.

Accordingly, we believe that the development should be supported and approved as:

- Development maintains and promotes achievement of Strategic Outcomes of the Planning Scheme;
- The assessment and process sought for approvals complies with the applicable State legislation and requirements;
- The development is consistent with the planning benchmarks reflected in the Douglas Shire Planning Scheme 2018;
- Construction methodologies can be easily provided to manage possible development impacts;
- The site is not affected by any natural hazards; and
- The introduction of several telecommunication towers is not of a scale, or a type of development which will result in any negative amenity impacts on adjacent residents and/or negatively impact upon the character of Mossman Gorge community and/or locality as a whole;

Approval is, therefore, recommended subject to the imposition of reasonable and relevant conditions.

We submit the application for Councils' assessment and anticipate a favourable outcome. However, should you require any further information or wish to arrange a time to discuss this development application, please do not hesitate to contact our office on the information provided below.

ATTACHMENT 1:

**DA FORM 1, LANDOWNER'S CONSENT &
THE CURRENT LAND TITLE SEARCH**

DA Form 1 – Development application details

Approved form (version 1.1 effective 22 JUNE 2018) made under section 282 of the Planning Act 2016.

This form **must** be used to make a development application **involving code assessment or impact assessment**, except when applying for development involving building work.

For a development application involving **building work only**, use *DA Form 2 – Building work details*.

For a development application involving **building work associated with any other type of assessable development (i.e. material change of use, operational work or reconfiguring a lot)**, use this form (*DA Form 1*) and parts 4 to 6 of *DA Form 2 – Building work details*.

Unless stated otherwise, all parts of this form **must** be completed in full and all required supporting information **must** accompany the development application.

One or more additional pages may be attached as a schedule to this development application if there is insufficient space on the form to include all the necessary information.

This form and any other form relevant to the development application must be used to make a development application relating to strategic port land and Brisbane core port land under the *Transport Infrastructure Act 1994*, and airport land under the *Airport Assets (Restructuring and Disposal) Act 2008*. For the purpose of assessing a development application relating to strategic port land and Brisbane core port land, any reference to a planning scheme is taken to mean a land use plan for the strategic port land, Brisbane port land use plan for Brisbane core port land, or a land use plan for airport land.

Note: All terms used in this form have the meaning given under the *Planning Act 2016*, the *Planning Regulation 2017*, or the *Development Assessment Rules (DA Rules)*.

PART 1 – APPLICANT DETAILS

1) Applicant details	
Applicant name(s) <i>(individual or company full name)</i>	Voyages Indigenous Tourism Australia Pty Ltd T/A Mossman Gorge Centre
Contact name <i>(only applicable for companies)</i>	Louise Cameron of Urban Sync Pty Ltd
Postal address <i>(P.O. Box or street address)</i>	C.- Urban Sync Pty Ltd, PO Box 2970
Suburb	Cairns
State	Queensland
Postcode	4870
Country	
Contact number	(07) 4051 6946
Email address <i>(non-mandatory)</i>	louise@urbansync.com.au
Mobile number <i>(non-mandatory)</i>	
Fax number <i>(non-mandatory)</i>	
Applicant's reference number(s) <i>(if applicable)</i>	18-385

2) Owner's consent
2.1) Is written consent of the owner required for this development application?
<input checked="" type="checkbox"/> Yes – the written consent of the owner(s) is attached to this development application
<input type="checkbox"/> No – proceed to 3)

PART 2 – LOCATION DETAILS

3) Location of the premises (complete 3.1) or 3.2), and 3.3) as applicable)

Note: Provide details below and attach a site plan for any or all premises part of the development application. For further information, see [DA Forms Guide: Relevant plans](#).

3.1) Street address and lot on plan

☐ Street address **AND** lot on plan (all lots must be listed), **or**

☐ Street address **AND** lot on plan for an adjoining or adjacent property of the premises (appropriate for development in water but adjoining or adjacent to land e.g. jetty, pontoon; all lots must be listed).

a)	Unit No.	Street No.	Street Name and Type	Suburb
		212	Gorge Road	Mossman Gorge
	Postcode	Lot No.	Plan Type and Number (e.g. RP, SP)	Local Government Area(s)
	4873	7	SP212661	Douglas Shire Council
b)	Unit No.	Street No.	Street Name and Type	Suburb
		94L	Mossman Gorge Road	Shannonvale
	Postcode	Lot No.	Plan Type and Number (e.g. RP, SP)	Local Government Area(s)
	4873	94	SR257	Douglas Shire Council
c)	Unit No.	Street No.	Street Name and Type	Suburb
		152L	Mossman Gorge Road	Shannonvale
	Postcode	Lot No.	Plan Type and Number (e.g. RP, SP)	Local Government Area(s)
	4873	152	SR832	Douglas Shire Council

3.2) Coordinates of premises (appropriate for development in remote areas, over part of a lot or in water not adjoining or adjacent to land e.g. channel dredging in Moreton Bay)

Note: Place each set of coordinates in a separate row. Only one set of coordinates is required for this part.

☐ Coordinates of premises by longitude and latitude

Longitude(s)	Latitude(s)	Datum	Local Government Area(s) (if applicable)
		<input type="checkbox"/> WGS84 <input type="checkbox"/> GDA94 <input type="checkbox"/> Other:	

☐ Coordinates of premises by easting and northing

Easting(s)	Northing(s)	Zone Ref.	Datum	Local Government Area(s) (if applicable)
		<input type="checkbox"/> 54 <input type="checkbox"/> 55 <input type="checkbox"/> 56	<input type="checkbox"/> WGS84 <input type="checkbox"/> GDA94 <input type="checkbox"/> Other:	

3.3) Additional premises

☐ Additional premises are relevant to this development application and their details have been attached in a schedule to this application

☒ Not required

4) Identify any of the following that apply to the premises and provide any relevant details

☐ In or adjacent to a water body or watercourse or in or above an aquifer

Name of water body, watercourse or aquifer:

☐ On strategic port land under the *Transport Infrastructure Act 1994*

Lot on plan description of strategic port land:

Name of port authority for the lot:

<input type="checkbox"/> In a tidal area	
Name of local government for the tidal area (if applicable):	
Name of port authority for tidal area (if applicable):	
<input type="checkbox"/> On airport land under the <i>Airport Assets (Restructuring and Disposal) Act 2008</i>	
Name of airport:	
<input type="checkbox"/> Listed on the Environmental Management Register (EMR) under the <i>Environmental Protection Act 1994</i>	
EMR site identification:	
<input type="checkbox"/> Listed on the Contaminated Land Register (CLR) under the <i>Environmental Protection Act 1994</i>	
CLR site identification:	

5) Are there any existing easements over the premises?

Note: Easement uses vary throughout Queensland and are to be identified correctly and accurately. For further information on easements and how they may affect the proposed development, see [DA Forms Guide](#).

- ☐ Yes – All easement locations, types and dimensions are included in plans submitted with this development application
- ☒ No

PART 3 – DEVELOPMENT DETAILS

Section 1 – Aspects of development

6.1) Provide details about the first development aspect			
a) What is the type of development? (tick only one box)			
<input checked="" type="checkbox"/> Material change of use	<input type="checkbox"/> Reconfiguring a lot	<input type="checkbox"/> Operational work	<input type="checkbox"/> Building work
b) What is the approval type? (tick only one box)			
<input checked="" type="checkbox"/> Development permit	<input type="checkbox"/> Preliminary approval	<input type="checkbox"/> Preliminary approval that includes a variation approval	
c) What is the level of assessment?			
<input type="checkbox"/> Code assessment	<input type="checkbox"/> Impact assessment (requires public notification)		
d) Provide a brief description of the proposal (e.g. 6 unit apartment building defined as multi-unit dwelling, reconfiguration of 1 lot into 3 lots):			
Placement and operation of 3x radio towers to support the upgrade of the existing telecommunication facilities used in conjunction with the existing Visitor Centre.			
e) Relevant plans			
<i>Note: Relevant plans are required to be submitted for all aspects of this development application. For further information, see DA Forms guide: Relevant plans.</i>			
<input checked="" type="checkbox"/> Relevant plans of the proposed development are attached to the development application			
6.2) Provide details about the second development aspect			
a) What is the type of development? (tick only one box)			
<input type="checkbox"/> Material change of use	<input type="checkbox"/> Reconfiguring a lot	<input type="checkbox"/> Operational work	<input type="checkbox"/> Building work
b) What is the approval type? (tick only one box)			
<input type="checkbox"/> Development permit	<input type="checkbox"/> Preliminary approval	<input type="checkbox"/> Preliminary approval that includes a variation approval	
c) What is the level of assessment?			
<input type="checkbox"/> Code assessment	<input type="checkbox"/> Impact assessment (requires public notification)		
d) Provide a brief description of the proposal (e.g. 6 unit apartment building defined as multi-unit dwelling, reconfiguration of 1 lot into 3 lots):			

e) Relevant plans

Note: Relevant plans are required to be submitted for all aspects of this development application. For further information, see [DA Forms Guide: Relevant plans](#).

☐ Relevant plans of the proposed development are attached to the development application

6.3) Additional aspects of development

☒ Additional aspects of development are relevant to this development application and the details for these aspects that would be required under Part 3 Section 1 of this form have been attached to this development application

☐ Not required

Section 2 – Further development details

7) Does the proposed development application involve any of the following?

Material change of use	<input checked="" type="checkbox"/> Yes – complete division 1 if assessable against a local planning instrument
Reconfiguring a lot	<input type="checkbox"/> Yes – complete division 2
Operational work	<input type="checkbox"/> Yes – complete division 3
Building work	<input type="checkbox"/> Yes – complete <i>DA Form 2 – Building work details</i>

Division 1 – Material change of use

Note: This division is only required to be completed if any part of the development application involves a material change of use assessable against a local planning instrument.

8.1) Describe the proposed material change of use

Provide a general description of the proposed use	Provide the planning scheme definition (include each definition in a new row)	Number of dwelling units (if applicable)	Gross floor area (m ²) (if applicable)
Radio Towers	Telecommunication Facilities	n/a	n/a

8.2) Does the proposed use involve the use of existing buildings on the premises?

☒ Yes

☐ No

Division 2 – Reconfiguring a lot

Note: This division is only required to be completed if any part of the development application involves reconfiguring a lot.

9.1) What is the total number of existing lots making up the premises?

--

9.2) What is the nature of the lot reconfiguration? (tick all applicable boxes)

<input type="checkbox"/> Subdivision (complete 10))	<input type="checkbox"/> Dividing land into parts by agreement (complete 11))
<input type="checkbox"/> Boundary realignment (complete 12))	<input type="checkbox"/> Creating or changing an easement giving access to a lot from a construction road (complete 13))

10) Subdivision

10.1) For this development, how many lots are being created and what is the intended use of those lots:

Intended use of lots created	Residential	Commercial	Industrial	Other, please specify:
Number of lots created				

10.2) Will the subdivision be staged?

☐ Yes – provide additional details below

☐ No

How many stages will the works include?	
What stage(s) will this development application apply to?	

11) Dividing land into parts by agreement – how many parts are being created and what is the intended use of the parts?				
Intended use of parts created	Residential	Commercial	Industrial	Other, please specify:
Number of parts created				

12) Boundary realignment			
12.1) What are the current and proposed areas for each lot comprising the premises?			
Current lot		Proposed lot	
Lot on plan description	Area (m ²)	Lot on plan description	Area (m ²)
12.2) What is the reason for the boundary realignment?			

13) What are the dimensions and nature of any existing easements being changed and/or any proposed easement? (attach schedule if there are more than two easements)				
Existing or proposed?	Width (m)	Length (m)	Purpose of the easement? (e.g. pedestrian access)	Identify the land/lot(s) benefitted by the easement

Division 3 – Operational work

Note: This division is only required to be completed if any part of the development application involves operational work.

14.1) What is the nature of the operational work?	
<input type="checkbox"/> Road work <input type="checkbox"/> Drainage work <input type="checkbox"/> Landscaping <input type="checkbox"/> Other – please specify:	<input type="checkbox"/> Stormwater <input type="checkbox"/> Earthworks <input type="checkbox"/> Signage <input type="checkbox"/> Water infrastructure <input type="checkbox"/> Sewage infrastructure <input type="checkbox"/> Clearing vegetation
14.2) Is the operational work necessary to facilitate the creation of new lots? (e.g. subdivision)	
<input type="checkbox"/> Yes – specify number of new lots:	
<input type="checkbox"/> No	
14.3) What is the monetary value of the proposed operational work? (include GST, materials and labour)	
\$	

PART 4 – ASSESSMENT MANAGER DETAILS

15) Identify the assessment manager(s) who will be assessing this development application
Douglas Shire Council

16) Has the local government agreed to apply a superseded planning scheme for this development application?

- ☐ Yes – a copy of the decision notice is attached to this development application
- ☐ Local government is taken to have agreed to the superseded planning scheme request – relevant documents attached
- ☒ No

PART 5 – REFERRAL DETAILS

17) Do any aspects of the proposed development require referral for any referral requirements?

Note: A development application will require referral if prescribed by the Planning Regulation 2017.

- ☐ No, there are no referral requirements relevant to any development aspects identified in this development application – proceed to Part 6

Matters requiring referral to the **Chief Executive of the Planning Regulation 2017:**

- ☒ Clearing native vegetation
- ☐ Contaminated land (*unexploded ordnance*)
- ☐ Environmentally relevant activities (ERA) (*only if the ERA have not been devolved to a local government*)
- ☐ Fisheries – aquaculture
- ☐ Fisheries – declared fish habitat area
- ☐ Fisheries – marine plants
- ☐ Fisheries – waterway barrier works
- ☐ Hazardous chemical facilities
- ☐ Queensland heritage place (*on or near a Queensland heritage place*)
- ☐ Infrastructure – designated premises
- ☐ Infrastructure – state transport infrastructure
- ☐ Infrastructure – state transport corridors and future state transport corridors
- ☐ Infrastructure – state-controlled transport tunnels and future state-controlled transport tunnels
- ☐ Infrastructure – near a state-controlled road intersection
- ☐ On Brisbane core port land near a State transport corridor or future State transport corridor
- ☐ On Brisbane core port land – ERA
- ☐ On Brisbane core port land – tidal works or work in a coastal management district
- ☐ On Brisbane core port land – hazardous chemical facility
- ☐ On Brisbane core port land – taking or interfering with water
- ☐ On Brisbane core port land – referable dams
- ☐ On Brisbane core port land - fisheries
- ☐ Land within Port of Brisbane's port limits
- ☐ SEQ development area
- ☐ SEQ regional landscape and rural production area or SEQ rural living area – tourist activity or sport and recreation activity
- ☐ SEQ regional landscape and rural production area or SEQ rural living area – community activity
- ☐ SEQ regional landscape and rural production area or SEQ rural living area – indoor recreation
- ☐ SEQ regional landscape and rural production area or SEQ rural living area – urban activity
- ☐ SEQ regional landscape and rural production area or SEQ rural living area – combined use
- ☐ Tidal works or works in a coastal management district
- ☐ Reconfiguring a lot in a coastal management district or for a canal
- ☐ Erosion prone area in a coastal management district
- ☐ Urban design
- ☐ Water-related development – taking or interfering with water
- ☐ Water-related development – removing quarry material (*from a watercourse or lake*)
- ☐ Water-related development – referable dams
- ☐ Water-related development – construction of new levees or modification of existing levees (*category 3 levees only*)
- ☐ Wetland protection area

Matters requiring referral to the local government: <input type="checkbox"/> Airport land <input type="checkbox"/> Environmentally relevant activities (ERA) <i>(only if the ERA have been devolved to local government)</i> <input type="checkbox"/> Local heritage places
Matters requiring referral to the chief executive of the distribution entity or transmission entity: <input type="checkbox"/> Electricity infrastructure
Matters requiring referral to: <ul style="list-style-type: none"> • The Chief executive of the holder of the licence, if not an individual • The holder of the licence, if the holder of the licence is an individual <input type="checkbox"/> Oil and gas infrastructure
Matters requiring referral to the Brisbane City Council: <input type="checkbox"/> Brisbane core port land
Matters requiring referral to the Minister under the Transport Infrastructure Act 1994: <input type="checkbox"/> Brisbane core port land (inconsistent with Brisbane port LUP for transport reasons) <input type="checkbox"/> Strategic port land
Matters requiring referral to the relevant port operator: <input type="checkbox"/> Land within Port of Brisbane's port limits (below high-water mark)
Matters requiring referral to the Chief Executive of the relevant port authority: <input type="checkbox"/> Land within limits of another port (below high-water mark)
Matters requiring referral to the Gold Coast Waterways Authority: <input type="checkbox"/> Tidal works, or work in a coastal management district in Gold Coast waters
Matters requiring referral to the Queensland Fire and Emergency Service: <input type="checkbox"/> Tidal works marina <i>(more than six vessel berths)</i>

18) Has any referral agency provided a referral response for this development application?		
<input checked="" type="checkbox"/> Yes – referral response(s) received and listed below are attached to this development application <input type="checkbox"/> No		
Referral requirement	Referral agency	Date of referral response
Schedule 10, Part 3, Division 4, Table 3, Item 1 – Clearing Native Vegetation	Department of Natural Resources Mines & Energy	7 December 2018
Identify and describe any changes made to the proposed development application that was the subject of the referral response and the development application the subject of this form, or include details in a schedule to this development application <i>(if applicable)</i> . <i>nil</i>		

PART 6 – INFORMATION REQUEST

19) Information request under Part 3 of the DA Rules
<input checked="" type="checkbox"/> I agree to receive an information request if determined necessary for this development application <input type="checkbox"/> I do not agree to accept an information request for this development application Note: By not agreeing to accept an information request I, the applicant, acknowledge: <ul style="list-style-type: none"> • that this development application will be assessed and decided based on the information provided when making this development application and the assessment manager and any referral agencies relevant to the development application are not obligated under the DA Rules to accept any additional information provided by the applicant for the development application unless agreed to by the relevant parties • Part 3 of the DA Rules will still apply if the application is an application listed under section 11.3 of the DA Rules. Further advice about information requests is contained in the DA Forms Guide .

PART 7 – FURTHER DETAILS

20) Are there any associated development applications or current approvals? (e.g. a preliminary approval)

- ☐ Yes – provide details below or include details in a schedule to this development application
☒ No

List of approval/development application references	Reference number	Date	Assessment manager
<input type="checkbox"/> Approval <input type="checkbox"/> Development application			
<input type="checkbox"/> Approval <input type="checkbox"/> Development application			

21) Has the portable long service leave levy been paid? (only applicable to development applications involving building work or operational work)

- ☐ Yes – a copy of the receipted QLeave form is attached to this development application
☐ No – I, the applicant will provide evidence that the portable long service leave levy has been paid before the assessment manager decides the development application. I acknowledge that the assessment manager may give a development approval only if I provide evidence that the portable long service leave levy has been paid
☒ Not applicable (e.g. building and construction work is less than \$150,000 excluding GST)

Amount paid	Date paid (dd/mm/yy)	QLeave levy number
\$		

22) Is this development application in response to a show cause notice or required as a result of an enforcement notice?

- ☐ Yes – show cause or enforcement notice is attached
☒ No

23) Further legislative requirements

Environmentally relevant activities

23.1) Is this development application also taken to be an application for an environmental authority for an **Environmentally Relevant Activity (ERA)** under section 115 of the *Environmental Protection Act 1994*?

- ☐ Yes – the required attachment (form ESR/2015/1791) for an application for an environmental authority accompanies this development application, and details are provided in the table below
☒ No

Note: Application for an environmental authority can be found by searching “ESR/2015/1791” as a search term at www.qld.gov.au. An ERA requires an environmental authority to operate. See www.business.qld.gov.au for further information.

Proposed ERA number:		Proposed ERA threshold:	
Proposed ERA name:			

- ☐ Multiple ERAs are applicable to this development application and the details have been attached in a schedule to this development application.

Hazardous chemical facilities

23.2) Is this development application for a **hazardous chemical facility**?

- ☐ Yes – Form 69: Notification of a facility exceeding 10% of schedule 15 threshold is attached to this development application
☒ No

Note: See www.business.qld.gov.au for further information about hazardous chemical notifications.

Clearing native vegetation

23.3) Does this development application involve **clearing native vegetation** that requires written confirmation that the chief executive of the *Vegetation Management Act 1999* is satisfied the clearing is for a relevant purpose under section 22A of the *Vegetation Management Act 1999*?

☒ Yes – this development application includes written confirmation from the chief executive of the *Vegetation Management Act 1999* (s22A determination)

☐ No

Note: 1. Where a development application for operational work or material change of use requires a s22A determination and this is not included, the development application is prohibited development.

2. See <https://www.qld.gov.au/environment/land/vegetation/applying> for further information on how to obtain a s22A determination.

Environmental offsets

23.4) Is this development application taken to be a prescribed activity that may have a significant residual impact on a **prescribed environmental matter** under the *Environmental Offsets Act 2014*?

☐ Yes – I acknowledge that an environmental offset must be provided for any prescribed activity assessed as having a significant residual impact on a prescribed environmental matter

☒ No

Note: The environmental offset section of the Queensland Government's website can be accessed at www.qld.gov.au for further information on environmental offsets.

Koala conservation

23.5) Does this development application involve a material change of use, reconfiguring a lot or operational work within an assessable development area under Schedule 10, Part 10 of the Planning Regulation 2017?

☐ Yes

☒ No

Note: See guidance materials at www.des.qld.gov.au for further information.

Water resources

23.6) Does this development application involve **taking or interfering with underground water through an artesian or subartesian bore, taking or interfering with water in a watercourse, lake or spring, or taking overland flow water under the Water Act 2000**?

☐ Yes – the relevant template is completed and attached to this development application and I acknowledge that a relevant authorisation or licence under the *Water Act 2000* may be required prior to commencing development

☒ No

Note: Contact the Department of Natural Resources, Mines and Energy at www.dnrme.qld.gov.au for further information.

DA templates are available from <https://planning.dsdmip.qld.gov.au/>. If the development application involves:

- Taking or interfering with underground water through an artesian or subartesian bore: complete DA Form 1 Template 1
- Taking or interfering with water in a watercourse, lake or spring: complete DA Form 1 Template 2
- Taking overland flow water: complete DA Form 1 Template 3.

Waterway barrier works

23.7) Does this application involve **waterway barrier works**?

☐ Yes – the relevant template is completed and attached to this development application

☒ No

DA templates are available from <https://planning.dsdmip.qld.gov.au/>. For a development application involving waterway barrier works, complete DA Form 1 Template 4.

Marine activities

23.8) Does this development application involve **aquaculture, works within a declared fish habitat area or removal, disturbance or destruction of marine plants**?

☐ Yes – an associated resource allocation authority is attached to this development application, if required under the *Fisheries Act 1994*

☒ No

Note: See guidance materials at www.daf.qld.gov.au for further information.

Quarry materials from a watercourse or lake

23.9) Does this development application involve the **removal of quarry materials from a watercourse or lake** under the *Water Act 2000*?

- ☐ Yes – I acknowledge that a quarry material allocation notice must be obtained prior to commencing development
☒ No

Note: Contact the Department of Natural Resources, Mines and Energy at www.dnrme.qld.gov.au and www.business.qld.gov.au for further information.

Quarry materials from land under tidal waters

23.10) Does this development application involve the **removal of quarry materials from land under tidal water** under the *Coastal Protection and Management Act 1995*?

- ☐ Yes – I acknowledge that a quarry material allocation notice must be obtained prior to commencing development
☒ No

Note: Contact the Department of Environment and Science at www.des.qld.gov.au for further information.

Referable dams

23.11) Does this development application involve a **referable dam** required to be failure impact assessed under section 343 of the *Water Supply (Safety and Reliability) Act 2008* (the Water Supply Act)?

- ☐ Yes – the 'Notice Accepting a Failure Impact Assessment' from the chief executive administering the Water Supply Act is attached to this development application
☒ No

Note: See guidance materials at www.dnrme.qld.gov.au for further information.

Tidal work or development within a coastal management district

23.12) Does this development application involve **tidal work or development in a coastal management district**?

- ☐ Yes – the following is included with this development application:
☐ Evidence the proposal meets the code for assessable development that is prescribed tidal work (*only required if application involves prescribed tidal work*)
☐ A certificate of title
☒ No

Note: See guidance materials at www.des.qld.gov.au for further information.

Queensland and local heritage places

23.13) Does this development application propose development on or adjoining a place entered in the **Queensland heritage register** or on a place entered in a local government's **Local Heritage Register**?

- ☐ Yes – details of the heritage place are provided in the table below
☒ No

Note: See guidance materials at www.des.qld.gov.au for information requirements regarding development of Queensland heritage places.

Name of the heritage place:		Place ID:	
-----------------------------	--	-----------	--

Brothels

23.14) Does this development application involve a **material change of use for a brothel**?

- ☐ Yes – this development application demonstrates how the proposal meets the code for a development application for a brothel under Schedule 3 of the *Prostitution Regulation 2014*
☒ No

Decision under section 62 of the Transport Infrastructure Act 1994

23.15) Does this development application involve new or changed access to a state-controlled road?

- ☐ Yes - this application will be taken to be an application for a decision under section 62 of the *Transport Infrastructure Act 1994* (subject to the conditions in section 75 of the *Transport Infrastructure Act 1994* being satisfied)
☒ No

PART 8 – CHECKLIST AND APPLICANT DECLARATION

24) Development application checklist	
I have identified the assessment manager in question 15 and all relevant referral requirement(s) in question 17 <i>Note: See the Planning Regulation 2017 for referral requirements</i>	<input checked="" type="checkbox"/> Yes
If building work is associated with the proposed development, Parts 4 to 6 of <i>DA Form 2 – Building work details</i> have been completed and attached to this development application	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> Not applicable
Supporting information addressing any applicable assessment benchmarks is with development application <i>Note: This is a mandatory requirement and includes any relevant templates under question 23, a planning report and any technical reports required by the relevant categorising instruments (e.g. local government planning schemes, State Planning Policy, State Development Assessment Provisions). For further information, see DA Forms Guide: Planning Report Template.</i>	<input checked="" type="checkbox"/> Yes
Relevant plans of the development are attached to this development application <i>Note: Relevant plans are required to be submitted for all aspects of this development application. For further information, see DA Forms Guide: Relevant plans.</i>	<input checked="" type="checkbox"/> Yes
The portable long service leave levy for QLeave has been paid, or will be paid before a development permit is issued (<i>see 21</i>))	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> Not applicable

25) Applicant declaration
<input checked="" type="checkbox"/> By making this development application, I declare that all information in this development application is true and correct <input checked="" type="checkbox"/> Where an email address is provided in Part 1 of this form, I consent to receive future electronic communications from the assessment manager and any referral agency for the development application where written information is required or permitted pursuant to sections 11 and 12 of the <i>Electronic Transactions Act 2001</i> <i>Note: It is unlawful to intentionally provide false or misleading information.</i>
<p>Privacy – Personal information collected in this form will be used by the assessment manager and/or chosen assessment manager, any relevant referral agency and/or building certifier (including any professional advisers which may be engaged by those entities) while processing, assessing and deciding the development application. All information relating to this development application may be available for inspection and purchase, and/or published on the assessment manager's and/or referral agency's website.</p> <p>Personal information will not be disclosed for a purpose unrelated to the <i>Planning Act 2016</i>, Planning Regulation 2017 and the DA Rules except where:</p> <ul style="list-style-type: none"> such disclosure is in accordance with the provisions about public access to documents contained in the <i>Planning Act 2016</i> and the Planning Regulation 2017, and the access rules made under the <i>Planning Act 2016</i> and Planning Regulation 2017; or required by other legislation (including the <i>Right to Information Act 2009</i>); or otherwise required by law. <p>This information may be stored in relevant databases. The information collected will be retained as required by the <i>Public Records Act 2002</i>.</p>

PART 9 – FOR OFFICE USE ONLY

Date received: Reference number(s):

Notification of engagement of alternative assessment manager	
Prescribed assessment manager	
Name of chosen assessment manager	
Date chosen assessment manager engaged	
Contact number of chosen assessment manager	

Relevant licence number(s) of chosen assessment manager	
---	--

QLeave notification and payment	
<i>Note: For completion by assessment manager if applicable</i>	
Description of the work	
QLeave project number	
Amount paid (\$)	
Date paid	
Date receipted form sighted by assessment manager	
Name of officer who sighted the form	

Company owner's consent to the making of a development application under the *Planning Act 2016*

I, TIM LARKIN [Insert name in full.]
EXECUTIVE DIRECTOR PROGRAM DELIVERY [insert position] of the company mentioned below.

Of Indigenous Land Corporation ABN: 59 912 679 254 [Insert name of company and ACN.]

the company being the owner of the premises identified as follows:

212 Gorge Road, Mossman Gorge, formally described as Lot 7 on SP212661
[Insert street address, lot on plan description or coordinates of the premises the subject of the application.]

consent to the making of a development application under the *Planning Act 2016* by:

Mossman Gorge Centre [Insert name of applicant.]

on the premises described above for:

Material Change of Use application for "Telecommunication Facilities" as defined under the Douglas Shire Planning Scheme 2018

[Insert details of the proposed development, e.g. material change of use for four-storey apartment building.]

Company seal [if used]

Company Name and ACN: **Indigenous Land Corporation ABN: 59 912 679 254**

Signature of [Signature] [insert position]

20.12.18.
Date

**Company owner's consent to the making of a development application
under the *Planning Act 2016***

I, Mark Stoermer
Chief Executive Officer

Of Douglas Shire Council

the company being the trustee of the premises identified as follows:

Lot 94 on SR257

consent to the making of a development application under the *Planning Act 2016* by:

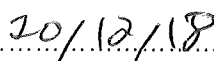
Mossman Gorge Centre C/- Urban Sync

on the premises described above for:

Material Change of Use (Telecommunications Facility)

Company Name and ABN: Douglas Shire Council ABN 71241237800


.....
Signature of Chief Executive Officer


.....
Date

Company owner's consent to the making of a development application under the *Planning Act 2016*

I, CHRISTOPHER ALAN PHILLIPS [Insert name in full.]
MANAGER [insert position] of the company mentioned below.

Of The State of Queensland (represented by the Department of Communities, Disability Services, and Seniors) [Insert name of company and ACN.]

the company being the owner of the premises identified as follows:

Gorge Road, Mossman Gorge, formally described as Lot 152 on SR832
[Insert street address, lot on plan description or coordinates of the premises the subject of the application.]

consent to the making of a development application under the *Planning Act 2016* by:

Mossman Gorge Centre [Insert name of applicant.]

on the premises described above for:

Material Change of Use application for "Telecommunication Facilities" as defined under the Douglas Shire Planning Scheme 2018

[Insert details of the proposed development, e.g. material change of use for four-storey apartment building.]

Company seal [if used]

Company Name and ACN: **The State of Queensland (represented by the Department of Communities, Disability Services, and Seniors)**

Signature of MANAGER [insert position]

17.12.2018
Date

Company owner's consent to the making of a development application under the *Planning Act 2016*

I, JOHN MCINTYRE [Insert name in full.]
A/CEO [insert position] of the company mentioned below.

Of **Bamanga Bubu Ngadimunku Aboriginal Corporation ABN: 26 904 810 679**

[Insert name of company and ACN.]

the company being the owner of the premises identified as follows:

Gorge Road, Mossman Gorge, formally described as Lot 152 on SR832

[Insert street address, lot on plan description or coordinates of the premises the subject of the application.]

consent to the making of a development application under the *Planning Act 2016* by:

Mossman Gorge Centre

[Insert name of applicant.]

on the premises described above for:

Material Change of Use application for "Telecommunication Facilities" as defined under the Douglas Shire Planning Scheme 2018

[Insert details of the proposed development, e.g. material change of use for four-storey apartment building.]

Company seal [if used]

Company Name and ACN: **Bamanga Bubu Ngadimunku Aboriginal Corporation ABN: 26 904 810 679**

[Signature]
Signature of _____ [insert position]

6/12/18

Date

CURRENT TITLE SEARCH

NATURAL RESOURCES, MINES AND ENERGY, QUEENSLAND

Request No: 30104981

Search Date: 28/11/2018 09:43

Title Reference: 50721833

Date Created: 28/05/2008

Previous Title: 50192321

REGISTERED OWNER

Dealing No: 711786533 11/07/2008

INDIGENOUS LAND CORPORATION A.B.N. 59 912 679 254

ESTATE AND LAND

Estate in Fee Simple

LOT 7 SURVEY PLAN 212661
Local Government: DOUGLAS

EASEMENTS, ENCUMBRANCES AND INTERESTS

1. Rights and interests reserved to the Crown by
Deed of Grant No. 20081168 (POR 198)
2. EASEMENT IN GROSS No 714316110 16/02/2012 at 10:26
burdening the land
ERGON ENERGY CORPORATION LIMITED A.C.N. 087 646 062
over
EASEMENT A ON SP248131
3. LEASE No 718000946 04/05/2017 at 15:29
VOYAGES INDIGENOUS TOURISM AUSTRALIA PTY LTD A.B.N. 82 146
482 591
OF THE WHOLE OF THE LAND
TERM: 01/10/2016 TO 01/10/2021 OPTION 5 YEARS
4. SUB LEASE No 718266569 12/09/2017 at 08:13
LEASE: 718000946
THE STATE OF QUEENSLAND
(REPRESENTED BY DEPARTMENT OF NATIONAL PARKS, SPORT AND
RACING)
OF PART OF THE GROUND FLOOR (LEASE C)
TERM: 01/10/2016 TO 30/09/2021 OPTION 5 YEARS
5. SUB LEASE No 718266570 12/09/2017 at 08:13
LEASE: 718000946
THE STATE OF QUEENSLAND
(REPRESENTED BY DEPARTMENT OF NATIONAL PARKS, SPORT AND
RACING)
OF LEASE B ON SP274781
TERM: 01/10/2016 TO 30/09/2021 OPTION 5 YEARS

CURRENT TITLE SEARCH

NATURAL RESOURCES, MINES AND ENERGY, QUEENSLAND

Request No: 30104981

Search Date: 28/11/2018 09:43

Title Reference: 50721833

Date Created: 28/05/2008

ADMINISTRATIVE ADVICES

Dealing	Type	Lodgement Date	Status
713663236	VEG NOTICE	10/01/2011 11:23	CURRENT
	VEGETATION MANAGEMENT ACT 1999		
713682782	VEG NOTICE	25/01/2011 16:23	CURRENT
	VEGETATION MANAGEMENT ACT 1999		
713730704	VEG NOTICE	24/02/2011 13:25	CURRENT
	VEGETATION MANAGEMENT ACT 1999		

UNREGISTERED DEALINGS - NIL

CERTIFICATE OF TITLE ISSUED - No

Caution - Charges do not necessarily appear in order of priority

** End of Current Title Search **

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Requested By: D-ENQ URBIS PRO

CURRENT RESERVE SEARCH

NATURAL RESOURCES, MINES AND ENERGY, QUEENSLAND

Request No: 30032258

Search Date: 19/11/2018 12:28

Title Reference: 49009042

Date GAZETTED: 22/12/1962

PAGE: 1530

Opening Ref: RES 9426

Purpose: WATER

Sub-Purpose:

Local Name: REX CREEK

Address:

County (R) No: R135

File Ref: RES 11155

TRUSTEES

DOUGLAS SHIRE COUNCIL GAZETTED ON 22/12/1962 PAGE 1530

LAND DESCRIPTION

LOT 94 CROWN PLAN SR257 GAZETTED ON 22/12/1962 PAGE 1530
Local Government: DOUGLAS

Area: 20.436600 Ha. (SURVEYED)

EASEMENTS AND ENCUMBRANCES

1. TRUSTEE LEASE No 715983349 29/08/2014 at 09:38
INDIGENOUS LAND CORPORATION
OF PART OF THE LAND (LEASE A)
TERM: 01/12/2013 TO 30/11/2023 OPTION NIL

ADMINISTRATIVE ADVICES

Dealing	Type	Lodgement Date	Status
715377524	LAND NOTICE	21/10/2013 11:27	CURRENT
SEC 48 (2) LAND ACT 1994			

UNREGISTERED DEALINGS - NIL

CERTIFICATE OF TITLE ISSUED - No

Caution - Charges do not necessarily appear in order of priority

** End of Current Reserve Search **

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Requested By: D-ENQ URBIS PRO

CURRENT RESERVE SEARCH

NATURAL RESOURCES, MINES AND ENERGY, QUEENSLAND

Request No: 30104893

Search Date: 28/11/2018 09:39

Title Reference: 49011023

Date GAZETTED: 12/02/1916

PAGE: 722

Opening Ref: RES 1505

Purpose: ABORIGINAL INHABITANTS OF STATE

Sub-Purpose:

Local Name: GEORGE RESERVE

Address: MOSSMAN RIVER GORGE

County (R) No: R81

File Ref: RES 1505

TRUSTEES

THE STATE OF QUEENSLAND (REPRESENTED BY DEPARTMENT OF
COMMUNITIES, DISABILITY SERVICES AND SENIORS) AMENDED
on 16/03/2018

LAND DESCRIPTION

LOT 152 CROWN PLAN SR832 GAZETTED ON 21/03/1987 PAGE 1211

Local Government: DOUGLAS

Area: 26.983000 Ha. (SURVEYED)

EASEMENTS AND ENCUMBRANCES

1. TRUSTEE LEASE No 717623005 04/11/2016 at 08:51
BAMANGA BUBU NGADIMUNKU ABORIGINAL CORPORATION
OF LEASE X ON SP285546
TERM: 01/07/2016 TO 30/06/2021 OPTION 4 YEARS

ADMINISTRATIVE ADVICES - NIL

UNREGISTERED DEALINGS - NIL

CERTIFICATE OF TITLE ISSUED - No

Caution - Charges do not necessarily appear in order of priority

** End of Current Reserve Search **

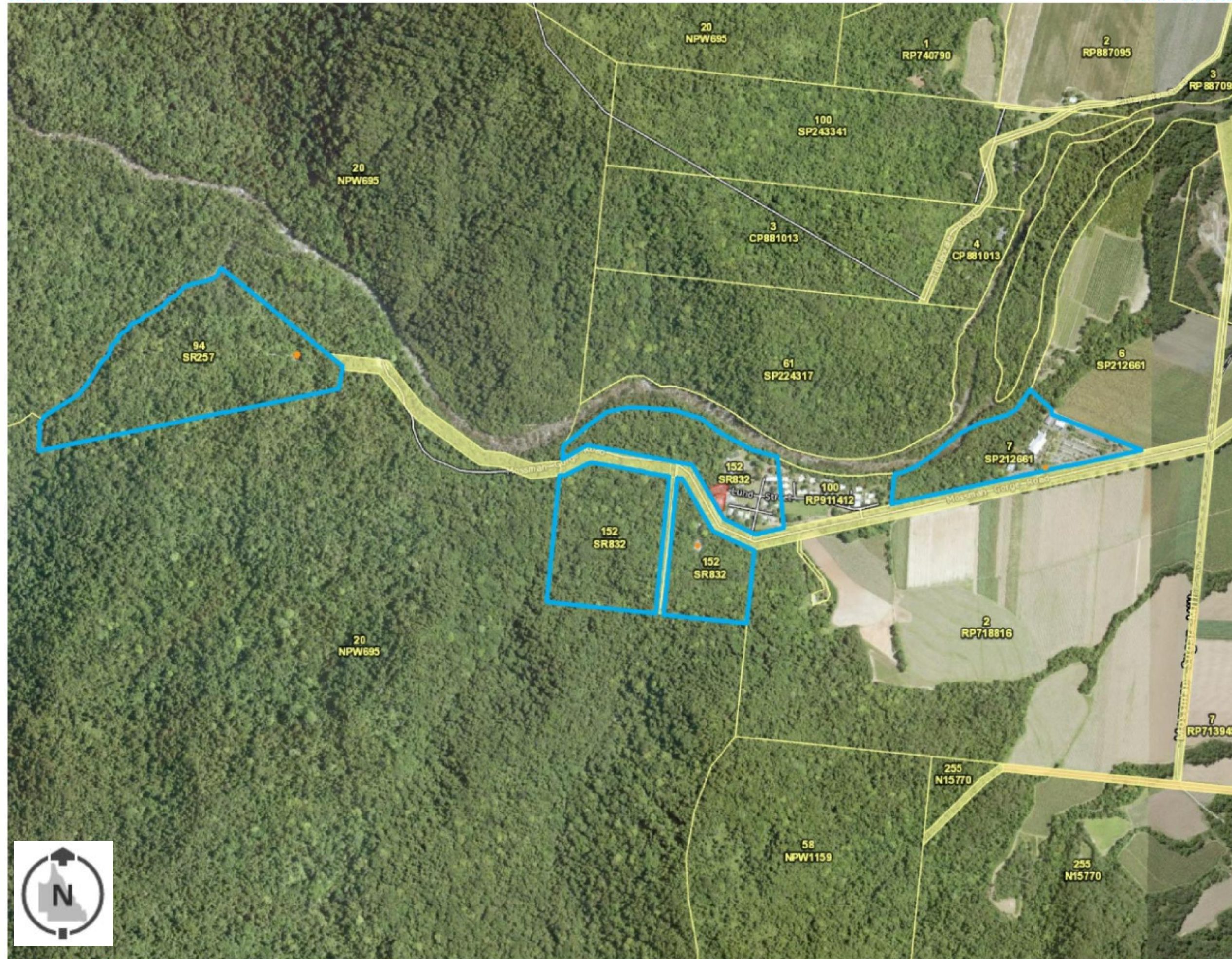
COPYRIGHT THE STATE OF QUEENSLAND (NATURAL RESOURCES, MINES AND ENERGY) [2018]

Requested By: D-ENQ URBIS PRO

ATTACHMENT 2: PROJECT PLANS

16°27'47"S 145°19'17"E

16°27'47"S 145°21'12"E



MOSSMAN GORGE CENTRE

Street Address:

7L, 94L, & 152L Mossman Gorge
Road, SHANNONVALE

Real Property Description:

Lot 7 on SP212661, Lot 94 on
SR257, & Lot 152 on SR257.

Proposed Development:

3 x Radio Towers

Legend:

- Applicable site/s
- Proposed tower locations



SITE PLAN

- ALL -

Plan No: 18-385 DA01 Rev: A

Date: 18/12/2018



PEOPLE. LAND. OPPORTUNITY.

16°28'17"S 145°20'38"E

16°28'17"S 145°21'5"E



16°28'37"S 145°20'38"E

16°28'37"S 145°21'5"E

MOSSMAN GORGE CENTRE

Street Address:

7L, 94L, & 152L Mossman Gorge Road, SHANNONVALE

Real Property Description:

Lot 7 on SP212661, Lot 94 on SR257, & Lot 152 on SR257.

Proposed Development:

3 x Radio Towers

Legend:

- Applicable site/s
- Proposed tower locations

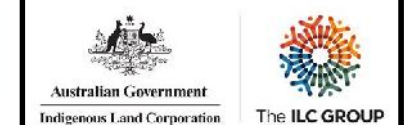


SITE PLAN

(Lot 7)

Plan No: 18-385 DA02 Rev: A

Date: 18/12/2018



PEOPLE. LAND. OPPORTUNITY.

16°28'6"S 145°19'19"E

16°28'6"S 145°19'56"E



16°28'34"S 145°19'19"E

16°28'34"S 145°19'56"E

MOSSMAN GORGE CENTRE

Street Address:

7L, 94L, & 152L Mossman Gorge
Road, SHANNONVALE

Real Property Description:

Lot 7 on SP212661, Lot 94 on
SR257, & Lot 152 on SR257.

Proposed Development:

3 x Radio Towers

Legend:

- Applicable site/s
- Proposed tower locations



SITE PLAN

(Lot 94)

Plan No: 18-385 DA03 Rev: A

Date: 18/12/2018



PEOPLE. LAND. OPPORTUNITY.

MOSSMAN GORGE CENTRE

Street Address:

7L, 94L, & 152L Mossman Gorge Road, SHANNONVALE

Real Property Description:

Lot 7 on SP212661, Lot 94 on SR257, & Lot 152 on SR257.

Proposed Development:

3 x Radio Towers

Legend:

- Applicable site/s
- Proposed tower locations

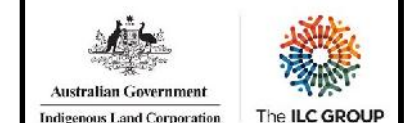


SITE PLAN

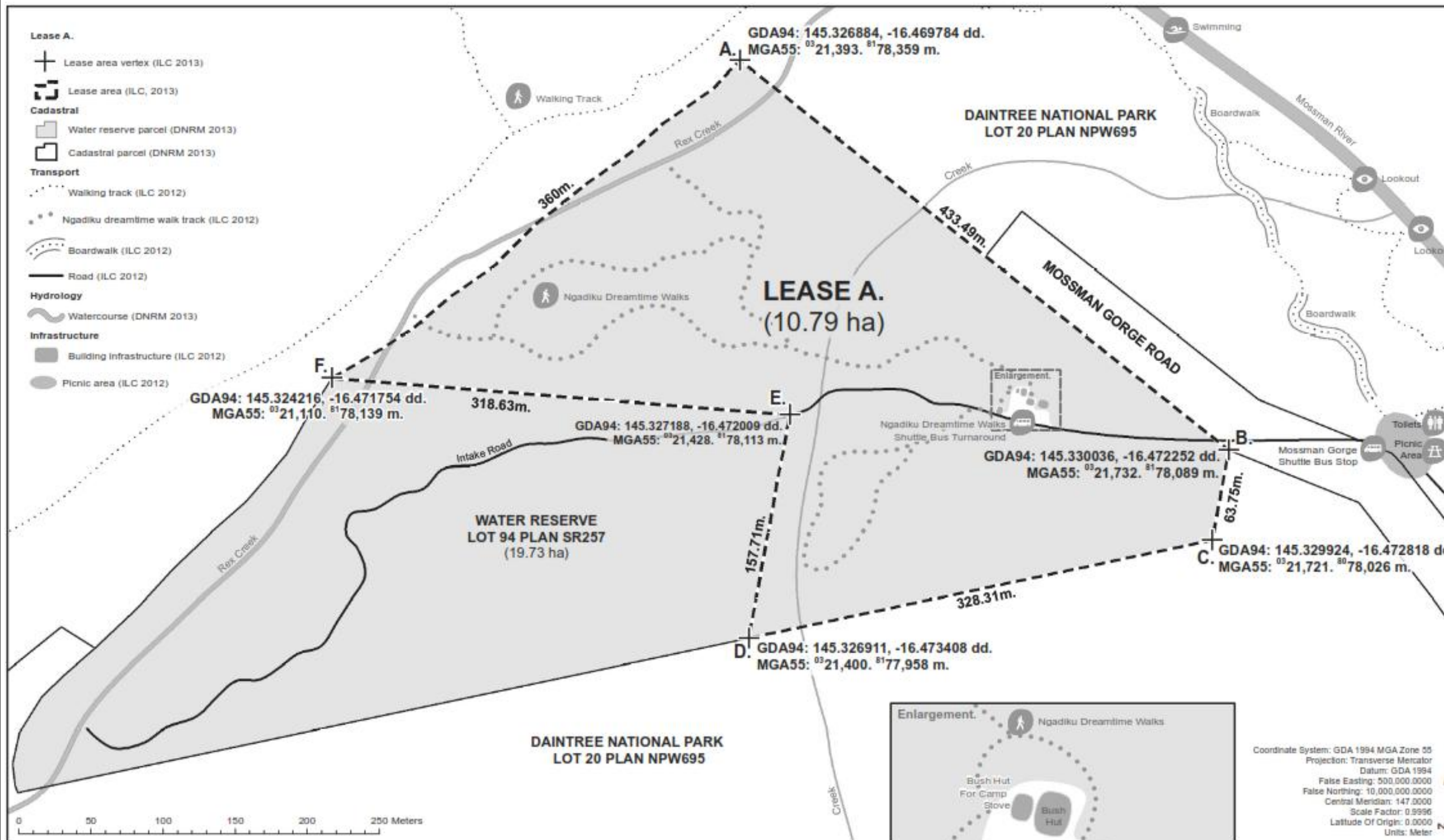
(Lot 94—Lease Plan)

Plan No: 18-385 DA03.1 Rev: A

Date: 18/12/2018



PEOPLE. LAND. OPPORTUNITY.



Lease Area for Mossman Gorge Walking Tracks

Water Reserve, Lot 94 on Plan SR257,
CAIRNS REGIONAL SHIRE, QLD.

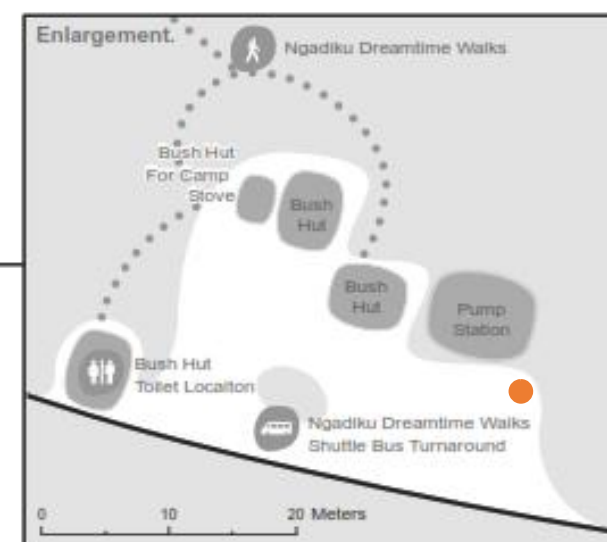
See attached data attribution for more information.

01-AUG-2013
ILC Map No.2206



Australian Government
Indigenous Land Corporation

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 All geographic calculations were performed in MGA55 projection based on GDA94 datum.
 MGA Zone 55 Projected Coordinate System based on GDA94 Datum.





MOSSMAN GORGE CENTRE

Street Address:

7L, 94L, & 152L Mossman Gorge Road, SHANNONVALE

Real Property Description:

Lot 7 on SP212661, Lot 94 on SR257, & Lot 152 on SR257.

Proposed Development:

3 x Radio Towers

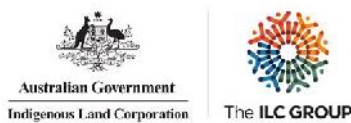
Legend:

- Applicable site/s
- Proposed tower locations

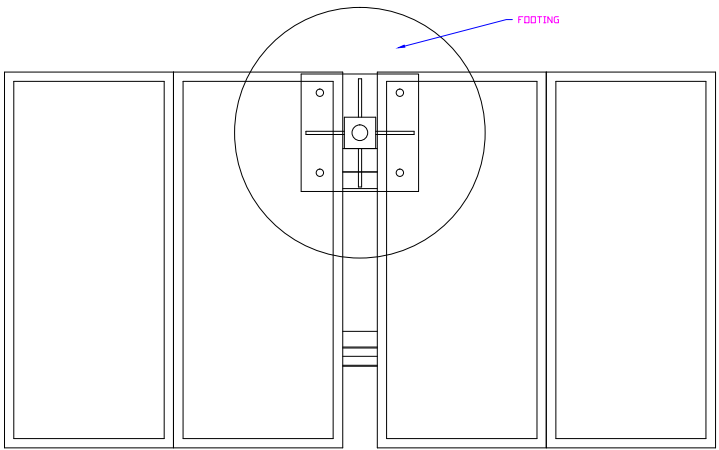
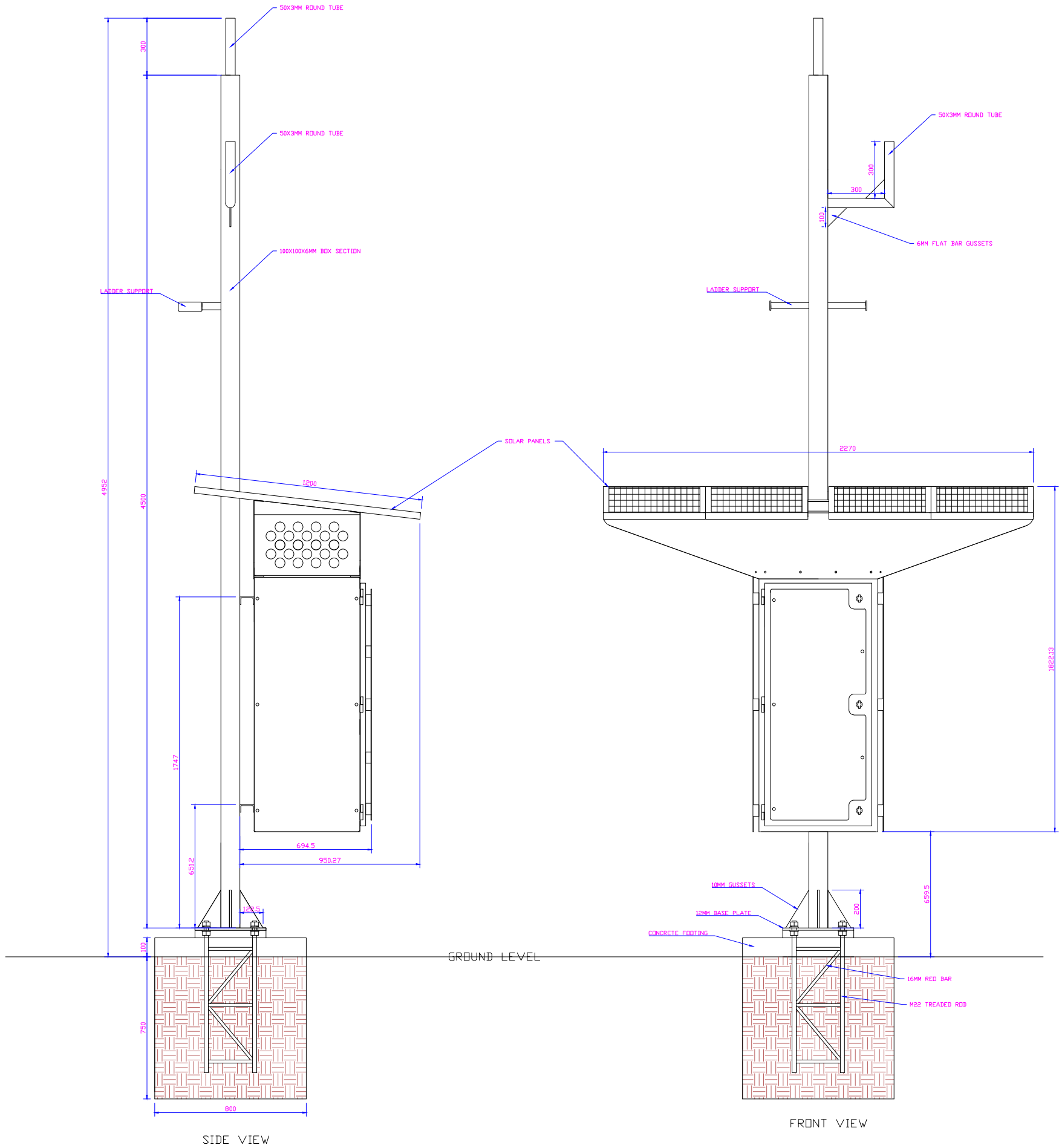


SITE PLAN (Lot 152)

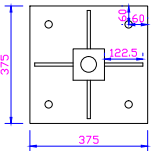
Plan No: 18-385 DA04 Rev: A
Date: 18/12/2018



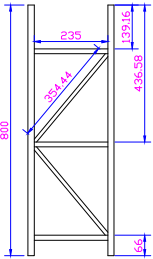
PEOPLE. LAND. OPPORTUNITY.



TOP VIEW WITH SOLAR PANELS



BASE TOP VIEW



BASE FOOTING FRAME

REVISIONS

No	ISSUE /REVISION	DATE	DRAWN
1	FOR REVIEW	15.03.18	L.M
2	FOR CONSTRUCTION	15.03.18	L.M
2	AS BUILT	27.04.18	L.M

- ☐ FOR QUOTATION
☐ FOR INFORMATION
☐ PRELIMINARY
☐ FOR REVIEW
☐ FOR CONSTRUCTION
☒ AS BUILT

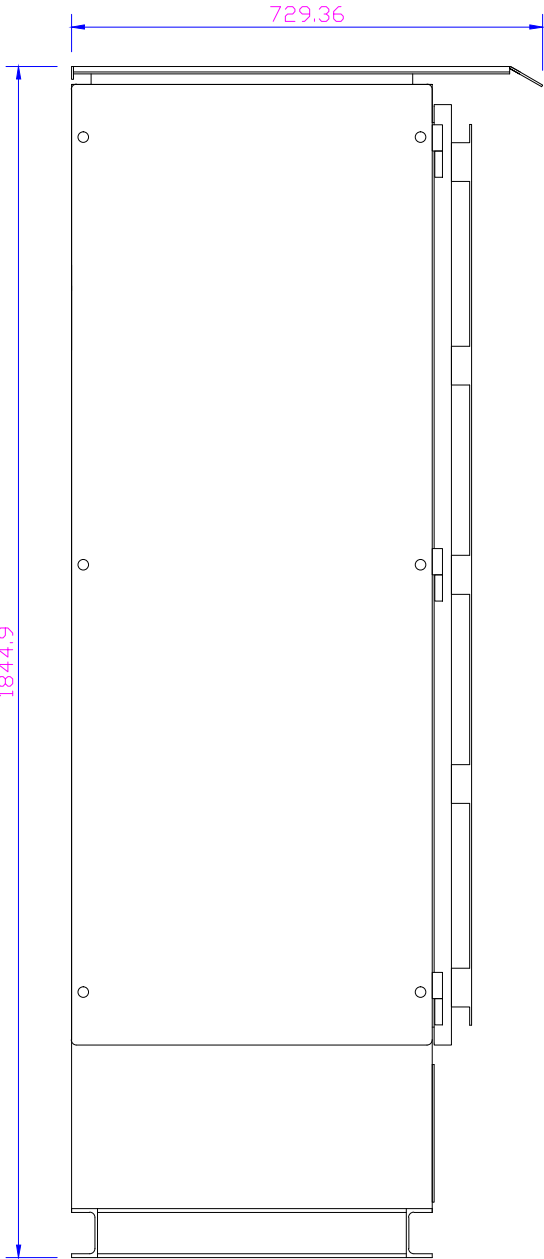


90 AUMULLER ST
PORTSMITH
CAIRNS QLD 4870
PH: 07 4035 5544
FAX: 07 4035 5644
EMAIL: info@austek.net.au

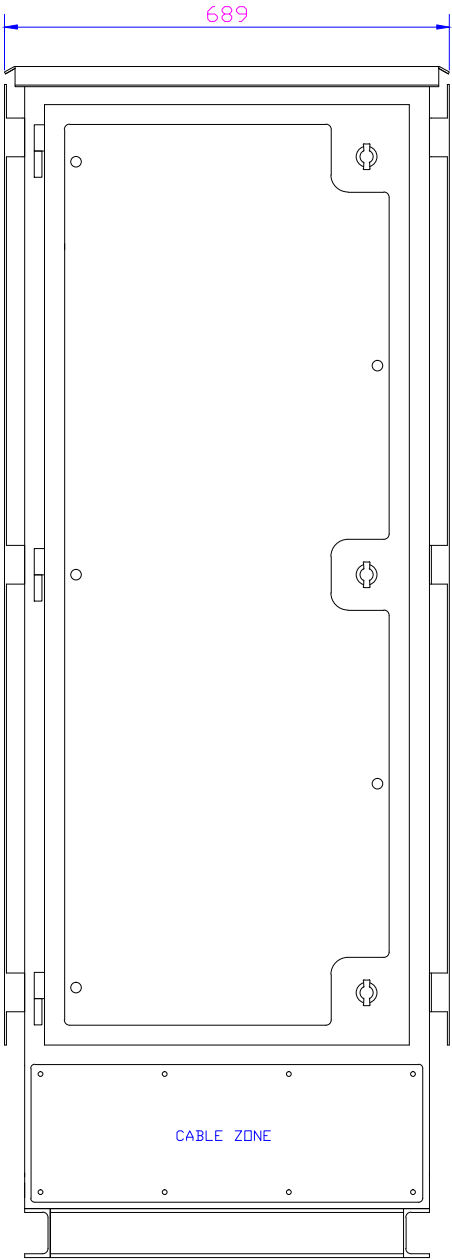
TITLE	REPEATER SITE 2 ENCLOSURE ON 4.5M RIGID TOWER			
CLIENT	MOSSMAN GORGE			
PROJECT	DIGITAL REPEATER UPGRADE 2018			
SCALE	N/A	DESIGN	B.MITCHELL	DRAWING No 132382-1
SIZE	A3	DRAWN	L.MOULE	
DATE	27.04.18	CHECKED	B.MITCHELL	

CONSTRUCTION DETAILS

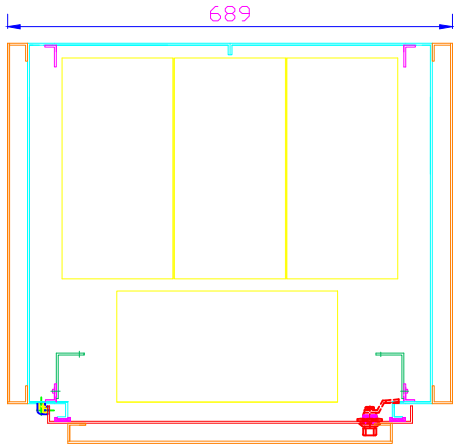
- IP56 RATED
- 3MM MARINE GRADE ALUMINIUM
- POWDER COATED WHITE
- PAD-LOCKABLE LOCKING SYSTEM
- ENCLOSURE WEIGHT: 70kg
- 316 STAINLESS STEEL LOCKS AND HINGES
- HEAT SHIELDS



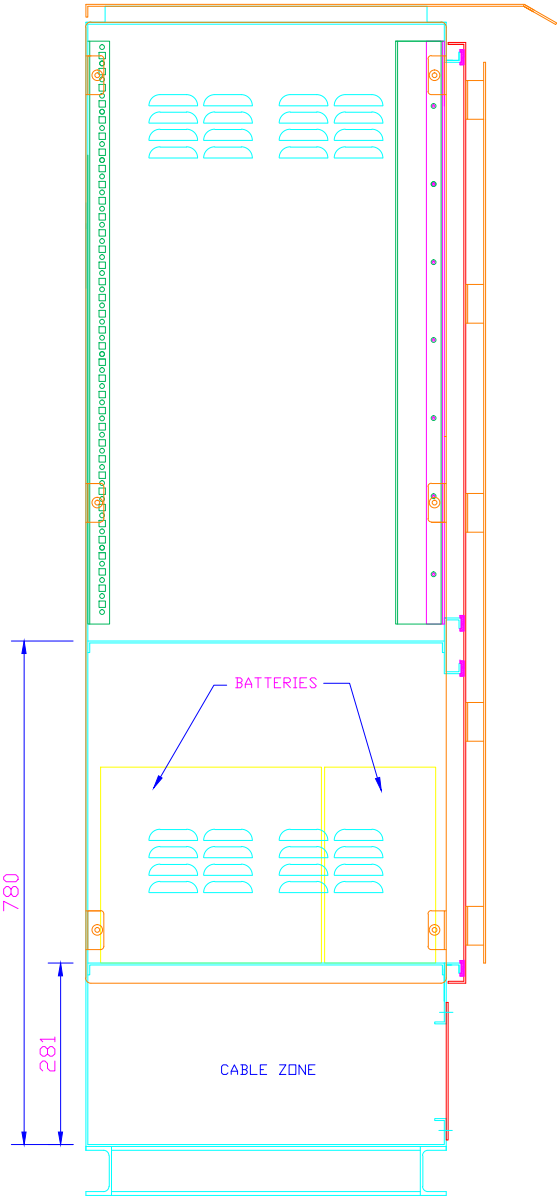
SIDE VIEW



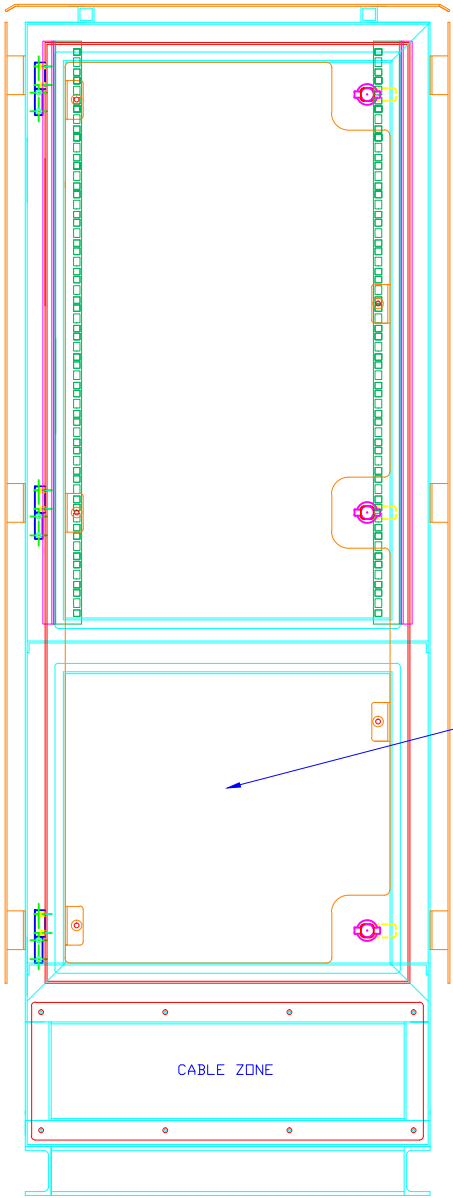
FRONT VIEW



TOP VIEW DETAILED
BATTERY LAYOUT



SIDE VIEW DETAILED



FRONT VIEW DETAILED

SEALED COMPARTMENT FOR
BATTERIES

REVISIONS

No	ISSUE /REVISION	DATE	DRAWN
1	FOR REVIEW	15.03.18	L.M
2	FOR CONSTRUCTION	15.03.18	L.M
2	AS BUILT	27.04.18	L.M

- ☐ FOR QUOTATION
☐ FOR INFORMATION
☐ PRELIMINARY
☐ FOR REVIEW
☐ FOR CONSTRUCTION
☒ AS BUILT



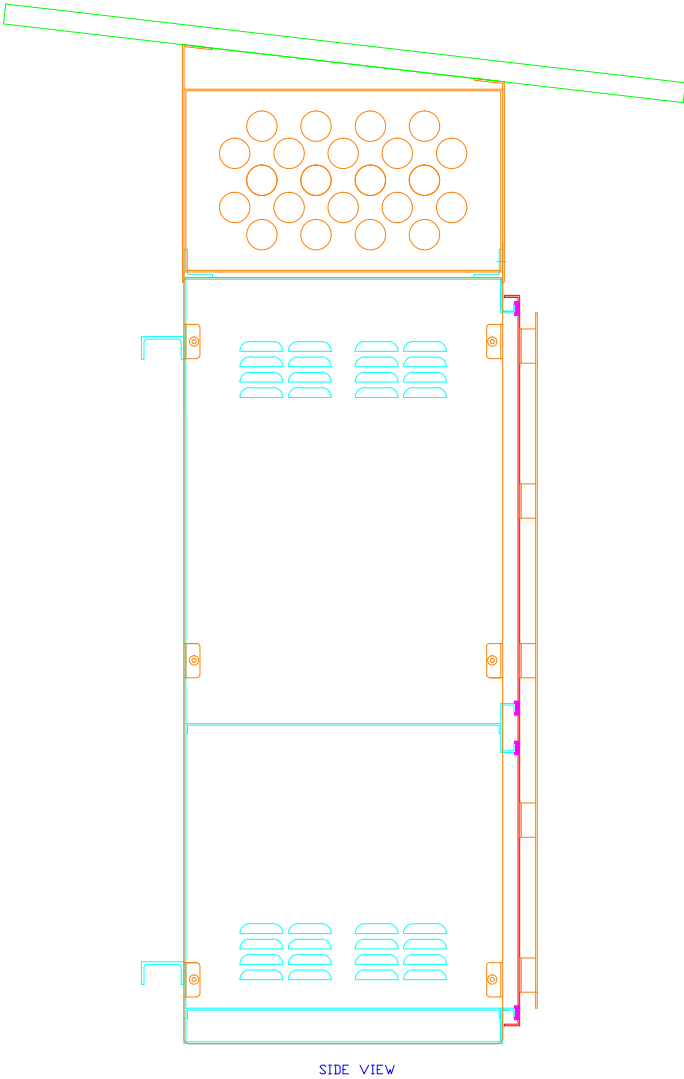
90 AUMULLER ST
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CAIRNS QLD 4870

PH: 07 4035 5544
FAX: 07 4035 5644
EMAIL: info@austek.net.au

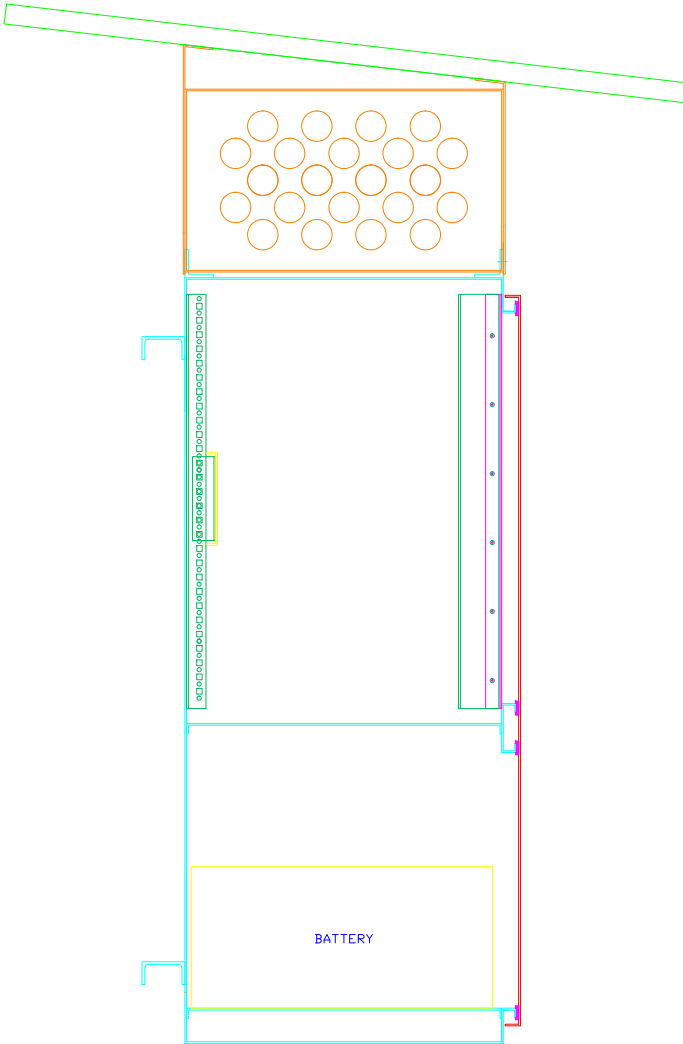
TITLE	REPEATER SITE 1 ENCLOSURE			
CLIENT	MOSSMAN GORGE			
PROJECT	DIGITAL REPEATER UPGRADE 2018			
SCALE	N/A	DESIGN	B.MITCHELL	DRAWING No 132382-1
SIZE	A3	DRAWN	L.MOULE	
DATE	27.04.18	CHECKED	B.MITCHELL	

CONSTRUCTION DETAILS

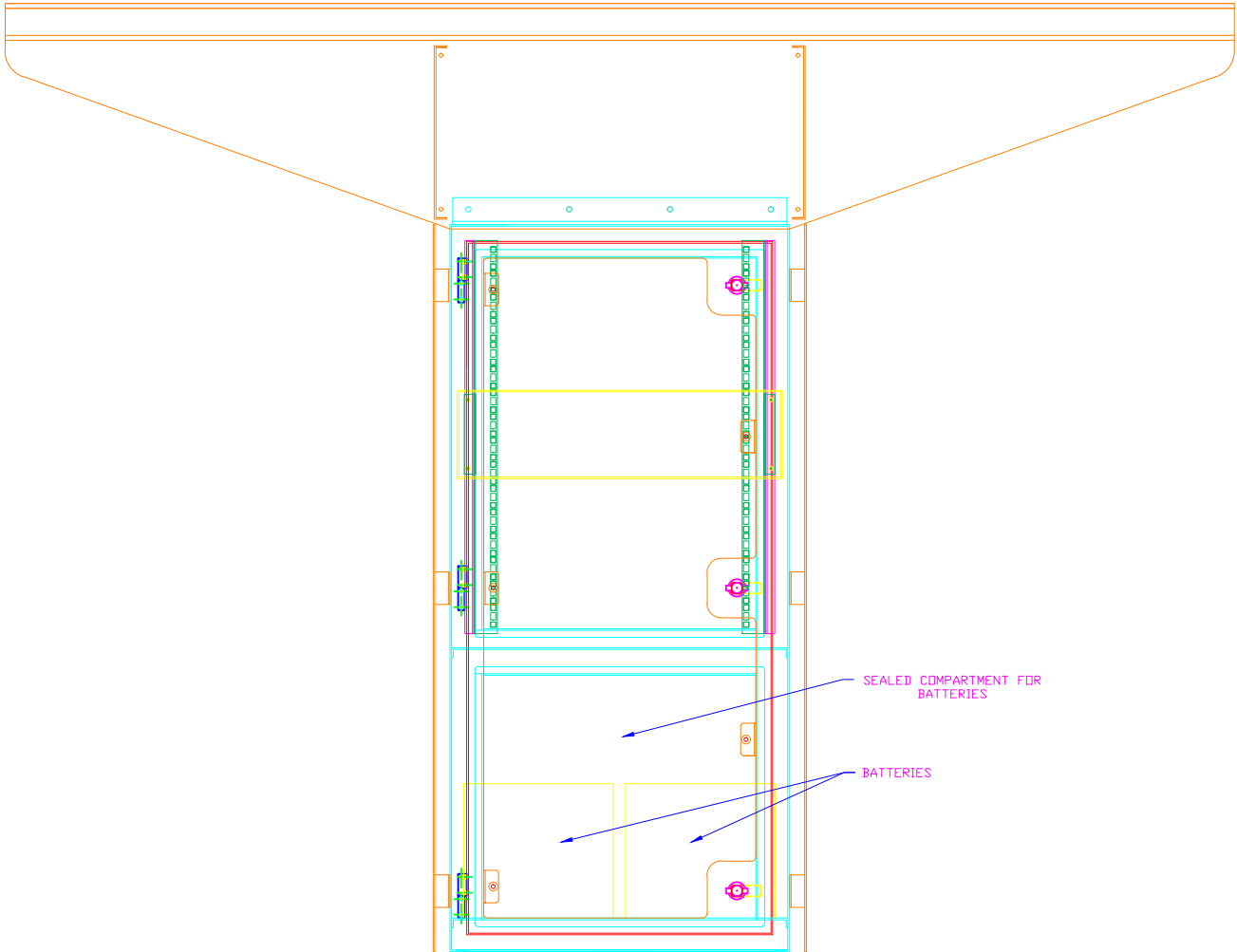
- IP56 RATED
- 3MM MARINE GRADE ALUMINIUM
- POWDER COATED WHITE
- PAD-LOCKABLE LOCKING SYSTEM
- ENCLOSURE WEIGHT: 50KG
- 316 STAINLESS STEEL LOCKS AND HINGES
- HEAT SHIELDS



SIDE VIEW



SIDE VIEW



FRONT VIEW

REVISIONS

No	ISSUE /REVISION	DATE	DRAWN
1	FOR REVIEW	15.03.18	L.M
2	FOR CONSTRUCTION	15.03.18	L.M
2	AS BUILT	27.04.18	L.M

- ☐ FOR QUOTATION
☐ FOR INFORMATION
☐ PRELIMINARY
☐ FOR REVIEW
☐ FOR CONSTRUCTION
☒ AS BUILT

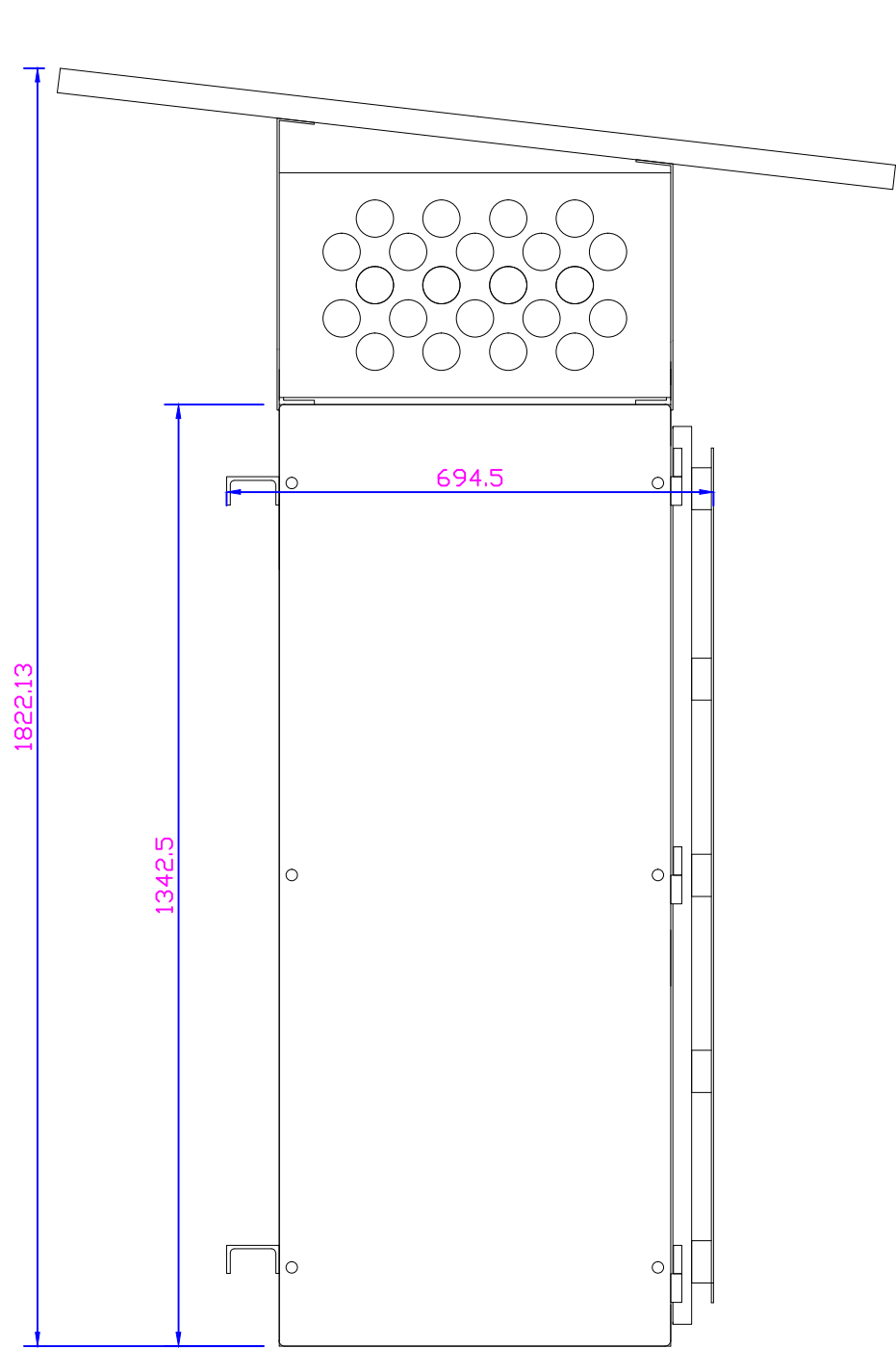


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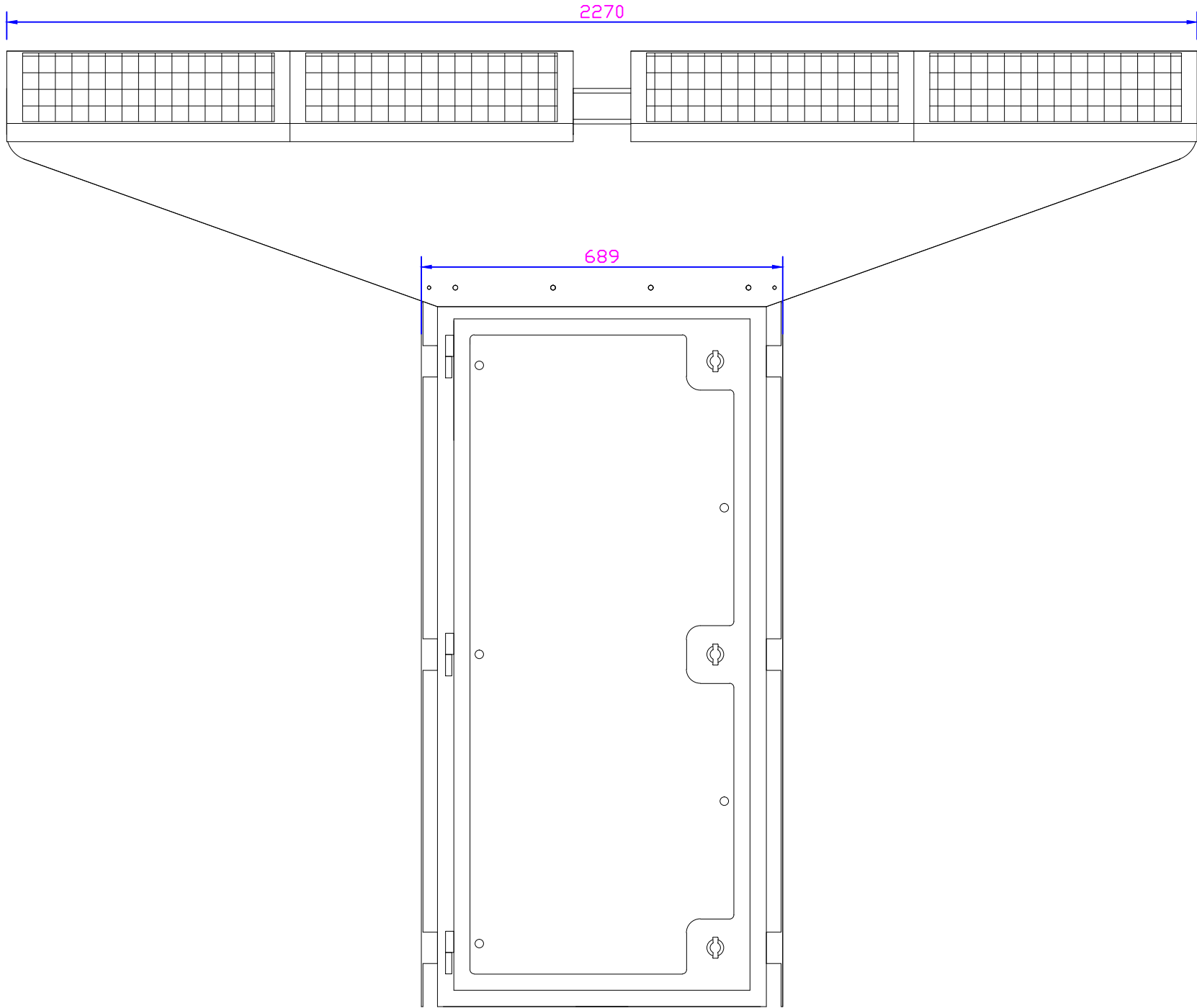
TITLE	REPEATER SITE 2 ENCLOSURE			
CLIENT	MOSSMAN GORGE			
PROJECT	DIGITAL REPEATER UPGRADE 2018			
SCALE	N/A	DESIGN	B.MITCHELL	DRAWING No 132382-1
SIZE	A3	DRAWN	L.MOULE	
DATE	27.04.18	CHECKED	B.MITCHELL	

CONSTRUCTION DETAILS

- IP56 RATED
- 3MM MARINE GRADE ALUMINIUM
- POWDER COATED WHITE
- PAD-LOCKABLE LOCKING SYSTEM
- ENCLOSURE WEIGHT: 50KG
- 316 STAINLESS STEEL LOCKS AND HINGES
- HEAT SHIELDS



SIDE VIEW



FRONT VIEW

REVISIONS

No	ISSUE /REVISION	DATE	DRAWN
1	FOR REVIEW	15.03.18	L.M
2	FOR CONSTRUCTION	15.03.18	L.M
2	AS BUILT	27.04.18	L.M

- ☐ FOR QUOTATION
- ☐ FOR INFORMATION
- ☐ PRELIMINARY
- ☐ FOR REVIEW
- ☐ FOR CONSTRUCTION
- ☒ AS BUILT



AUSTEK
Industrial Electrical, Automation &
RF Communications

90 AUMULLER ST
PORTSMITH
CAIRNS QLD 4870

PH: 07 4035 5544
FAX: 07 4035 5644
EMAIL: info@austek.net.au

TITLE	REPEATER SITE 2 ENCLOSURE			
CLIENT	MOSSMAN GORGE			
PROJECT	DIGITAL REPEATER UPGRADE 2018			
SCALE	N/A	DESIGN	B.MITCHELL	DRAWING No 132382-1
SIZE	A3	DRAWN	L.MOULE	
DATE	27.04.18	CHECKED	B.MITCHELL	



Form 15—Compliance certificate for building design or specification

Version 4 – July 2017

K-5015-CRT-015-1

NOTE: This is to be used for the purposes of section 10 of the *Building Act 1975* and/or section 46 of the *Building Regulation 2006*.

RESTRICTION: A building certifier (class B) can only give a compliance certificate about whether building work complies with the BCA or a provision of the Queensland Development Code (QDC). A building certifier (Class B) can not give a certificate regarding QDC boundary clearance and site cover provisions.

1. Property description

This section need only be completed if details of street address and property description are applicable.

E.g. in the case of (standard/generic) pool design/shell manufacture and/or patio and carport systems this section may not be applicable.

The description must identify all land the subject of the application.

The lot and plan details (e.g. SP/RP) are shown on title documents or a rates notice.

If the plan is not registered by title, provide previous lot and plan details.

Street address (include no., street, suburb/locality and postcode)

MOSSMAN GORGE QLD

Postcode 4873

Lot and plan details (attach list if necessary)

In which local government area is the land situated?

Douglas Shire Council

2. Description of component/s certified

Clearly describe the extent of work covered by this certificate, e.g. all structural aspects of the steel roof beams.

Structural elements of proposed Repeater Enclosure Rigid Tower.

3. Basis of certification

Detail the basis for giving the certificate and the extent to which tests, specifications, rules, standards, codes of practice and other publications, were relied upon.

Certified as structurally adequate in accordance with relevant Australian codes and standards and otherwise in accordance with good engineering practice.

This certification excludes the attached equipment which shall be subject to the manufacturer's certification and / or warranties.

4. Reference documentation

Clearly identify any relevant documentation, e.g. numbered structural engineering plans.


Drawing by Austek, No. 132382-1

AS1170.1/2, AS1664.1, AS2870, AS3600, AS4100

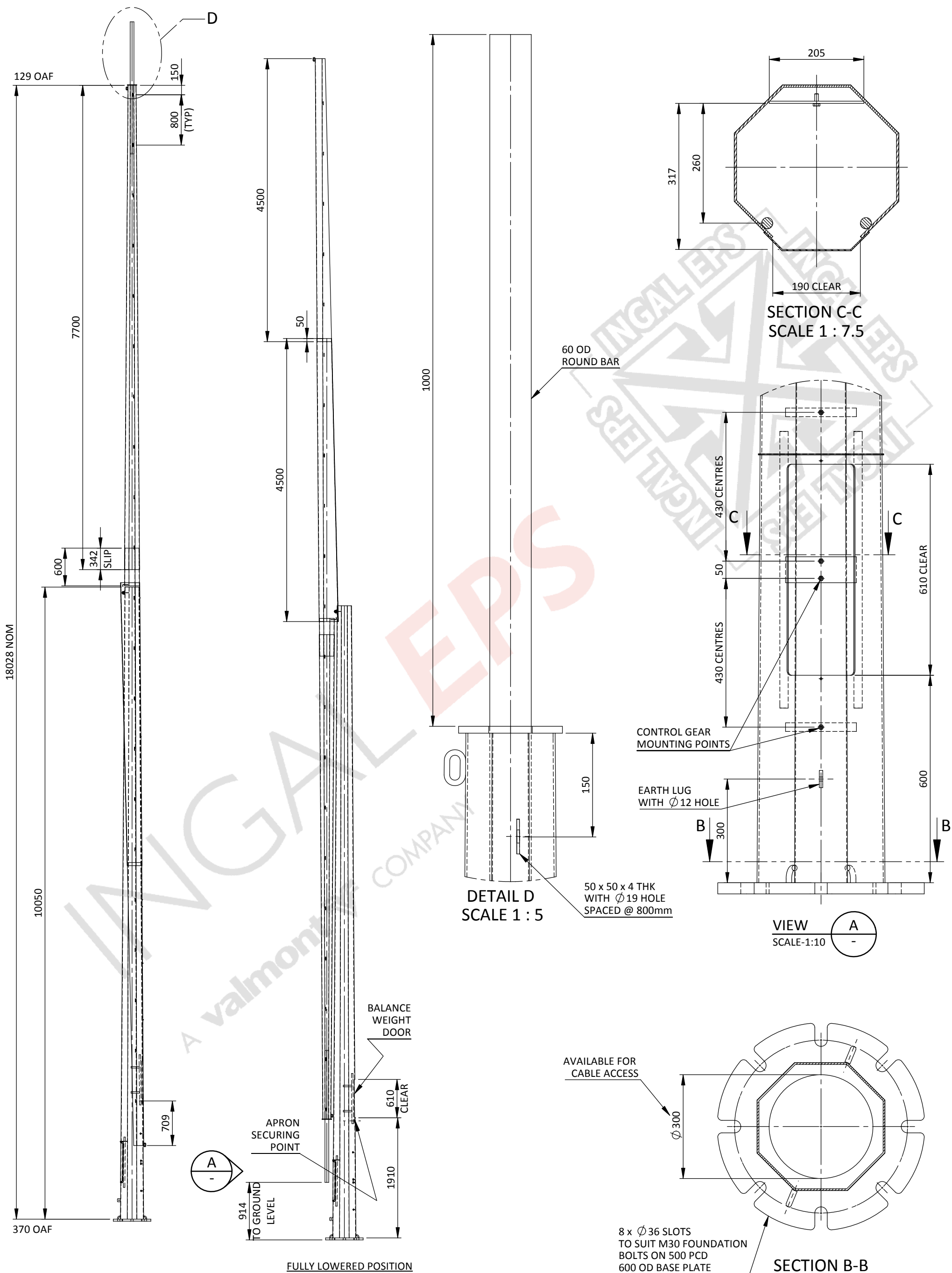
LOCAL GOVERNMENT USE ONLY

Date received

Reference Number/s

5. Building certifier reference number	Building certifier reference number <div></div>	
6. Competent person details <p>A competent person for building work, means a person who is assessed by the building certifier for the work as competent to practice in an aspect of the building and specification design, of the building work because of the individual's skill, experience and qualifications in the aspect. The competent person must also be registered or licensed under a law applying in the State to practice the aspect.</p> <p>If no relevant law requires the individual to be licensed or registered to be able to give the help, the certifier must assess the individual as having appropriate experience, qualifications or skills to be able to give the help.</p> <p>If the chief executive issues any guidelines for assessing a competent person, the building certifier must use the guidelines when assessing the person.</p>	Name (in full) <div>Kel Fraser Bruce</div> <div> <div> Company name (if applicable) <div>KFB Engineers</div> </div> <div> Contact person <div>Kel Bruce</div> </div> </div> <div> <div> Phone no. (business hours) <div>07 40320492</div> </div> <div> Mobile no. <div>0419769017</div> </div> <div> Fax no. <div>07 40320092</div> </div> </div> Email address <div>kel@kfbeng.com.au</div> Postal address <div>PO Box 927</div> <hr/> <div> <div>CAIRNS QLD</div> <div> Postcode 4870 </div> </div> Licence or registration number (if applicable) <div>RPEQ 5711</div>	
7. Signature of competent person <p>This certificate must be signed by the individual assessed by the building certifier as competent.</p>	<div> <div> Signature <div></div> </div> <div> Date <div>5/4/18</div> </div> </div>	

The *Building Act 1975* is administered by the Department of Housing and Public Works



PRODUCT WEIGHT 847 kg		CUSTOMER APPROVAL DATE			COPYRIGHT THIS DOCUMENT PRODUCED BY INGAL EPS MUST NOT BE COPIED, TRACED, REPRODUCED, OR LENT WITHOUT WRITTEN CONSENT		INGAL EPS		PRODUCT NUMBER HPM18F-GA12337			
							GENERAL ARRANGEMENT OF SEESAW POLE 18m TAPERED OCTAGONAL WITH 1m, 60 OD ROUND BAR ON TOP BASE PLATE MOUNTED			DRAWING NUMBER GA12337		
										SHEET NUMBER SHEET 1 OF 2		
A	23/02/18	ISSUED FOR APPROVAL			YL		A3 DO NOT SCALE	DATE 23/02/18	DATE 23/02/18	DRAWN BY Y.LIU	SCALE 1:55	CAD FILE No. GA12337_DRG
REV	DATE	DESCRIPTION			BY							
CUSTOMER NAME / PROJECT						CHECKED BY	DATE	DATE	DRAWN BY	SCALE	CAD FILE No.	
							23/02/18	23/02/18	Y.LIU	1:55	GA12337_DRG	

FOR GENERAL NOTES APPLICABLE TO
THIS DRAWING REFER GA1

INGAL EPS

GENERAL ARRANGEMENT OF SEESAW POLE
18m TAPERED OCTAGONAL
WITH 1m, 60 OD ROUND BAR ON TOP
BASE PLATE MOUNTED

PRODUCT NUMBER
HPM18F-GA12337

DRAWING NUMBER
GA12337

SHEET NUMBER
SHEET 1 OF 2

SCALE
1:55

CAD FILE No.
GA12337_DRG



COLOURS ARE SHOWN FOR CLARITY ONLY

FOR GENERAL NOTES APPLICABLE TO
THIS DRAWING REFER GA1

			CUSTOMER APPROVAL			COPYRIGHT THIS DOCUMENT PRODUCED BY INGAL EPS MUST NOT BE COPIED, TRACED, REPRODUCED, OR LENT WITHOUT WRITTEN CONSENT			INGAL EPS			PRODUCT NUMBER HPM18F-GA12337					
			DATE														
									GENERAL ARRANGEMENT OF SEESAW POLE 18m TAPERED OCTAGONAL WITH 1m, 60 OD ROUND BAR ON TOP BASE PLATE MOUNTED			DRAWING NUMBER GA12337					
					SHEET NUMBER SHEET 2 OF 2												
A	23/02/18	ISSUED FOR APPROVAL			YL												
REV	DATE	DESCRIPTION			BY	CHKD	A3	DO NOT SCALE									
CUSTOMER NAME / PROJECT						CHECKED BY	DATE	23/02/18		DATE	23/02/18	DRAWN BY	Y.LIU	SCALE	1:55	CAD FILE No.	GA12337_DRG

Company: Austek Pty Ltd
From: Oliver Tiang / Lucy Li
Subject: HPM18F-GA12337 18m Seesaw Pole (SC031260)
Date: Tuesday, 6 March 2018

INGAL EPS can confirm that the product offered is structurally adequate in accordance with the relevant Australian design standards and specified conditions.

Wind Loading	AS/NZS1170.2 Wind Load Region = C V ₅₀₀ Regional Wind Speed = 69.3m/s Terrain Category = 2 Topographic Multiplier = 1	
Structural Design	AS/NZS 4600 AS/NZS 4676.1 AS/NZS 4680 AS 3600 AS 2159	Cold Formed Steel Structures Structural Design Requirement for Utility Services Poles Hot-dip Galvanized (zinc) Coatings on Fabricated Ferrous Articles Concrete Structures Piling - Design & Installation
Soil Classification	Assumed allowable bearing pressure more than 150kPa No fill and site slopes greater than 10 degrees are considered in the design	
Structure Type	18m seesaw pole with 60 OD x 1m long spigot to drawing number GA12337 to suit 1 x SMD2 antenna and 1 x 900MHz Gain Directional antenna at pole top	
Foundation Type	X8M305002600 to drawing number GA2587	

Prepared by:



Lucy Li
BE (Civil)
Design Engineer
INGAL EPS

Certified by:



Oliver Tiang
BE (Civil), MIE Aust.
Engineering Manager
INGAL EPS

RECOMMENDED PILE FOUNDATION

Product Code: HPM18F
Description: 18m MD Oct Seesaw Park
Bolts: 8M30@500 Pitch Circle Diameter (PCD) in mm
Ultimate Base Moment: 161 kNm
Ultimate Base Shear: 17.1 kN

OPTION 1: SEPARATE REINFORCING CAGE / HOLDING DOWN BOLTS

Soil Type	Pile Footing Size		Reinforcing Cage		Holding Down Bolts		Bolt Template	
	Diameter (mm)	Depth (mm)	Product Number	Drawing Number	Product Number	Drawing Number	Product Number	Drawing Number
Poor	750	4000	XCAGE8N205803800	GA941	I01198	AD26	I02721	AD11
Average	750	3000	XCAGE8N205802800					
Good	750	2600	XCAGE8N205802400					

OPTION 2: COMBINED HOLDING DOWN BOLTS / REINFORCING CAGE

Soil Type	Pile Footing Size		Reinforcing Cage		Bolt Template	
	Diameter (mm)	Depth (mm)	Product Number	Drawing Number	Product Number	Drawing Number
Poor	750	4000	X8M305004000	GA2587	I02721	AD11
Average	750	3000	X8M305003000			
Good	750	2600	X8M305002600			

For general construction notes refer GA767

Soil Classification (AS/NZS 4676, Appendix I)

Type	Poor	Average	Good
Class	Very soft/Soft	Firm	Very firm/Hard
Soil description	Silty clays and sands; loose dry sands; wet clays, silty loams; wet or loose sands	Damp clays; sandy clays; damp sands	Dry clays; clayey sands; coarse sands; compact sands; gravels; dry clays
Strength (fb) kPa	$f_b > 60$	$f_b > 100$	$f_b > 150$

Limitations

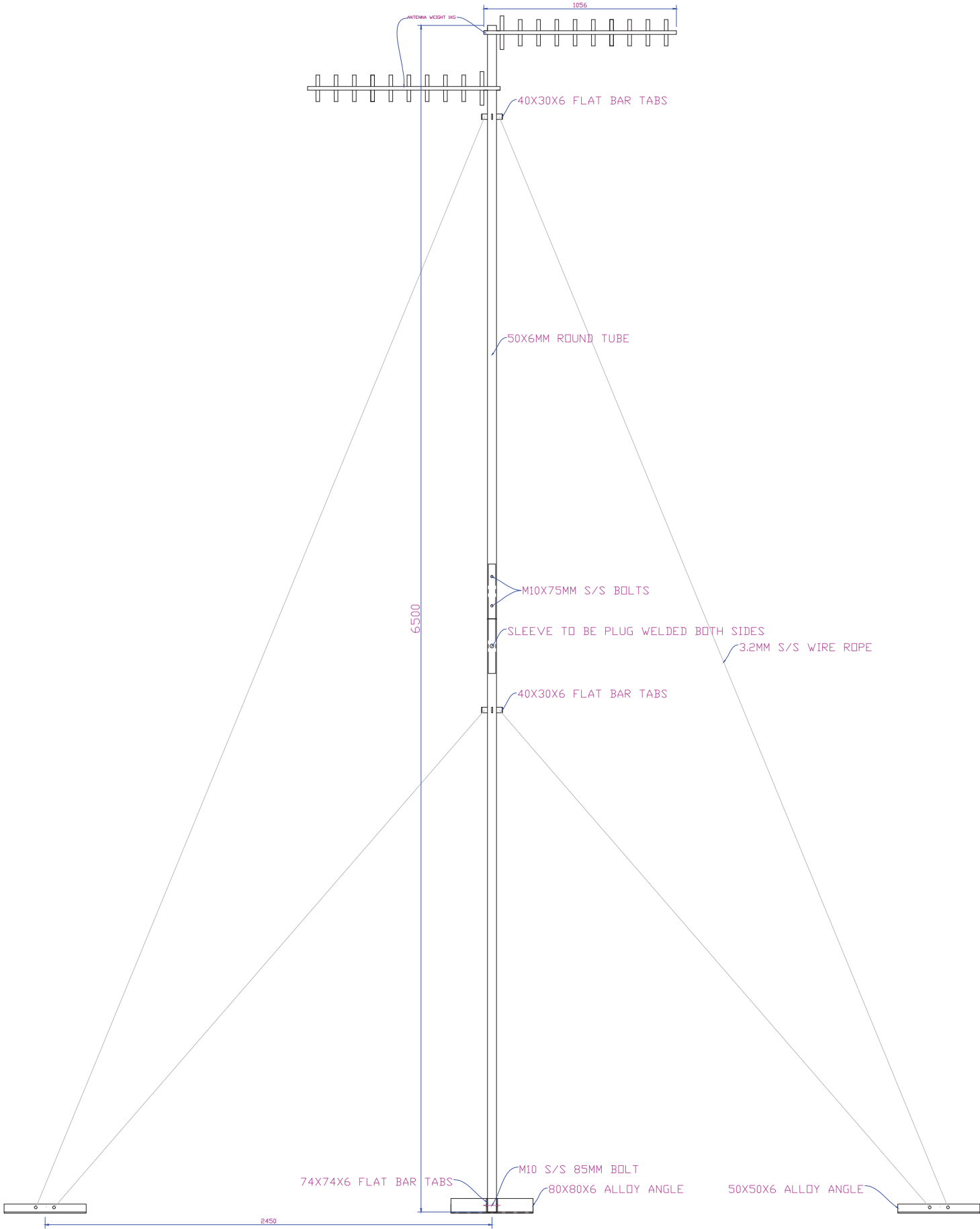
- These foundation designs shall not be used for sites built on fill. Further engineering input is required.
- These foundation designs are not suitable for sites with slopes greater than 10 degrees. Further engineering input is required.
- Piles must not be installed less than 2m from buildings and major structures.
- The pile lengths nominated in these foundation designs do not allow for poles that are exposed to significant torsion, such as traffic mast arms and cantilevered signs. Further engineering input is required for these situations.
- Further engineering input should be attained, where piles are to be installed near or adjacent to underground services.
- These foundation designs are not suitable for class H, E and P sites as specified in AS 2870 Residential slabs and footings - Construction.

CERTIFIED AS
STRUCTURALLY ADEQUATE

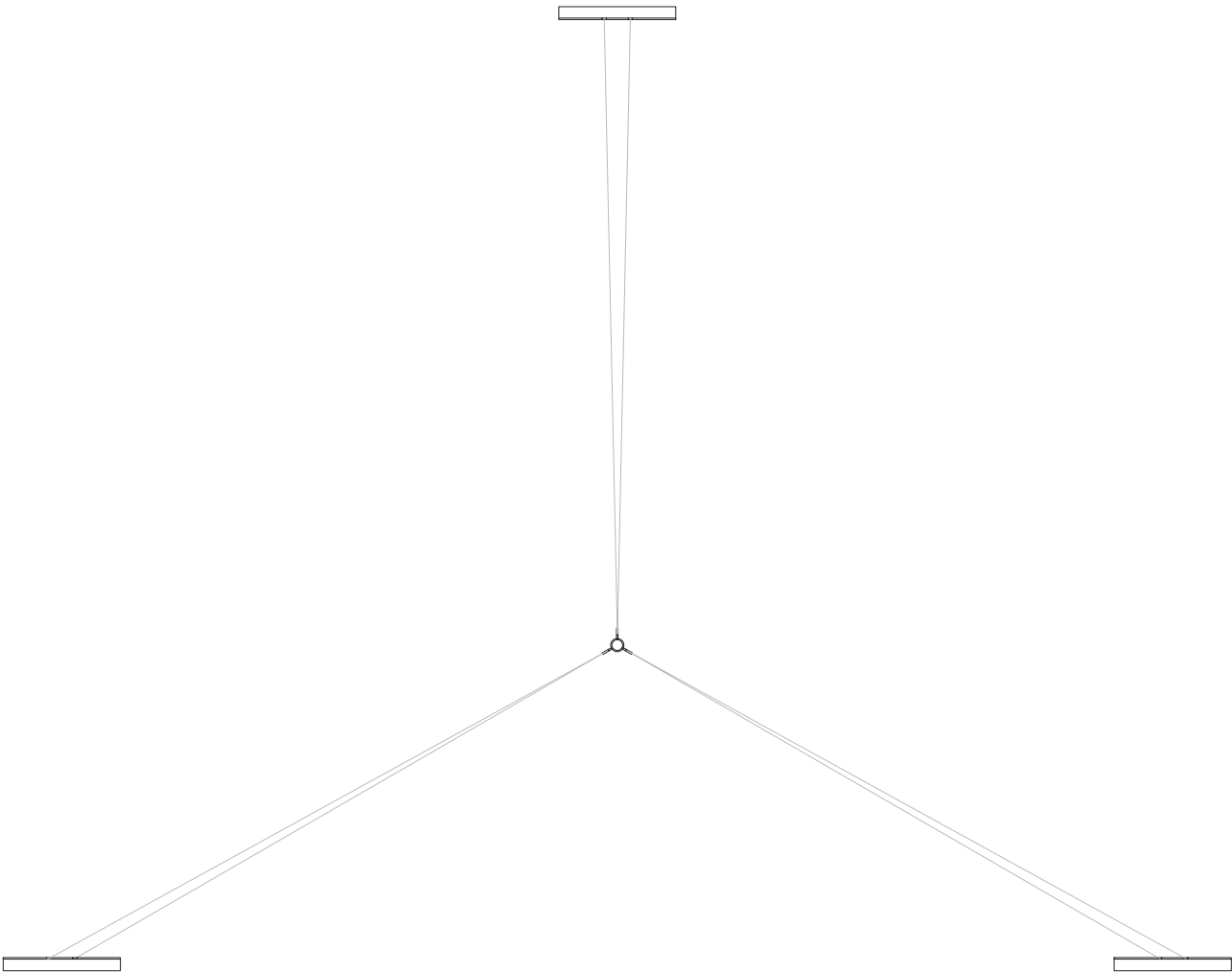


KFB Engineers Civil & Structural
1/38-42 Pease St, Cairns | PO Box 927, Cairns Q 4870
P: 07 40320492 | F: 07 40320092 | E: email@kfbeng.com.au

Date: 5/4/18 Signed: 
Job No: K-5015 RPEQ No: 5711



FRONT VIEW



TOP VIEW

REVISIONS

No	ISSUE /REVISION	DATE	DRAWN
1	FOR REVIEW	09.03.18	L.M

- ☐ FOR QUOTATION
☐ FOR INFORMATION
☐ PRELIMINARY
☒ FOR REVIEW
☐ FOR CONSTRUCTION
☐ AS BUILT



90 AUMULLER ST
PORTSMITH
CAIRNS QLD 4870
PH: 07 4035 5544
FAX: 07 4035 5644
EMAIL: info@austek.net.au

TITLE	ROOF MOUNTED 6.5M ALUMINIUM MAST			
CLIENT	MOSSMAN GORGE			
PROJECT	DIGITAL REPEATER UPGRADE 2018			
SCALE	N/A	DESIGN	B.MITCHELL	DRAWING No 132382-1
SIZE	A3	DRAWN	L.MOULE	
DATE	09.03.18	CHECKED	B.MITCHELL	



Form 15—Compliance certificate for building design or specification

Version 4 – July 2017

K-5015-CRT-015-2

NOTE: This is to be used for the purposes of section 10 of the *Building Act 1975* and/or section 46 of the *Building Regulation 2006*.

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1. Property description

This section need only be completed if details of street address and property description are applicable.

E.g. in the case of (standard/generic) pool design/shell manufacture and/or patio and carport systems this section may not be applicable.

The description must identify all land the subject of the application.

The lot and plan details (e.g. SP/RP) are shown on title documents or a rates notice.

If the plan is not registered by title, provide previous lot and plan details.

Street address (include no., street, suburb/locality and postcode)

MOSSMAN GORGE QLD

Postcode 4873

Lot and plan details (attach list if necessary)

In which local government area is the land situated?

Douglas Shire Council

2. Description of component/s certified

Clearly describe the extent of work covered by this certificate, e.g. all structural aspects of the steel roof beams.

Structural elements of proposed roof mounted non-climbable 6.5m mast.

3. Basis of certification

Detail the basis for giving the certificate and the extent to which tests, specifications, rules, standards, codes of practice and other publications, were relied upon.

Certified as structurally adequate in accordance with relevant Australian codes and standards and otherwise in accordance with good engineering practice.

This certification excludes the attached equipment which shall be subject to the manufacturer's certification and / or warranties.

The contractor is to confirm the structural integrity of the roof for connection of the mast. If in doubt, consult Engineer.

4. Reference documentation

Clearly identify any relevant documentation, e.g. numbered structural engineering plans.


Drawing by Austek, No. 132382-1

AS1170.1/2, AS1664.1, AS2870, AS3600, AS4100

LOCAL GOVERNMENT USE ONLY

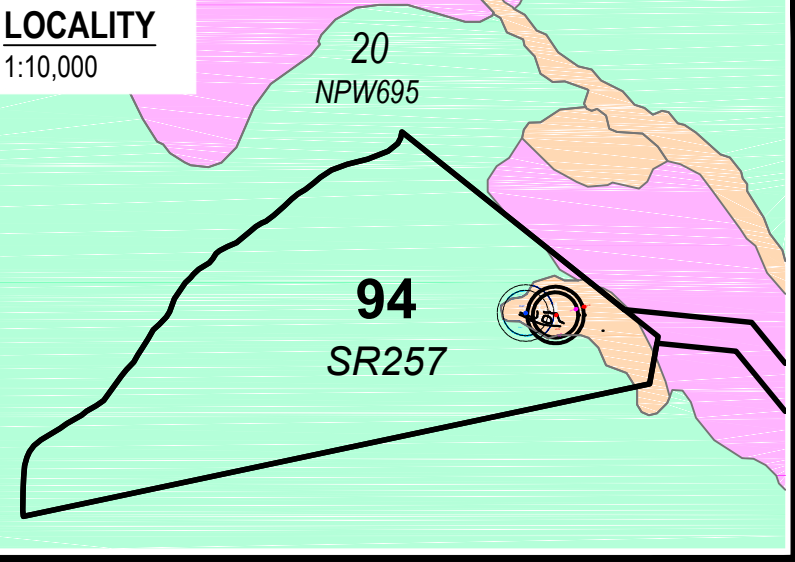
Date received

Reference Number/s

5. Building certifier reference number	Building certifier reference number <div></div>	
6. Competent person details A competent person for building work, means a person who is assessed by the building certifier for the work as competent to practice in an aspect of the building and specification design, of the building work because of the individual's skill, experience and qualifications in the aspect. The competent person must also be registered or licensed under a law applying in the State to practice the aspect. If no relevant law requires the individual to be licensed or registered to be able to give the help, the certifier must assess the individual as having appropriate experience, qualifications or skills to be able to give the help. If the chief executive issues any guidelines for assessing a competent person, the building certifier must use the guidelines when assessing the person.	Name (in full) <div>Kel Fraser Bruce</div> Company name (if applicable) <div>KFB Engineers</div> Contact person <div>Kel Bruce</div> Phone no. (business hours) <div>07 40320492</div> Mobile no. <div>0419769017</div> Fax no. <div>07 40320092</div> Email address <div>kel@kfbeng.com.au</div> Postal address <div>PO Box 927</div> <div>CAIRNS QLD</div> <div>Postcode 4870</div> Licence or registration number (if applicable) <div>RPEQ 5711</div>	
7. Signature of competent person This certificate must be signed by the individual assessed by the building certifier as competent.	Signature <div></div> Date <div>5/4/18</div>	

The *Building Act 1975* is administered by the Department of Housing and Public Works

LOCALITY
1:10,000



PRELIMINARY ONLY



IMPORTANT NOTE
This plan was prepared as a concept plan only and accuracy of all aspects of the plan have not been verified. All lots, areas and dimensions are approximate only. Subject to relevant studies, Survey, Engineering and Government approvals. No reliance should be placed on the plan and RPS Australia East Pty Ltd accepts no responsibility for any loss or damage suffered howsoever arising to any person who may use or rely on this plan. Boundaries shown have been plotted from DNRME DCDB and are approximate only.

VMA MAPPING LEGEND

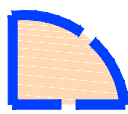
- Category A or B area containing endangered regional ecosystems.
- Category A or B area containing of concern regional ecosystems.
- Category A or B area that is a least concern regional ecosystem.

POTENTIAL CLEARING AREAS

Existing Tower



681m²
30.0m buffer from tower within least concern regional ecosystems



2782m²
37.5m buffer from tower within of concern regional ecosystems

Proposed Tower



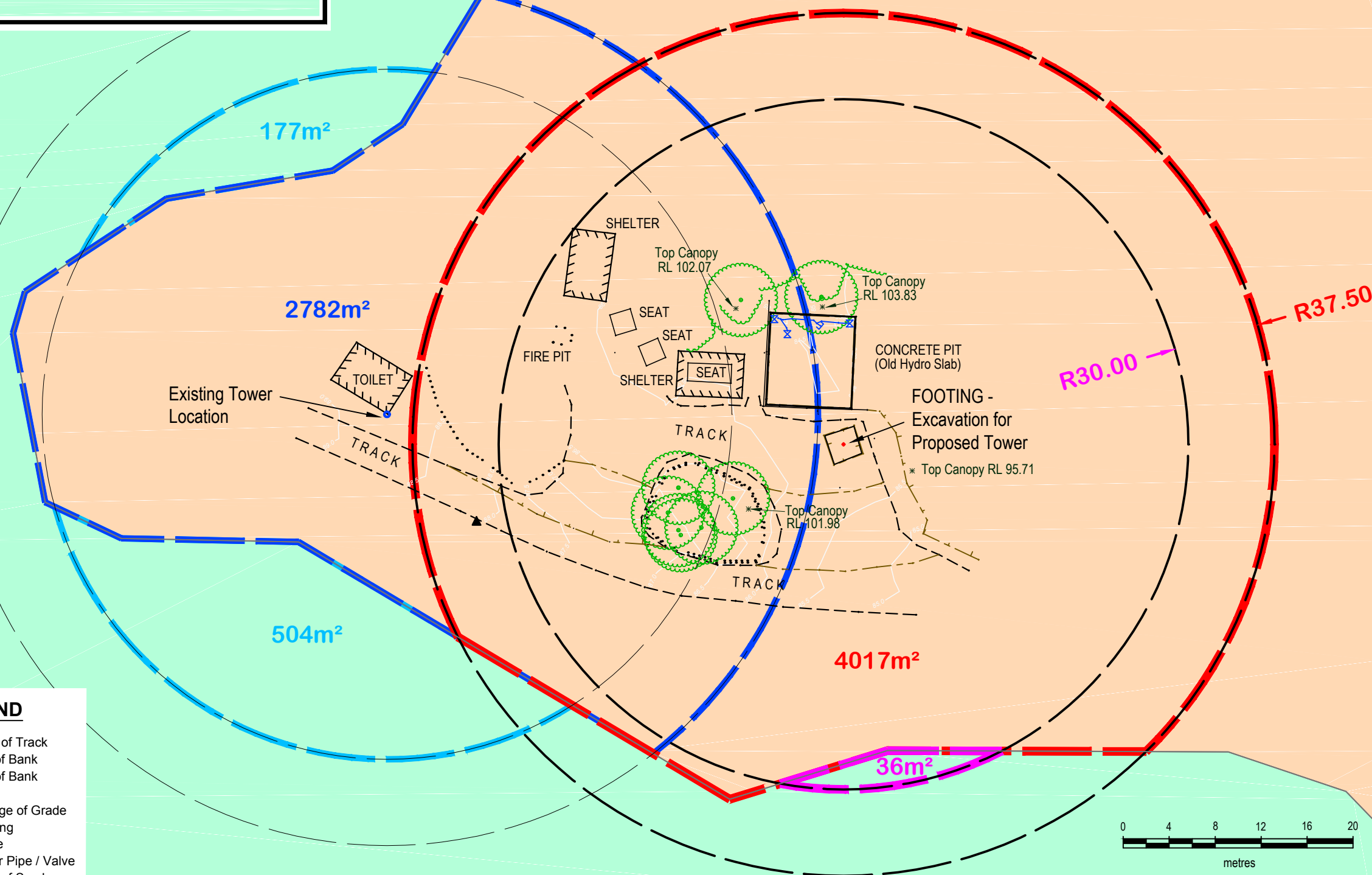
36m²
30.0m buffer from tower within least concern regional ecosystems



4017m²
37.5m buffer from tower within of concern regional ecosystems

SURVEY LEGEND

- Edge of Track
- Top of Bank
- Toe of Bank
- Rock
- Change of Grade
- Building
- Fence
- Water Pipe / Valve
- Edge of Scrub
- Tree



PROJECT MANAGER	SURVEYED
A Kerlin	MGF 28/3/2019
COMPILED	CAD REF
AMK	PR143136-1.DWG
SHEET SIZE	SHEET OF SHEETS
A3	1 1

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MOSSMAN GORGE CENTRE

PROPOSED RADIO TOWER

POTENTIAL VEGETATION CLEARING - SITE PLAN

SCALE	DATE	DRAWING NO.	ISSUE
1:400	1/4/2019	PR143136-1	

SCALE 1:400 IS APPLICABLE ONLY TO THE ORIGINAL SHEET SIZE. (A3)
GDA94 MGA Zone 55: Level Datum: AHD

ATTACHMENT 3: STATE MAPPING

State Assessment and Referral Agency

Date: 18/12/2018



Department of State Development
Manufacturing, Infrastructure
and Planning

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Matters of Interest for all selected Lot Plans

Regulated vegetation management map (Category A and B extract)
Queensland waterways for waterway barrier works

Matters of Interest by Lot Plan

Lot Plan: 94SR257 (Area: 204370 m²)

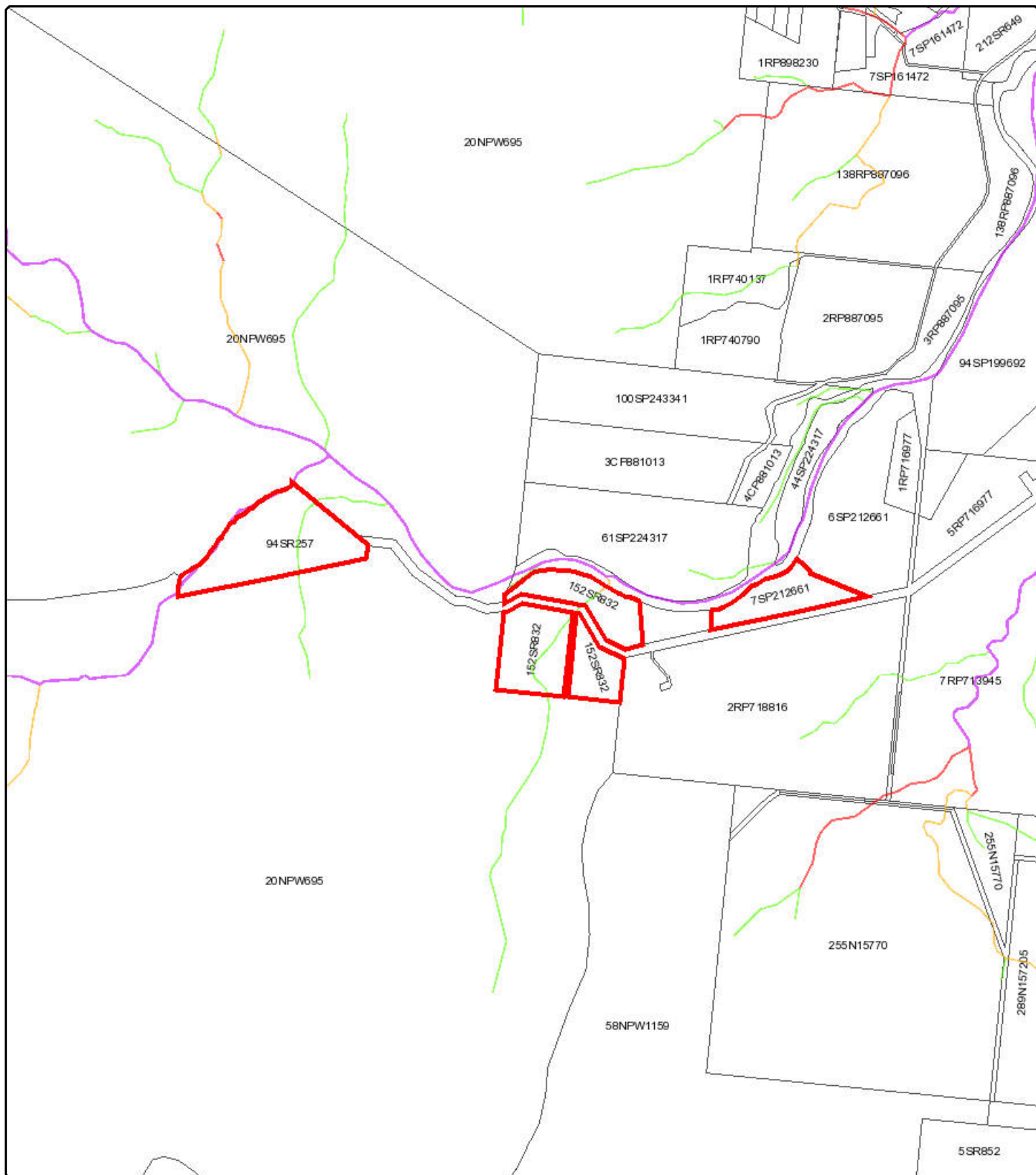
Queensland waterways for waterway barrier works
Regulated vegetation management map (Category A and B extract)

Lot Plan: 152SR832 (Area: 269830 m²)

Queensland waterways for waterway barrier works
Regulated vegetation management map (Category A and B extract)

Lot Plan: 7SP212661 (Area: 84130 m²)

Regulated vegetation management map (Category A and B extract)



State Assessment and Referral Agency

Date: 18/12/2018



Department of State Development
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and Planning

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Legend

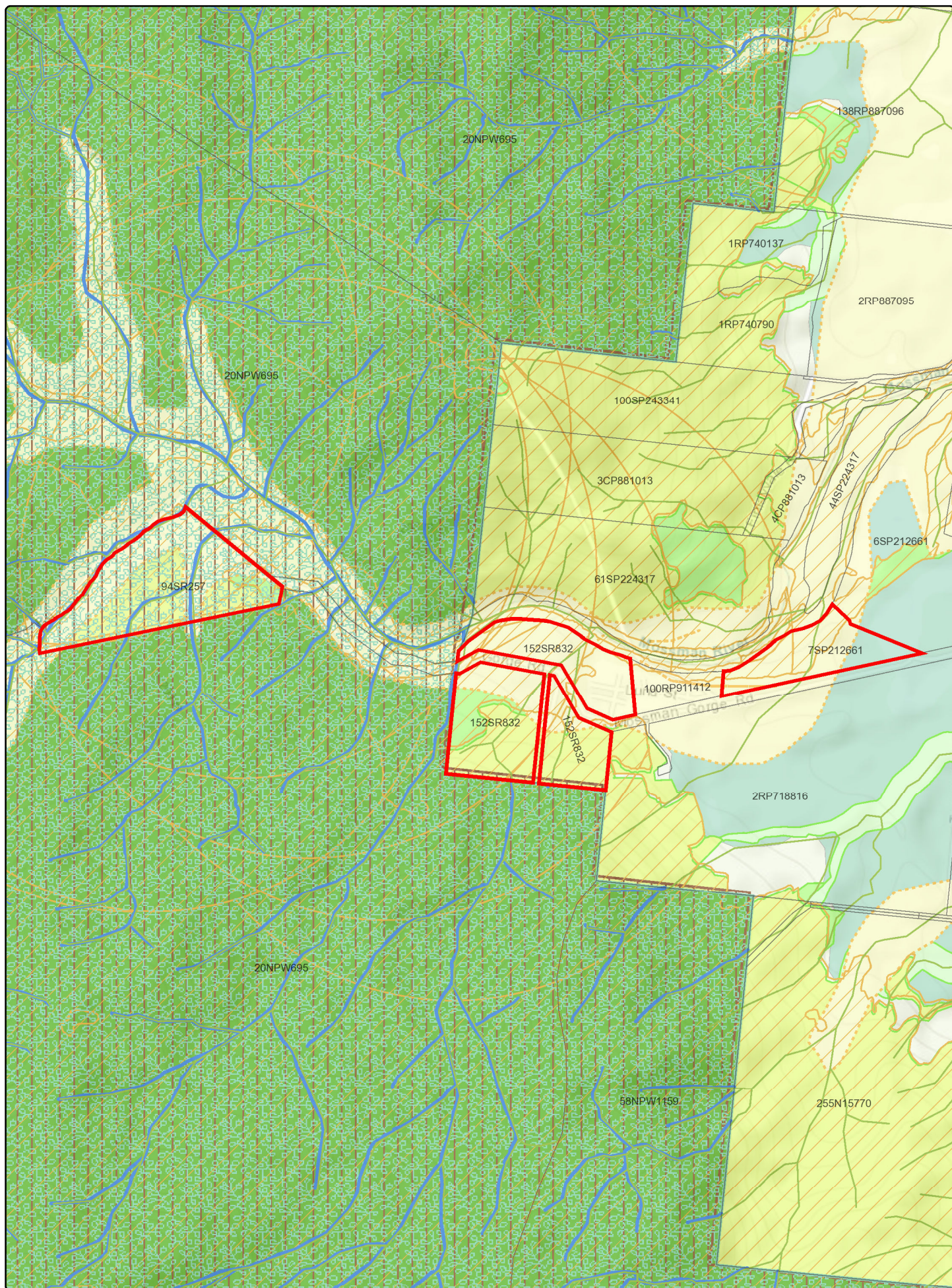
Queensland waterways for waterway
barrier works

- 1 - Low
- 2 - Moderate
- 3 - High
- 4 - Major

0 440 880 1,320 1,760
Metres

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State Planning Policy

Making or amending a local planning instrument
and designating land for community infrastructure



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Legend


Drawn Polygon Layer

Override 1


Cadastre (25k)

 Cadastre (25k)


MSES - Regulated vegetation (intersecting a watercourse)

 MSES - Regulated vegetation (intersecting a watercourse)


MSES - High ecological value waters (watercourse)

 MSES - High ecological value waters (watercourse)


High ecological value water areas

 High ecological value water areas


MSES - Wildlife habitat

 MSES - Wildlife habitat


National heritage place

 National heritage place

Flood hazard area - Level 1 - Queensland floodplain assessment overlay

 Flood hazard area - Level 1 - Queensland floodplain assessment overlay


MSES - Legally secured offset area (regulated vegetation offsets)

 MSES - Legally secured offset area (regulated vegetation offsets)


MSES - Protected areas (estate)

 MSES - Protected areas (estate)


MSES - Regulated vegetation (category B)

 MSES - Regulated vegetation (category B)


MSES - Regulated vegetation (category R)

 MSES - Regulated vegetation (category R)

MSES - Regulated vegetation (essential habitat)

 MSES - Regulated vegetation (essential habitat)

Agricultural land classification - class A and B

 Agricultural land classification - class A and B



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State Planning Policy
Making or amending a local planning instrument
and designating land for community infrastructure

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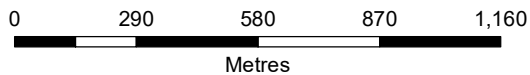
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Legend

Drawn Polygon Layer

Override 1

Cadastre (25k)


 Cadastre (25k)

SEQRP 2009-2031 development area (superseded)


 Local Development Area

 Regional Development Area


SEQ regional biodiversity corridor

 SEQ regional biodiversity corridor


SEQ regional biodiversity value

 SEQ regional biodiversity value

SEQ regional greenspace network


 SEQ regional greenspace network


SEQ regionally significant scenic amenity

 SEQ regionally significant scenic amenity

Regional land use categories (SEQ, WBB, MIW, FNQ)

 Urban Footprint

 Rural Living Area

 Regional Landscape and Rural Production
Area

DA Mapping System – Print Screen

Date: 18/12/2018

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Vegetation management report

For Lot: 7 Plan: SP212661

Current as at 15/11/2018

This publication has been compiled by Operations Support, Department of Natural Resources, Mines and Energy.

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Recent changes

New vegetation clearing laws

New vegetation management laws were passed by the Queensland Parliament on 3 May 2018 and may affect the clearing you can undertake on your property.

For more information, read about the new vegetation management laws

(<https://www.dnrme.qld.gov.au/land-water/initiatives/vegetation-management-laws/>) or call 135VEG (13 58 34) between 8.30am and 4.30pm Monday to Friday.

Updated mapping

The Regulated Vegetation Management Map and Supporting Map was updated in March 2018 to reflect the most up to date information available in relation to regional ecosystems, essential habitat and wetland mapping (Version 10).

Overview

Based on the lot on plan details you have supplied, this report provides the following detailed information:

- *Vegetation management framework* - an explanation of the application of the framework.
- *Property details* - information about the specified Lot on Plan, lot size, local government area, bioregion(s), subregion(s), catchment(s), coastal or non coastal status, and any applicable area management plans associated with your property.
- *Vegetation management details for the specified Lot on Plan* - specific information about your property including vegetation categories, regional ecosystems, watercourses, wetlands, essential habitat, and protected plants.
- *Contact information*.
- *Maps* - a series of colour maps to assist in identifying regulated vegetation on your property.
- *Other legislation contact information*.

This information will assist you to determine your options for managing vegetation under the vegetation management framework, which may include:

- exempt clearing work
- accepted development vegetation clearing code
- an area management plan
- a development approval.

Other laws

The clearing of native vegetation is regulated by both Queensland and Australian legislation, and some local governments also regulate native vegetation clearing. You may need to obtain an approval or permit under another Act, such as Queensland's Protected Plants framework or the Commonwealth Government's *Environment Protection and Biodiversity Conservation Act 1999* (EPBC Act). Section 6 of this guide provides contact details of other agencies you should confirm requirements with, before commencing vegetation clearing.

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1. Vegetation management framework

The *Vegetation Management Act 1999* (VMA), the Vegetation Management Regulation 2012, the *Planning Act 2016* and the Planning Regulation 2017, in conjunction with associated policies and codes, form the Vegetation Management Framework.

The VMA does not apply to all land tenures or vegetation types. State forests, national parks, forest reserves and some tenures under the *Forestry Act 1959* and *Nature Conservation Act 1992* are not regulated by the VMA. Managing or clearing vegetation on these tenures may require approvals under these laws.

The following native vegetation is not regulated under the VMA but may require permit(s) under other laws:

- grass or non-woody herbage;
- a plant within a grassland regional ecosystem prescribed under Schedule 5 of the Vegetation Management Regulation 2012; and
- a mangrove.

1.1 Exempt clearing work

Exempt clearing work is an activity for which you do not need to notify DNRME or obtain an approval under the vegetation management framework. Exempt clearing work was previously known as exemptions.

In areas that are mapped as Category X (white in colour) on the regulated vegetation management map (see section 5.1), and where the land tenure is freehold, indigenous land and leasehold land for agriculture and grazing purposes, the clearing of vegetation is considered exempt clearing work and does not require notification or development approval under the vegetation management framework. For all other land tenures, contact DNRME before commencing clearing to ensure that the proposed activity is exempt clearing work.

A range of routine property management activities are considered exempt clearing work. A list of exempt clearing work is available at

<https://www.qld.gov.au/environment/land/vegetation/exemptions/>.

Exempt clearing work may be affected if the proposed clearing area is subject to development approval conditions, a covenant, an environmental offset, an exchange area, a restoration notice, or an area mapped as Category A. Contact DNRME prior to clearing in any of these areas.

1.2 Accepted development vegetation clearing codes

Some clearing activities can be undertaken under an accepted development vegetation clearing code. The codes can be downloaded at

<https://www.qld.gov.au/environment/land/vegetation/codes/>

If you intend to clear vegetation under an accepted development vegetation clearing code, you must notify DNRME before commencing. The information in this report will assist you to complete the online notification form.

You can complete the online form at

<https://apps.dnrm.qld.gov.au/vegetation/>

1.3 Area management plans

Area Management Plans (AMP) provide an alternative approval system for vegetation clearing under the vegetation management framework. They list the purposes and clearing conditions that have been approved for the areas covered by the plan. It is not necessary to use an AMP, even when an AMP applies to your property.

As a result of the new laws, AMPs for fodder harvesting, managing thickened vegetation and managing encroachment will continue for 2 years. New notifications cannot be made for these AMPs.

New notifications can be made for all other AMPs. These will continue to apply until their nominated end date.

If an area management plan applies to your property for which you can make a new notification, it will be listed in Section 2.2 of this report. Before clearing under one of these AMPs, you must first notify the DNRME and then follow the conditions and requirements listed in the AMP.

<https://www.qld.gov.au/environment/land/vegetation/area-plans/>

1.4 Development approvals

If under the vegetation management framework your proposed clearing is not exempt clearing work, or is not permitted under an accepted development vegetation clearing code, or an AMP, you may be able to apply for a development approval. Information on how to apply for a development approval is available at

<https://www.qld.gov.au/environment/land/vegetation/applying/>

2. Property details

2.1 Tenure

All of the lot, plan and tenure information associated with property Lot: 7 Plan: SP212661, including links to relevant Smart Maps, are listed in Table 1. The tenure of the property (whether it is freehold, leasehold, or other) may be viewed by clicking on the Smart Map link(s) provided.

Table 1: Lot, plan and tenure information for the property

Lot	Plan	Tenure	Link to property on SmartMap
7	SP212661	Freehold	https://apps.information.qld.gov.au/data/cadastre/GenerateSmartMap?q=7\SP212661
A	SP248131	Easement	https://apps.information.qld.gov.au/data/cadastre/GenerateSmartMap?q=A\SP248131

The tenure of the land may affect whether clearing is considered exempt clearing work or may be carried out under an accepted development vegetation clearing code.

2.2 Property location

Table 2 provides a summary of the locations for property Lot: 7 Plan: SP212661, in relation to natural and administrative boundaries.

Table 2: Property location details

Local Government(s)
Douglas Shire

Bioregion(s)	Subregion(s)
Wet Tropics	Daintree - Bloomfield

Catchment(s)
Mossman

For the purposes of the accepted development vegetation clearing codes and the State Development Assessment Provisions (SDAP), this property is regarded as*
Coastal

*See also Map 5.4

Area Management Plan(s): Nil

3. Vegetation management details for Lot: 7 Plan: SP212661

3.1 Vegetation categories

Vegetation categories are shown on the regulated vegetation management map in section 5.1 of this report. A summary of vegetation categories on the subject lot are listed in Table 3. Descriptions for these categories are shown in Table 4.

Table 3: Vegetation categories for subject property. Total area: 8.62ha

Vegetation category	Area (ha)
Category A	0.05
Category B	4.25
Category R	0.0
Category X	4.32

Table 4

Category	Colour on Map	Description	Requirements / options under the vegetation management framework
A	red	Compliance areas, environmental offset areas and voluntary declaration areas	Special conditions apply to Category A areas. Before clearing, contact DNRME to confirm any requirements in a Category A area.
B	dark blue	Remnant vegetation areas	Exempt clearing work, or notification and compliance with accepted development vegetation clearing codes, area management plans or development approval.
C	light blue	High-value regrowth areas	Exempt clearing work, or notification and compliance with managing Category C regrowth vegetation accepted development vegetation clearing code.
R	yellow	Regrowth within 50m of a watercourse or drainage feature in the Great Barrier Reef catchment areas	Exempt clearing work, or notification and compliance with managing Category R regrowth accepted development vegetation clearing code or area management plans.
X	white	Clearing on freehold land, indigenous land and leasehold land for agriculture and grazing purposes is considered exempt clearing work under the vegetation management framework. Contact DNRME to clarify whether a development approval is required for other State land tenures.	No permit or notification required on freehold land, indigenous land and leasehold land for agriculture and grazing. A development approval may be required for some State land tenures.

Property Map of Assessable Vegetation (PMAV)

This report does not confirm if a Property Map of Assessable Vegetation (PMAV) exists on a lot. To confirm whether or not a PMAV exists on a lot, please check the PMAV layer on the Queensland Globe2, or contact DNRME on 135VEG (135 834).

3.2 Regional ecosystems

The endangered, of concern and least concern regional ecosystems on your property are shown on the vegetation management supporting map in section 5.2 and are listed in Table 5.

A description of regional ecosystems can be accessed online at

<https://www.qld.gov.au/environment/plants-animals/plants/ecosystems/descriptions/>

Table 5: Regional ecosystems present on subject property

Regional Ecosystem	VMA Status	Category	Area (Ha)	Short Description	Structure Category
7.3.17	Endangered	A	0.05	Complex mesophyll vine forest, on well-drained alluvium of high fertility	Dense
7.3.17	Endangered	B	3.89	Complex mesophyll vine forest, on well-drained alluvium of high fertility	Dense
7.3.28	Of concern	B	0.36	Rivers and streams including riparian herbfield and shrubland on river and stream bed alluvium and rock within stream beds	Very sparse
non-rem	None	X	4.32	None	None

Please note:

1. All area and area derived figures included in this table have been calculated via reprojecting relevant spatial features to Albers equal-area conic projection (central meridian = 146, datum Geocentric Datum of Australia 1994). As a result, area figures may differ slightly if calculated for the same features using a different co-ordinate system.
2. If Table 5 contains a Category 'plant', please be aware that this refers to 'plantations' such as forestry, and these areas are considered non-remnant under the VMA.

The VMA status of the regional ecosystem (whether it is endangered, of concern or least concern) also determines if any of the following are applicable:

- exempt clearing work
- accepted development vegetation clearing codes
- performance outcomes in State Development Assessment Provisions (SDAP).

3.3 Watercourses

Vegetation management watercourses and drainage features for this property are shown on the vegetation management supporting map in section 5.2.

3.4 Wetlands

There are no vegetation management wetlands present on this property.

3.5 Essential habitat

Protected wildlife is native wildlife prescribed under the *Nature Conservation Act 1992* (NCA), and includes endangered, vulnerable or near-threatened wildlife.

Essential habitat for protected wildlife includes suitable habitat on the lot, or where a species has been known to occur up to 1.1 kilometres from a lot on which there is assessable vegetation. These important habitat areas are protected under the VMA.

Any essential habitat on this property will be shown as blue hatching on the vegetation supporting map in section 5.2.

If essential habitat is identified on the lot, information about the protected wildlife species is provided in Table 6 below. The numeric labels on the vegetation management supporting map can be cross referenced with Table 6 to outline the essential habitat factors for that particular species. There may be essential habitat for more than one species on each lot, and areas of

Category A, Category B and Category C can be mapped as Essential Habitat.

Essential habitat is compiled from a combination of species habitat models and buffered species records. Regional ecosystem is a mandatory essential habitat factor, unless otherwise stated. Essential habitat, for protected wildlife, means an area of vegetation shown on the Regulated Vegetation Management Map as assessable vegetation -

- 1) that has at least 3 essential habitat factors for the protected wildlife that must include any essential habitat factors that are stated as mandatory for the protected wildlife in the essential habitat database. Essential habitat factors are comprised of - regional ecosystem (mandatory for most species), vegetation community, altitude, soils, position in landscape; or
- 2) in which the protected wildlife, at any stage of its life cycle, is located.

If there is no essential habitat mapping shown on the vegetation management supporting map for this lot, and there is no table in the sections below, it confirms that there is no essential habitat on the lot.

Category A and/or Category B and/or Category C

Table 6: Essential habitat in Category A and/or Category B and/or Category C

Label	Scientific Name	Common Name	NCA Status	Vegetation Community	Altitude	Soils	Position in Landscape
1087	Casuarium casuarium johnsonii (southern population)	southern cassowary (southern population)	E	Dense lowland and highland tropical rainforest, closed gallery forest, eucalypt forest with vine forest elements, swamp forest and adjacent melaleuca swamps, littoral scrub, eucalypt woodland and mangroves; often using a habitat mosaic; will cross open eucalypt, canefields and dry ridges between rainforest patches.	Sea level to 1500m.	None	None
598	Litoria rheocola	common mist frog	E	Among rocks and logs, in low ferns and overhanging vegetation, in and beside fast flowing streams and waterfalls in notophyll (simple evergreen & araucarian) rainforest/monsoon vine forest and wet sclerophyll forest.	Sea level to 1200m.	None	Near/in streams.
31542	Haplostichanthus submontanus subsp. submontanus	None	NT	rainforest (simple notophyll vineforest, simple to complex mesophyll vineforest)	0 to 1000 m	soils derived from a granite or metamorphic substrates	hillslope, watercourse

Label	Regional Ecosystem (mandatory unless otherwise specified)
1087	7.1.1, 7.1.2, 7.1.3, 7.1.4, 7.1.5, 7.2.1, 7.2.2, 7.2.3, 7.2.4, 7.2.5, 7.2.6, 7.2.7, 7.2.8, 7.2.9, 7.2.10, 7.2.11, 7.3.1, 7.3.2, 7.3.3, 7.3.4, 7.3.5, 7.3.6, 7.3.7, 7.3.8, 7.3.9, 7.3.10, 7.3.12, 7.3.13, 7.3.17, 7.3.19, 7.3.20, 7.3.21, 7.3.23, 7.3.25, 7.3.28, 7.3.29, 7.3.30, 7.3.31, 7.3.34, 7.3.35, 7.3.36, 7.3.37, 7.3.38, 7.3.39, 7.3.40, 7.3.42, 7.3.45, 7.3.46, 7.3.47, 7.3.49, 7.8.1, 7.8.2, 7.8.3, 7.8.4, 7.8.11, 7.8.12, 7.8.13, 7.8.14, 7.8.15, 7.8.16, 7.8.18, 7.11.1, 7.11.2, 7.11.3, 7.11.5, 7.11.6, 7.11.7, 7.11.8, 7.11.10, 7.11.12, 7.11.13, 7.11.14, 7.11.16, 7.11.18, 7.11.19, 7.11.23, 7.11.24, 7.11.25, 7.11.26, 7.11.27, 7.11.28, 7.11.29, 7.11.30, 7.11.31, 7.11.32, 7.11.34, 7.11.36, 7.11.38, 7.11.39, 7.11.40, 7.11.42, 7.11.44, 7.11.46, 7.11.47, 7.11.49, 7.12.1, 7.12.2, 7.12.4, 7.12.5, 7.12.6, 7.12.7, 7.12.9, 7.12.10, 7.12.11, 7.12.12, 7.12.13, 7.12.16, 7.12.17, 7.12.19, 7.12.20, 7.12.21, 7.12.22, 7.12.23, 7.12.24, 7.12.25, 7.12.26, 7.12.29, 7.12.37, 7.12.38, 7.12.39, 7.12.40, 7.12.41, 7.12.43, 7.12.44, 7.12.45, 7.12.47, 7.12.48, 7.12.49, 7.12.50, 7.12.53, 7.12.59, 7.12.61, 7.12.66, 7.12.67, 7.12.68
598	7.2.1, 7.2.2, 7.2.3, 7.2.4, 7.2.5, 7.2.6, 7.2.7, 7.2.8, 7.2.9, 7.2.10, 7.2.11, 7.3.3, 7.3.4, 7.3.5, 7.3.6, 7.3.7, 7.3.8, 7.3.9, 7.3.10, 7.3.12, 7.3.13, 7.3.16, 7.3.17, 7.3.19, 7.3.20, 7.3.21, 7.3.23, 7.3.25, 7.3.34, 7.3.35, 7.3.36, 7.3.37, 7.3.38, 7.3.40, 7.3.42, 7.3.43, 7.3.44, 7.3.45, 7.3.46, 7.3.47, 7.3.49, 7.3.50, 7.5.1, 7.5.2, 7.5.4, 7.8.1, 7.8.2, 7.8.3, 7.8.4, 7.8.7, 7.8.8, 7.8.11, 7.8.12, 7.8.13, 7.8.14, 7.8.15, 7.8.16, 7.8.17, 7.8.18, 7.8.19, 7.11.1, 7.11.2, 7.11.3, 7.11.5, 7.11.6, 7.11.7, 7.11.8, 7.11.10, 7.11.12, 7.11.13, 7.11.14, 7.11.16, 7.11.18, 7.11.19, 7.11.23, 7.11.24, 7.11.25, 7.11.26, 7.11.27, 7.11.28, 7.11.29, 7.11.30, 7.11.31, 7.11.32, 7.11.33, 7.11.38, 7.11.40, 7.11.43, 7.11.44, 7.11.45, 7.11.46, 7.11.47, 7.11.49, 7.11.51, 7.12.1, 7.12.2, 7.12.4, 7.12.5, 7.12.6, 7.12.7, 7.12.9, 7.12.10, 7.12.11, 7.12.12, 7.12.13, 7.12.16, 7.12.17, 7.12.19, 7.12.20, 7.12.21, 7.12.22, 7.12.23, 7.12.24, 7.12.25, 7.12.26, 7.12.27, 7.12.29, 7.12.33, 7.12.37, 7.12.38, 7.12.39, 7.12.40, 7.12.42, 7.12.43, 7.12.44, 7.12.45, 7.12.46, 7.12.47, 7.12.48, 7.12.49, 7.12.50, 7.12.53, 7.12.54, 7.12.59, 7.12.61, 7.12.66, 7.12.68
31542	7.3.10, 7.3.17, 7.12.1, 7.12.20, 7.12.37

3.6 Protected plants (administered by the Department of Environment and Science (DES))

In Queensland, all plants that are native to Australia are protected plants under the *Nature Conservation Act 1992* (NCA), with clearing of protected plants in the wild regulated by the [Nature Conservation \(Wildlife Management\) Regulation 2006](#).

These requirements apply irrespective of the classification of the vegetation under the *Vegetation Management Act 1999*.

Prior to clearing, if the plants proposed to be cleared are in the wild (see [Operational policy: When a protected plant in Queensland is considered to be 'in the wild'](#)) and the exemptions under the [Nature Conservation \(Wildlife Management\) Regulation 2006](#) are not applicable to the proposed clearing, you must check the flora survey trigger map to determine if any part of the area to be cleared is within a high risk area. The trigger map for this property is provided in section 5.5. The exemptions relate to:

- imminent risk of death or serious injury (refer s261A)
- imminent risk of serious damage to a building or other structure on land, or to personal property (refer s261B)
- *Fire and Emergency Service Act 1990* (refer 261C)
- previously cleared areas (refer s261ZB)
- maintenance activities (refer s261ZC)
- firebreak or fire management line (refer s261ZD)
- accepted development vegetation clearing code (refer s261ZE)
- conservation purposes (refer s261ZG)
- authorised in particular circumstances (refer s385).

Some exemptions under the NCA are the same as exempt clearing work (formerly known as exemptions) from the *Vegetation Management Act 1999* (i.e. listed in the Planning Regulations 2017) while some are different.

If the proposed area to be cleared is shown as blue (i.e. high risk) on the flora survey trigger map, a flora survey of the clearing impact area must be undertaken in accordance with the flora survey guidelines. The main objective of a flora survey is to locate any endangered, vulnerable or near threatened plants (EVNT plants) that may be present in the clearing impact area.

If a flora survey identifies that EVNT plants are not present within the clearing impact area or clearing within 100m of EVNT plants can be avoided, the clearing activity is exempt from a permit. An [exempt clearing notification form](#) must be submitted to the Department of Environment and Science, with a copy of the flora survey report, at least one week prior to clearing. The clearing must be conducted within two years after the flora survey report was submitted.

If a flora survey identifies that EVNT plants are present in, or within 100m of, the area to be cleared, a clearing permit is required before any clearing is undertaken. The flora survey report, as well as an impact management report, must be submitted with the [application form clearing permit](#).

In an area other than a high risk area, a clearing permit is only required where a person is, or becomes aware that EVNT plants are present in, or within 100m of, the area to be cleared. You must keep a copy of the flora survey trigger map for the area subject to clearing for five years from the day the clearing starts. If you do not clear within the 12 month period that the flora survey trigger map was printed, you need to print and check a new flora survey trigger map.

Further information on protected plants is available at

<http://www.ehp.qld.gov.au/licences-permits/plants-animals/protected-plants/>

For assistance on the protected plants flora survey trigger map for this property, please contact the Department of Environment and Science at palm@des.qld.gov.au.

3.7 Emissions Reduction Fund (ERF)

The ERF is an Australian Government scheme which offers incentives for businesses and communities across the economy to reduce emissions.

Under the ERF, landholders can earn money from activities such as planting (and keeping) trees, managing regrowth vegetation and adopting more sustainable agricultural practices.

The purpose of a project is to remove greenhouse gases from the atmosphere. Each project will provide new economic opportunities for farmers, forest growers and land managers.

Further information on ERF is available at <https://www.qld.gov.au/environment/land/state/use/carbon-rights/>.

4. Contact information for DNRME

For further information on vegetation management:

Phone 135VEG (135 834)

Email vegetation@dnrme.qld.gov.au

Visit www.dnrme.qld.gov.au/our-department/contact-us/vegetation-contacts to submit an online enquiry.

For contact details for other State and Commonwealth agencies, please see Section 6.

5. Maps

The maps included in this report may also be requested individually at:

<https://www.dnrme.qld.gov.au/qld/environment/land/vegetation/vegetation-map-request-form>

and

<http://www.ehp.qld.gov.au/licences-permits/plants-animals/protected-plants/map-request.php>

Regulated vegetation management map

The regulated vegetation management map shows vegetation categories needed to determine clearing requirements. These maps are updated monthly to show new [property maps of assessable vegetation \(PMAV\)](#).

Vegetation management supporting map

The vegetation management supporting map provides information on regional ecosystems, wetlands, watercourses and essential habitat.

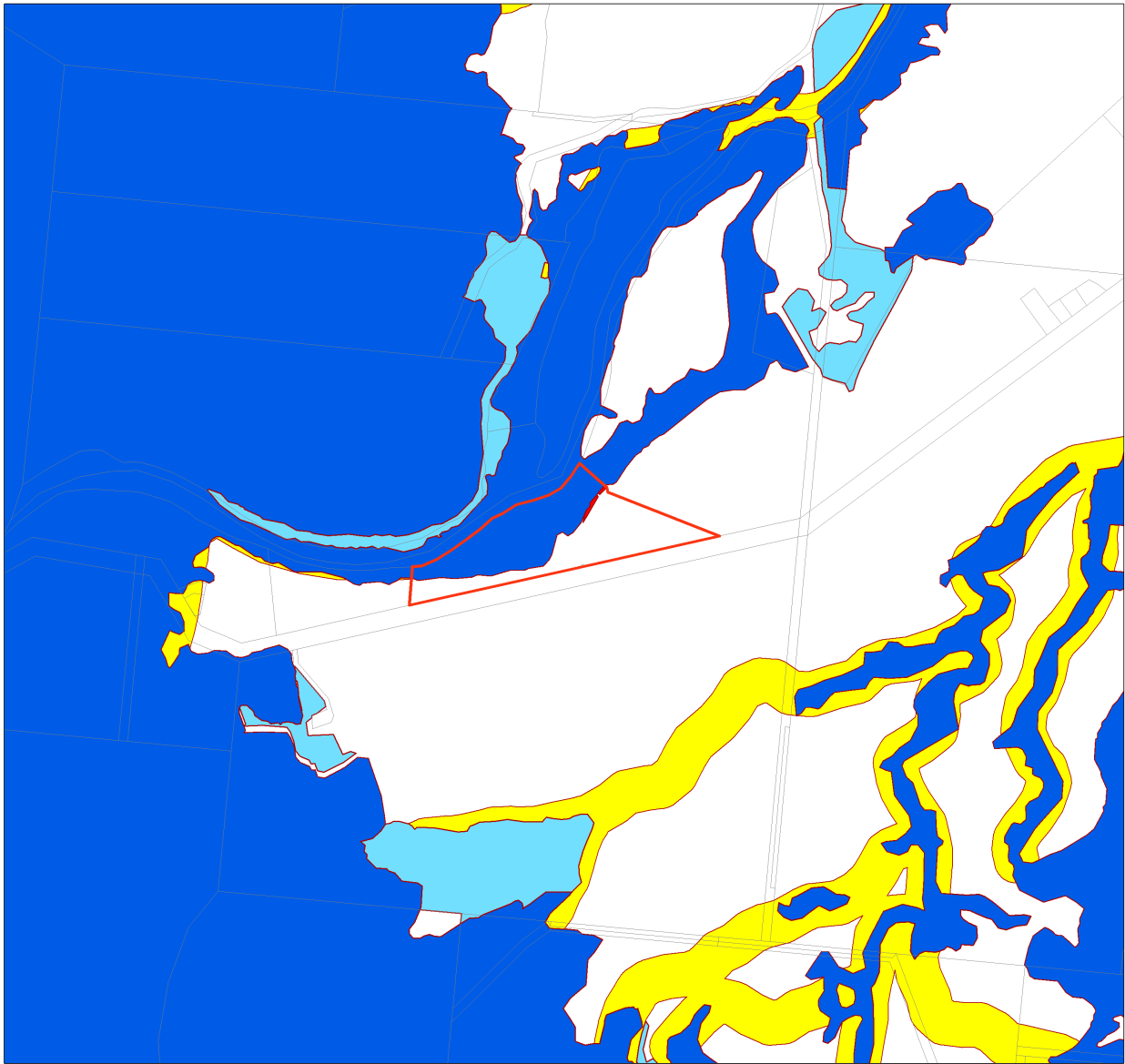
Coastal/non coastal map

The coastal/non-coastal map confirms whether the lot, or which parts of the lot, are considered coastal or non-coastal for the purposes of the accepted development vegetation clearing codes and the State Development Assessment Provisions (SDAP).

Protected plants map

The protected plants map shows areas where particular provisions of the *Nature Conservation Act 1992* apply to the clearing of protected plants.

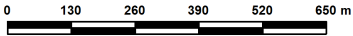
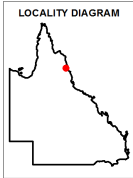
5.1 Regulated vegetation management map



Regulated Vegetation Management Map

Legend

- Lot and Plan
- Category A area (Vegetation offsets/compliance notices/VDecs)
- Category B area (Remnant vegetation)
- Category C area (High-value regrowth vegetation)
- Category R area (Reef regrowth watercourse vegetation)
- Category X area (Exempt clearing work on Freehold, Indigenous and Leasehold land)
- Water
- Area not categorised
- Cadastral line
- Property boundaries shown are provided as a locational aid only



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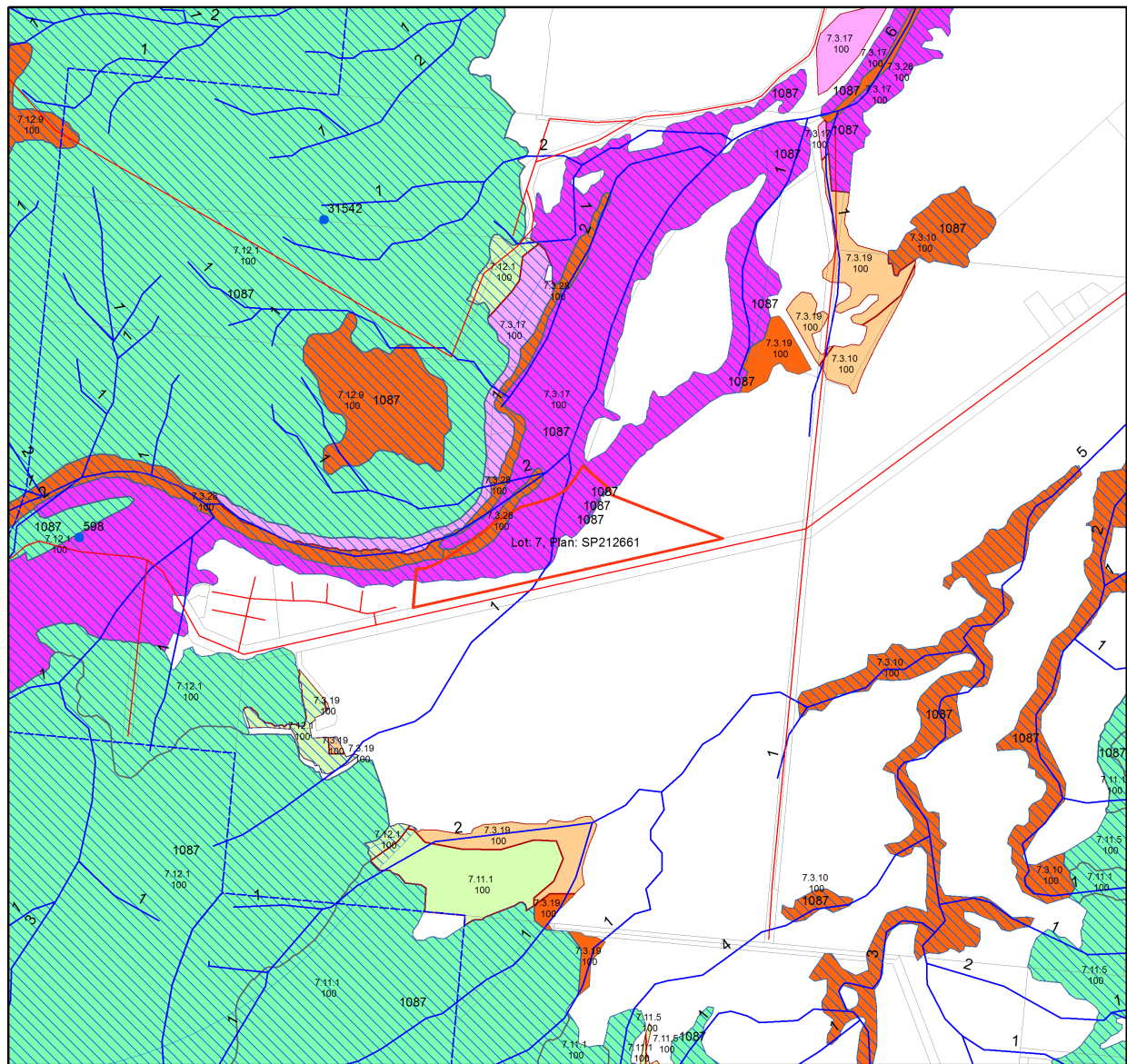
Additional information required for the assessment of vegetation values is provided in the accompanying "Vegetation Management Supporting map". For further information go to the web site: www.dnrme.qld.gov.au or contact the Department of Natural Resources, Mines and Energy.

Digital data for the regulated vegetation management map is available from the Queensland Spatial Portal at <http://www.information.qld.gov.au/>

This map is updated on a monthly basis to ensure new PMAVs are included as they are approved.



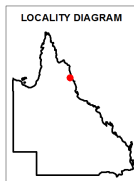
5.2 Vegetation management supporting map



Vegetation Management Supporting Map

Legend

- Lot and Plan
- Category A or B area containing endangered regional ecosystems
- Category A or B area containing of concern regional ecosystems
- Category A or B area that is a least concern regional ecosystem
- Category A or B area under Section 20AH
These areas are edged in yellow and filled with the remnant RE Status
- Category C area containing endangered regional ecosystems
- Category C area containing of concern regional ecosystems
- Category C area that is a least concern regional ecosystem
- Category C area under Section 20AI
These areas are edged in purple and filled with the remnant RE Status
- Non Remnant
- Water
- Wetland on the vegetation management wetlands map
- Essential habitat on the essential habitat map
- Essential habitat species record
- Watercourses and drainage features on the vegetation management watercourse and drainage features map
(Stream order shown as black number against stream where available)
- Roads
- National Parks, State Forest and other reserves
- Cadastral line
- Property boundaries shown as provided as a locational aid only



0 100 200 300 400 500 m

This product is projected into:
GDA 1994 MGA Zone 55

Labels for Essential Habitat are centred on the area of enquiry.

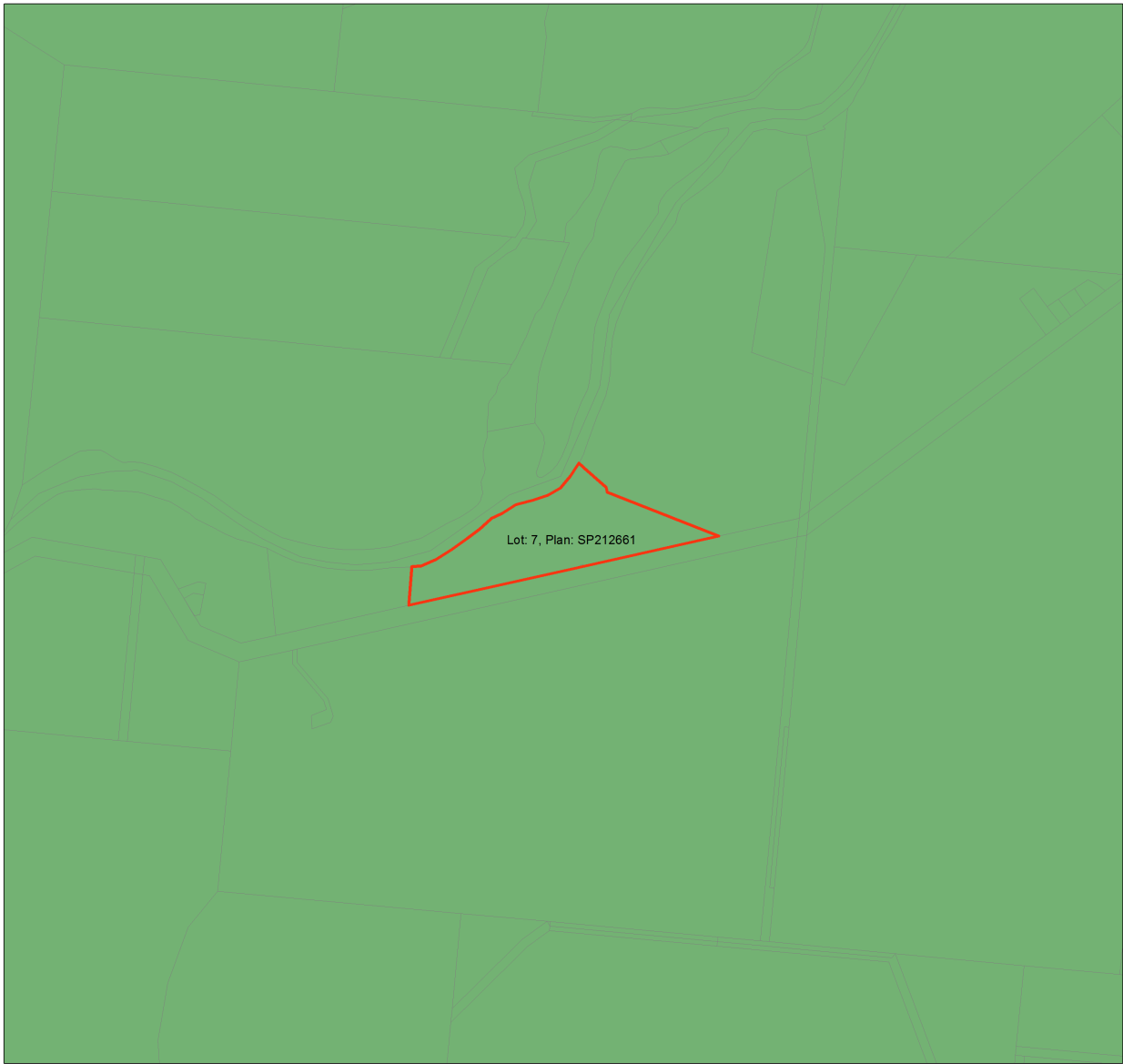
Regional ecosystem linework has been compiled at a scale of 1:100 000, except in designated areas where a compilation scale of 1:50 000 is available. Linework should be used as a guide only. The positional accuracy of RE data mapped at a scale of 1:100 000 is +/- 100 metres.

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Additional information may be required for the purposes of land clearing or assessment of a regional ecosystem map or PMAV applications. For further information go to the web site: www.dnrm.qld.gov.au or contact the Department of Natural Resources, Mines and Energy.

Digital data for the vegetation management watercourse and drainage feature map, vegetation management wetlands map, essential habitat map and the vegetation management remnant and regional ecosystem map are available from the Queensland Spatial Portal at <http://www.information.qld.gov.au/>

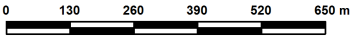
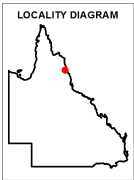
5.3 Coastal/non coastal map



Coastal/Non Coastal Map

Legend

- Lot and Plan
- Coastal
- Non Coastal
- Cadastral line
- Property boundaries shown are provided as a locational aid only

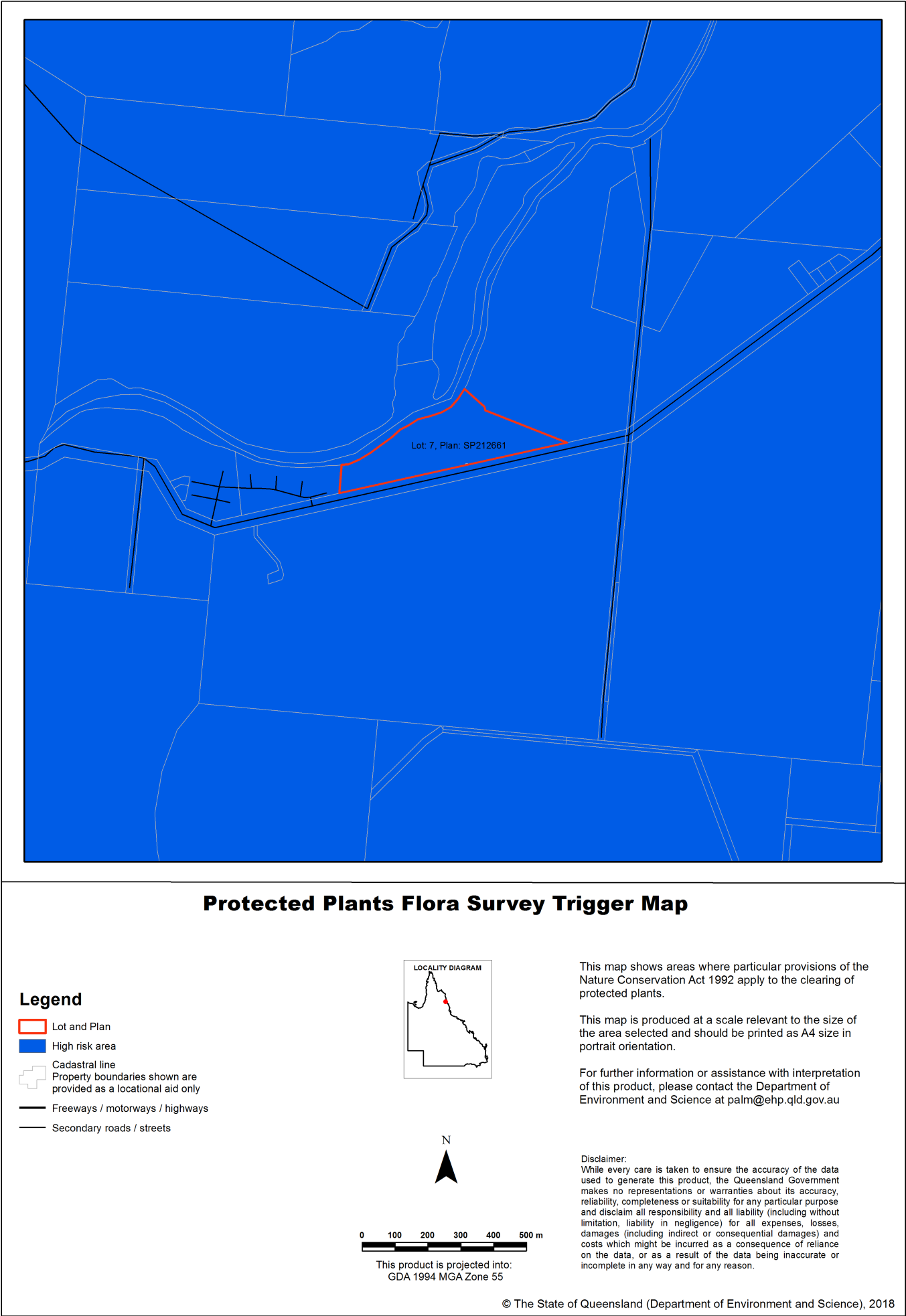


This product is projected into:
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5.4 Protected plants map administered by DES



6. Other relevant legislation contacts list

Activity	Legislation	Agency	Contact details
Interference with overland flow Earthworks, significant disturbance	<i>Water Act 2000</i> <i>Soil Conservation Act 1986</i>	Department of Natural Resources, Mines and Energy (Queensland Government)	Ph: 13 QGOV (13 74 68) www.dnrme.qld.gov.au
Indigenous Cultural Heritage	<i>Aboriginal Cultural Heritage Act 2003</i> <i>Torres Strait Islander Cultural Heritage Act 2003</i>	Department of Aboriginal and Torres Strait Islander Partnerships (Queensland Government)	Ph: 13 QGOV (13 74 68) www.datsip.qld.gov.au
Mining and environmentally relevant activities Infrastructure development (coastal) Heritage issues Protected plants and protected areas ¹	<i>Environmental Protection Act 1994</i> <i>Coastal Protection and Management Act 1995</i> <i>Queensland Heritage Act 1992</i> <i>Nature Conservation Act 1992</i>	Department of Environment and Science (Queensland Government)	Ph: 13 QGOV (13 74 68) www.des.qld.gov.au
Interference with fish passage in a watercourse, mangroves Forestry activities ²	<i>Fisheries Act 1994</i> <i>Forestry Act 1959</i>	Department of Agriculture and Fisheries (Queensland Government)	Ph: 13 QGOV (13 74 68) www.daf.qld.gov.au
Matters of National Environmental Significance including listed threatened species and ecological communities	<i>Environment Protection and Biodiversity Conservation Act 1999</i>	Department of the Environment (Australian Government)	Ph: 1800 803 772 www.environment.gov.au
Development and planning processes	<i>Planning Act 2016</i> <i>State Development and Public Works Organisation Act 1971</i>	Department of State Development, Manufacturing, Infrastructure and Planning (Queensland Government)	Ph: 13 QGOV (13 74 68) www.dsdmip.qld.gov.au
Local government requirements	<i>Local Government Act 2009</i> <i>Planning Act 2016</i>	Department of Local Government, Racing and Multicultural Affairs (Queensland Government)	Ph: 13 QGOV (13 74 68) Your relevant local government office

1. In Queensland, all plants that are native to Australia are protected plants under the [Nature Conservation Act 1992](http://www.des.qld.gov.au), which endeavours to ensure that protected plants (whether whole plants or protected plants parts) are not illegally removed from the wild, or illegally traded. Prior to clearing, you should check the flora survey trigger map to determine if the clearing is within a high-risk area by visiting www.des.qld.gov.au. For further information or assistance on the protected plants flora survey trigger map for your property, please contact the Department of Environment and Science on 13QGOV (13 74 68) or email palm@des.qld.gov.au.

2. Contact the Department of Agriculture and Fisheries before clearing:

- Any sandalwood on state-owned land (including leasehold land)
- On freehold land in a 'forest consent area'
- More than five hectares on state-owned land (including leasehold land) containing commercial timber species listed in parts 2 or 3 of Schedule 6 of the Vegetation Management Regulation 2012 and located within any of the following local government management areas-Banana, Bundaberg Regional, Fraser Coast Regional, Gladstone Regional, Isaac Regional, North Burnett Regional, Somerset Regional, South Burnett Regional, Southern Downs Regional, Tablelands Regional, Toowoomba Regional, Western Downs Regional.



Vegetation management report

For Lot: 94 Plan: SR257

Current as at 27/08/2018

This publication has been compiled by Operations Support, Department of Natural Resources, Mines and Energy.

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Recent changes

New vegetation clearing laws

New vegetation management laws were passed by the Queensland Parliament on 3 May 2018 and may affect the clearing you can undertake on your property.

For more information, read about the new vegetation management laws

(<https://www.dnrme.qld.gov.au/land-water/initiatives/vegetation-management-laws/>) or call 135VEG (13 58 34) between 8.30am and 4.30pm Monday to Friday.

Updated mapping

The Regulated Vegetation Management Map and Supporting Map was updated in March 2018 to reflect the most up to date information available in relation to regional ecosystems, essential habitat and wetland mapping (Version 10).

Overview

Based on the lot on plan details you have supplied, this report provides the following detailed information:

- *Vegetation management framework* - an explanation of the application of the framework.
- *Property details* - information about the specified Lot on Plan, lot size, local government area, bioregion(s), subregion(s), catchment(s), coastal or non coastal status, and any applicable area management plans associated with your property.
- *Vegetation management details for the specified Lot on Plan* - specific information about your property including vegetation categories, regional ecosystems, watercourses, wetlands, essential habitat, and protected plants.
- *Contact information*.
- *Maps* - a series of colour maps to assist in identifying regulated vegetation on your property.
- *Other legislation contact information*.

This information will assist you to determine your options for managing vegetation, which may include:

- exempt clearing work
- accepted development vegetation clearing code
- an area management plan
- a development approval.

Other laws

The clearing of native vegetation is regulated by both Queensland and Australian legislation, and some local governments also regulate native vegetation clearing. You may need to obtain an approval or permit under another Act, such as Queensland's Protected Plants framework or the Commonwealth Government's *Environment Protection and Biodiversity Conservation Act 1999* (EPBC Act). Section 6 of this guide provides contact details of other agencies you should confirm requirements with, before commencing vegetation clearing.

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1. Vegetation management framework

The *Vegetation Management Act 1999* (VMA), the Vegetation Management Regulation 2012, the *Planning Act 2016* and the Planning Regulation 2017, in conjunction with associated policies and codes, form the Vegetation Management Framework.

The VMA does not apply to all land tenures or vegetation types. State forests, national parks, forest reserves and some tenures under the *Forestry Act 1959* and *Nature Conservation Act 1992* are not regulated by the VMA. Managing or clearing vegetation on these tenures may require approvals under these laws.

The following native vegetation is not regulated under the VMA but may require permit(s) under other laws:

- grass or non-woody herbage;
- a plant within a grassland regional ecosystem prescribed under Schedule 5 of the Vegetation Management Regulation 2012; and
- a mangrove.

1.1 Exempt clearing work

Exempt clearing work is an activity for which you do not need to notify DNRME or obtain an approval. Exempt clearing work was previously known as exemptions.

In areas that are mapped as Category X (white in colour) on the regulated vegetation management map (see section 5.1), and where the land tenure is freehold, indigenous land and leasehold land for agriculture and grazing purposes, the clearing of vegetation is considered exempt clearing work and does not require notification or development approval. For all other land tenures, contact DNRME before commencing clearing to ensure that the proposed activity is exempt clearing work.

A range of routine property management activities are considered exempt clearing work. A list of exempt clearing work is available at

<https://www.qld.gov.au/environment/land/vegetation/exemptions/>.

Exempt clearing work may be affected if the proposed clearing area is subject to development approval conditions, a covenant, an environmental offset, an exchange area, a restoration notice, or an area mapped as Category A. Contact DNRME prior to clearing in any of these areas.

1.2 Accepted development vegetation clearing codes

Some clearing activities can be undertaken under an accepted development vegetation clearing code. The codes can be downloaded at

<https://www.qld.gov.au/environment/land/vegetation/codes/>

If you intend to clear vegetation under an accepted development vegetation clearing code, you must notify DNRME before commencing. The information in this report will assist you to complete the online notification form.

You can complete the online form at

<https://apps.dnrm.qld.gov.au/vegetation/>

1.3 Area management plans

Area Management Plans (AMP) provide an alternative approval system for vegetation clearing. They list the purposes and clearing conditions that have been approved for the areas covered by the plan. It is not necessary to use an AMP, even when an AMP applies to your property.

As a result of the new laws, AMPs for fodder harvesting, managing thickened vegetation and managing encroachment will continue for 2 years. New notifications cannot be made for these AMPs.

New notifications can be made for all other AMPs. These will continue to apply until their nominated end date.

If an area management plan applies to your property for which you can make a new notification, it will be listed in Section 2.2 of this report. Before clearing under one of these AMPs, you must first notify the DNRME and then follow the conditions and requirements listed in the AMP.

<https://www.qld.gov.au/environment/land/vegetation/area-plans/>

1.4 Development approvals

If your proposed clearing is not exempt clearing work, or is not permitted under an accepted development vegetation clearing code, or an AMP, you may be able to apply for a development approval. Information on how to apply for a development approval is available at

<https://www.qld.gov.au/environment/land/vegetation/applying/>

2. Property details

2.1 Tenure

All of the lot, plan and tenure information associated with property Lot: 94 Plan: SR257, including links to relevant Smart Maps, are listed in Table 1. The tenure of the property (whether it is freehold, leasehold, or other) may be viewed by clicking on the Smart Map link(s) provided.

Table 1: Lot, plan and tenure information for the property

Lot	Plan	Tenure	Link to property on SmartMap
94	SR257	Reserve	https://apps.information.qld.gov.au/data/cadastre/GenerateSmartMap?q=94\SR257

The tenure of the land may affect whether clearing is considered exempt clearing work or may be carried out under an accepted development vegetation clearing code.

2.2 Property location

Table 2 provides a summary of the locations for property Lot: 94 Plan: SR257, in relation to natural and administrative boundaries.

Table 2: Property location details

Local Government(s)
Douglas Shire

Bioregion(s)	Subregion(s)
Wet Tropics	Daintree - Bloomfield

Catchment(s)
Mossman

For the purposes of the accepted development vegetation clearing codes and the State Development Assessment Provisions (SDAP), this property is regarded as*
Coastal

*See also Map 5.4

Area Management Plan(s): Nil

3. Vegetation management details for Lot: 94 Plan: SR257

3.1 Vegetation categories

Vegetation categories are shown on the regulated vegetation management map in section 5.1 of this report. A summary of vegetation categories on the subject lot are listed in Table 3. Descriptions for these categories are shown in Table 4.

Table 3: Vegetation categories for subject property. Total area: 20.74ha

Vegetation category	Area (ha)
Category B	20.74

Table 4

Category	Colour on Map	Description	Requirements / options
A	red	Compliance areas, environmental offset areas and voluntary declaration areas	Special conditions apply to Category A areas. Before clearing, contact DNRME to confirm any requirements in a Category A area.
B	dark blue	Remnant vegetation areas	Exempt clearing work, or notification and compliance with accepted development vegetation clearing codes, area management plans or development approval.
C	light blue	High-value regrowth areas	Exempt clearing work, or notification and compliance with managing Category C regrowth vegetation accepted development vegetation clearing code.
R	yellow	Regrowth within 50m of a watercourse or drainage feature in the Great Barrier Reef catchment areas	Exempt clearing work, or notification and compliance with managing Category R regrowth accepted development vegetation clearing code or area management plans.
X	white	Clearing is considered accepted development on freehold land, indigenous land and leasehold land for agriculture and grazing purposes. Contact DNRME to clarify whether a development approval is required for other State land tenures.	No permit or notification required on freehold land, indigenous land and leasehold land for agriculture and grazing. A development approval may be required for some State land tenures.

Property Map of Assessable Vegetation (PMAV)

This report does not confirm if a Property Map of Assessable Vegetation (PMAV) exists on a lot. To confirm whether or not a PMAV exists on a lot, please check the PMAV layer on the Queensland Globe2, or contact DNRME on 135VEG (135 834).

3.2 Regional ecosystems

The endangered, of concern and least concern regional ecosystems on your property are shown on the vegetation management supporting map in section 5.2 and are listed in Table 5.

A description of regional ecosystems can be accessed online at

<https://www.qld.gov.au/environment/plants-animals/plants/ecosystems/descriptions/>

Table 5: Regional ecosystems present on subject property

Regional Ecosystem	VMA Status	Category	Area (Ha)	Short Description	Structure Category
7.12.1	Least concern	B	19.28	Simple-complex mesophyll to notophyll vine forest of moderately to poorly-drained granites and rhyolites of moderate fertility of the moist and wet lowlands, foothills and uplands	Dense
7.3.10	Of concern	B	1.36	Simple-complex mesophyll to notophyll vine forest on moderately to poorly-drained alluvial plains of moderate fertility	Dense
7.3.17	Endangered	B	0.11	Complex mesophyll vine forest, on well-drained alluvium of high fertility	Dense

Please note:

1. All area and area derived figures included in this table have been calculated via reprojecting relevant spatial features to Albers equal-area conic projection (central meridian = 146, datum Geocentric Datum of Australia 1994). As a result, area figures may differ slightly if calculated for the same features using a different co-ordinate system.
2. If Table 5 contains a Category 'plant', please be aware that this refers to 'plantations' such as forestry, and these areas are considered non-remnant under the VMA.

The VMA status of the regional ecosystem (whether it is endangered, of concern or least concern) also determines if any of the following are applicable:

- exempt clearing work
- accepted development vegetation clearing codes
- performance outcomes in State Development Assessment Provisions (SDAP).

3.3 Watercourses

Vegetation management watercourses and drainage features for this property are shown on the vegetation management supporting map in section 5.2.

3.4 Wetlands

There are no vegetation management wetlands present on this property.

3.5 Essential habitat

Protected wildlife is native wildlife prescribed under the *Nature Conservation Act 1992* (NCA), and includes endangered, vulnerable or near-threatened wildlife.

Essential habitat for protected wildlife includes suitable habitat on the lot, or where a species has been known to occur up to 1.1 kilometres from a lot on which there is assessable vegetation. These important habitat areas are protected under the VMA.

Any essential habitat on this property will be shown as blue hatching on the vegetation supporting map in section 5.2.

If essential habitat is identified on the lot, information about the protected wildlife species is provided in Table 6 below. The numeric labels on the vegetation management supporting map can be cross referenced with Table 6 to outline the essential habitat factors for that particular species. There may be essential habitat for more than one species on each lot, and areas of Category A, Category B and Category C can be mapped as Essential Habitat.

Essential habitat is compiled from a combination of species habitat models and buffered species records. Regional ecosystem is a mandatory essential habitat factor, unless otherwise stated. Essential habitat, for protected wildlife, means an area of vegetation shown on the Regulated Vegetation Management Map as assessable vegetation -

- 1) that has at least 3 essential habitat factors for the protected wildlife that must include any essential habitat factors that are stated as mandatory for the protected wildlife in the essential habitat database. Essential habitat factors are comprised of - regional ecosystem (mandatory for most species), vegetation community, altitude, soils, position in landscape; or
- 2) in which the protected wildlife, at any stage of its life cycle, is located.

If there is no essential habitat mapping shown on the vegetation management supporting map for this lot, and there is no table in the sections below, it confirms that there is no essential habitat on the lot.

Category A and/or Category B and/or Category C

Table 6: Essential habitat in Category A and/or Category B and/or Category C

Label	Scientific Name	Common Name	NCA Status	Vegetation Community	Altitude	Soils	Position in Landscape
1087	Casuarium johnsonii (southern population)	southern cassowary (southern population)	E	Dense lowland and highland tropical rainforest, closed gallery forest, eucalypt forest with vine forest elements, swamp forest and adjacent melaleuca swamps, littoral scrub, eucalypt woodland and mangroves; often using a habitat mosaic; will cross open eucalypt, canefields and dry ridges between rainforest patches.	Sea level to 1500m.	None	None
579	Litoria dayi	Australian lacelid	E	Associated with fast flowing rocky streams and soaks in rocky areas in rainforest/monsoon vine forest, including margins.	Sea level to 1400m.	None	Near/in streams.
598	Litoria rheocola	common mist frog	E	Among rocks and logs, in low ferns and overhanging vegetation, in and beside fast flowing streams and waterfalls in notophyll (simple evergreen & araucarian) rainforest/monsoon vine forest and wet sclerophyll forest.	Sea level to 1200m.	None	Near/in streams.
610	Litoria serrata	tapping green-eyed frog	V	Near rocky creeks but also on overhanging vegetation (especially 1-2m) and forest floor, in wet forest/tropical rainforest/monsoon vine forest including notophyll (simple evergreen & araucarian).	Sea level to 1300m.	None	Near/in streams.
9925	Peripentadenia phelpsi	None	V	rainforests (complex mesophyll vine forest)	0 to 500 m	alluvials, clays, soils derived from granite or mudstone substrates	alluvial terraces, hill slopes
10517	Oberonia attenuata	None	E	There are no essential habitat factors shown as this species has only been found in areas not subject to the VMA 1999 (eg State Forests and National Parks)	There are no essential habitat factors shown as this species has only been found in areas not subject to the VMA 1999 (eg State Forests and National Parks)	There are no essential habitat factors shown as this species has only been found in areas not subject to the VMA 1999 (eg State Forests and National Parks)	There are no essential habitat factors shown as this species has only been found in areas not subject to the VMA 1999 (eg State Forests and National Parks)
11792	Mesua larnachiana	None	V	lowland rainforest (complex notophyll to mesophyll vine forest)	0 to 350 m	soil derived from granite	alluvial terraces, creek banks, lower hill slopes
16625	Microsorium embranifolium	pimple fern	NT	rainforest (complex notophyll vine forest, complex mesophyll vine forest)	0 to 300 m	lithophytic fern on granite, mudstone or metamorphic rocks	creek bank

Label	Scientific Name	Common Name	NCA Status	Vegetation Community	Altitude	Soils	Position in Landscape
17687	Carex breviscapa	None	V	rainforests	0 to 1200 m	no information	no information
18818	Citrus inodora	None	V	mesophyll rainforest	0 to 300 m	soils derived from a granite substrate	gentle lower hill slopes
31542	Haplostichant hus submontanus subsp. submontanus	None	NT	rainforest (simple notophyll vineforest, simple to complex mesophyll vineforest)	0 to 1000 m	soils derived from a granite or metamorphic substrates	hillslope, watercourse
34780	None	None	None	None	None	None	None

Label	Regional Ecosystem (mandatory unless otherwise specified)
1087	7.1.1, 7.1.2, 7.1.3, 7.1.4, 7.1.5, 7.2.1, 7.2.2, 7.2.3, 7.2.4, 7.2.5, 7.2.6, 7.2.7, 7.2.8, 7.2.9, 7.2.10, 7.2.11, 7.3.1, 7.3.2, 7.3.3, 7.3.4, 7.3.5, 7.3.6, 7.3.7, 7.3.8, 7.3.9, 7.3.10, 7.3.12, 7.3.13, 7.3.17, 7.3.19, 7.3.20, 7.3.21, 7.3.23, 7.3.25, 7.3.28, 7.3.29, 7.3.30, 7.3.31, 7.3.34, 7.3.35, 7.3.36, 7.3.37, 7.3.38, 7.3.39, 7.3.40, 7.3.42, 7.3.45, 7.3.46, 7.3.47, 7.3.49, 7.8.1, 7.8.2, 7.8.3, 7.8.4, 7.8.11, 7.8.12, 7.8.13, 7.8.14, 7.8.15, 7.8.16, 7.8.18, 7.11.1, 7.11.2, 7.11.3, 7.11.5, 7.11.6, 7.11.7, 7.11.8, 7.11.10, 7.11.12, 7.11.13, 7.11.14, 7.11.16, 7.11.18, 7.11.19, 7.11.23, 7.11.24, 7.11.25, 7.11.26, 7.11.27, 7.11.28, 7.11.29, 7.11.30, 7.11.31, 7.11.32, 7.11.34, 7.11.36, 7.11.38, 7.11.39, 7.11.40, 7.11.42, 7.11.44, 7.11.46, 7.11.47, 7.11.49, 7.12.1, 7.12.2, 7.12.4, 7.12.5, 7.12.6, 7.12.7, 7.12.9, 7.12.10, 7.12.11, 7.12.12, 7.12.13, 7.12.16, 7.12.17, 7.12.19, 7.12.20, 7.12.21, 7.12.22, 7.12.23, 7.12.24, 7.12.25, 7.12.26, 7.12.29, 7.12.37, 7.12.38, 7.12.39, 7.12.40, 7.12.41, 7.12.43, 7.12.44, 7.12.45, 7.12.47, 7.12.48, 7.12.49, 7.12.50, 7.12.53, 7.12.59, 7.12.61, 7.12.66, 7.12.67, 7.12.68
579	7.2.1, 7.2.2, 7.2.3, 7.2.5, 7.2.6, 7.3.3, 7.3.4, 7.3.5, 7.3.10, 7.3.17, 7.3.20, 7.3.23, 7.3.25, 7.3.35, 7.3.36, 7.3.37, 7.3.38, 7.3.49, 7.3.50, 7.5.2, 7.8.1, 7.8.2, 7.8.3, 7.8.4, 7.8.11, 7.8.12, 7.8.13, 7.8.14, 7.8.16, 7.11.1, 7.11.2, 7.11.3, 7.11.7, 7.11.8, 7.11.12, 7.11.23, 7.11.24, 7.11.25, 7.11.26, 7.11.27, 7.11.28, 7.11.29, 7.11.30, 7.11.32, 7.11.38, 7.11.40, 7.12.1, 7.12.2, 7.12.6, 7.12.7, 7.12.10, 7.12.11, 7.12.12, 7.12.13, 7.12.16, 7.12.19, 7.12.20, 7.12.26, 7.12.38, 7.12.39, 7.12.40, 7.12.42, 7.12.43, 7.12.44, 7.12.45, 7.12.46, 7.12.47, 7.12.48, 7.12.49, 7.12.50, 7.12.66, 7.12.68
598	7.2.1, 7.2.2, 7.2.3, 7.2.4, 7.2.5, 7.2.6, 7.2.7, 7.2.8, 7.2.9, 7.2.10, 7.2.11, 7.3.3, 7.3.4, 7.3.5, 7.3.6, 7.3.7, 7.3.8, 7.3.9, 7.3.10, 7.3.12, 7.3.13, 7.3.16, 7.3.17, 7.3.19, 7.3.20, 7.3.21, 7.3.23, 7.3.25, 7.3.34, 7.3.35, 7.3.36, 7.3.37, 7.3.38, 7.3.40, 7.3.42, 7.3.43, 7.3.44, 7.3.45, 7.3.46, 7.3.47, 7.3.49, 7.3.50, 7.5.1, 7.5.2, 7.5.4, 7.8.1, 7.8.2, 7.8.3, 7.8.4, 7.8.7, 7.8.8, 7.8.11, 7.8.12, 7.8.13, 7.8.14, 7.8.15, 7.8.16, 7.8.17, 7.8.18, 7.8.19, 7.11.1, 7.11.2, 7.11.3, 7.11.5, 7.11.6, 7.11.7, 7.11.8, 7.11.10, 7.11.12, 7.11.13, 7.11.14, 7.11.16, 7.11.18, 7.11.19, 7.11.23, 7.11.24, 7.11.25, 7.11.26, 7.11.27, 7.11.28, 7.11.29, 7.11.30, 7.11.31, 7.11.32, 7.11.33, 7.11.38, 7.11.40, 7.11.43, 7.11.44, 7.11.45, 7.11.46, 7.11.47, 7.11.49, 7.11.51, 7.12.1, 7.12.2, 7.12.4, 7.12.5, 7.12.6, 7.12.7, 7.12.9, 7.12.10, 7.12.11, 7.12.12, 7.12.13, 7.12.16, 7.12.17, 7.12.19, 7.12.20, 7.12.21, 7.12.22, 7.12.23, 7.12.24, 7.12.25, 7.12.26, 7.12.27, 7.12.29, 7.12.33, 7.12.37, 7.12.38, 7.12.39, 7.12.40, 7.12.42, 7.12.43, 7.12.44, 7.12.45, 7.12.46, 7.12.47, 7.12.48, 7.12.49, 7.12.50, 7.12.53, 7.12.54, 7.12.59, 7.12.61, 7.12.66, 7.12.68
610	7.2.1, 7.2.2, 7.2.3, 7.2.4, 7.2.5, 7.2.6, 7.2.7, 7.2.8, 7.2.9, 7.2.10, 7.2.11, 7.3.3, 7.3.4, 7.3.5, 7.3.6, 7.3.7, 7.3.8, 7.3.9, 7.3.10, 7.3.12, 7.3.13, 7.3.16, 7.3.17, 7.3.19, 7.3.20, 7.3.21, 7.3.23, 7.3.25, 7.3.34, 7.3.35, 7.3.36, 7.3.37, 7.3.38, 7.3.40, 7.3.42, 7.3.43, 7.3.44, 7.3.45, 7.3.46, 7.3.47, 7.3.49, 7.3.50, 7.5.1, 7.5.2, 7.5.4, 7.8.1, 7.8.2, 7.8.3, 7.8.4, 7.8.7, 7.8.8, 7.8.11, 7.8.12, 7.8.13, 7.8.14, 7.8.15, 7.8.16, 7.8.17, 7.8.18, 7.8.19, 7.11.1, 7.11.2, 7.11.3, 7.11.5, 7.11.6, 7.11.7, 7.11.8, 7.11.10, 7.11.12, 7.11.13, 7.11.14, 7.11.16, 7.11.18, 7.11.19, 7.11.23, 7.11.24, 7.11.25, 7.11.26, 7.11.27, 7.11.28, 7.11.29, 7.11.30, 7.11.31, 7.11.32, 7.11.33, 7.11.38, 7.11.40, 7.11.43, 7.11.44, 7.11.45, 7.11.46, 7.11.47, 7.11.49, 7.11.51, 7.12.1, 7.12.2, 7.12.4, 7.12.5, 7.12.6, 7.12.7, 7.12.9, 7.12.10, 7.12.11, 7.12.12, 7.12.13, 7.12.16, 7.12.17, 7.12.19, 7.12.20, 7.12.21, 7.12.22, 7.12.23, 7.12.24, 7.12.25, 7.12.26, 7.12.27, 7.12.29, 7.12.33, 7.12.37, 7.12.38, 7.12.39, 7.12.40, 7.12.42, 7.12.43, 7.12.44, 7.12.45, 7.12.46, 7.12.47, 7.12.48, 7.12.49, 7.12.50, 7.12.53, 7.12.54, 7.12.59, 7.12.61, 7.12.66, 7.12.68
9925	7.3.17, 7.11.1, 7.12.1
10517	There are no essential habitat factors shown as this species has only been found in areas not subject to the VMA 1999 (eg State Forests and National Parks)
11792	7.3.17, 7.12.1
16625	7.11.1, 7.12.1, 7.12.40
17687	7.3.10, 7.3.17, 7.11.1, 7.12.1, 7.12.16
18818	7.12.1
31542	7.3.10, 7.3.17, 7.12.1, 7.12.20, 7.12.37
34780	None

3.6 Protected plants (administered by the Department of Environment and Science (DES))

In Queensland, all plants that are native to Australia are protected plants under the *Nature Conservation Act 1992* (NCA), with clearing of protected plants in the wild regulated by the [Nature Conservation \(Wildlife Management\) Regulation 2006](#). These requirements apply irrespective of the classification of the vegetation under the *Vegetation Management Act 1999*.

Prior to clearing, if the plants proposed to be cleared are in the wild (see [Operational policy: When a protected plant in Queensland is considered to be 'in the wild'](#)) and the exemptions under the [Nature Conservation \(Wildlife Management\) Regulation 2006](#) are not applicable to the proposed clearing, you must check the flora survey trigger map to determine if any part of the area to be cleared is within a high risk area. The trigger map for this property is provided in section 5.5. The exemptions relate to:

- imminent risk of death or serious injury (refer s261A)
- imminent risk of serious damage to a building or other structure on land, or to personal property (refer s261B)
- *Fire and Emergency Service Act 1990* (refer 261C)
- previously cleared areas (refer s261ZB)
- maintenance activities (refer s261ZC)
- firebreak or fire management line (refer s261ZD)
- accepted development vegetation clearing code (refer s261ZE)
- conservation purposes (refer s261ZG)
- authorised in particular circumstances (refer s385).

Some exemptions under the NCA are the same as exempt clearing work (formerly known as exemptions) from the *Vegetation Management Act 1999* (i.e. listed in the Planning Regulations 2017) while some are different.

If the proposed area to be cleared is shown as blue (i.e. high risk) on the flora survey trigger map, a flora survey of the clearing impact area must be undertaken in accordance with the flora survey guidelines. The main objective of a flora survey is to locate any endangered, vulnerable or near threatened plants (EVNT plants) that may be present in the clearing impact area.

If a flora survey identifies that EVNT plants are not present within the clearing impact area or clearing within 100m of EVNT plants can be avoided, the clearing activity is exempt from a permit. An [exempt clearing notification form](#) must be submitted to the Department of Environment and Science, with a copy of the flora survey report, at least one week prior to clearing. The clearing must be conducted within two years after the flora survey report was submitted.

If a flora survey identifies that EVNT plants are present in, or within 100m of, the area to be cleared, a clearing permit is required before any clearing is undertaken. The flora survey report, as well as an impact management report, must be submitted with the [application form clearing permit](#).

In an area other than a high risk area, a clearing permit is only required where a person is, or becomes aware that EVNT plants are present in, or within 100m of, the area to be cleared. You must keep a copy of the flora survey trigger map for the area subject to clearing for five years from the day the clearing starts. If you do not clear within the 12 month period that the flora survey trigger map was printed, you need to print and check a new flora survey trigger map.

Further information on protected plants is available at

<http://www.ehp.qld.gov.au/licences-permits/plants-animals/protected-plants/>

For assistance on the protected plants flora survey trigger map for this property, please contact the Department of Environment and Science at palm@des.qld.gov.au.

3.7 Emissions Reduction Fund (ERF)

The ERF is an Australian Government scheme which offers incentives for businesses and communities across the economy to reduce emissions.

Under the ERF, landholders can earn money from activities such as planting (and keeping) trees, managing regrowth vegetation and adopting more sustainable agricultural practices.

The purpose of a project is to remove greenhouse gases from the atmosphere. Each project will provide new economic opportunities for farmers, forest growers and land managers.

Further information on ERF is available at <https://www.qld.gov.au/environment/land/state/use/carbon-rights/>.

4. Contact information for DNRME

For further information on vegetation management:

Phone 135VEG (135 834)

Email vegetation@dnrme.qld.gov.au

Visit www.dnrme.qld.gov.au/our-department/contact-us/vegetation-contacts to submit an online enquiry.

For contact details for other State and Commonwealth agencies, please see Section 6.

5. Maps

The maps included in this report may also be requested individually at:

<https://www.dnrme.qld.gov.au/qld/environment/land/vegetation/vegetation-map-request-form>

and

<http://www.ehp.qld.gov.au/licences-permits/plants-animals/protected-plants/map-request.php>

Regulated vegetation management map

The regulated vegetation management map shows vegetation categories needed to determine clearing requirements. These maps are updated monthly to show new [property maps of assessable vegetation \(PMAV\)](#).

Vegetation management supporting map

The vegetation management supporting map provides information on regional ecosystems, wetlands, watercourses and essential habitat.

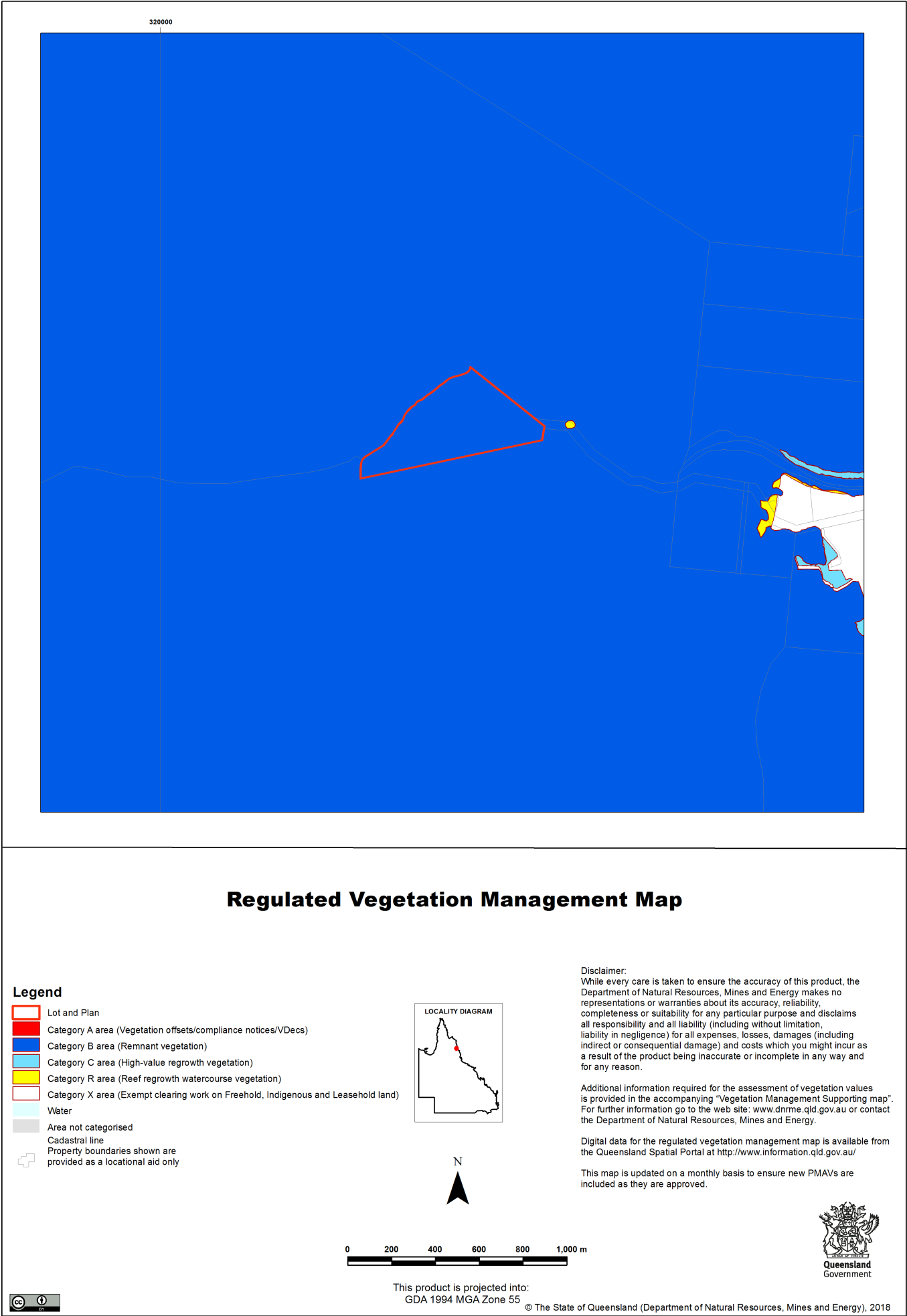
Coastal/non coastal map

The coastal/non-coastal map confirms whether the lot, or which parts of the lot, are considered coastal or non-coastal for the purposes of the accepted development vegetation clearing codes and the State Development Assessment Provisions (SDAP).

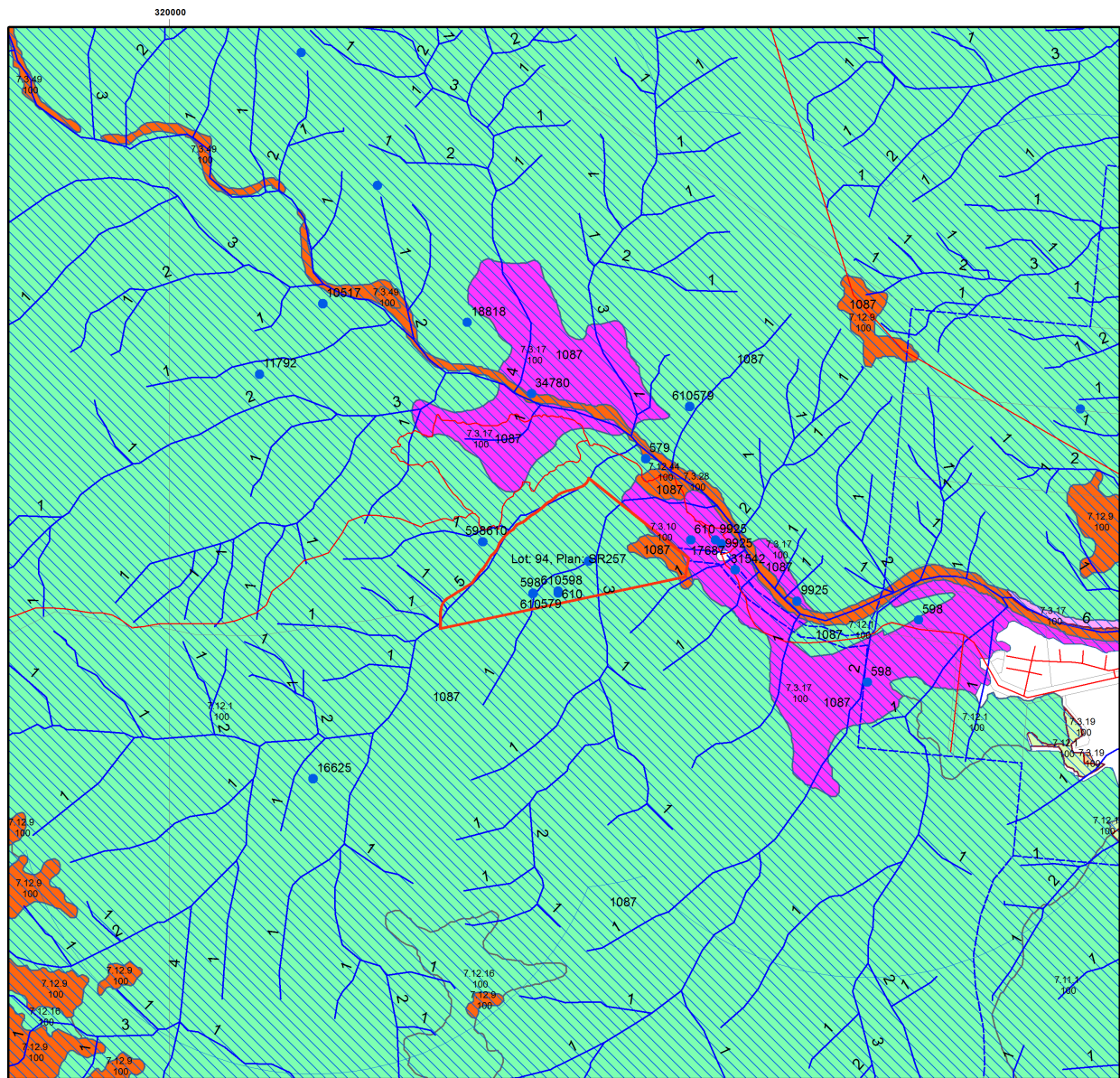
Protected plants map

The protected plants map shows areas where particular provisions of the *Nature Conservation Act 1992* apply to the clearing of protected plants.

5.1 Regulated vegetation management map



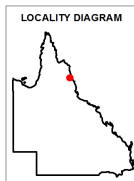
5.2 Vegetation management supporting map



Vegetation Management Supporting Map

Legend

- Lot and Plan
- Category A or B area containing endangered regional ecosystems
- Category A or B area containing of concern regional ecosystems
- Category A or B area that is a least concern regional ecosystem
- Category A or B area under Section 20AH
These areas are edged in yellow and filled with the remnant RE Status
- Category C area containing endangered regional ecosystems
- Category C area containing of concern regional ecosystems
- Category C area that is a least concern regional ecosystem
- Category C area under Section 20AI
These areas are edged in purple and filled with the remnant RE Status
- Non Remnant
- Water
- Wetland on the vegetation management wetlands map
- Essential habitat on the essential habitat map
- Essential habitat species record
- Watercourses and drainage features on the vegetation management watercourse and drainage features map
(Stream order shown as black number against stream where available)
- Roads
- National Parks, State Forest and other reserves
- Cadastral line
- Property boundaries shown are provided as a locational aid only



0 140 280 420 560 700 m

This product is projected into:
GDA 1994 MGA Zone 55

Labels for Essential Habitat are centred on the area of enquiry.

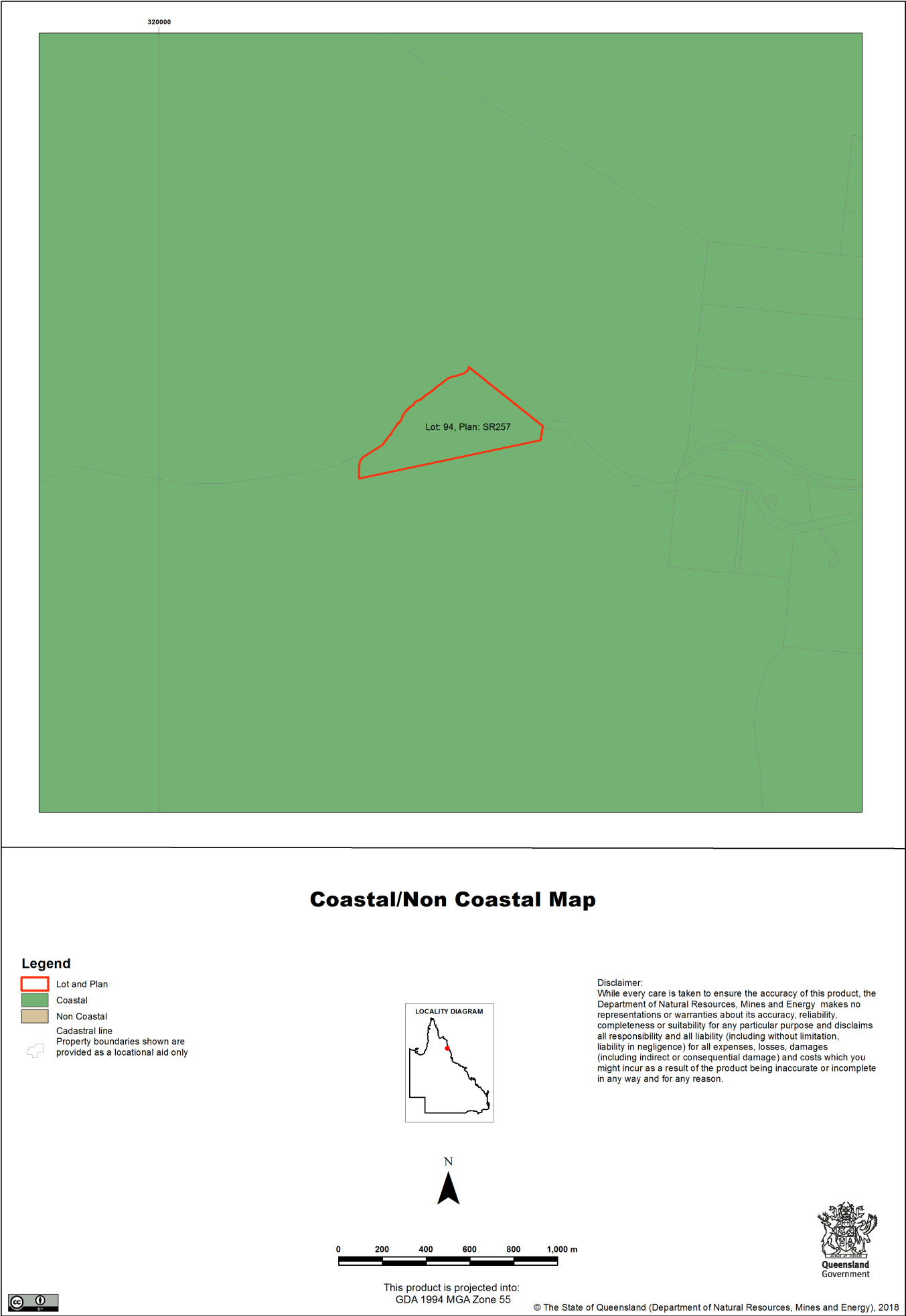
Regional ecosystem linework has been compiled at a scale of 1:100 000, except in designated areas where a compilation scale of 1:50 000 is available. Linework should be used as a guide only. The positional accuracy of RE data mapped at a scale of 1:100 000 is +/- 100 metres.

Disclaimer:
While every care is taken to ensure the accuracy of this product, the Department of Natural Resources, Mines and Energy makes no representations or warranties about its accuracy, reliability, completeness or suitability for any particular purpose and disclaims all responsibility and all liability (including without limitation, liability in negligence) for all expenses, losses, damages (including indirect or consequential damage) and costs which you might incur as a result of the product being inaccurate or incomplete in any way and for any reason.

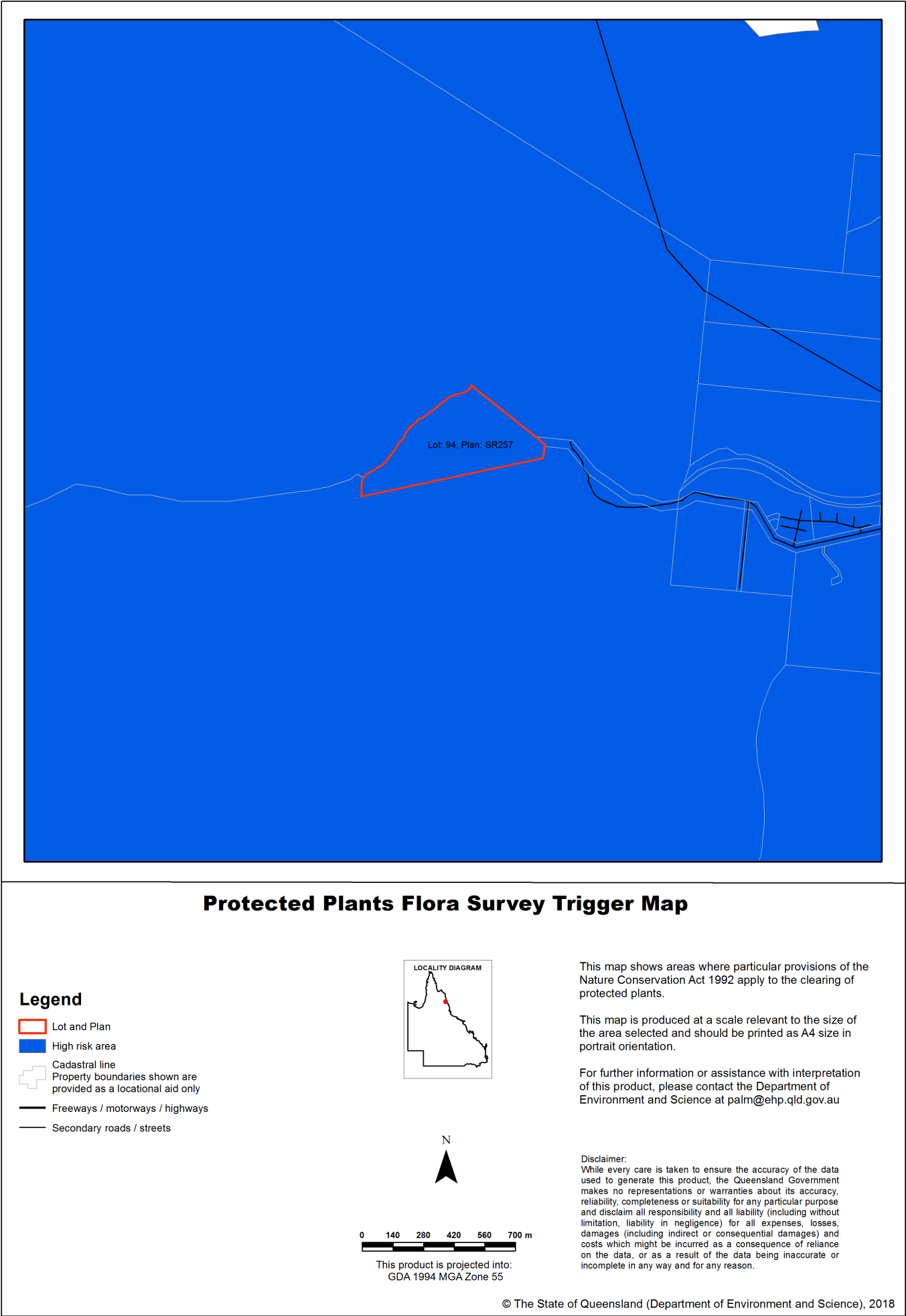
Additional information may be required for the purposes of land clearing or assessment of a regional ecosystem map or PMAV applications. For further information go to the web site: www.dnrm.qld.gov.au or contact the Department of Natural Resources, Mines and Energy.

Digital data for the vegetation management watercourse and drainage feature map, vegetation management wetlands map, essential habitat map and the vegetation management remnant and regional ecosystem map are available from the Queensland Spatial Portal at <http://www.information.qld.gov.au/>

5.3 Coastal/non coastal map



5.4 Protected plants map administered by DES



6. Other relevant legislation contacts list

Activity	Legislation	Agency	Contact details
Interference with overland flow Earthworks, significant disturbance	<i>Water Act 2000</i> <i>Soil Conservation Act 1986</i>	Department of Natural Resources, Mines and Energy (Queensland Government)	Ph: 13 QGOV (13 74 68) www.dnrme.qld.gov.au
Indigenous Cultural Heritage	<i>Aboriginal Cultural Heritage Act 2003</i> <i>Torres Strait Islander Cultural Heritage Act 2003</i>	Department of Aboriginal and Torres Strait Islander Partnerships (Queensland Government)	Ph: 13 QGOV (13 74 68) www.datsip.qld.gov.au
Mining and environmentally relevant activities Infrastructure development (coastal) Heritage issues Protected plants and protected areas ¹	<i>Environmental Protection Act 1994</i> <i>Coastal Protection and Management Act 1995</i> <i>Queensland Heritage Act 1992</i> <i>Nature Conservation Act 1992</i>	Department of Environment and Science (Queensland Government)	Ph: 13 QGOV (13 74 68) www.des.qld.gov.au
Interference with fish passage in a watercourse, mangroves Forestry activities ²	<i>Fisheries Act 1994</i> <i>Forestry Act 1959</i>	Department of Agriculture and Fisheries (Queensland Government)	Ph: 13 QGOV (13 74 68) www.daf.qld.gov.au
Matters of National Environmental Significance including listed threatened species and ecological communities	<i>Environment Protection and Biodiversity Conservation Act 1999</i>	Department of the Environment (Australian Government)	Ph: 1800 803 772 www.environment.gov.au
Development and planning processes	<i>Planning Act 2016</i> <i>State Development and Public Works Organisation Act 1971</i>	Department of State Development, Manufacturing, Infrastructure and Planning (Queensland Government)	Ph: 13 QGOV (13 74 68) www.dsdmip.qld.gov.au
Local government requirements	<i>Local Government Act 2009</i>	Department of Local Government, Racing and Multicultural Affairs (Queensland Government)	Ph: 13 QGOV (13 74 68) Your relevant local government office

1. In Queensland, all plants that are native to Australia are protected plants under the [Nature Conservation Act 1992](http://www.des.qld.gov.au), which endeavours to ensure that protected plants (whether whole plants or protected plants parts) are not illegally removed from the wild, or illegally traded. Prior to clearing, you should check the flora survey trigger map to determine if the clearing is within a high-risk area by visiting www.des.qld.gov.au. For further information or assistance on the protected plants flora survey trigger map for your property, please contact the Department of Environment and Science on 13QGOV (13 74 68) or email palm@des.qld.gov.au.

2. Contact the Department of Agriculture and Fisheries before clearing:

- Any sandalwood on state-owned land (including leasehold land)
- On freehold land in a 'forest consent area'
- More than five hectares on state-owned land (including leasehold land) containing commercial timber species listed in parts 2 or 3 of Schedule 6 of the Vegetation Management Regulation 2012 and located within any of the following local government management areas-Banana, Bundaberg Regional, Fraser Coast Regional, Gladstone Regional, Isaac Regional, North Burnett Regional, Somerset Regional, South Burnett Regional, Southern Downs Regional, Tablelands Regional, Toowoomba Regional, Western Downs Regional.



Vegetation management report

For Lot: 152 Plan: SR832

Current as at 15/11/2018

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Recent changes

New vegetation clearing laws

New vegetation management laws were passed by the Queensland Parliament on 3 May 2018 and may affect the clearing you can undertake on your property.

For more information, read about the new vegetation management laws

(<https://www.dnrme.qld.gov.au/land-water/initiatives/vegetation-management-laws/>) or call 135VEG (13 58 34) between 8.30am and 4.30pm Monday to Friday.

Updated mapping

The Regulated Vegetation Management Map and Supporting Map was updated in March 2018 to reflect the most up to date information available in relation to regional ecosystems, essential habitat and wetland mapping (Version 10).

Overview

Based on the lot on plan details you have supplied, this report provides the following detailed information:

- *Vegetation management framework* - an explanation of the application of the framework.
- *Property details* - information about the specified Lot on Plan, lot size, local government area, bioregion(s), subregion(s), catchment(s), coastal or non coastal status, and any applicable area management plans associated with your property.
- *Vegetation management details for the specified Lot on Plan* - specific information about your property including vegetation categories, regional ecosystems, watercourses, wetlands, essential habitat, and protected plants.
- *Contact information*.
- *Maps* - a series of colour maps to assist in identifying regulated vegetation on your property.
- *Other legislation contact information*.

This information will assist you to determine your options for managing vegetation under the vegetation management framework, which may include:

- exempt clearing work
- accepted development vegetation clearing code
- an area management plan
- a development approval.

Other laws

The clearing of native vegetation is regulated by both Queensland and Australian legislation, and some local governments also regulate native vegetation clearing. You may need to obtain an approval or permit under another Act, such as Queensland's Protected Plants framework or the Commonwealth Government's *Environment Protection and Biodiversity Conservation Act 1999* (EPBC Act). Section 6 of this guide provides contact details of other agencies you should confirm requirements with, before commencing vegetation clearing.

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1. Vegetation management framework

The *Vegetation Management Act 1999* (VMA), the Vegetation Management Regulation 2012, the *Planning Act 2016* and the Planning Regulation 2017, in conjunction with associated policies and codes, form the Vegetation Management Framework.

The VMA does not apply to all land tenures or vegetation types. State forests, national parks, forest reserves and some tenures under the *Forestry Act 1959* and *Nature Conservation Act 1992* are not regulated by the VMA. Managing or clearing vegetation on these tenures may require approvals under these laws.

The following native vegetation is not regulated under the VMA but may require permit(s) under other laws:

- grass or non-woody herbage;
- a plant within a grassland regional ecosystem prescribed under Schedule 5 of the Vegetation Management Regulation 2012; and
- a mangrove.

1.1 Exempt clearing work

Exempt clearing work is an activity for which you do not need to notify DNRME or obtain an approval under the vegetation management framework. Exempt clearing work was previously known as exemptions.

In areas that are mapped as Category X (white in colour) on the regulated vegetation management map (see section 5.1), and where the land tenure is freehold, indigenous land and leasehold land for agriculture and grazing purposes, the clearing of vegetation is considered exempt clearing work and does not require notification or development approval under the vegetation management framework. For all other land tenures, contact DNRME before commencing clearing to ensure that the proposed activity is exempt clearing work.

A range of routine property management activities are considered exempt clearing work. A list of exempt clearing work is available at

<https://www.qld.gov.au/environment/land/vegetation/exemptions/>.

Exempt clearing work may be affected if the proposed clearing area is subject to development approval conditions, a covenant, an environmental offset, an exchange area, a restoration notice, or an area mapped as Category A. Contact DNRME prior to clearing in any of these areas.

1.2 Accepted development vegetation clearing codes

Some clearing activities can be undertaken under an accepted development vegetation clearing code. The codes can be downloaded at

<https://www.qld.gov.au/environment/land/vegetation/codes/>

If you intend to clear vegetation under an accepted development vegetation clearing code, you must notify DNRME before commencing. The information in this report will assist you to complete the online notification form.

You can complete the online form at

<https://apps.dnrm.qld.gov.au/vegetation/>

1.3 Area management plans

Area Management Plans (AMP) provide an alternative approval system for vegetation clearing under the vegetation management framework. They list the purposes and clearing conditions that have been approved for the areas covered by the plan. It is not necessary to use an AMP, even when an AMP applies to your property.

As a result of the new laws, AMPs for fodder harvesting, managing thickened vegetation and managing encroachment will continue for 2 years. New notifications cannot be made for these AMPs.

New notifications can be made for all other AMPs. These will continue to apply until their nominated end date.

If an area management plan applies to your property for which you can make a new notification, it will be listed in Section 2.2 of this report. Before clearing under one of these AMPs, you must first notify the DNRME and then follow the conditions and requirements listed in the AMP.

<https://www.qld.gov.au/environment/land/vegetation/area-plans/>

1.4 Development approvals

If under the vegetation management framework your proposed clearing is not exempt clearing work, or is not permitted under an accepted development vegetation clearing code, or an AMP, you may be able to apply for a development approval. Information on how to apply for a development approval is available at

<https://www.qld.gov.au/environment/land/vegetation/applying/>

2. Property details

2.1 Tenure

All of the lot, plan and tenure information associated with property Lot: 152 Plan: SR832, including links to relevant Smart Maps, are listed in Table 1. The tenure of the property (whether it is freehold, leasehold, or other) may be viewed by clicking on the Smart Map link(s) provided.

Table 1: Lot, plan and tenure information for the property

Lot	Plan	Tenure	Link to property on SmartMap
152	SR832	Reserve	https://apps.information.qld.gov.au/data/cadastre/GenerateSmartMap?q=152\SR832
A	SR805	Lands Lease	https://apps.information.qld.gov.au/data/cadastre/GenerateSmartMap?q=A\SR805
B	SR805	Lands Lease	https://apps.information.qld.gov.au/data/cadastre/GenerateSmartMap?q=B\SR805

The tenure of the land may affect whether clearing is considered exempt clearing work or may be carried out under an accepted development vegetation clearing code.

2.2 Property location

Table 2 provides a summary of the locations for property Lot: 152 Plan: SR832, in relation to natural and administrative boundaries.

Table 2: Property location details

Local Government(s)
Douglas Shire

Bioregion(s)	Subregion(s)
Wet Tropics	Daintree - Bloomfield

Catchment(s)
Mossman

For the purposes of the accepted development vegetation clearing codes and the State Development Assessment Provisions (SDAP), this property is regarded as*
Coastal

*See also Map 5.4

Area Management Plan(s): Nil

3. Vegetation management details for Lot: 152 Plan: SR832

3.1 Vegetation categories

Vegetation categories are shown on the regulated vegetation management map in section 5.1 of this report. A summary of vegetation categories on the subject lot are listed in Table 3. Descriptions for these categories are shown in Table 4.

Table 3: Vegetation categories for subject property. Total area: 26.87ha

Vegetation category	Area (ha)
Category B	23.14
Category R	0.72
Category X	3.01

Table 4

Category	Colour on Map	Description	Requirements / options under the vegetation management framework
A	red	Compliance areas, environmental offset areas and voluntary declaration areas	Special conditions apply to Category A areas. Before clearing, contact DNRME to confirm any requirements in a Category A area.
B	dark blue	Remnant vegetation areas	Exempt clearing work, or notification and compliance with accepted development vegetation clearing codes, area management plans or development approval.
C	light blue	High-value regrowth areas	Exempt clearing work, or notification and compliance with managing Category C regrowth vegetation accepted development vegetation clearing code.
R	yellow	Regrowth within 50m of a watercourse or drainage feature in the Great Barrier Reef catchment areas	Exempt clearing work, or notification and compliance with managing Category R regrowth accepted development vegetation clearing code or area management plans.
X	white	Clearing on freehold land, indigenous land and leasehold land for agriculture and grazing purposes is considered exempt clearing work under the vegetation management framework. Contact DNRME to clarify whether a development approval is required for other State land tenures.	No permit or notification required on freehold land, indigenous land and leasehold land for agriculture and grazing. A development approval may be required for some State land tenures.

Property Map of Assessable Vegetation (PMAV)

This report does not confirm if a Property Map of Assessable Vegetation (PMAV) exists on a lot. To confirm whether or not a PMAV exists on a lot, please check the PMAV layer on the Queensland Globe2, or contact DNRME on 135VEG (135 834).

3.2 Regional ecosystems

The endangered, of concern and least concern regional ecosystems on your property are shown on the vegetation management supporting map in section 5.2 and are listed in Table 5.

A description of regional ecosystems can be accessed online at <https://www.qld.gov.au/environment/plants-animals/plants/ecosystems/descriptions/>

Table 5: Regional ecosystems present on subject property

Regional Ecosystem	VMA Status	Category	Area (Ha)	Short Description	Structure Category
7.12.1	Least concern	B	12.10	Simple-complex mesophyll to notophyll vine forest of moderately to poorly-drained granites and rhyolites of moderate fertility of the moist and wet lowlands, foothills and uplands	Dense
7.3.17	Endangered	B	11.04	Complex mesophyll vine forest, on well-drained alluvium of high fertility	Dense
non-rem	None	R	0.72	None	None
non-rem	None	X	3.01	None	None

Please note:

1. All area and area derived figures included in this table have been calculated via reprojecting relevant spatial features to Albers equal-area conic projection (central meridian = 146, datum Geocentric Datum of Australia 1994). As a result, area figures may differ slightly if calculated for the same features using a different co-ordinate system.
2. If Table 5 contains a Category 'plant', please be aware that this refers to 'plantations' such as forestry, and these areas are considered non-remnant under the VMA.

The VMA status of the regional ecosystem (whether it is endangered, of concern or least concern) also determines if any of the following are applicable:

- exempt clearing work
- accepted development vegetation clearing codes
- performance outcomes in State Development Assessment Provisions (SDAP).

3.3 Watercourses

Vegetation management watercourses and drainage features for this property are shown on the vegetation management supporting map in section 5.2.

3.4 Wetlands

There are no vegetation management wetlands present on this property.

3.5 Essential habitat

Protected wildlife is native wildlife prescribed under the *Nature Conservation Act 1992* (NCA), and includes endangered, vulnerable or near-threatened wildlife.

Essential habitat for protected wildlife includes suitable habitat on the lot, or where a species has been known to occur up to 1.1 kilometres from a lot on which there is assessable vegetation. These important habitat areas are protected under the VMA.

Any essential habitat on this property will be shown as blue hatching on the vegetation supporting map in section 5.2.

If essential habitat is identified on the lot, information about the protected wildlife species is provided in Table 6 below. The numeric labels on the vegetation management supporting map can be cross referenced with Table 6 to outline the essential

habitat factors for that particular species. There may be essential habitat for more than one species on each lot, and areas of Category A, Category B and Category C can be mapped as Essential Habitat.

Essential habitat is compiled from a combination of species habitat models and buffered species records. Regional ecosystem is a mandatory essential habitat factor, unless otherwise stated. Essential habitat, for protected wildlife, means an area of vegetation shown on the Regulated Vegetation Management Map as assessable vegetation -

- 1) that has at least 3 essential habitat factors for the protected wildlife that must include any essential habitat factors that are stated as mandatory for the protected wildlife in the essential habitat database. Essential habitat factors are comprised of - regional ecosystem (mandatory for most species), vegetation community, altitude, soils, position in landscape; or
- 2) in which the protected wildlife, at any stage of its life cycle, is located.

If there is no essential habitat mapping shown on the vegetation management supporting map for this lot, and there is no table in the sections below, it confirms that there is no essential habitat on the lot.

Category A and/or Category B and/or Category C

Table 6: Essential habitat in Category A and/or Category B and/or Category C

Label	Scientific Name	Common Name	NCA Status	Vegetation Community	Altitude	Soils	Position in Landscape
1087	Casuarium casuarium johnsonii (southern population)	southern cassowary (southern population)	E	Dense lowland and highland tropical rainforest, closed gallery forest, eucalypt forest with vine forest elements, swamp forest and adjacent melaleuca swamps, littoral scrub, eucalypt woodland and mangroves; often using a habitat mosaic; will cross open eucalypt, canefields and dry ridges between rainforest patches.	Sea level to 1500m.	None	None
579	Litoria dayi	Australian lacelid	E	Associated with fast flowing rocky streams and soaks in rocky areas in rainforest/monsoon vine forest, including margins.	Sea level to 1400m.	None	Near/in streams.
598	Litoria rheocola	common mist frog	E	Among rocks and logs, in low ferns and overhanging vegetation, in and beside fast flowing streams and waterfalls in notophyll (simple evergreen & araucarian) rainforest/monsoon vine forest and wet sclerophyll forest.	Sea level to 1200m.	None	Near/in streams.
610	Litoria serrata	tapping green-eyed frog	V	Near rocky creeks but also on overhanging vegetation (especially 1-2m) and forest floor, in wet forest/tropical rainforest/monsoon vine forest including notophyll (simple evergreen & araucarian).	Sea level to 1300m.	None	Near/in streams.
9925	Peripentadenia phelpsi	None	V	rainforests (complex mesophyll vine forest)	0 to 500 m	alluvials, clays, soils derived from granite or mudstone substrates	alluvial terraces, hill slopes
11792	Mesua larnachiana	None	V	lowland rainforest (complex notophyll to mesophyll vine forest)	0 to 350 m	soil derived from granite	alluvial terraces, creek banks, lower hill slopes
17687	Carex breviscapa	None	V	rainforests	0 to 1200 m	no information	no information
31542	Haplostichanthus submontanus subsp. submontanus	None	NT	rainforest (simple notophyll vineforest, simple to complex mesophyll vineforest)	0 to 1000 m	soils derived from a granite or metamorphic substrates	hillslope, watercourse

Label	Regional Ecosystem (mandatory unless otherwise specified)
1087	7.1.1, 7.1.2, 7.1.3, 7.1.4, 7.1.5, 7.2.1, 7.2.2, 7.2.3, 7.2.4, 7.2.5, 7.2.6, 7.2.7, 7.2.8, 7.2.9, 7.2.10, 7.2.11, 7.3.1, 7.3.2, 7.3.3, 7.3.4, 7.3.5, 7.3.6, 7.3.7, 7.3.8, 7.3.9, 7.3.10, 7.3.12, 7.3.13, 7.3.17, 7.3.19, 7.3.20, 7.3.21, 7.3.23, 7.3.25, 7.3.28, 7.3.29, 7.3.30, 7.3.31, 7.3.34, 7.3.35, 7.3.36, 7.3.37, 7.3.38, 7.3.39, 7.3.40, 7.3.42, 7.3.45, 7.3.46, 7.3.47, 7.3.49, 7.8.1, 7.8.2, 7.8.3, 7.8.4, 7.8.11, 7.8.12, 7.8.13, 7.8.14, 7.8.15, 7.8.16, 7.8.18, 7.11.1, 7.11.2, 7.11.3, 7.11.5, 7.11.6, 7.11.7, 7.11.8, 7.11.10, 7.11.12, 7.11.13, 7.11.14, 7.11.16, 7.11.18, 7.11.19, 7.11.23, 7.11.24, 7.11.25, 7.11.26, 7.11.27, 7.11.28, 7.11.29, 7.11.30, 7.11.31, 7.11.32, 7.11.34, 7.11.36, 7.11.38, 7.11.39, 7.11.40, 7.11.42, 7.11.44, 7.11.46, 7.11.47, 7.11.49, 7.12.1, 7.12.2, 7.12.4, 7.12.5, 7.12.6, 7.12.7, 7.12.9, 7.12.10, 7.12.11, 7.12.12, 7.12.13, 7.12.16, 7.12.17, 7.12.19, 7.12.20, 7.12.21, 7.12.22, 7.12.23, 7.12.24, 7.12.25, 7.12.26, 7.12.29, 7.12.37, 7.12.38, 7.12.39, 7.12.40, 7.12.41, 7.12.43, 7.12.44, 7.12.45, 7.12.47, 7.12.48, 7.12.49, 7.12.50, 7.12.53, 7.12.59, 7.12.61, 7.12.66, 7.12.67, 7.12.68

Label	Regional Ecosystem (mandatory unless otherwise specified)
579	7.2.1, 7.2.2, 7.2.3, 7.2.5, 7.2.6, 7.3.3, 7.3.4, 7.3.5, 7.3.10, 7.3.17, 7.3.20, 7.3.23, 7.3.25, 7.3.35, 7.3.36, 7.3.37, 7.3.38, 7.3.49, 7.3.50, 7.5.2, 7.8.1, 7.8.2, 7.8.3, 7.8.4, 7.8.11, 7.8.12, 7.8.13, 7.8.14, 7.8.16, 7.11.1, 7.11.2, 7.11.3, 7.11.7, 7.11.8, 7.11.12, 7.11.23, 7.11.24, 7.11.25, 7.11.26, 7.11.27, 7.11.28, 7.11.29, 7.11.30, 7.11.32, 7.11.38, 7.11.40, 7.12.1, 7.12.2, 7.12.6, 7.12.7, 7.12.10, 7.12.11, 7.12.12, 7.12.13, 7.12.16, 7.12.19, 7.12.20, 7.12.26, 7.12.38, 7.12.39, 7.12.40, 7.12.42, 7.12.43, 7.12.44, 7.12.45, 7.12.46, 7.12.47, 7.12.48, 7.12.49, 7.12.50, 7.12.66, 7.12.68
598	7.2.1, 7.2.2, 7.2.3, 7.2.4, 7.2.5, 7.2.6, 7.2.7, 7.2.8, 7.2.9, 7.2.10, 7.2.11, 7.3.3, 7.3.4, 7.3.5, 7.3.6, 7.3.7, 7.3.8, 7.3.9, 7.3.10, 7.3.12, 7.3.13, 7.3.16, 7.3.17, 7.3.19, 7.3.20, 7.3.21, 7.3.23, 7.3.25, 7.3.34, 7.3.35, 7.3.36, 7.3.37, 7.3.38, 7.3.40, 7.3.42, 7.3.43, 7.3.44, 7.3.45, 7.3.46, 7.3.47, 7.3.49, 7.3.50, 7.5.1, 7.5.2, 7.5.4, 7.8.1, 7.8.2, 7.8.3, 7.8.4, 7.8.7, 7.8.8, 7.8.11, 7.8.12, 7.8.13, 7.8.14, 7.8.15, 7.8.16, 7.8.17, 7.8.18, 7.8.19, 7.11.1, 7.11.2, 7.11.3, 7.11.5, 7.11.6, 7.11.7, 7.11.8, 7.11.10, 7.11.12, 7.11.13, 7.11.14, 7.11.16, 7.11.18, 7.11.19, 7.11.23, 7.11.24, 7.11.25, 7.11.26, 7.11.27, 7.11.28, 7.11.29, 7.11.30, 7.11.31, 7.11.32, 7.11.33, 7.11.38, 7.11.40, 7.11.43, 7.11.44, 7.11.45, 7.11.46, 7.11.47, 7.11.49, 7.11.51, 7.12.1, 7.12.2, 7.12.4, 7.12.5, 7.12.6, 7.12.7, 7.12.9, 7.12.10, 7.12.11, 7.12.12, 7.12.13, 7.12.16, 7.12.17, 7.12.19, 7.12.20, 7.12.21, 7.12.22, 7.12.23, 7.12.24, 7.12.25, 7.12.26, 7.12.27, 7.12.29, 7.12.33, 7.12.37, 7.12.38, 7.12.39, 7.12.40, 7.12.42, 7.12.43, 7.12.44, 7.12.45, 7.12.46, 7.12.47, 7.12.48, 7.12.49, 7.12.50, 7.12.53, 7.12.54, 7.12.59, 7.12.61, 7.12.66, 7.12.68
610	7.2.1, 7.2.2, 7.2.3, 7.2.4, 7.2.5, 7.2.6, 7.2.7, 7.2.8, 7.2.9, 7.2.10, 7.2.11, 7.3.3, 7.3.4, 7.3.5, 7.3.6, 7.3.7, 7.3.8, 7.3.9, 7.3.10, 7.3.12, 7.3.13, 7.3.16, 7.3.17, 7.3.19, 7.3.20, 7.3.21, 7.3.23, 7.3.25, 7.3.34, 7.3.35, 7.3.36, 7.3.37, 7.3.38, 7.3.40, 7.3.42, 7.3.43, 7.3.44, 7.3.45, 7.3.46, 7.3.47, 7.3.49, 7.3.50, 7.5.1, 7.5.2, 7.5.4, 7.8.1, 7.8.2, 7.8.3, 7.8.4, 7.8.7, 7.8.8, 7.8.11, 7.8.12, 7.8.13, 7.8.14, 7.8.15, 7.8.16, 7.8.17, 7.8.18, 7.8.19, 7.11.1, 7.11.2, 7.11.3, 7.11.5, 7.11.6, 7.11.7, 7.11.8, 7.11.10, 7.11.12, 7.11.13, 7.11.14, 7.11.16, 7.11.18, 7.11.19, 7.11.23, 7.11.24, 7.11.25, 7.11.26, 7.11.27, 7.11.28, 7.11.29, 7.11.30, 7.11.31, 7.11.32, 7.11.33, 7.11.38, 7.11.40, 7.11.43, 7.11.44, 7.11.45, 7.11.46, 7.11.47, 7.11.49, 7.11.51, 7.12.1, 7.12.2, 7.12.4, 7.12.5, 7.12.6, 7.12.7, 7.12.9, 7.12.10, 7.12.11, 7.12.12, 7.12.13, 7.12.16, 7.12.17, 7.12.19, 7.12.20, 7.12.21, 7.12.22, 7.12.23, 7.12.24, 7.12.25, 7.12.26, 7.12.27, 7.12.29, 7.12.33, 7.12.37, 7.12.38, 7.12.39, 7.12.40, 7.12.42, 7.12.43, 7.12.44, 7.12.45, 7.12.46, 7.12.47, 7.12.48, 7.12.49, 7.12.50, 7.12.53, 7.12.54, 7.12.59, 7.12.61, 7.12.66, 7.12.68
9925	7.3.17, 7.11.1, 7.12.1
11792	7.3.17, 7.12.1
17687	7.3.10, 7.3.17, 7.11.1, 7.12.1, 7.12.16
31542	7.3.10, 7.3.17, 7.12.1, 7.12.20, 7.12.37

3.6 Protected plants (administered by the Department of Environment and Science (DES))

In Queensland, all plants that are native to Australia are protected plants under the *Nature Conservation Act 1992* (NCA), with clearing of protected plants in the wild regulated by the [Nature Conservation \(Wildlife Management\) Regulation 2006](#). These requirements apply irrespective of the classification of the vegetation under the *Vegetation Management Act 1999*.

Prior to clearing, if the plants proposed to be cleared are in the wild (see [Operational policy: When a protected plant in Queensland is considered to be 'in the wild'](#)) and the exemptions under the [Nature Conservation \(Wildlife Management\) Regulation 2006](#) are not applicable to the proposed clearing, you must check the flora survey trigger map to determine if any part of the area to be cleared is within a high risk area. The trigger map for this property is provided in section 5.5. The exemptions relate to:

- imminent risk of death or serious injury (refer s261A)
- imminent risk of serious damage to a building or other structure on land, or to personal property (refer s261B)
- *Fire and Emergency Service Act 1990* (refer 261C)
- previously cleared areas (refer s261ZB)
- maintenance activities (refer s261ZC)
- firebreak or fire management line (refer s261ZD)
- accepted development vegetation clearing code (refer s261ZE)
- conservation purposes (refer s261ZG)
- authorised in particular circumstances (refer s385).

Some exemptions under the NCA are the same as exempt clearing work (formerly known as exemptions) from the *Vegetation Management Act 1999* (i.e. listed in the Planning Regulations 2017) while some are different.

If the proposed area to be cleared is shown as blue (i.e. high risk) on the flora survey trigger map, a flora survey of the clearing impact area must be undertaken in accordance with the flora survey guidelines. The main objective of a flora survey is to locate any endangered, vulnerable or near threatened plants (EVNT plants) that may be present in the clearing impact area.

If a flora survey identifies that EVNT plants are not present within the clearing impact area or clearing within 100m of EVNT plants can be avoided, the clearing activity is exempt from a permit. An [exempt clearing notification form](#) must be submitted to the Department of Environment and Science, with a copy of the flora survey report, at least one week prior to clearing. The

clearing must be conducted within two years after the flora survey report was submitted.

If a flora survey identifies that EVNT plants are present in, or within 100m of, the area to be cleared, a clearing permit is required before any clearing is undertaken. The flora survey report, as well as an impact management report, must be submitted with the [application form clearing permit](#).

In an area other than a high risk area, a clearing permit is only required where a person is, or becomes aware that EVNT plants are present in, or within 100m of, the area to be cleared. You must keep a copy of the flora survey trigger map for the area subject to clearing for five years from the day the clearing starts. If you do not clear within the 12 month period that the flora survey trigger map was printed, you need to print and check a new flora survey trigger map.

Further information on protected plants is available at

<http://www.ehp.qld.gov.au/licences-permits/plants-animals/protected-plants/>

For assistance on the protected plants flora survey trigger map for this property, please contact the Department of Environment and Science at palm@des.qld.gov.au.

3.7 Emissions Reduction Fund (ERF)

The ERF is an Australian Government scheme which offers incentives for businesses and communities across the economy to reduce emissions.

Under the ERF, landholders can earn money from activities such as planting (and keeping) trees, managing regrowth vegetation and adopting more sustainable agricultural practices.

The purpose of a project is to remove greenhouse gases from the atmosphere. Each project will provide new economic opportunities for farmers, forest growers and land managers.

Further information on ERF is available at <https://www.qld.gov.au/environment/land/state/use/carbon-rights/>.

4. Contact information for DNRME

For further information on vegetation management:

Phone 135VEG (135 834)

Email vegetation@dnrme.qld.gov.au

Visit www.dnrme.qld.gov.au/our-department/contact-us/vegetation-contacts to submit an online enquiry.

For contact details for other State and Commonwealth agencies, please see Section 6.

5. Maps

The maps included in this report may also be requested individually at:

<https://www.dnrme.qld.gov.au/qld/environment/land/vegetation/vegetation-map-request-form>

and

<http://www.ehp.qld.gov.au/licences-permits/plants-animals/protected-plants/map-request.php>

Regulated vegetation management map

The regulated vegetation management map shows vegetation categories needed to determine clearing requirements. These maps are updated monthly to show new [property maps of assessable vegetation \(PMAV\)](#).

Vegetation management supporting map

The vegetation management supporting map provides information on regional ecosystems, wetlands, watercourses and essential habitat.

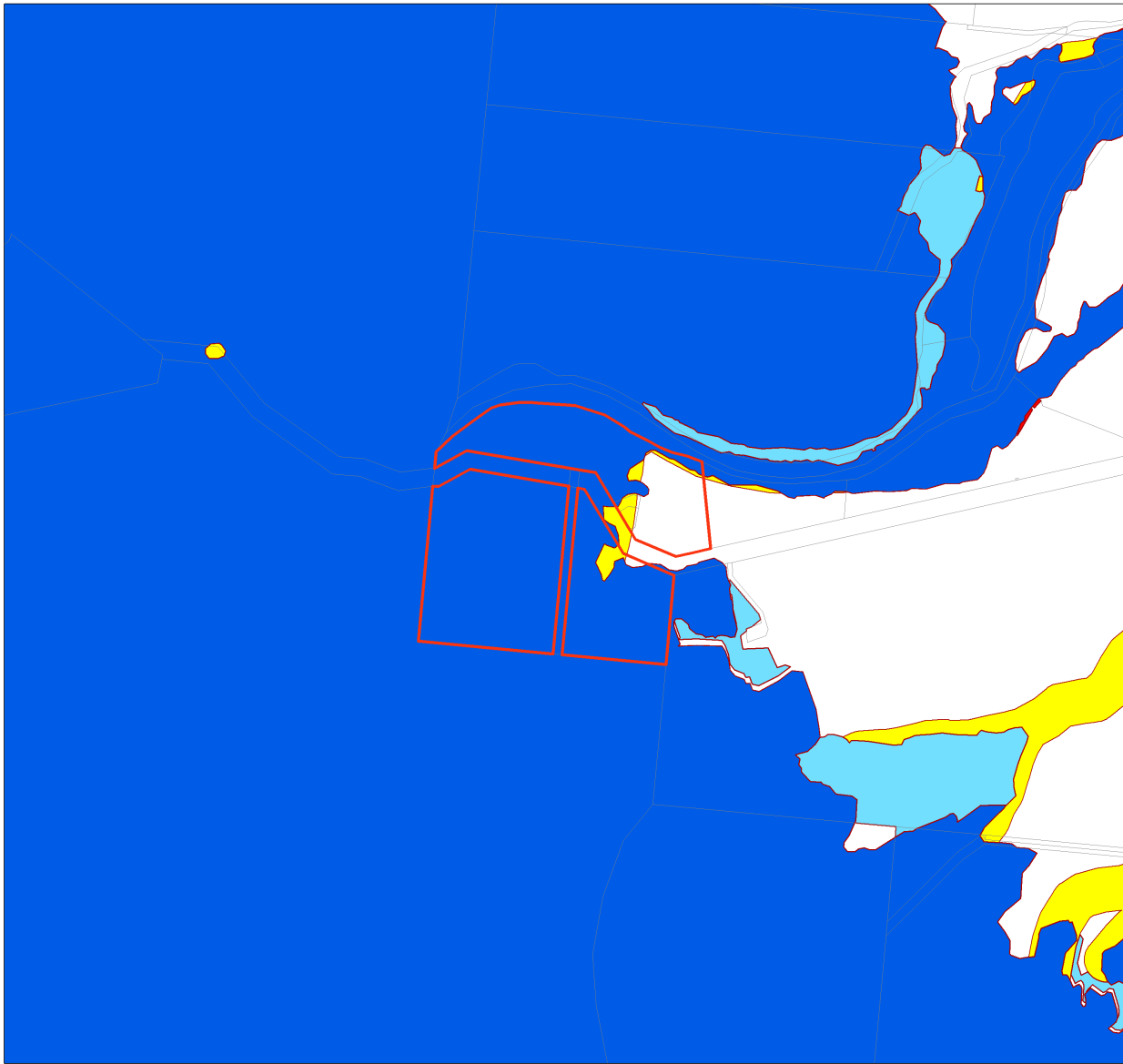
Coastal/non coastal map

The coastal/non-coastal map confirms whether the lot, or which parts of the lot, are considered coastal or non-coastal for the purposes of the accepted development vegetation clearing codes and the State Development Assessment Provisions (SDAP).

Protected plants map

The protected plants map shows areas where particular provisions of the *Nature Conservation Act 1992* apply to the clearing of protected plants.

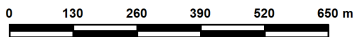
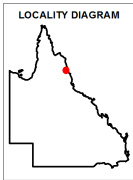
5.1 Regulated vegetation management map



Regulated Vegetation Management Map

Legend

- Lot and Plan
- Category A area (Vegetation offsets/compliance notices/VDecs)
- Category B area (Remnant vegetation)
- Category C area (High-value regrowth vegetation)
- Category R area (Reef regrowth watercourse vegetation)
- Category X area (Exempt clearing work on Freehold, Indigenous and Leasehold land)
- Water
- Area not categorised
- Cadastral line
- Property boundaries shown are provided as a locational aid only



Disclaimer:
While every care is taken to ensure the accuracy of this product, the Department of Natural Resources, Mines and Energy makes no representations or warranties about its accuracy, reliability, completeness or suitability for any particular purpose and disclaims all responsibility and all liability (including without limitation, liability in negligence) for all expenses, losses, damages (including indirect or consequential damage) and costs which you might incur as a result of the product being inaccurate or incomplete in any way and for any reason.

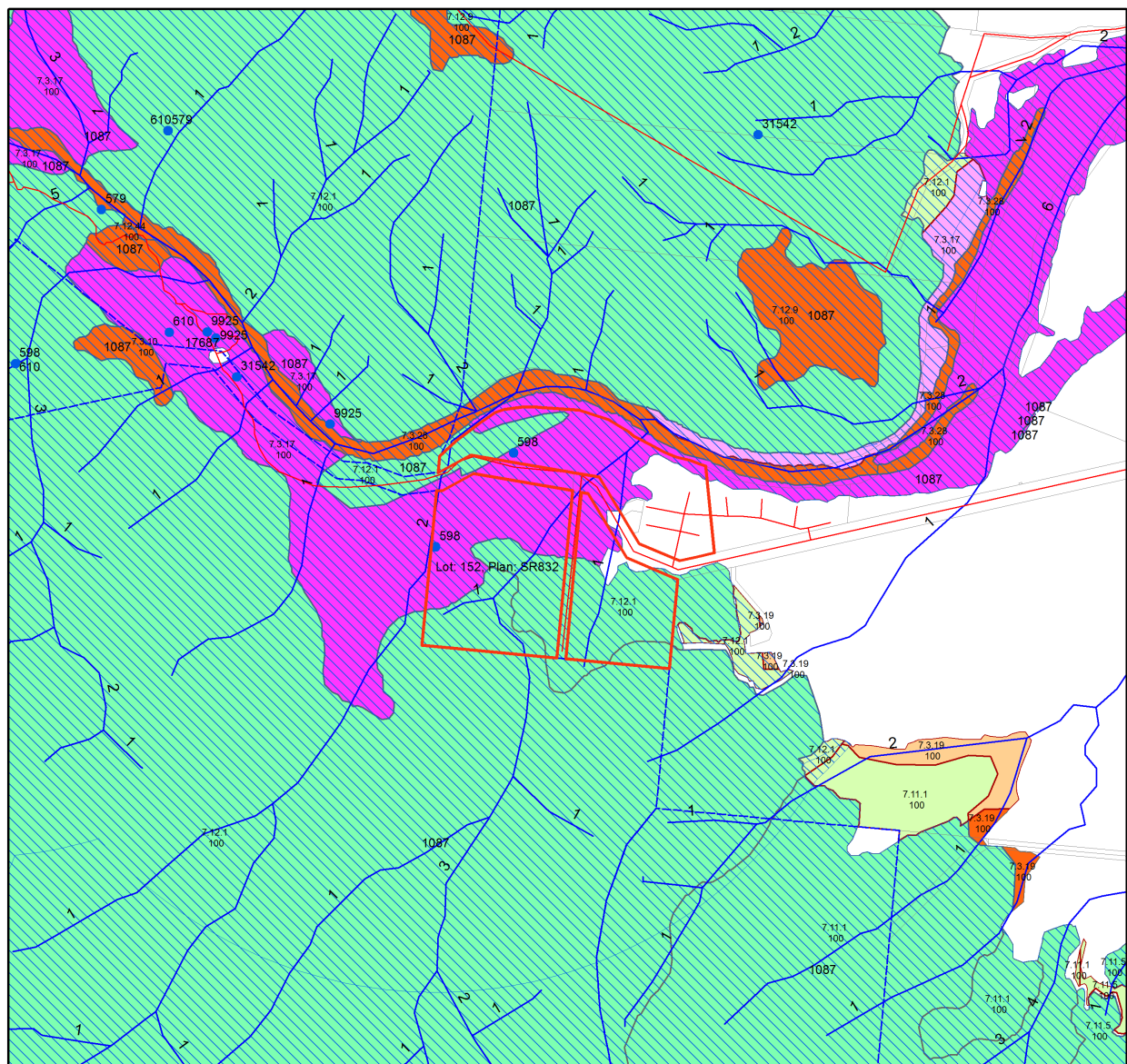
Additional information required for the assessment of vegetation values is provided in the accompanying "Vegetation Management Supporting map". For further information go to the web site: www.dnrme.qld.gov.au or contact the Department of Natural Resources, Mines and Energy.

Digital data for the regulated vegetation management map is available from the Queensland Spatial Portal at <http://www.information.qld.gov.au/>

This map is updated on a monthly basis to ensure new PMAVs are included as they are approved.



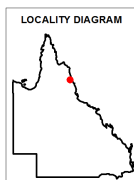
5.2 Vegetation management supporting map



Vegetation Management Supporting Map

Legend

- Lot and Plan
- Category A or B area containing endangered regional ecosystems
- Category A or B area containing of concern regional ecosystems
- Category A or B area that is a least concern regional ecosystem
- Category A or B area under Section 20AH
These areas are edged in yellow and filled with the remnant RE Status
- Category C area containing endangered regional ecosystems
- Category C area containing of concern regional ecosystems
- Category C area that is a least concern regional ecosystem
- Category C area under Section 20AI
These areas are edged in purple and filled with the remnant RE Status
- Non Remnant
- Water
- Wetland on the vegetation management wetlands map
- Essential habitat on the essential habitat map
- Essential habitat species record
- Watercourses and drainage features on the vegetation management watercourse and drainage features map
(Stream order shown as black number against stream where available)
- Roads
- National Parks, State Forest and other reserves
- Cadastral line
- Property boundaries shown are provided as a locational aid only



0 100 200 300 400 500 m

This product is projected into:
GDA 1994 MGA Zone 55

Labels for Essential Habitat are centred on the area of enquiry.

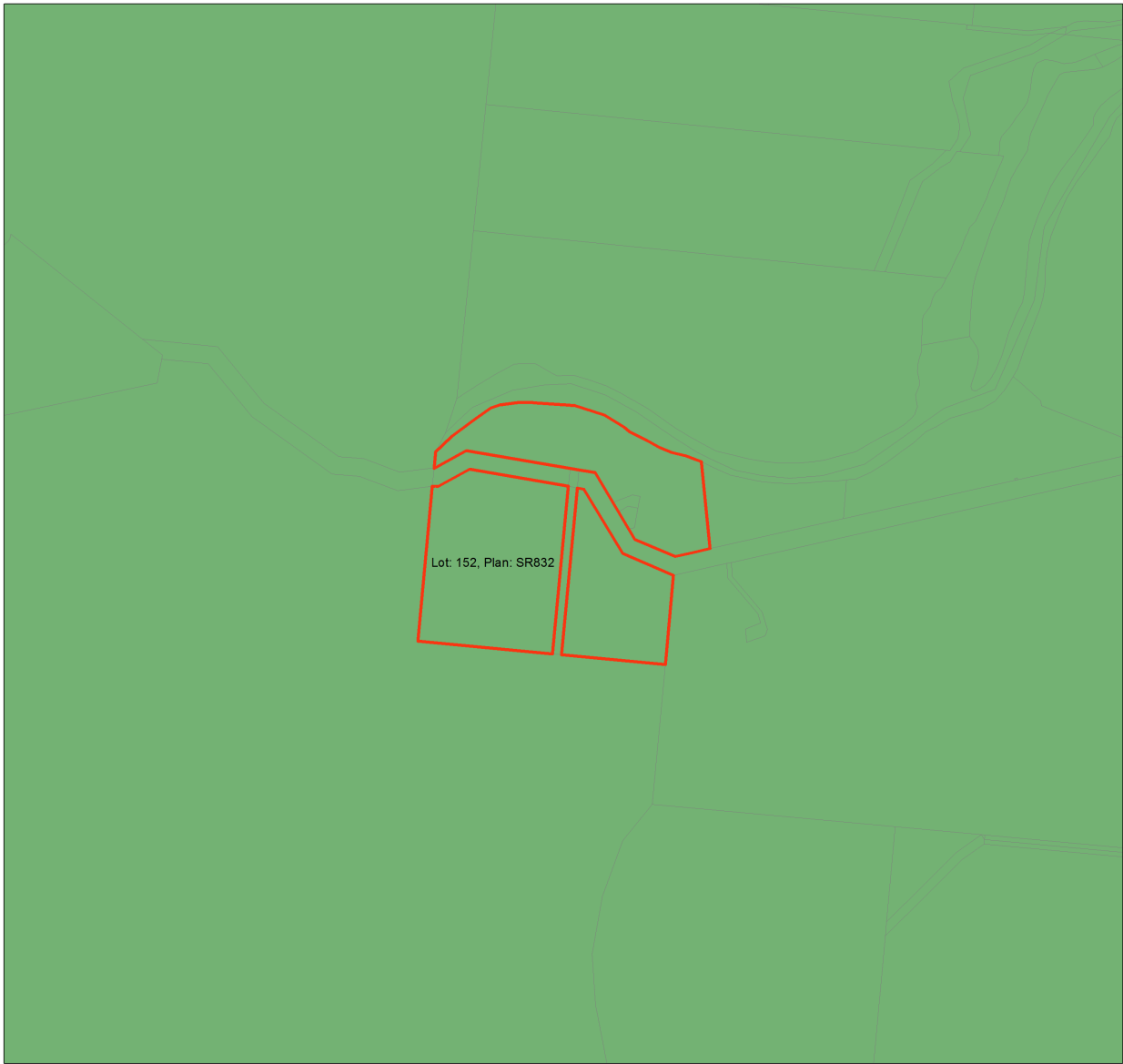
Regional ecosystem linework has been compiled at a scale of 1:100 000, except in designated areas where a compilation scale of 1:50 000 is available. Linework should be used as a guide only. The positional accuracy of RE data mapped at a scale of 1:100 000 is +/- 100 metres.

Disclaimer:
While every care is taken to ensure the accuracy of this product, the Department of Natural Resources, Mines and Energy makes no representations or warranties about its accuracy, reliability, completeness or suitability for any particular purpose and disclaims all responsibility and all liability (including without limitation, liability in negligence) for all expenses, losses, damages (including indirect or consequential damage) and costs which you might incur as a result of the product being inaccurate or incomplete in any way and for any reason.

Additional information may be required for the purposes of land clearing or assessment of a regional ecosystem map or PMAV applications. For further information go to the web site: www.dnrm.qld.gov.au or contact the Department of Natural Resources, Mines and Energy.

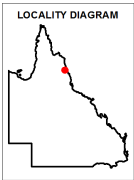
Digital data for the vegetation management watercourse and drainage feature map, vegetation management wetlands map, essential habitat map and the vegetation management remnant and regional ecosystem map are available from the Queensland Spatial Portal at <http://www.information.qld.gov.au/>

5.3 Coastal/non coastal map

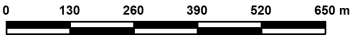


Coastal/Non Coastal Map

- Legend**
- Lot and Plan
 - Coastal
 - Non Coastal
 - Cadastral line
 - Property boundaries shown are provided as a locational aid only



Disclaimer:
While every care is taken to ensure the accuracy of this product, the Department of Natural Resources, Mines and Energy makes no representations or warranties about its accuracy, reliability, completeness or suitability for any particular purpose and disclaims all responsibility and all liability (including without limitation, liability in negligence) for all expenses, losses, damages (including indirect or consequential damage) and costs which you might incur as a result of the product being inaccurate or incomplete in any way and for any reason.



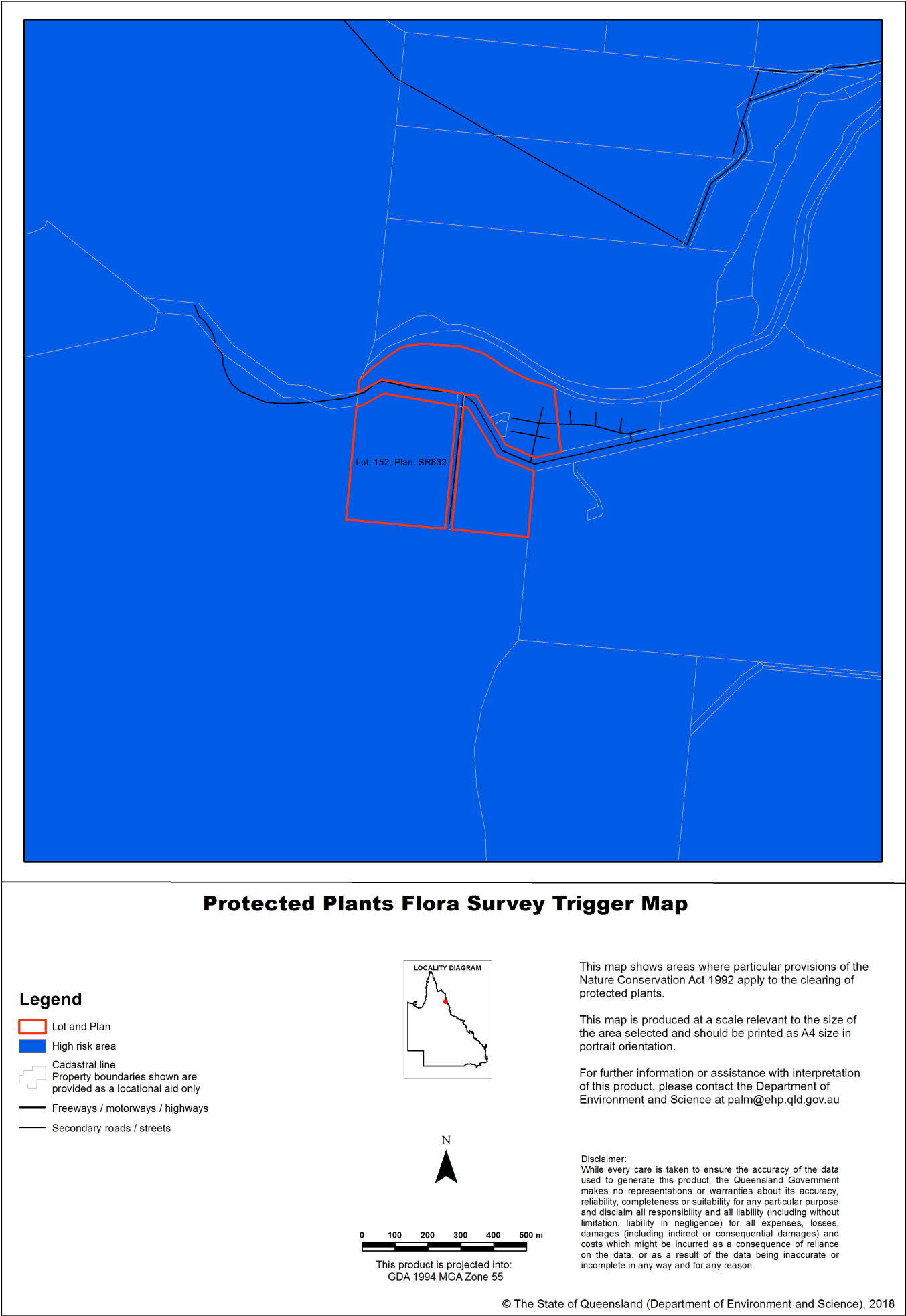
This product is projected into:
GDA 1994 MGA Zone 55



Queensland
Government

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5.4 Protected plants map administered by DES



6. Other relevant legislation contacts list

Activity	Legislation	Agency	Contact details
Interference with overland flow Earthworks, significant disturbance	<i>Water Act 2000</i> <i>Soil Conservation Act 1986</i>	Department of Natural Resources, Mines and Energy (Queensland Government)	Ph: 13 QGOV (13 74 68) www.dnrme.qld.gov.au
Indigenous Cultural Heritage	<i>Aboriginal Cultural Heritage Act 2003</i> <i>Torres Strait Islander Cultural Heritage Act 2003</i>	Department of Aboriginal and Torres Strait Islander Partnerships (Queensland Government)	Ph: 13 QGOV (13 74 68) www.datsip.qld.gov.au
Mining and environmentally relevant activities Infrastructure development (coastal) Heritage issues Protected plants and protected areas ¹	<i>Environmental Protection Act 1994</i> <i>Coastal Protection and Management Act 1995</i> <i>Queensland Heritage Act 1992</i> <i>Nature Conservation Act 1992</i>	Department of Environment and Science (Queensland Government)	Ph: 13 QGOV (13 74 68) www.des.qld.gov.au
Interference with fish passage in a watercourse, mangroves Forestry activities ²	<i>Fisheries Act 1994</i> <i>Forestry Act 1959</i>	Department of Agriculture and Fisheries (Queensland Government)	Ph: 13 QGOV (13 74 68) www.daf.qld.gov.au
Matters of National Environmental Significance including listed threatened species and ecological communities	<i>Environment Protection and Biodiversity Conservation Act 1999</i>	Department of the Environment (Australian Government)	Ph: 1800 803 772 www.environment.gov.au
Development and planning processes	<i>Planning Act 2016</i> <i>State Development and Public Works Organisation Act 1971</i>	Department of State Development, Manufacturing, Infrastructure and Planning (Queensland Government)	Ph: 13 QGOV (13 74 68) www.dsdmip.qld.gov.au
Local government requirements	<i>Local Government Act 2009</i> <i>Planning Act 2016</i>	Department of Local Government, Racing and Multicultural Affairs (Queensland Government)	Ph: 13 QGOV (13 74 68) Your relevant local government office

1. In Queensland, all plants that are native to Australia are protected plants under the [Nature Conservation Act 1992](http://www.des.qld.gov.au), which endeavours to ensure that protected plants (whether whole plants or protected plants parts) are not illegally removed from the wild, or illegally traded. Prior to clearing, you should check the flora survey trigger map to determine if the clearing is within a high-risk area by visiting www.des.qld.gov.au. For further information or assistance on the protected plants flora survey trigger map for your property, please contact the Department of Environment and Science on 13QGOV (13 74 68) or email palm@des.qld.gov.au.

2. Contact the Department of Agriculture and Fisheries before clearing:

- Any sandalwood on state-owned land (including leasehold land)
- On freehold land in a 'forest consent area'
- More than five hectares on state-owned land (including leasehold land) containing commercial timber species listed in parts 2 or 3 of Schedule 6 of the Vegetation Management Regulation 2012 and located within any of the following local government management areas-Banana, Bundaberg Regional, Fraser Coast Regional, Gladstone Regional, Isaac Regional, North Burnett Regional, Somerset Regional, South Burnett Regional, Southern Downs Regional, Tablelands Regional, Toowoomba Regional, Western Downs Regional.

ATTACHMENT 4: PRELODGMET MEETINGS

Date & Time: 10:00am Wednesday 21 November 2018 **Location:** Cairns Regional Council

Attendees:

- Daniel Lamond – Douglas Shire Council;
- Louise Cameron – Urban Sync Pty Ltd.

Type of Meeting: Prelodgement

AGENDA ITEMS:

Topic	Discussion Notes	Comments
Confirm Proposal & Approach	<ul style="list-style-type: none"> Impact Assessable MCU for placement of 1x 18m tall radio tower within Mossman Gorge to improve health and safety outcomes of current tourism operations <p>NB: Assessment matters to be confirmed for 2x small whip roof-based aerials (support transmitters to boost signage between Gorge & Visitor Centre) to be placed on Visitor Centre and an existing structure throughout the valley.</p> <ul style="list-style-type: none"> Confirm level of documentation required to support application. 	<ul style="list-style-type: none"> Council is generally supportive of the proposal given that it will seek to improve telecommunications in remote areas and bolster existing operations of the Gorge. However, concerns were expressed with regards to the conservation zone, noting that vegetation is to be protected and movement of fauna unrestricted. Plans presented at prelodgement meeting (i.e. lease as a site plan and detailed plans of towners) considered suitable to support assessment; Vegetation report is considered necessary to support assessment against Natural Areas Overlay Code unless vegetation is sought to be removed; Tower particulars to be confirmed – i.e. height not to protrude above canopy so to degrade visual amenity of viewshed, material and finish, confirm if fenced, etc.
Consent & Permit Arrangements	<ul style="list-style-type: none"> Confirm consent requirements for application Discuss clauses 4.2.1 & 4.2.4 of lease permit 	<ul style="list-style-type: none"> DSC is able to provide consent to the application as trustee of the lease, not DNRME. Request for owners' consent is to be made to Council's property dept and is to be presented at the next Council meeting for approval. Council officers to explore clauses 4.2.1 & 4.2.4 to confirm if any amendments are required or additional matters are to be considered during the assessment phase.
Confirm Application Fees	<ul style="list-style-type: none"> \$6,470.00 no GST 	Fee is correct.

Our reference: 1811-8430 SPL
Your reference: 18-385

7 December 2018

Mossman Gorge Centre
C/- Urban Sync
PO Box 2970
Cairns QLD 4870
louise@urbansync.com.au

Attention: Louise Cameron

Dear Sir/Madam

Pre-lodgement meeting record

This pre-lodgement record provides a summary of the matters discussed at the pre-lodgement meeting in addition to providing further advice prepared subsequent to the meeting. This record provides advice regarding the likely major issues relevant to the development proposal to assist in the timely processing of a development application. While this advice is provided in good faith, if the proposal is changed from that which was discussed with the department during the pre-application meeting, this advice is not binding.

Reference information

Departmental role: Referral agency
Departmental jurisdiction: Schedule 10, Part 3, Division 4, Table 3. Item 1
Pre-lodgement meeting date: 26 November 2018
Meeting attendees:

Name	Position	Organisation
Louise Cameron	Town Planner	Urban Sync
Karen Lodge (teleconference)	A/Senior Land Officer, State Land Asset Management	Department of Natural Resources and Mines (DNRME)
Cameron Venables	Senior Natural Resource Officer	DNRME

Tricia Gadsen	Natural Resource Management Officer	DNRME
Sue Lockwood	Senior Planning Officer	Department of State Development, Manufacturing, Infrastructure and Planning (DSDMIP)
Bec Turner	Student Planner	DSDMIP

Location details

Street address:	Gorge Road, Shannonvale, 212 and 301 Gorge Road, Mossman Gorge
Real property description:	Lot 94 on SR257 Lot 7 on SP212661 Lot 152 on SR832
Local government area:	Douglas Shire Council
Existing use:	Lot 94 on SR257 – Reserve for water Lot 7 on SP212661 – Mossman Gorge Centre Lot 152 on SR832 - Reserve

Details of proposal

Development type:	Material change of use
Development description:	Material change of use for 3 x telecommunication towers

Supporting information

Drawing/report title	Prepared by	Date	Reference no.	Version/issue
Pre-lodgement material	Urban Sync	15 November 2018	-	-
2018-11-15 Mossman Gorge indicative location of radio tower	-	15 November 2018	-	-
Trustee Permit Lease Plan	Australian Government, Indigenous Land Corporation	25 May 2012	Map No 1986	-
(email) 8385 MGC confirmation of inclusion of booster support towers in assessment (your ref 1811-8430 SPL)	Urban Sync	23 November 2018	-	-
16 x site photographs	Urban Sync	28 November 2018	-	-

Item	Minutes	Action
Proposal		
1.	<p>The Mossman Gorge Visitor Centre wish to install the following infrastructure:</p> <p>1 x 18m tall radio tower on Lot 94 on SR257 (in same location as an existing 6m tower), will require a new 2m diameter concrete slab in an already cleared area. Some trimming of adjacent tree canopy may be required.</p> <p>1 x 5m stand-alone repeater (accompanied by its own solar panel and battery pack power supply) on Lot 7 on SP212661, within a cleared area.</p> <p>1 x 6.5m yagi tower (placed on top of an existing 2 storey structure) on Lot 152 on SR832. This tower has already been constructed and will also require a material change of use application.</p> <p>The MCU application will be an impact assessable for the radio tower and the two smaller aerials.</p> <p>Upgrade to the current telecommunication infrastructure is required to improve safety of vehicles and pedestrians on the single lane access roads, and to decrease times taken for emergency services to be contacted.</p> <p>Guidance is sought regarding SARA referral triggers, any exemptions, applicable fees, and the level of documentation required.</p>	
Meeting discussion		
2.	<p><u>Clearing native vegetation</u></p> <p>Referral (if required) will only be required for development in Lot 94</p> <p>Lot 94 on SR257</p> <ul style="list-style-type: none"> Existing infrastructure in the same location may allow for exemptions to apply for maintenance. The site is mapped entirely containing category B vegetation; being of concern and of the dense structure category. An application will require evidence of height of vegetation adjacent to the infrastructure, or the maximum height of the regional ecosystem will be used for calculations of firebreaks and safety buffers A determination under section 22A of the Vegetation Management Act is required for a MCU application requiring referral for vegetation clearing. An application should also include a response to State code 16 of the State Development Assessment Provisions. 	<p>Louise to upload additional information (photos of existing structure(s))</p> <p>DNRME to provide further advice about referrals and exemptions that apply</p>

Item	Minutes	Action
3.	<p><u>State Land Asset Management (SLAM)</u> <u>Owners consent</u></p> <p>Lot 94 on SR257 – Reserve for Water (R135)</p> <ul style="list-style-type: none"> Douglas Shire Council, as the Trustee of Trust Land R135 and Trustee Lessor of Trustee Lease no. 715983349 will be required to provide owners consent in accordance with section 51(2) of the <i>Planning Act 2016</i>. No further tenure is required under the <i>Land Act 1994</i> as the installation of the radio towers is within Trustee Lease no. 715983349. Amendment of the trustee lease can be undertaken to allow additional structures. The construction of the tower may not be consistent with the purpose of the reserve but does not diminish the use. <p>Lot 152</p> <ul style="list-style-type: none"> Within trustee lease area (Lease X on SP285546) the state government (DCDSS) are the trustees of the lease, owner's consent can be requested directly from DCDSS. Lease X can be seen in Queensland Globe. <p>Lot 7</p> <ul style="list-style-type: none"> Freehold land, owner's consent required for MCU application. 	<p>Further advice will be provided about the process of amendments to trustee leases</p> <p>SLAM to provide contact details for DCDSS</p> <p>SLAM to provide a copy of plan showing Lease X</p> <p>DSDMIP to provide links to owner's consent forms</p>

It is considered that the above summary is an accurate record of the matters discussed at the pre-lodgement meeting.

The following information is provided as further advice prepared subsequent to the meeting:

Item	Advice
Clearing native vegetation (Lot 94 on SR257)	
1.	<p>The department's technical agency, Department of Natural Resources, Mines and Energy (DNRME), has confirmed the premises is mapped as containing the following features and vegetation types:</p> <ul style="list-style-type: none"> Category A or B area (containing of concern regional ecosystems) Category A or B area (that is a least concern regional ecosystems) watercourses/drainage features as shown on the vegetation management watercourse and drainage feature map, and regional ecosystems: <ul style="list-style-type: none"> 7.12.1 7.3.10 7.3.17 Essential habitat

Item	Advice
	<p>Information on the premises is available through:</p> <ul style="list-style-type: none"> • Queensland Globe. • A vegetation management report includes relevant property information and a series of maps and supporting information outlining the requirements for clearing vegetation on this land. • The Regional Ecosystem Description Database.
Referral to SARA (Lot 94 on SR257)	
2.	<p>Lot 94 on SR257</p> <p>The proposed material change of use development application will require referral agency assessment under Schedule 10, Part 3, Division 4, Table 3, Item 1 – Clearing native vegetation of the Planning Regulation 2017.</p> <p>The development cannot be carried out under an exemption under Schedule 21 of the Planning Regulation 2017 or under an accepted development vegetation clearing code and would create exemptions for future clearing work associated with the new development footprint.</p> <p>An assessment of a material change of use development application will include clearing native vegetation for establishing or maintaining a necessary firebreak/safety buffer to protect infrastructure to a maximum width of 20m or 1.5 times the height of the tallest adjacent tree, whichever is greater. The assessment of a necessary firebreak/safety buffer will apply to all proposed new infrastructure to be located on Lot 94 on SR257.</p> <p>Relevant purpose – section 22A determination</p> <p>Prior to submitting the development application to clear native vegetation, the applicant must obtain written confirmation from DNRME that the proposed development is for a relevant purpose under section 22A of the <i>Vegetation Management Act 1999</i>.</p> <p>Requests for a relevant purpose determination must be lodged in writing directly to DNRME, and can be sent to either PO Box 5318, Townsville QLD 4810 or northvegetation@dnrme.qld.gov.au.</p> <p>The application form and further information and assistance to apply for a section 22A determination is available at Clearing for a relevant purpose.</p> <p>State Development Assessment Provisions (SDAP)</p> <p>The development application will need to address and meet the requirements of SDAP, State code 16: Native vegetation clearing. To address SDAP demonstrate how acceptable outcomes will be achieved. If the development cannot meet an acceptable outcome, provide evidence on how the proposal meets the performance outcome.</p> <p>Guidance on how to comply with State code 16 is provided in the DNRME's SDAP guidance material. Appendix 2 of this guideline provides details on the standard application information for all development applications involving the clearing of native vegetation.</p>
State Land and Asset Management	
3.	<ul style="list-style-type: none"> • Lot 94 on SR257 Reserve for Water, Trustee: Douglas Shire Council <p>The proposed 18m radio tower is to be located within the area of Trustee Lease No 715983349 shown as 'Lease A – Trustee lease to Indigenous Land Corporation' (attached).</p>

Item	Advice
	<p>Owner's consent</p> <p>The Trustee of the reserve and Trustee Lessor, Douglas Shire Council (council) will be required to provide owner's consent in accordance with section 51(2) of the Planning Act 2016. Owner's consent templates are available at Application forms and templates.</p> <p>The Trustee Lessee is the Indigenous Land Corporation and the proposed tower is for the benefit of this Trustee Lease area and the associated Mossman Gorge Centre located on Lot 7 on SP212661 which is freehold land owned by the Indigenous Land Corporation. The whole of the lot is subleased to (and the business operated by) Voyages Indigenous Tourism Australia Pty Ltd which is a wholly owned subsidiary of the Indigenous Land Corporation.</p> <p>No further tenure is required for the proposed radio tower.</p> <p>Change to conditions of lease</p> <p>As the current conditions in the lease do not allow for construction, council will be required to submit an application to change a condition of the Trustee Lease 715983349 to DNRME to amend Trustee Lease No 715983349, Clause 4.2.1 to allow the construction of the proposed radio tower.</p> <p>To make an application please go to the Leases, licenses and permits to occupy where the application forms and guide can be found. The current application fee is \$140.00. A suggestion for council is to amend the condition to: 'The Trustee Lessee must not under any circumstances erect or construct any structure improvements in the Premises, without the prior written consent of the Trustee'.</p> <ul style="list-style-type: none"> Lot 152 on SR832 Reserve for Aboriginal Inhabitants of the State, Trustee: The State of Queensland (represented by Department of Communities, Disability Services and Seniors) (DCDSS) <p>The proposed 6.5m radio tower is to be located within an area of Trustee Lease No 717623005 shown as Lease X on SP285546 (attached).</p> <p>Owner's consent</p> <p>The Trustee and Trustee Lessor, Department of Communities, Child Safety and Disability Services (DCDSS), will be required to provide owner's consent in accordance with section 51(2) of the Planning Act 2016. Owner's consent templates are available at Application forms and templates.</p> <p>The Trustee Lessee is Bamanga Bubu Ngadimunku Aboriginal Corporation and the proposed radio tower is for the benefit of this Trustee Lease area and the associated Mossman Gorge Centre, as mentioned above. The consent of Bamanga Bubu Ngadimunku Aboriginal Corporation is required to the proposed tower.</p> <p>The previous contact person for DCDSS is Chris Phillips Please send correspondence via: C/- Mr Geoff Yell, Director Property Services, DCDSS, GPO Box 806, Brisbane Qld 4001, email: Chris.PHILLIPS@communities.qld.gov.au</p> <p>No further tenure is required for the proposed radio tower.</p>

Item	Advice
State Development Assessment Provisions	
4.	<p>State Development Assessment Provisions (SDAP) version 2.4 took effect on 16 November 2018. To assist applicants in preparing a development application, the department has prepared SDAP version 2.4 response templates.</p> <p>Please note, the SDAP is continually amended to reflect updates to legislation and policies. It is recommended that you check the department's website to ensure you are addressing the current SDAP version when preparing your application.</p> <p>An application that complies with all applicable acceptable outcomes is considered to satisfy the corresponding performance outcome. If an application does not comply with one or more of the applicable acceptable outcomes, compliance with the performance outcome should be demonstrated.</p>
Planning Act Forms	
5.	<p>The development application will need to include DA Form 1.</p> <p>To assist in completing DA Form 1, the department has prepared the DA forms guide: Forms 1 and 2.</p>
Development assessment fees	
6.	<p>Based on the information provided, the applicable fee under the Planning Regulation 2017 for the proposed development is:</p> <ul style="list-style-type: none"> Schedule 10, Part 3, Division 4, Table 3, Item 8(b) – Material change of use that is assessable development under a local categorizing instrument: \$6,479.00
Other matters to consider (outside of SARA's jurisdiction)	
7.	<p><i>Nature Conservation Act 1992</i></p> <p>In Queensland, all native plants are considered 'protected plants' under the <i>Nature Conservation Act 1992</i>. Anyone proposing to clear protected plants 'in the wild' for any reason may require a permit from the Department of Environment and Science (DES).</p> <p>Prior to any clearing of protected plants, a person must check the flora survey trigger map to determine if the clearing is within a high risk area. This trigger map is available as part of the Vegetation Management Report which can be accessed on Queensland Government's website.</p> <p>In a high risk area, a flora survey must be undertaken and a clearing permit may be required for clearing endangered, vulnerable and near threatened plants (EVNT plants) and their supporting habitat.</p> <p>DES can be contacted via email at palm@des.qld.gov.au or by contacting 1300 130 372 for information regarding clearing requirements under the <i>Nature Conservation Act 1992</i> protected plant framework. Further information on protected plants can be found in DES's Operational policy.</p>
Further pre-lodgement advice	
8.	<p>To request further pre-lodgement advice please use the 'related actions' tab in the 1811-8430 SPL MyDAS2 record and select 'Request more pre-lodgement advice from SARA'. You will be given an option to select either a meeting or written advice.</p>

This pre-lodgement advice does not constitute an approval or an endorsement that the department supports the development proposal. Additional information may be required to allow the department to properly assess the development proposal when a formal application has been lodged.

The above advice is valid for a period of nine (9) months from the date of issue, unless a change in legislation or policy occurs that would affect the pre-lodgement advice.

For further information please contact Sue Lockwood, Senior Planning Officer, on 40373215 or via email CairnsSARA@dsdmip.qld.gov.au who will be pleased to assist.

Yours sincerely

A handwritten signature in black ink, appearing to read 'Brett Nancarrow', written in a cursive style.

Brett Nancarrow
Manager (Planning)

ATTACHMENT 5:
LEASE

Dealing Number



OFFICE USE ONLY

Privacy Statement

Collection of this information is authorised by the Land Title Act 1994 the Land Act 1994 and the Water Act 2000 and is used to maintain the publicly searchable registers in the land registry and the water register. For more information about privacy in NR&W see the department's website.

1. Lessor

DOUGLAS SHIRE COUNCIL (ABN 71 241 237 800)

Lodger (Name, address, E-mail & phone number)

Douglas Shire Council

PO Box 723

MOSSMAN Q 4873

Phone: (07) 4044 9444

Email: enquiries@douglas.qld.gov.au

Reference: #418402

Lodger
Code

2. Lot on Plan Description

LOT 94 ON SR257

County

SOLANDER

Parish

VICTORY

Title Reference

49009042

3. Lessee Given names

Surname/Company name and number

(include tenancy if more than one)

INDIGENOUS LAND CORPORATION
(ABN 59 912 679 254)

4. Interest being leased

RESERVE

5. Description of premises being leased

Part of the land described at Item 2, shown as Lease A on the attached sketch plan at the Appendix.

6. Term of lease

Commencement date/event: 1 / 12 / 2013

Expiry date: 30 / 11 / 2023

#Options: nil

#Insert nil if no option or insert option period (eg 3 years or 2 x 3 years)

7. Rental/Consideration

Refer to Reference Schedule

8. Grant/Execution

The Lessor leases the premises described in item 5 to the Lessee for the term stated in item 6 subject to the covenants and conditions contained in:- the attached schedule and document numbers 711932933 and 713488911.

Witnessing officer must be aware of his/her obligations under section 162 of the Land Title Act 1994

Douglas Shire Council

.....signature

DARRYL VICTOR CREEE
.....full name

.....qualification

/ /

.....
Chief Executive Officer

Witnessing Officer

Execution Date

Lessor's Signature

(Witnessing officer must be in accordance with Schedule 1 of Land Title Act 1994 eg Legal Practitioner, JP, C Dec)

9. Acceptance

The Lessee accepts the lease and acknowledges the amount payable or other considerations for the lease.

Indigenous Land Corporation

S. K. I. D. M.signature

SATLESH KUMAR BHfull name

LEGAL PRACTITIONERqualification

/ /

.....
Chief Executive Officer

Witnessing Officer

Execution Date

Lessee's Signature

(Witnessing officer must be in accordance with Schedule 1 of Land Title Act 1994 eg Legal Practitioner, JP, C Dec)

Title Reference [49009042]

1. PREAMBLE

This lease is a Trustee Lease in terms of section 59 of the Act.

2. REFERENCE SCHEDULE

2.1	Name of Trustee:	Douglas Shire Council
	Address for Notices: <i>Delivery:</i>	64-66 Front Street MOSSMAN QLD 4873
	<i>Postal:</i>	PO Box 723 MOSSMAN QLD 4873
	<i>Facsimile:</i>	(07) 4098 2902
2.2	Name of Trustee Lessee:	Indigenous Land Corporation
	Address for Notices: <i>Delivery:</i>	Level 7 121 King William Street ADELAIDE SA 5000
	<i>Postal:</i>	GPO Box 652 ADELAIDE SA 5001
	<i>Facsimile:</i>	(08) 8100 7171
2.3	Reserve Details	Reserve for Water purposes R135, under trusteeship of Douglas Shire Council
2.4	Address of Premises:	Gorge Road, Mossman Gorge
2.5	Term:	Ten (10) years
2.6	Rental amount for first year of the Term:	\$862.73 GST exclusive
2.7	Date Rent commences:	Commencement Date of Trustee Lease
2.8	Adjustment Dates:	Each anniversary of Commencement Date
2.9	Rent Adjustment Method:	CPI Adjustment
2.10	Permitted Use:	The Trustee Lessee may use Lease A to conduct a cultural tourism venture, including guided walking tours on existing tracks.
2.11	Public Risk Insurance:	\$20,000,000 (twenty million dollars)

3. COMPOSITION OF TRUSTEE LEASE

3.1 Component Documents

As indicated in item 8 of the Form 7, this Trustee Lease is composed of:

- a) the executed Form 7;
- b) this (Form 20) Schedule;
- c) the Mandatory Standard Terms Document registered under dealing number 711932933; and
- d) the Standard Terms Document registered under dealing number 713488911.

Title Reference [49009042]

3.2 Explanation of Mandatory Standard Terms Document

- a) The subject land is a Reserve created under the Act of which the Trustee is the appointed Trustee.
- b) The State of Queensland (represented by the Department of Environment and Resource Management) requires the inclusion of certain conditions in all Trustee Leases over Reserve land.
- c) The Mandatory Standard Terms Document registered under dealing number 711932933 contains such conditions.
- d) The Trustee cannot omit or vary any of them.

3.3 Explanation of Standard Terms Document

- a) The Trustee also requires the inclusion of certain conditions in all Trustee Leases it grants over Reserve land.
- b) The State of Queensland (represented by the Department of Environment and Resource Management) has approved such conditions.
- c) The conditions are contained in the Standard Terms Document registered under dealing number 713488911.

4. VARIATION OF TRUSTEE LEASE

Local Authority Standard Terms Document registered under dealing number 713488911 is varied as follows:

- 4.1 At clause 1.2, by removing the definition ***Dividing Fences Act*** and replacing with:

<i>Neighbourhood Disputes Resolution Act</i>	<i>Neighbourhood Disputes Resolution Act 2011 (Qld)</i>
---	---

- 4.2 By removing reference to the following clauses which are not applicable to this Trustee Lease:

- a) 6.14 Connection of Electricity; and
- b) 7.2 Rodents and Vermin.

- 4.3 Clauses 10.1(1) and (2), 16.7 and Part 17 will not apply as long as the Trustee Lessee is the Indigenous Land Corporation. In the event the Trustee Lease is transferred to another entity, clauses 10.1(1) and (2), 16.7 and Part 17 will apply.

- 4.4 By including the following additional Definitions:

'Cleared Area' means the Cleared Area located in the eastern part of the Premises which is identified on the attached Appendix.

'Old Power Station Site' means the Old Power Station Site located in the eastern part of the Premises which is identified on the attached Appendix.

'Refreshment Trailer' means the Trustee Lessee's trailer used to provide refreshments only for walking tour participants and used to remove all rubbish from the site.

'Trailer Site' means the Trailer Site which is identified on the attached Appendix.

Title Reference [49009042]

4.5 By including the following additional clauses:

4.2.1 NO STRUCTURAL IMPROVEMENTS

The Trustee Lessee must not under any circumstances erect or construct or allow to be erected or constructed any structural improvements in the Premises except for the following:

- a) Three semi-permanent traditional shelter to be erected in the Cleared Area near the Old Power Station Site; and
- b) A fourth semi-permanent traditional shelter to be erected in the Cleared Area near the Old Power Station Site to house the trailer mounted portaloo.

4.2.2 REFRESHMENT TRAILER

- a) The Refreshment Trailer must not obstruct Intake Road at any time and must be kept clear of the main carriage way of Intake Road.
- b) The Trustee Lessee is permitted to move the Refreshment Trailer along Intake Road each morning and afternoon; that is one trip each way per day.
- c) The Trustee Lessee is responsible for maintenance of the Trailer Site which must be kept free of any property or litter.
- d) The Trustee Lessee is to locate on the Refreshment Trailer an A4 laminated sign stating that the Trailer is the property of the Trustee Lessee, the Refreshment Trailer is removed each day and provides refreshments only for the Trustee Lessee's walking tours.
- e) Items carried on the Refreshment Trailer are limited to the provision of refreshments, primarily water, tea, coffee and damper.
- f) No items are permitted in the Refreshment Trailer that would be considered contaminants.

4.2.3 TRUSTEE LESSEE INSURANCE

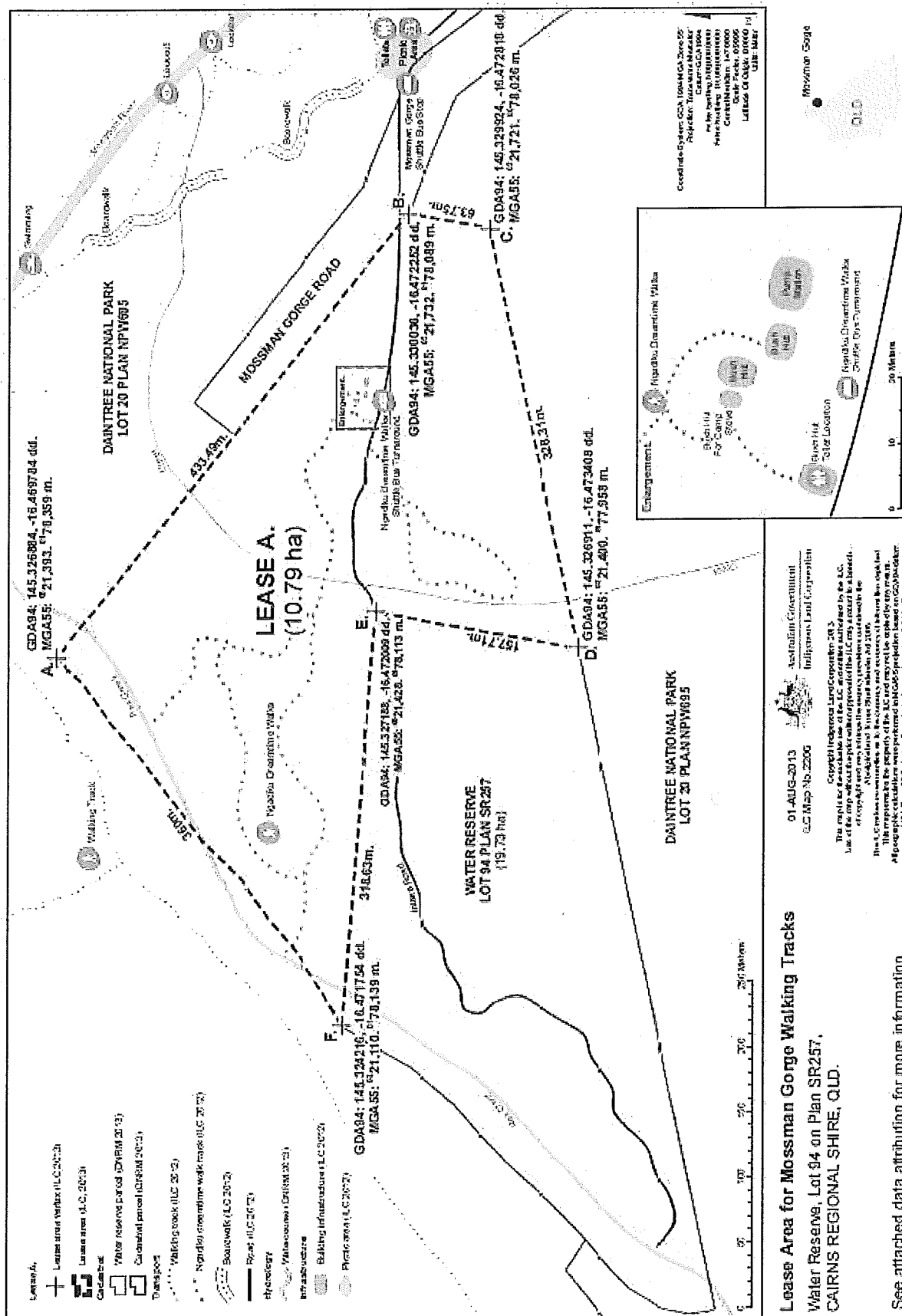
- a) Provided the Trustee Lessee maintains insurance and continues to be insured under the Comcover Insurance Fund, Part 11 of Standard Terms Document registered under dealing number 713488911 will be satisfied.
- b) In the event the Trustee Lessee no longer holds insurance under the Comcover Insurance Fund, it will be required to comply with Part 11 Standard Terms Document registered under dealing number 713488911.

4.2.4 NATIVE TITLE

This Trustee Lease is entered into in accordance with the provisions of section 24JA of the *Native Title Act 1993* (Cth) and the non-extinguishment principle applies.

[Appendix follows]

APPENDIX – Trustee Lease Area



See attached data attribution for more information.

QUEENSLAND LAND REGISTRY
Land Title Act 1994, Land Act 1994 and Water Act 2000

GENERAL REQUEST

FORM 14 Version 4
Page 1 of 46



713488911

NO FEE

29/09/2010 11:50

CS 608

1. Nature of request

Request to Register Standard Terms Document for
Trustee Leasing

Lodger (Name, address, E-mail & phone number)

Cairns Regional Council
PO Box 359
CAIRNS Q 4870
Phone: 4044 3022
Email: property_matters@cairns.qld.gov.au

Lodger
Code

777

2. Lot on Plan Description

County

Parish

Title Reference

NOT APPLICABLE

3. Registered Proprietor/State Lessee

NOT APPLICABLE

4. Interest

NOT APPLICABLE

5. Applicant

CAIRNS REGIONAL COUNCIL

6. Request

I hereby request that: the attached document be registered as a Standard Terms Document containing Local Authority terms for a trustee lease in accordance with Section 318 of the *Land Act 1994*.

7. Execution by applicant

28 / 9 / 2010
Execution Date


Applicant's or Solicitor's Signature

Sarah Philpott
General Manager Corporate Services
Cairns Regional Council

Note: A Solicitor is required to print full name if signing on behalf of the Applicant

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LOCAL AUTHORITY STANDARD TERMS DOCUMENT FOR A TRUSTEE LEASE

PART 1: INTERPRETATION

1.1 General Requirement

- (1) This Trustee Lease is to be interpreted by reference to the provisions of this Part 1.
- (2) Each of those provisions applies to this Trustee Lease unless:
 - (a) the context otherwise requires; or
 - (b) a contrary intention appears.

1.2 Definitions

In addition to the Definitions in Clause 2.1 of the Mandatory Standard Terms Document recorded in dealing number 711932933, the following Definitions apply.

Each of the following expressions bears the meaning shown opposite:

Act	<ol style="list-style-type: none">(1) An Act passed by the Commonwealth Parliament or the Queensland Parliament.(2) Subordinate legislation under any such Act.(3) A direction or requirement made under any such Act or subordinate legislation by a competent authority or person.(4) A licence, authorisation, consent, approval, or exemption granted under any such Act or subordinate legislation.(5) A planning instrument.(6) A local law.
act	<p>Includes:</p> <ol style="list-style-type: none">(1) an omission; and(2) a refusal to act.
Act of Insolvency	<ol style="list-style-type: none">(1) Suffering the appointment of a receiver, which appointment is not terminated, postponed or enjoined within 14 days after it is made.(2) Entering voluntary administration.(3) Suffering the appointment of a provisional liquidator.(4) Failing to satisfy a statutory demand under <i>Corporations Act</i> section 459E.(5) Voluntarily applying to be wound-up, or suffering presentation of an application for winding-up.(6) Being wound up or being de-registered as a corporation.(7) Entering a composition or scheme of arrangement for the benefit of creditors.(8) Failing to secure the return of one's assets within 21 days after a creditor or an encumbrancee lawfully seizes them.(9) Committing an act of bankruptcy mentioned in <i>Bankruptcy Act</i> section 40.(10) Presenting a debtors petition for bankruptcy, or suffering the presentation of a creditors petition.(11) Signing an authority under <i>Bankruptcy Act</i> section 188 (to appoint a controlling trustee).(12) Becoming bankrupt upon a debtors petition or a creditors petition.

SCHEDULE

Address for Notices

For each Party:

- (1) its address specified in the Reference Schedule;
- (2) such other address or facsimile number as it has notified to the Party giving it a notice as its address or facsimile number for notices; or
- (3) if it is not at either such address, its last principal place of business or facsimile number in Queensland known to the Party giving it a notice.

Administering Authority

The authority responsible for administering an Act (for example, the authority that issues licences or permits under an Act, and that monitors and enforces compliance with such Act).

Adjustment Date

A date upon and from which the rate of rent payable under this Trustee Lease is liable to adjustment.

Example: If this Trustee Lease provides for annual adjustment of the rent, each anniversary of the Commencement Date is an adjustment date.

Adjustment Note

An adjustment note as defined in the *GST Act*, being, without limiting the ambit of that definition, a note:

- (1) in the approved form under the *GST Act*; and
- (2) detailing an adjustment of the GST payable or paid upon a Taxable Supply under this Trustee Lease.

Air-conditioning Equipment

The plant, cooling towers, Electrical Installations, Electrical Equipment, ducts, valves, insulation, and diffusers used in the manufacture and reticulation of conditioned air throughout the Building (including the Premises), including:

- (1) all mechanical ventilation equipment; and
- (2) (where the context admits) a package unit serving the Premises.

Appendix

An appendix to this Trustee Lease.

Bankruptcy Act

Bankruptcy Act 1966 (Cwlth)

Building

A building that:

- (1) comprises or includes the Premises; or
- (2) forms part of the Premises.

Caretaker

A person appointed by the Trustee Lessee to reside upon the Premises:

- (1) to help ensure the security of the Premises; or
- (2) to perform other services for the Trustee Lessee concerning the Premises or the Trust Land.

SCHEDULE

Chief Executive Officer	The Trustee's chief executive officer, including: (1) a person acting in the position at a relevant time; and (2) a person to whom the chief executive officer's power has been delegated at a relevant time for a relevant purpose concerning this Trustee Lease. ¹
Civil Emergency	Refer to Clause 9.4(2).
Clause	A clause, sub-clause or paragraph of this Trustee Lease.
Consideration	Consideration as defined in the <i>GST Act</i> (being, without limiting the ambit of that definition, anything given or done, voluntarily or not, in return for a Taxable Supply).
Corporations Act	<i>Corporations Act 2001 (Cwlth)</i>
Cost	Includes loss, liability, damage and expense.
CPI	The Consumer Price Index (All Groups) Brisbane published from time to time by the Australian Bureau of Statistics.
CPI Adjustment	<p>An adjustment of rent calculated in accordance with the following formula:</p> $R = \frac{XY}{Z}$ <p>where:</p> <p>R = the rent payable for the year in respect of which the rent is being calculated for that area of the Premises in respect of which rent is being calculated.</p> <p>X = the CPI for the quarter ended immediately prior to the commencement of the year in respect of which the rent is being calculated.</p> <p>Y = the rental payable during the year immediately preceding the year in respect of which the rent is being calculated for that area of the Premises in respect of which rent is being calculated.</p> <p>Z = the CPI for the quarter ended immediately prior to the commencement of the year immediately preceding the year in respect of which rent is being calculated.</p>
Creditable Acquisition	A creditable acquisition as defined in the <i>GST Act</i> (being, without limiting the ambit of that definition, an acquisition for which the acquirer is entitled to claim an Input Credit).
Damage Policy	An insurance policy that indemnifies against Cost borne of Harm to property, including Harm resulting from one or more Damaging Events.
Damaging Events	(1) Fire. (2) Entry of water. (3) Storm and tempest. (4) Lightning.

¹ Local Government Act Section 256 empowers the Chief Executive Officer of a local government, with certain exceptions, to delegate his/her responsibilities, generally or particularly, to another employee of the local government.

	<ul style="list-style-type: none">(5) Flood.(6) Earthquake.(7) Explosion and concussion from explosion.(8) Impact of vehicles, aircraft, and articles escaping from them.(9) Malicious acts.(10) Negligent acts.(11) Civil commotion.(12) Theft.(13) Act of God.(14) (For a Damage Policy the Trustee Lessee must obtain) other risks nominated reasonably by the Trustee from time to time.(15) (For a Damage Policy the Trustee obtains) other risks against which the Trustee considers it prudent or appropriate to insure.
Defined Expenses	<p>In relation to a Damage Policy:</p> <ul style="list-style-type: none">(1) for damage: the cost of repairing the damage or reinstating the damaged item or structure, in each case at least to the condition in which it existed before it was damaged;(2) for destruction: the cost of replacing the item or structure destroyed with one of a quality at least equivalent to that of the item or structure before its destruction;(3) the cost of debris removal and disposal, demolition, site clearance, and other work required by an Act;(4) the fees payable to architects, engineers, surveyors, solicitors, building contractors, and other consultants and contractors engaged to facilitate the repair, reinstatement, rebuilding, or replacement; and(5) incidental expenses.
Development Permit	<p>A development approval or development permit issued under, or continued in existence by, the <i>Sustainable Planning Act</i>.</p>
Directorate	<p>For a legal entity other than a natural person, or for a non corporate association of persons:</p> <ul style="list-style-type: none">(1) its board of directors; or(2) its management/governing committee.
Dividing Fences Act	<p><i>Dividing Fences Act 1953 (Qld)</i></p>
Electrical Equipment	<p>Electrical equipment as defined in the <i>Electricity Act</i>.²</p>
Electrical Installation	<p>An electrical installation as defined in the <i>Electricity Act</i>.³</p>

² At 1 March 2010, *Electricity Act* section 13 states, to paraphrase, that "electrical equipment" is any apparatus, appliance, cable, conductor, fitting, insulator, material, meter or wire used for controlling, generating, supplying, transforming, or transmitting electricity at a voltage greater than extra low voltage, or operated by electricity at a voltage greater than extra low voltage, or that is, or forms part of, a cathodic protection system. However, the expression does not include certain equipment associated with motor vehicles, e.g. headlights, spark plugs, and suchlike.

³ At 1 March 2010, *Electricity Act* section 14 states, in broad terms and to paraphrase, that an "electrical installation" is a group of items of electrical equipment permanently connected to one another electrically, other than electricity generation and transmission works items (such as generators, transformers and cables), to which electricity can be supplied from generation and transmission works. An example is the switchboard, wiring, lighting, socket outlets, and other electrical equipment permanently connected for a shopping centre, or for a shop in a shopping centre.

SCHEDULE

Electricity Act

Electricity Act 1994 (Qld)

Expiry Date

The expiry date stated in Item 6 of the Form 7.

Fire and Rescue Service Act

Fire and Rescue Service Act 1990 (Qld)

Fixed Improvement

- (1) Part of the Improvements, and is a structure, of a permanent or semi-permanent character, firmly affixed:

- (a) to the Premises; or
- (b) to a structure upon the Premises,

to enable the Premises to be used or better used for a particular purpose.

Examples:

- (a) a building, whether demountable or not;
- (b) an observation or viewing tower;
- (c) floodlighting apparatus (including pole);
- (d) a swimming pool or other bathing facility;
- (e) a brick or concrete block barbecue;
- (f) a coldroom;
- (g) an integrated air-conditioning system and an air-conditioner that is mounted through a hole made in an external wall for the purpose of enabling the machine to be so mounted;
- (h) an in-ground irrigation system;
- (i) a fence or wall other than a purpose-designed temporary fence or wall;
- (j) a building slab;
- (k) an immovable sight screen structure (irrespective of whether the screen itself can be re-positioned from side to side upon the structure);
- (l) a concrete, paved, or otherwise-constructed, path, patio or similar structure;
- (m) an entrance arch.

- (2) The expression does not include an item that is affixed:

- (a) to the Premises; or
- (b) to a structure upon the Premises,

to enable the item or structure to be used or better used.

Examples:

- (a) a wall-mounted dispenser;
 - (b) a window-mounted air-conditioner;
 - (c) football goalposts;
 - (d) a flagpole;
 - (e) a cargo container.
-

SCHEDULE

Force Majeure

An event of irresistible force that:

- (1) occurs by chance;
- (2) is beyond the control of the Party it impacts; and
- (3) cannot be avoided with the exercise of due care by that Party.

Examples: War, civil commotion, terrorist action, natural disaster (such as flood, bushfire, earthquake, major cyclone), general strike, and aviation or maritime disaster.

GST

GST as defined in the *GST Act* (being, without limiting the ambit of the definition in that Act, a tax upon the value of a supply of goods and/or services).

GST Act

A New Tax System (Goods and Services Tax) Act 1999 (Cwlth)

Harm

All or any of:

- (1) property loss, including loss through misplacement and theft;
- (2) property damage;
- (3) death;
- (4) personal injury, including shock; and
- (5) illness.

Include

Encompass or include, without being limited to what is stated as encompassed or included.

Example: "act" is defined as including an omission and a refusal to act. However, the expression is not confined to an omission and a refusal to do something; it also encompasses (obviously) a positive action.

Input Credit

An input tax credit as defined in the *GST Act* (being, without limiting the ambit of that definition, a tax credit allowed to the consumer of a supply who has borne the GST upon the value of that supply).

Insurance Act

Insurance Act 1973 (Cwlth)

Insurance-relevant Information

- (1) Any item of information:
 - (a) relating to the Trustee Lessee, or to any of its Officers or principal members;
 - (b) likely to affect an insurer's decision to grant or to continue Trustee insurance against the risks of Damaging Events; or
 - (c) likely to affect an insurer's decision to grant or to continue Trustee public risk insurance.
- (2) A principal member of the Trustee Lessee is a member:
 - (a) holding more than 20% of the voting entitlement at a general meeting of the Trustee Lessee; or
 - (b) entitled to appoint to the Directorate of the Trustee Lessee a person holding, or persons holding between them, more than 20% of the voting entitlement at a general meeting of the Trustee Lessee.

Licensed Activity

The activity for which a Liquor Licence is required or obtained.

Liquor Act

Liquor Act 1992 (Qld)

SCHEDULE

Liquor Licence	A licence or permit for the Premises, issued under the <i>Liquor Act</i> .
Local Government Act	<i>Local Government Act 2009 (Qld)</i>
Maintain	Includes repair and replace.
Month	<p>A calendar month, that is to say, a period:</p> <ol style="list-style-type: none">(1) commencing at the beginning of a day of one of the 12 named months in the Christian calendar;⁴ and(2) ending immediately before the beginning of the corresponding day of the next named month; or(3) if there is no corresponding day of the next named month, ending at the end of the next named month. <p><i>Example: Where a month begins on 31 January, there can be no 30 February, therefore, the month ends on 28 February (or 29 Feb in a leap year).</i></p>
Officer	<ol style="list-style-type: none">(1) For the Trustee Lessee: a member of its Directorate, a corporate secretary, or an attorney.(2) For the Trustee:<ol style="list-style-type: none">(a) the Chief Executive Officer, including his lawful delegate; or(b) another person to whom the Trustee has delegated a relevant power.⁵(3) For either Party: its solicitor.
Parking Facilities	For Clauses 8.4 and 8.5: vehicle parking facilities to service the Premises.
Part	<p>A numbered part or section of this Trustee Lease, other than an Appendix or an attestations page, containing:</p> <ol style="list-style-type: none">(1) one or more Items; or(2) one or more Clauses.
Permitted Use	The activity or activities that the Trustee Lessee is permitted to conduct upon the Premises under this Trustee Lease, as specified in the Reference Schedule. (Also refer to Clause 6.1).
Planning Scheme	The planning scheme governing the Region pursuant to the <i>Sustainable Planning Act</i> .
Property Law Act	<i>Property Law Act 1974 (Qld)</i>
Public Risk Policy	The public liability insurance policy the subject of Clause 14 of the Mandatory Standard Terms Document.

⁴ The months of January to December.

⁵ *Local Government Act Section 257 states the persons to whom a local government may delegate power (other than power that the Act obliges it to exercise only by resolution).*

SCHEDULE

Rates	<p>(1) General rates, special rates and separate rates, made and levied under the <i>Local Government Act</i> or another Act.</p> <p><i>Examples:</i></p> <p>(a) A separate rate or charge pursuant to <i>Fire and Rescue Service Act</i>, to fund a rural fire brigade operating in a local government area.</p> <p>(b) An environmental levy, or any levy otherwise named but which is imposed to assist or to facilitate preservation, restoration, or improvement of the natural environment/s within the Region.</p> <p>(2) Any levy that an owner or occupier of land must pay to the local government under an Act other than the <i>Local Government Act</i>.</p> <p><i>Example:</i> A levy under <i>Fire and Rescue Service Act</i>, to fund fire services in urban districts.</p>
Receiver	A receiver, or a receiver and manager, of the property of the Trustee Lessee relating to the business or other undertaking the Trustee Lessee conducts upon the Premises pursuant to this Trustee Lease.
Recipient	The person to whom a Taxable Supply is made under this Trustee Lease.
Reference Schedule	The Reference Schedule in Clause 1 of the schedule of this Trustee Lease.
Region	The local government area pursuant to the <i>Local Government Act</i> in which the Trust Land is located.
Registration	Recording, under the Act or the <i>Land Title Act 1994 (Qld)</i> , a dealing with an interest in or concerning the Trust Land. ⁶⁷
Rent	The amount specified in the Reference Schedule as varied on any Adjustment Date under this Trustee Lease and includes all statutory outgoings.
Rent Period	<p>(1) The period from the Commencement Date to the day before first Adjustment Date.⁸</p> <p>(2) The period from an Adjustment Date to the day before the next Adjustment Date.</p> <p>(3) The period from the last Adjustment Date and the Expiry Date.</p>
Sell	<p>In relation to liquor, includes:</p> <p>(1) barter or exchange;</p> <p>(2) offer, agree or attempt to sell;</p> <p>(3) expose, send, forward or deliver for sale;</p> <p>(4) cause or permit to be sold or offered for sale;</p> <p>(5) supply or offer, agree or attempt to supply in circumstances in which the supplier derives, or would be likely to derive, a direct or indirect pecuniary benefit;</p> <p>(6) supply or offer, agree or attempt to supply gratuitously, but to gain</p>

⁶ A Trustee Lease over Reserve land is registered under the Act. A Trustee Lease over a Deed of Grant in Trust is registered under the *Land Title Act 1994 (Qld)*.

⁷ Section 57 of the Act requires the Registration of this Trustee Lease.

⁸ Refer to Clause 1.9 (Block References).

SCHEDULE

	or keep custom or other commercial advantage; and
	(7) any other activity that the <i>Liquor Act</i> includes within the <i>sell</i> definition.
Services	<p>(1) The utility services from time to time appurtenant to the Trust Land, including:</p> <ul style="list-style-type: none"> (a) electronic services; (b) fire, sprinkler, and air conditioning; (c) lighting, gas, fuel, and other energy; (d) water, sewerage, and drainage. <p>(2) The infrastructure via which those utility services are delivered, including fittings, fixtures, appliances, plant, and equipment. <i>Examples: Air-conditioning Equipment and fire equipment.</i></p>
State	The State of Queensland (as a constitutional entity).
Supplier	The person who makes a Taxable Supply under this Trustee Lease.
<i>Sustainable Planning Act</i>	<i>Sustainable Planning Act 2009 (Qld)</i>
Taxable Supply	<p>A taxable supply as defined in the <i>GST Act</i>, being, without limiting the ambit of that definition a supply made:</p> <ul style="list-style-type: none"> (1) by a person who is, or is required to be, registered for GST; (2) for Consideration, <p>in the course of or in furthering an enterprise connected with Australia.</p>
Tax Invoice	<p>A tax invoice as defined in the <i>GST Act</i>, being, without limiting the ambit of that definition, an invoice:</p> <ul style="list-style-type: none"> (1) in the approved form under the <i>GST Act</i>; and (2) detailing the price for a Taxable Supply under this Trustee Lease.
Trustee's Office	<ul style="list-style-type: none"> (1) The Trustee address detailed in the Reference Schedule. (2) Any substitute address the Trustee notifies to the Trustee Lessee.
Utility Charges	<ul style="list-style-type: none"> (1) Charges by the local government for the supply of: <ul style="list-style-type: none"> (a) water, gas, and sewerage services; and (b) cleansing services. (2) Any other service charge assessed in relation to the Premises under Chapter 4, Part 1 of the <i>Local Government Act</i>.
<i>Workers Compensation Act</i>	<i>Workers Compensation and Rehabilitation Act 2003 (Qld)</i>

1.3 Cognate Expressions

Derivatives of a defined expression bear meanings corresponding to and consistent with the definition.

1.4 Particular References

Where a provision that is prefaced or introduced by the expression, "in particular" or "particularly", refers to or qualifies another provision of more general application, the former provision does not limit the ambit of the latter provision.

Example: Clause 4.6(2)(c) obliges the Trustee Lessee to pay the Trustee's reasonable legal and other costs and expenses of obtaining a consent required concerning this Trustee Lease or a dealing with this Trustee Lease, "particularly" a consent requested by the Trustee Lessee. This latter phrase does not limit the Trustee Lessee's obligation under the clause to paying only the Trustee's costs and expenses of obtaining a consent that the Trustee Lessee requests. The latter class of consent is merely a specific and significant example of the consents for which the Trustee Lessee must bear the Trustee's costs and expenses.

1.5 Imputed Acts

Reference (direct or indirect) to a person's act (including, where applicable, the act of a guarantor) includes an imputed act, that is to say the act of another person, which act is deemed by law to be the first-mentioned person's act because of the relationship between the two.

Example: The act of an employee, in the proper performance of that person's duties as employee, is deemed by law also to be the act of his/her employer.

1.6 Parties

- (1) Reference to a Party who is a natural person includes the person's personal representatives and permitted transferees.
- (2) Reference to a Party that is a corporation includes the corporation's successors and permitted transferees.

1.7 Concurrent Responsibility

Where a Party is composed of two or more persons, each item of agreement by the Party binds:

- (1) all of those persons collectively; and
- (2) each of them as an individual.⁹

1.8 References to Bodies, Offices and Positions

Reference to an entity, office, or position includes an entity, office, or position:

- (1) established or constituted in its stead; or
- (2) succeeding as nearly as may be to its power or function.

1.9 Block References

- (1) Reference to the period between two specified dates, times or periods includes each of those two dates, times or periods.

Example: A reference to the period "from 1 January to 31 December" or "between 1 January and 31 December" is a reference to the period comprising each of those two dates and all of the days between them.

- (2) Reference to the numbers, provisions or items, in this or another document, between two numbers, numbered provisions or numbered items, includes each of those two numbers, numbered provisions or items.

Example: A reference to "Clauses 2.1 to 2.5", or "from Clause 2.1 to Clause 2.5", or "between Clause 2.1 and Clause 2.5" is a collective reference to those two Clauses and the Clauses between them.

1.10 Miscellaneous References

- (1) Reference to the Premises includes any area, section, or portion of the Premises.
- (2) Reference to the singular includes the plural, and vice-versa.
- (3) Reference to a gender includes each other gender.
- (4) Reference to a person includes a corporation or other legal entity,¹⁰ a firm, and a voluntary association.

⁹ This collective and individual responsibility is otherwise known as joint and several responsibility.

¹⁰ A local government constituted under the Local Government Act is an example of a legal entity that is neither a corporation nor a natural person. (For clarity, this is not a characteristic of local governments generally; it is peculiar to Queensland local governments constituted under the Local Government Act).

- (5) Reference to an Act includes an Act that amends, consolidates, or replaces an Act.
- (6) Reference to a section or other provision of an Act includes a section or provision that amends, consolidates, or replaces the section or provision.
- (7) Reference to an agreement or other instrument is to that agreement or instrument as amended, supplemented, replaced, or novated.
- (8) Reference to money is a reference to Australian dollars and cents.
- (9) Reference to a time of day is a reference to Australian Eastern Standard Time.
- (10) Reference to termination of this Trustee Lease is a reference to termination by any means (for example, by expiry or forfeiture).
- (11) Reference to writing is a reference to reproduction of words, figures, symbols, and shapes in visible form, in English.

1.11 Headings and Notes

Subject headings, footnotes, endnotes, and the table of contents:

- (1) exist for convenience only; and
- (2) are to be disregarded when interpreting this Trustee Lease.

1.12 Contra Proferentem Interpretation

This Trustee Lease is not to be interpreted against the interest of the Trustee merely because this Trustee Lease was prepared by the Trustee or on its behalf.

1.13 Cumulative Entitlements

The remedies and other entitlements this Trustee Lease gives a Party:

- (1) are cumulative, not alternative; and
- (2) are not exclusive of other entitlements that the Party possesses (whether under an Act or at general law).

1.14 Character of Trustee Lease Instrument

Irrespective of whether it records the passage of consideration between the Trustee and the Trustee Lessee, this Trustee Lease is a deed.¹¹

1.15 Modification of Implied Covenants

- (1) The covenants implied by *Property Law Act* sections 105¹² and 107¹³ are modified by or excluded from this Trustee Lease to the extent that they are inconsistent with it.
- (2) No covenant is implied into this Trustee Lease by operation of *Property Law Act* section 109.¹⁴

1.16 Survival of Provisions

A provision of this Trustee Lease capable of continued application after:

- (1) this Trustee Lease has terminated; or
 - (2) a court has issued judgement or made an order against a Party concerning that provision,
- will remain enforceable despite the termination, judgement or order.

¹¹ A deed is a special form of contract that is signed and sealed by each party (contrasting with an agreement under hand, which is merely signed by each party). A contract by deed is enforceable without the necessity for one party to do or promise anything in return for what the other party does or promises.

¹² Section 105 specifies obligations to pay the agreed rent and keep the premises repaired, that apply unless the parties agree otherwise.

¹³ Section 107 specifies a number of lessor entitlements that will be implied into a lease unless the parties agree otherwise.

¹⁴ Section 109 specifies a number of provisions that can be implied into a lease by the inclusion of short form expressions in the document.

1.17 Severance

A provision of this Trustee Lease:

- (1) that is void, voidable, illegal or unenforceable; or
 - (2) the retention of which would render this Trustee Lease void, voidable, illegal, or unenforceable,
- is to be treated as having been omitted from this Trustee Lease.

1.18 Jurisdiction

Disputes under this Trustee Lease are to be adjudicated exclusively by:

- (1) Queensland courts and tribunals of competent jurisdiction; and
- (2) the High Court of Australia (as the final court of appeal).

PART 2: TRUST LAND

2.1 Trustee Lessee Acknowledgement

The Trustee Lessee acknowledges that:

- (1) the Trust Land is administered under the Act; and
- (2) the Trustee holds the Trust Land as trustee under the Act.

PART 3: INTERESTS OF THE TRUSTEE

3.1 Trustee Lessee Acknowledgements

- (1) The Trustee Lessee acknowledges that the Trustee grants this Trustee Lease to benefit the community.
- (2) The Trustee Lessee further acknowledges that, in accepting this Trustee Lease, it intends to contribute benefit to the community through use of the Premises in good faith, in accordance with this Trustee Lease.

PART 4: RENT AND CHARGES

4.1 Payment of Rent

The Trustee Lessee must:

- (1) pay the annual rent in advance, not later than the first day of each Rent Period;¹⁵ and
- (2) make the payments without demand.

4.2 Payment of Rates and Utility Charges

The Trustee Lessee must pay upon demand all Rates and Utility Charges assessments, levied against or with respect to the Premises.

4.3 Charges for Gas and Electricity

The Trustee Lessee must pay all charges for gas and electricity consumed upon or serving the Premises.

4.4 Cost of Approved Work

- (1) The Trustee Lessee must perform at its own expense whatever work the Trustee or the Minister approves for performance by it upon the Premises or elsewhere upon the Trust Land.
- (2) The Trustee Lessee will indemnify the Trustee and the Minister against every Cost borne of Harm arising from performance of the work.

¹⁵ Refer to Clause 4.7 for general provisions concerning payment of money to the Trustee.

4.5 Costs of Litigation

- (1) This Clause 4.5 applies if, through no fault of its own, the Trustee is made a party to litigation:
 - (a) commenced by or against the Trustee Lessee (other than litigation between the Trustee and the Trustee Lessee); and
 - (b) arising directly or indirectly from the Trustee Lessee's occupancy of the Premises or the Trust Land.
- (2) The Trustee Lessee must pay the Trustee upon demand:
 - (a) all legal fees and disbursements (assessed on a solicitor and own client basis) incurred by the Trustee in connection with the litigation save those recovered from another party to the litigation; and
 - (b) costs reasonably incurred by the Trustee in seeking recovery of those costs from the other party or parties.
- (3) The Trustee is not obliged to take unreasonable steps to recover its costs from another party to the litigation.

4.6 Costs Generally

- (1) The Trustee Lessee must pay the Trustee:
 - (a) all duty upon or arising from this Trustee Lease and any dealing with this Trustee Lease (including interest and fines other than interest and fines resulting from omissions of the Trustee).
 - (b) the Registration fees upon this Trustee Lease.
- (2) The Trustee Lessee also must bear the Trustee's reasonable legal and other expenses of:
 - (a) negotiating, documenting, executing and Registering this Trustee Lease;
 - (b) obtaining any sketch or plan of the Premises; and
 - (c) obtaining a required consent or approval (such as a development approval or an approval of the Minister) concerning this Trustee Lease or a dealing with this Trustee Lease, particularly a consent or approval requested by the Trustee Lessee;
 - (d) negotiating, documenting, executing and Registering consent to a Trustee Lessee dealing with this Trustee Lease (for example, a transfer, a sublease, mortgage, or a surrender); and
 - (e) exercising or attempting to exercise an entitlement accruing to the Trustee upon a default by the Trustee Lessee under this Trustee Lease or a consent agreement.

4.7 Payment of Money Generally

- (1) The Trustee Lessee must pay all money due to the Trustee under this Trustee Lease:
 - (a) without set-off or other deduction;
 - (b) upon demand (absent contrary express provision in this Trustee Lease); and
 - (c) in the manner the Trustee directs.
- (2) Unless the Trustee directs otherwise, the Trustee Lessee must pay the money by delivering or posting it to the Trustee at the Trustee's Office.

PART 5: GOODS AND SERVICES TAX

5.1 Character of Payments (GST)

Unless otherwise specified in this Trustee Lease, Consideration for a Taxable Supply under this Trustee Lease is GST-exclusive.

5.2 Responsibility for Payment of GST

The Recipient must:

- (1) bear the GST upon a Taxable Supply made under this Trustee Lease; and

- (2) pay the tax to the Supplier with the Consideration for the Taxable Supply.

5.3 Adjustment for Input Credits (Reimbursement of Expenses)

- (1) If this Trustee Lease requires a Recipient to reimburse a Supplier the full cost of a Creditable Acquisition, that cost is to be net of the full Input Credit to which the Supplier is entitled for the cost.
- (2) If this Trustee Lease requires the reimbursement of a percentage of the cost of a Creditable Acquisition, the percentage is to be net of an equivalent percentage of the Input Credit to which the Supplier is entitled for the cost.¹⁶
- (3) If the reimbursement of all or part of the cost of a Creditable Acquisition constitutes Consideration for a Taxable Supply, the Recipient must pay the Supplier, in conjunction with the reimbursement payment, the GST referable to that Taxable Supply.

5.4 Adjustments by Taxation Authority

If the GST paid by the Supplier differs from the amount of GST borne by the Recipient because the Administering Authority has lawfully adjusted the value of a Taxable Supply:

- (1) the Recipient must pay the shortfall to the Supplier; or
- (2) the Supplier must refund the overpayment to the Recipient, as the case requires.

5.5 Tax Invoices and Adjustment Notes

- (1) The Supplier need not give the Recipient a Tax Invoice or Adjustment Note for a Taxable Supply under this Trustee Lease if the Administering Authority has issued a written determination permitting the Recipient to issue its own Tax Invoice or Adjustment Note for the supply.
- (2) Otherwise, however, the Supplier must give the Recipient, within 14 days after it receives the Consideration and GST, a Tax Invoice or Adjustment Note for the Taxable Supply.

5.6 Payment of Prospective GST (Performance Securities)

If a Party is obliged to provide security for the discharge of obligations under this Trustee Lease, the security sum must include the GST that would be payable were the money drawn and applied against the cost of discharging the obligations.

PART 6: USE OF PREMISES

6.1 Permitted Use

The Trustee Lessee must use the Premises:

- (1) only for activities specified in the Reference Schedule as those for which it may use them; and
- (2) in conformity with its constitution (if applicable) that is not inconsistent with this Trustee Lease.

6.2 Overnight Sleeping/Residential Usage

In particular, the Trustee Lessee must not permit anybody, other than as a Caretaker or otherwise specified under the Permitted Use:

- (1) to sleep overnight upon the Premises (on a temporary or permanent basis); or
- (2) otherwise to use the Premises for residential purposes.

6.3 Cessation of Use

- (1) Subject to Part 15, the Trustee Lessee must not cease, wholly or substantially, to undertake the Permitted Use upon the Premises.

¹⁶ Example: If 75% of the cost of the Creditable Acquisition is to be reimbursed, the Recipient may deduct from that amount 75% of the Input Credit to which the Supplier is entitled for the acquisition.

- (2) For clarity, temporary suspension of use necessitated by:
- (a) the performance of Maintenance work; or
 - (b) the performance of development work for which the Trustee Lessee holds a Development Permit and a separate Trustee consent pursuant to this Trustee Lease,
- is not cessation for Clause 6.3(1).

6.4 Standards for Conduct

- (1) The Trustee Lessee must conduct the Permitted Use upon the Premises in an orderly, responsible, and reputable manner.
- (2) In particular, the Trustee Lessee must not do or permit, upon the Premises or any other area of the Trust Land, anything that:
- (a) might affect adversely, or reflect unfavourably upon, the business or reputation of the Trustee or the Premises;
 - (b) might confuse, mislead, or deceive the public or persons with whom the Trustee Lessee deals or might deal;
 - (c) is unlawful; or
 - (d) is annoying, noxious, or offensive to the Trustee, persons lawfully occupying or using the Trust Land, or persons outside or beyond the Trust Land.

6.5 Administration of Premises

- (1) The Trustee Lessee must make the rules and arrangements that the Trustee directs it to make for:
- (a) protection, control and management of the Premises; and
 - (b) exclusion of dissolute, disreputable or otherwise undesirable persons from the Premises.
- (2) The Trustee Lessee also must do everything reasonable to assist the Trustee to enforce the requirements of any Act applicable to the Premises.

6.6 Assumption of Risk by Trustee Lessee

- (1) The Trustee Lessee will occupy and use the Premises and any other part of the Trust Land permitted to be used by the Trustee Lessee under this Trustee Lease at its own risk, and the Trustee will not be liable for Harm to Trustee Lessee property.
- (2) Further, the Trustee will not be liable for loss of profits resulting from that Harm.
- (3) Clause 6.6(1) does not exclude Trustee liability where the damage results from Trustee default or negligence.

6.7 Membership of Trustee Lessee Association

Where the Trustee Lessee is a corporation or incorporated association, in recognition of the acknowledgements in Part 3, the Trustee Lessee must not:

- (1) refuse to admit to its membership; or
- (2) exclude from its membership,
a person:
 - (1) seeking in good faith to participate in its activities;
 - (2) prepared to pay the membership fees and otherwise to be bound by, and to observe, the requirements of its constitution, including the by-laws and regulations lawfully promulgated under its constitution.

6.8 Permitted Exclusions from Membership

Where the Trustee Lessee is a corporation or incorporated association:

- (1) Clause 6.7 will not apply if the member or applicant for membership is:
- (a) of general bad character; or

- (b) otherwise demonstrably unsuitable for membership.
- (2) The onus of demonstrating that Clause 6.8(1) applies rests upon the Trustee Lessee.
- (3) The Trustee acknowledges that refusal to admit membership to a person:
 - (a) whose membership is not proposed as required by the Trustee Lessee's constitution; or
 - (b) who otherwise fails to comply with any reasonable pre-condition for membership (including any pre-condition relating to amount and payment of subscriptions or other reasonable contributions to the Trustee Lessee's funds),will not constitute a breach of Clause 6.7.

6.9 Fees for Use of Premises

- (1) Subject to Clause 9.3(5), the Trustee Lessee must not charge any person a fee to use the Premises, without Trustee approval.
- (2) However, where the Trustee Lessee is a corporation or incorporated association reasonable membership admission and subscription fees may be charged in accordance with its constitution if applicable.

6.10 Improper/Noxious Behaviour

- (1) The Trustee Lessee must ensure that nothing illegal, immoral, noxious or offensive is undertaken upon the Premises.
- (2) Without qualifying that obligation, the Trustee Lessee must ensure that nothing occurs upon the Premises that might cause, in the Trustee's opinion, nuisance, annoyance, or Cost to any person, particularly:
 - (a) the Trustee;
 - (b) a person lawfully upon or about the Premises;
 - (c) another person lawfully occupying or using the Trust Land; or
 - (d) an owner or occupier of premises neighbouring the Trust Land.

6.11 Earthwork and Extractive Activities

Subject to Clause 7.9, the Trustee Lessee must ensure that:

- (1) no earthwork is undertaken upon the Premises or other part of the Trust Land permitted to be used by the Trustee Lessee under this Trustee Lease;
- (2) no sand, stone, soil, plant, vegetation or mineral is removed from the Premises or that other part of the Trust Land,

except where (and only to the extent) reasonably necessary for construction or installation of improvements to the Premises that are:

- (3) expressly required of it under this Trustee Lease; and
- (4) approved by the Trustee; and
- (5) approved, if required, under the *Forestry Act 1959 (Qld)*.

6.12 Compliance with Statutory Requirements

- (1) The Trustee Lessee must discharge punctually the relevant requirements of all Acts that regulate occupation and use of the Premises and other areas of the Trust Land that it uses.
- (2) In particular, the Trustee Lessee must use the Premises in compliance with all Acts governing:
 - (a) fire safety;
 - (b) health and hygiene; and
 - (c) storage, supply, sale, and consumption of intoxicating or stupefying substances upon the Premises.

- (3) Further, the Trustee Lessee must not do anything¹⁷ that might render the Trustee liable to incur:
- (a) a penalty prescribed by an Act; or
 - (b) a Cost generated by the necessity to discharge a requirement under an Act.

6.13 Advertising Devices

- (1) No advertising sign, bill, placard, notice or poster is to be affixed, painted, exhibited or operated upon the Premises without Trustee permission.
- (2) When this Trustee Lease expires or otherwise terminates, the Trustee Lessee must remove all signs, bills, placards, notices and posters placed by the Trustee Lessee upon the Premises subject to Clause 20 of the Mandatory Standard Terms Document and section 66 of the Act.
- (3) Any advertising sign, bill, placard, notice or poster mentioned in Clause 16.13(1) must only relate to the operation and use of the Premises, or to a sponsor of the Trustee Lessee. No other advertising is permitted.

6.14 Connection of Electricity

The Trustee Lessee must:

- (1) arrange with the relevant electricity supply authority for connection of suitable mains electricity to the Premises; and
- (2) ensure, to the satisfaction of the electricity supply authority, that the connection and any equipment installed upon the Premises by that authority are properly Maintained.

6.15 Use of Services

- (1) The Trustee Lessee must not use a Service, or permit its use, for a purpose other than one for which it is designed and constructed.
- (2) In particular, the Trustee Lessee must ensure that no sweepings, rubbish, rags, ashes, or other deleterious substances are placed in water or sewerage apparatus or in Air-conditioning Equipment.
- (3) Except to the extent the Trustee Lease permits, the Trustee Lessee must not interfere with a Service without Trustee consent.

6.16 Light and Power

Other than during a period of power failure or power restriction (when it may use auxiliary power or lighting other than an exposed flame), the Trustee Lessee may use only light, power, or heat generated by electric current supplied through meters.

6.17 Electrical Equipment

- (1) The Trustee Lessee must not install upon the Premises, without Trustee consent, equipment that overloads the electrical infrastructure or components serving the Premises.
- (2) If the Trustee grants consent, the Trustee Lessee must meet the cost of all alterations necessary to meet the requirements of:
 - (a) the insurers of the Premises; or
 - (b) relevant Acts.
- (3) If required by the Trustee, the Trustee Lessee must deposit with the Trustee the estimated cost of the alterations before they are commenced.

6.18 Heating Apparatus

- (1) The Trustee Lessee must not use, without Trustee consent, apparatus that radiates heat in a manner or at a level that creates a risk of Harm.
- (2) The Trustee:
 - (a) must not withhold or withdraw consent unreasonably; but

¹⁷ The Trustee Lessee also must not omit to do something in this context. Refer to the "act" definition in Clause 1.2.

- (b) may grant consent subject to conditions.
- (3) Examples of apparatus to which Clause 6.18(1) applies are:
 - (a) blowtorches and other items that produce naked flame; and
 - (b) soldering and welding equipment.
- (4) Examples of commonly-used apparatus to which Clause 6.18(1) does not apply are:
 - (a) computer hard drives and monitors, copiers, and similar information technology items;
 - (b) radios, televisions, and similar audio-visual devices;
 - (c) urns, jugs, and similar appliances for heating beverages;
 - (d) stoves and ovens properly connected to reticulated energy supplies;
 - (e) electric light globes.

6.19 Inflammable Substances

The Trustee Lessee must not use an inflammable substance within the Premises, or permit its use there, other than in the ordinary course of conducting the Permitted Use.

6.20 Preservation of Trustee Insurance Protection

- (1) Other than in the ordinary course of conducting the Permitted Use, the Trustee Lessee must not do or permit to occur upon the Premises anything that it knows, or ought reasonably to know, will or might:
 - (a) render void or voidable a policy of Trustee insurance over the Premises, or over property kept there; or
 - (b) increase a premium payable upon the insurance.
- (2) Without prejudice to the Trustee's entitlement to terminate this Trustee Lease for breach of Clause 6.20(1), the Trustee Lessee must pay the Trustee upon demand an insurance premium increase occasioned by such a breach.

6.21 Security

The Trustee Lessee must ensure that the doors and windows through which it is possible (irrespective of difficulty) to access or leave the Premises are locked securely at all times when the Premises are not occupied.

6.22 Keys

The Trustee Lessee must give the Trustee, when requested, details of all persons possessing keys or other means of access to the Premises.

PART 7: CLEANING, HEALTH, MAINTENANCE AND REPAIR

7.1 Water Supply and Waste Disposal Facilities

- (1) If required by the Trustee, the Trustee Lessee must install and Maintain, to the Trustee's satisfaction:
 - (a) water supply facilities; and
 - (b) sewerage facilities or effluent and waste water drainage facilities,to serve the Premises.
- (2) For Clause 7.1(1):
 - (a) installation includes connecting the facilities to the relevant local mains pipes adjacent or opposite the Premises; and
 - (b) the Trustee Lessee's responsibility to Maintain the relevant facilities does not extend to the mains connections outside the Premises.

7.2 Rodents and Vermin

The Trustee Lessee must keep the Premises free of rodents, termites, cockroaches, and other vermin.

7.3 Infectious Diseases

If it discovers, or possesses reasonable grounds for believing or suspecting, that there is present upon the Premises an infectious disease that requires notification under an Act, the Trustee Lessee must:

- (1) notify the proper authority or authorities as required by that Act;
- (2) notify the Trustee; and
- (3) fumigate and disinfect the Premises thoroughly.

7.4 Drainage of Roof Water

The Trustee Lessee must construct whatever facilities the Trustee requires at any time for collecting and draining roof water from the Premises.

7.5 Maintenance (General)

Subject to Clause 8.2, the Trustee Lessee must ensure proper Maintenance of the Premises, including all fixtures and fittings, to keep them in good repair, working order, and condition, without allowance for fair wear and tear.

7.6 Maintenance of Premises (Particular)

- (1) Without limiting the effect of Clause 7.5, the Trustee Lessee's obligation to Maintain the Premises includes:
 - (a) rectifying damage to the Premises;
 - (b) rectifying inherent defects;
 - (c) replacing all glass broken;
 - (d) replacing inoperative or damaged light bulbs or other illumination sources within the Premises;
 - (e) ensuring that Electrical Equipment and Electrical Installations connected to the source of electricity supply in the Premises is Maintained free of defects likely to cause fire or electric shock;
 - (f) repairing or replacing (as necessary) Trustee property damaged by the Trustee Lessee (which repair or replacement may be, at the Trustee's option, effected by the Trustee at the Trustee Lessee's expense).
- (2) The obligation in Clause 7.6(1)(a) extends to:
 - (a) rectifying structural deterioration and damage;
 - (b) rectifying fair wear and tear;
 - (c) rectifying deterioration and damage attributable to fair wear and tear;
 - (d) removing graffiti, and reinstating (as necessary) the surfaces affected by the graffiti.
- (3) Reinstating a surface affected by the graffiti includes:
 - (a) repainting or re-staining the surface to which the graffiti was applied; and
 - (b) to the extent it is necessary to do so to ensure reasonable consistency of finish with surfaces surrounding or adjacent that surface, repainting or re-staining the surrounding or adjacent surfaces.

7.7 Repainting

- (1) During the last three (3) months of the Term, and at any other time it is reasonably required by the Trustee to do so, the Trustee Lessee must repaint or re-treat:
 - (a) at its own expense (including the cost of paint and other material); and
 - (b) to the Trustee's satisfaction (in which respect the Trustee must act reasonably), those surfaces of the Premises that are painted or otherwise treated.

- (2) The Trustee Lessee must use, for the purpose of repainting or re-treating the Premises, paints or materials:
 - (a) of at least the same quality; and
 - (b) in at least the same quantities (in terms of the number of coats), as those with which the relevant surfaces were previously painted or treated.
- (3) If the Trustee Lessee fails to discharge its obligations under Clauses 7.7(1) and 7.7(2), the Trustee may perform the work at the Trustee Lessee's expense.
- (4) This Clause 7.7 does not apply to a Fixed Improvement that the Trustee permits the Trustee Lessee to sever and remove from the Premises.¹⁸

7.8 Notice of Damage, Defect or Danger

The Trustee Lessee must notify the Trustee promptly if it becomes aware, or is informed, of:

- (1) damage to the Premises (other than minor damage);
- (2) damage to, or the defective operation of, a Service;
- (3) an unsafe condition of the Premises or another part of the Trust Land;
- (4) an unsafe condition upon an area adjacent the Trust Land via which persons access the Trust Land or the Premises;
- (5) a dangerous or potentially dangerous activity in which persons are engaging regularly or from time to time:
 - (a) upon the Premises or elsewhere upon the Trust Land;
 - (b) upon an area adjacent the Trust Land via which persons access the Trust Land or the Premises.

7.9 Landscaping and Gardening

Other than where the Premises comprise only a building or part of a building, the Trustee Lessee must:

- (1) keep the Premises free of long grass and weeds;
- (2) water and fertilise all plants on the Premises;
- (3) replace plants that die or are destroyed on the Premises;
- (4) plant trees and lay grass upon the Premises, and otherwise landscape them, as required by the Trustee; and
- (5) throughout the Term and to the Trustee's satisfaction, maintain the landscaping and gardening required under Clause 7.9(4).

7.10 Licensed Maintenance Personnel

- (1) The Trustee Lessee must ensure that licensed personnel attend to all installation and Maintenance work upon the Premises concerning:
 - (a) water supply, sewerage and drainage apparatus;
 - (b) electrical and mechanical apparatus;
 - (c) buildings and other structures;
 - (d) vermin and pest control;
 - (e) wildlife removal;
 - (f) other things for which the application of formally-accredited skill is necessary or prudent.
- (2) For Clause 7.10(1), *licensed personnel* are persons licensed under an Act to perform the work concerned.

¹⁸ Refer to Clause 8.7 (Severance of and Removal Fixed Improvements).

7.11 Boundary Fences

Irrespective of the *Dividing Fences Act*, the Trustee Lessee is responsible for constructing and repairing whatever fences bound the Premises.

PART 8: ALTERATIONS AND ADDITIONS

8.1 Alterations/Additions by Trustee Lessee

- (1) Subject to Clause 6.2 of the Mandatory Standard Terms Document, unless otherwise permitted or required by this Trustee Lease, the Trustee Lessee must not make improvements, alterations, or additions to the Premises, or allow them to be made, without Trustee permission.
- (2) In any event, the Trustee Lessee must ensure that all improvements, alterations and additions it makes or allows to be made to the Premises are made:
 - (a) competently;
 - (b) in conformity with plans approved by the Trustee in its capacity as trustee of the Trust Land;
 - (c) in conformity with the conditions of all relevant Development Permits;
 - (d) using quality materials; and
 - (e) otherwise in conformity with the directions of the Trustee, and to its satisfaction.

8.2 Maintenance and Repair of Trustee Lessee Improvements

The Trustee Lessee must Maintain the improvements, alterations, or additions it makes to the Premises.

8.3 External Lighting

- (1) The Trustee Lessee must not install external lighting upon the Premises without Trustee approval.
- (2) The Trustee Lessee also must not allow approved external lighting (other than lighting approved for the purpose of optimising the security of the Premises) to operate later than:
 - (a) the time (if any) nominated by the Trustee; or
 - (b) if the Trustee has not nominated a time, midnight.

8.4 Cost of Car Parking Facilities

If the Trustee determines that the Permitted Use renders the provision of Parking Facilities necessary or desirable, the Trustee Lessee must contribute all or part of the cost of constructing and Maintaining those Parking Facilities:

- (1) upon the Premises; or
- (2) upon land owned by or under the control of the Trustee;

but only on the basis that the Trustee is unable to determine the provision of Parking Facilities inconsistent with a condition of a Development Permit for the Premises or the Trust Land.

8.5 Construction of Car Parking Facilities

- (1) The Trustee, subject to Clause 8.4, will determine (acting reasonably, but in its sole discretion):
 - (a) the extent and type of Parking Facilities required; and
 - (b) the location and design of those facilities.
- (2) The Trustee will determine (acting reasonably, by reference to the extent to which the Parking Facilities will benefit the Premises, but in its sole discretion) the extent to which the Trustee Lessee must contribute to the cost of constructing and Maintaining the Parking Facilities.
- (3) Before commencing the construction work, the Trustee must notify the Trustee Lessee of what the Trustee has determined under Clauses 8.5(1) and 8.5(2).
- (4) The Trustee must not begin construction work earlier than 7 days after service of its notice under Clause 8.5(3).

- (5) The Trustee may enter the Premises by its employees, agents and contractors, and with plant, equipment, machinery and materials, to construct the Parking Facilities.
- (6) The Trustee must ensure that the construction work causes no unreasonable inconvenience to the Trustee Lessee, but the Trustee will not be liable to the Trustee Lessee for any Cost arising from the construction work unless the Cost results from the Trustee's negligence.
- (7) Forthwith upon completion of the construction work, the Trustee must give the Trustee Lessee details of the cost of construction, and the Trustee Lessee's due contribution to the cost of construction, calculated in accordance with the Trustee's determination under Clause 8.5(2).
- (8) The Trustee Lessee must pay the cost or contribution (as the case requires) to the Trustee not later than 30 days after it receives the Trustee's notice.
- (9) The Trustee may accept (in its absolute discretion) payment of the contribution by instalments, or upon such other terms as it considers appropriate.
- (10) The Trustee Lessee must Maintain, in accordance with its general maintenance obligations under this Trustee Lease, the Parking Facilities constructed wholly within the Premises.
- (11) The Trustee will Maintain the Parking Facilities constructed beyond the Premises, and, at regular periodic intervals determined by it, will notify the Trustee Lessee of:
 - (a) the maintenance costs incurred by the Trustee during the period specified in the notice; and
 - (b) the contribution to those costs (which contribution may be the whole of the costs) for which the Trustee Lessee is responsible, calculated in accordance with the Trustee's determination under Clause 8.5(2).
- (12) The Trustee Lessee must pay the amount specified in a notice under Clause 8.5(11) not later than 30 days after it receives the notice.
- (13) The Trustee may vary the maintenance contribution payable by the Trustee Lessee under this Clause 8.5, at any time, by reference to:
 - (a) tenancies of its land in the vicinity of the Premises;
 - (b) terminations of existing leases of land in that vicinity; or
 - (c) any other circumstances affecting the use of the Parking Facilities.
- (14) If the Trustee makes a determination under Clause 8.5(13):
 - (a) it must notify the Trustee Lessee; and
 - (b) the new rate of contribution will be payable for any period commencing on or after the date of the notice.

8.6 Vesting of Fixed Improvements

Fixed Improvements that the Trustee Lessee constructs or installs upon the Premises will become part of the Trust Land from the time of their construction or installation.

8.7 Severance of and Removal Fixed Improvements

- (1) The Trustee Lessee may not sever a Fixed Improvement from the Premises unless:
 - (a) the Trustee approves the severance; or
 - (b) the Trustee requires the Trustee Lessee to sever or remove the item.
- (2) Mere severance from the Premises does not re-vest a Fixed Improvement in the Trustee Lessee.
- (3) If the Trustee Lessee wishes to remove a Fixed Improvement it has made to the Premises, it must apply for Trustee permission, before the Expiry Date.
- (4) An application for permission to remove a Fixed Improvement must detail fully:
 - (a) the improvement;
 - (b) how the Trustee Lessee proposes to sever and remove it; and
 - (c) how the Trustee Lessee proposes to repair damage caused or likely to be caused by the severance and removal, and to reinstate the Premises and any other part of Trust Land to the

condition required by Clause 10.6(2) (including, where applicable, how it will perform necessary landscaping or land stabilisation work).

- (5) The Trustee may grant or refuse consent to the application:
 - (a) in its absolute discretion;
 - (b) conditionally or unconditionally; and
 - (c) without giving reasons.
- (6) The Trustee Lessee must:
 - (a) comply strictly with the requirements (if any) the Trustee imposes concerning the severance and removal process;
 - (b) ensure that the improvement is severed and removed, and all relevant repair and reinstatement work is completed, to the Trustee's satisfaction (acting reasonably); and
 - (c) the severance and removal is completed not later than 60 days after the date of termination.
- (7) Irrespective of any conditions of consent imposed by the Trustee, severance and removal must be completed not later than 60 days after the Expiry Date or the date this Trustee Lease otherwise terminates.
- (8) The Trustee Lessee will lose its entitlement to sever and remove any relevant Improvements that remain upon the Premises or the Trust Land after the 60-day period expires.
- (9) Without limiting the effect of any other provision in this Clause 8.7: if it severs and removes a Fixed Improvement, the Trustee Lessee must:
 - (a) clear from the Premises what it has severed, including all debris created by the severance and removal; and
 - (b) leave the Premises and any other part of the Trust Land used by the Trustee Lessee clean and tidy,

to the Trustee's satisfaction.
- (10) This Clause 8.7 is subject to Clause 20 of the Mandatory Standard Terms Document and section 66 of the Act.

8.8 Signs

- (1) Subject to Clause 6.13, the Trustee Lessee must not paint or place a sign or hoarding upon an exterior surface of the Premises (irrespective of whether the surface forms part of the Premises) without Trustee consent.
- (2) Upon expiry or sooner termination of this Trustee Lease, the Trustee Lessee must:
 - (a) remove promptly each sign or hoarding it has painted or placed upon the Premises or elsewhere upon the Trust Land; and
 - (b) restore to the condition in which it existed immediately before the sign or hoarding was painted or installed, the area affected by each removal.
- (3) This Clause 8.8 is subject to Clause 20 of the Mandatory Standard Terms Document and section 66 of the Act.

PART 9: RESERVATIONS

9.1 Application of Part

Subject to Clause 6.4 and Clause 6.5 of the Mandatory Standard Terms Document, the entitlement to exclusive possession granted by the Trustee to the Trustee Lessee under this Trustee Lease is limited to the extent of the reservations contained in this Part 9.

9.2 Use of Premises by Third Persons

- (1) The Trustee Lessee must, at the Trustee's risk and liability, permit others to use the Premises for appropriate activities when the Trustee Lessee is not using them for its own activities under this Trustee Lease.

- (2) However, the Trustee Lessee need not make the Premises available if the person wishing to use them:
- (a) fails to seek the Trustee Lessee's permission in sufficient time; or
 - (b) fails to give the Trustee Lessee whatever assistance the Trustee Lessee reasonably requests, to enable the Trustee Lessee to make a fully-informed decision upon the request.
- (3) Without limitation, an activity is not an appropriate activity if:
- (a) it is one that the Trustee has notified to the Trustee Lessee as inappropriate for the Premises; or
 - (b) it is one for which the Premises are not suitable in terms of their size, construction, Services, and surrounds;
 - (c) it is inconsistent with the purpose for which the Trust Land was dedicated or granted in trust to the Trustee; or
 - (d) it will render void or voidable a policy of Trustee Lessee insurance concerning the Premises or property kept there, or will increase a premium payable by the Trustee Lessee for such insurance;
 - (e) the activity is more likely than not to result in the infringement of a requirement of this Trustee Lease (for example, Clause 6.10,¹⁹ Clause 6.12,²⁰ or Clause 6.20²¹).

Example of an activity that a Trustee Lessee might permit under this Clause 9.2: If a sealed carpark area is suitable for an event that a automobile club wishes to conduct (and for which the club holds, or will obtain, the necessary permit required under an Act), the Trustee Lessee must make the area available to the club for the desired activity if the Trustee Lessee has no need of the carpark area at the time the automobile club wishes to use it and the activity is appropriate for the area.

9.3 Conditions of Third Party Use

- (1) A grant of permission under Clause 9.2 will be subject to the requirements specified in this Clause 9.3.
- (2) The Trustee Lessee (acting in good faith) must determine whether:
- (a) the Premises are required for the conduct of its own activities at the relevant time; and
 - (b) whether the activities for which the Trustee Lessee requires the Premises will preclude their concurrent use by the applicant for permission.
- (3) If it does not require the Premises for its own activities, or it is prepared to allow the applicant to use the Premises or a portion of the Premises concurrently with it, the Trustee Lessee may impose reasonable conditions upon the grant of its permission.
- (4) The conditions under Clause 9.3(4) must include that the applicant (third party) must have a Public Risk Policy to the same extent as required under Clause 14 of the Mandatory Standard Terms Document, and the Trustee Lessee must ensure that the applicant (third party) provides an indemnity to the Trustee, the Minister, and the State and the Trustee Lessee on the same terms as the indemnity obligations imposed on the Trustee Lessee under this Trustee Lease, particularly Clause 15 of the Mandatory Standard Terms Document.
- (5) The conditions may include requirements governing reimbursement of charges incurred by the Trustee Lessee through the applicant's use of electricity or other services.
- (6) Any dispute that the Trustee Lessee and the applicant for permission cannot resolve between themselves will be resolved by the Chief Executive Officer, whose decision will be final.
- (7) Permission must not be granted where:
- (a) The applicant (third party) does not provide the Trustee Lessee with a copy of the Public Risk Policy and the indemnity as required under Clause 9.3(4).
 - (b) permanent or semi-permanent occupation of an area of the Premises to the exclusion of the Trustee Lessee is intended; or
 - (c) the Trustee considers, in its absolute discretion, that a sublease should be granted.

¹⁹ Improper/Noxious Behaviour.

²⁰ Compliance with Statutory Requirements.

²¹ Preservation of Trustee Insurance Protection.

9.4 Commandeerment for Plebiscites and Emergencies

- (1) If required by the Trustee and at the risk and liability of the Trustee, the Trustee Lessee must make the Premises available without fee:
 - (a) on the day of a plebiscite,²² or
 - (b) during a Civil Emergency,for use by the Trustee or by a body or bodies nominated by the Trustee.
- (2) A Civil Emergency is a Force Majeure event that:
 - (a) adversely affects, or may adversely affect, the safety and amenity of persons and property within the Region or a community or area within the Region; and
 - (b) requires immediate governmental response to avert or minimise large-scale Harm, or to ameliorate its effects.
- (3) Specific examples of Civil Emergency are:
 - (a) natural disaster (for example, flood, bushfire, cyclone);
 - (b) broad-scale conflict (for example, war, terrorist action, rioting);
 - (c) small-scale conflict (for example, siege or sniper activity)
 - (d) transportation disaster (for example, aviation, maritime, or rail crash disaster).
- (4) On the day of a plebiscite, the Trustee or the nominee body or bodies may use the Premises to conduct polling, counting, and other plebiscite-related activities.
- (5) During a Civil Emergency, the Trustee or the nominee body or bodies may use the Premises:
 - (a) to provide shelter or other relief to the displaced, the injured, or the endangered;
 - (b) as a storage, logistics, or communications facility; or
 - (c) for any other emergency-response purpose for which the Premises are suitable (including, for example, a temporary mortuary).
- (6) The Trustee must give the Trustee Lessee reasonable notice that the Premises are required for use under Clause 9.4(1).
- (7) The Trustee Lessee acknowledges that, in a Civil Emergency, short or immediate notice may be reasonable notice.

9.5 Alterations/Additions by Trustee

- (1) The Trustee may construct improvements, alterations, or additions to the Premises to provide amenities or additional amenities (such as toilet facilities) for use in conjunction with or separately from the Premises.
- (2) Where the constructed amenities are lockable:
 - (a) the Trustee must give the Trustee Lessee keys to the locks; and
 - (b) the Trustee Lessee must comply with the requirements of the Trustee about locking the amenities when they are not being used by the Trustee Lessee.

9.6 Use of Trustee Alterations/Additions

The Trustee Lessee must permit the amenities constructed by the Trustee pursuant to Clause 9.4:

- (1) to be used by the Trustee's servants and agents;
- (2) to be used by the public or any class or section of the public nominated by the Trustee; and
- (3) to be accessed through the Premises (but only to the extent reasonable and necessary to provide that access).

²² For example, an election or a referendum.

9.7 Entry by Trustee

- (1) The Trustee Lessee must permit the Trustee's and the State's servants and agents to enter the Premises at all reasonable times:
 - (a) to examine their condition;
 - (b) to effect repairs and alterations that the Trustee deems necessary for their safety, preservation or improvement;
 - (c) to monitor or verify the use made of the Premises by the Trustee Lessee;
 - (d) to exercise any of the Trustee's entitlements under this Trustee Lease; and
 - (e) to discharge any of the Trustee's statutory duties relating to the Premises.
- (2) The Trustee is not obliged to compensate the Trustee Lessee, or any other person for inconvenience or Cost attributable to the exercise of an entitlement under Clause 9.7(1).

PART 10: TRUSTEE BENEFIT COVENANTS

10.1 Provision of Trustee Lessee Information

- (1) For as long as it occupies the Premises, the Trustee Lessee must give the Trustee a written return containing updated details of its office-bearers and the other members of its Directorate whenever there is a change to those office-bearers or other members.
- (2) The Trustee Lessee must give the Trustee the return within 30 days after a change occurs.
- (3) The Trustee Lessee also must give the Trustee whatever other information the Trustee requests from time to time concerning the Trustee Lessee.
- (4) The Trustee Lessee must give the Trustee the requested information within 14 days after the Trustee's request.
- (5) To prevent argument, the information the Trustee may request, and that the Trustee Lessee must provide within 14 days, is not limited to information relating to the Premises; it is information relating in any way to the Trustee Lessee.

Examples:

 - (a) *Information concerning governance of the Trustee Lessee.*
 - (b) *Information concerning Trustee Lessee financial dealings of every description (including, for example, loans from the Trustee Lessee to its members and vice versa).*
 - (c) *Information concerning activities of the Trustee Lessee or any of its members at or away from the Premises.*
- (6) Further, but without limitation, the Trustee Lessee must answer promptly, truthfully, and candidly, within the 14 days, Trustee enquiries concerning activities of:
 - (a) persons who are, or have been, members of the Trustee Lessee;
 - (b) persons who are, or have been, members of the Trustee Lessee's Directorate but not members of the Trustee Lessee;
 - (c) persons who are, or have been, Trustee Lessee employees or contractors;
 - (d) persons who provide, or have provided, voluntary services to the Trustee Lessee;
 - (e) persons who are, or have been, Trustee Lessee sublessees, or in a share arrangement (see Clause 12.1);
 - (f) persons with whom the Trustee Lessee proposes to contract or has endeavoured to contract;
 - (g) persons who visit, or have visited, the Premises; and
 - (h) persons who visit, or have visited, other facilities the Trustee Lessee uses with Trustee permission, or uses in conjunction with the Premises or Trustee Lessee activities upon the Premises.
- (7) Clause 10.1(3) applies irrespective of whether the activities the subject of a Trustee enquiry are included in the Permitted Use.

- (8) However, Clause 10.1(3) does not apply if answering an enquiry would:
- (a) breach an Act; or
 - (b) breach an obligation imposed under general law, other than an obligation incurred by or through a Trustee Lessee default under this Trustee Lease.
- (9) Examples of obligations imposed by general law are:
- (a) a duty of confidence; and
 - (b) an obligation of non-disclosure under a suppression order made by a court.
- (10) An example of obligation incurred through Trustee Lessee default is a confidentiality obligation assumed under a contract made in breach of Clause 12.1.²³
- (11) The Trustee may audit the Trustee Lessee's financial and other records at any time, upon reasonable notice to the Trustee Lessee.
- (12) The Trustee Lessee must co-operate in good faith with the Trustee's audit personnel, giving them all reasonable assistance to facilitate an expeditious and effective audit procedure.
- (13) If the audit reveals the breach of any essential term of this Trustee Lease,²⁴ the Trustee Lessee must bear the expense the Trustee incurs in having the audit undertaken. Otherwise, the Trustee will bear the expense.
- (14) Clauses 10.1(1), 10.1(2) and 10.1(6)(a) and (b) do not apply where the Trustee Lessee is a natural person. Where the Trustee Lessee is a corporation or incorporated association, the above clauses would apply.

10.2 Intrusion of Harmful Commodities

The Trustee Lessee releases the Trustee from liability for any Cost sustained or incurred by the Trustee Lessee through sewage, gas, electric current or any other fluid, substance or force entering or otherwise affecting the Premises.

10.3 Indemnity by Trustee Lessee

- (1) Without limiting the effect of Clause 15 of the Mandatory Standard Terms Document, the indemnity the subject of that section extends to Cost resulting directly or indirectly from:
- (a) Harm attributable in any way to the Trustee Lessee's presence upon the Premises, its use of the Premises, and its power of control over the Premises;
 - (b) Harm attributable in any way to use of the Parking Facilities;
 - (c) Harm attributable to alterations made to the Premises or the Trust Land, irrespective of Trustee consent or approval of the Minister;
 - (d) negligent or improper use of a Service by any person;
 - (e) non-timely discharge of a Trustee Lessee obligation under this Trustee Lease;
 - (f) Harm attributable in any way to sewage, gas, electric current or any other fluid, substance or force entering or otherwise affecting the Premises or the Parking Facilities, or escaping from them;
 - (g) Trustee Lessee failure to notify the Trustee of a defect in a Service where the Trustee Lessee is, or ought reasonably to be, aware of the defect; and
 - (h) without limiting the effect of Clause 10.3(1)(a), the act of any member, servant, agent, person in a share arrangement (see Clause 12.1) or invitee of the Trustee Lessee (including a Caretaker).
- (2) Where it allows a person to use the Premises, the Trustee Lessee must ensure that the person covenants to indemnify the Trustee, the Minister, and the State upon the same terms as the indemnity obligations imposed on the Trustee Lessee under this Trustee Lease.

²³ An unauthorised dealing with the Trustee Lessee's interest under this Trustee Lease.

²⁴ Refer to Clause 16.5.

10.4 Disclosure of Insurance-relevant Information

The Trustee Lessee assures the Trustee that it disclosed all Insurance-relevant Information to the Trustee in writing before entering this Trustee Lease.

10.5 Condition Precedent to Trustee Liability

Irrespective of any rule of law, and anything in this Trustee Lease, to the contrary, the Trustee will not be liable to the Trustee Lessee for Cost resulting from Trustee negligence, or from Trustee default under this Trustee Lease, unless:

- (1) the Trustee Lessee gives the Trustee written notice of that negligence or default; and
- (2) without reasonable cause, the Trustee subsequently fails to take appropriate remedial action within a reasonable time.

10.6 Return of Possession

- (1) Upon termination of this Trustee Lease, the Trustee Lessee must return possession of the Premises and any other part of the Trust Land permitted to be used by the Trustee Lessee under this Trustee Lease to the Trustee.
- (2) The Trustee Lessee must ensure (generally) that the Premises and any other part of that Trust Land as returned are in good, tenantable repair and condition, irrespective of their condition at the time it took possession of them.
- (3) In particular, the Trustee Lessee must ensure that:
 - (a) signs, placards, posters and other adornments installed by the Trustee Lessee are removed from the Premises and the Trust Land; and
 - (b) walls or other surfaces from which those items are removed are reinstated to a condition consistent with the requirements of Clause 10.6(2).

PART 11: TRUSTEE LESSEE INSURANCE

11.1 Types and Duration of Insurance

The Trustee Lessee must:

- (1) insure under a Damage Policy all insurable items located upon the Premises, including plate glass, irrespective of who owns the items;
- (2) insure under the *Workers Compensation Act*, all persons it employs to work upon the Premises;
- (3) maintain business interruption insurance, if it operates a business upon the Premises; and
- (4) maintain whatever other insurance the Trustee reasonably requires.

11.2 Insured Parties (Damage and Public Risk)

The Damage Policy must insure the Trustee and the Trustee Lessee severally, for their respective rights and interests in the insured property.

11.3 Indemnity Levels

- (1) All property insured under a Damage Policy must be covered for its full reinstatement or replacement cost.
- (2) Without limiting the effect of Clause 11.3(1), the insurance proceeds under the Damage Policy must cover Defined Expenses.
- (3) The policy of business interruption insurance must provide indemnity sufficient to enable the Trustee Lessee to meet its obligations to:
 - (a) pay rent and other money; and
 - (b) maintain the Premises,whenever the Trustee Lessee is unable, for any reason, to use the Premises.

- (4) The Trustee may require from time to time, but not more frequently than once every 3 years, that the Trustee Lessee increase the level of its cover under the Public Risk Policy to the sum nominated in a notice to the Trustee Lessee.
- (5) In determining the extent of an increase in the level of indemnity under the Public Risk Policy, the Trustee must act reasonably and by reference to demonstrable changes in the real value of damages awards.
- (6) Upon service of a notice under Clause 11.1(4), the sum specified in Mandatory Standard Terms Document Clause 14.1 will be increased to the sum specified in the notice.
- (7) The Trustee may not give a notice under Clause 11.1(4) earlier than the third anniversary of the Commencement Date.

11.4 General Obligations Concerning Policies

- (1) The Damage Policy and any other policy of general insurance that the Trustee Lessee must obtain under Clause 11.1:
 - (a) must be obtained from an authorised insurer approved by the Trustee;
 - (b) must contain no exclusions, endorsements or alterations the Trustee disapproves; and
 - (c) generally, must contain provisions acceptable to, or required by, the Trustee;
 - (d) must remain current at all times while the Trustee Lessee occupies the Premises.
- (2) An authorised insurer is a corporation authorised under the *Insurance Act 1973 (Cwlth)* to conduct insurance business in Australia.²⁵
- (3) The Trustee must not require unreasonably the inclusion, retention, modification or exclusion of a policy provision.
- (4) The Trustee must not delay or withhold unreasonably an approval for this Clause 11.4.

11.5 Specific Contents (Damage and Public Risk Policies)

Each Damage Policy:

- (1) must provide indemnity upon a claim made after the policy has expired if the event precipitating the claim occurred while the policy was current,²⁶ and
- (2) must include the Trustee as a person (whether individually or as a member of a class) for whose benefit the insurance extends (though the Trustee is not a named insured).

11.6 Proof of Insurance

- (1) Irrespective of when the Term begins, the Trustee Lessee is not entitled to possession of the Premises until it produces to the Trustee:
 - (a) a copy of the policy instrument for each of the insurances the Trustee Lessee is obliged to maintain under the Mandatory Standard Terms Document and Clause 11.1; and
 - (b) a certificate of currency issued under each such policy by the insurer.
- (2) During each year of the Term, other than for the Public Risk Policy, the Trustee Lessee must produce to the Trustee:
 - (a) without the necessity for a Trustee request;
 - (b) not later than the date of expiry of the then current insurance term,
a certificate of currency for the renewed insurance term, issued under each policy by the insurer.
- (3) The Trustee may request at any time the production of a relevant policy instrument and certificate of currency if it possesses reasonable grounds to believe that the policy has been vitiated or terminated.

²⁵ Refer to section 12 of the Act.

²⁶ This is otherwise known as occurrence coverage.

11.7 Payment of Premiums

The Trustee Lessee must pay promptly all premiums, duty, GST, and other money entailed in maintaining insurance this Trustee Lease obliges it to maintain.

11.8 Deductibles

If an insurance policy obtained under Clause 11.1 requires the insured to pay a claims excess, the Trustee Lessee indemnifies the Trustee against every Cost the Trustee incurs because of the excess.

11.9 Failure to Insure

If the Trustee Lessee fails to discharge an obligation under Clauses 11.1 to 11.7:

- (1) the Trustee may obtain or maintain the required insurance, at its option and at the Trustee Lessee's cost; and
- (2) the Trustee Lessee must reimburse the Trustee upon demand any expenditure the Trustee incurs pursuant to Clause 11.9(1).

11.10 Settlement of Claims

- (1) The Trustee Lessee must not pursue a claim under an insurance policy it is required to maintain under this Trustee Lease if:
 - (a) the policy concerns the Premises; and
 - (b) the Trustee elects, by notice to the Trustee Lessee, to pursue the claim on the Trustee Lessee's behalf.
- (2) If the Trustee elects to pursue the claim to the exclusion of the Trustee Lessee, it must:
 - (a) pursue the claim diligently; and
 - (b) use its best endeavours to ensure the Trustee Lessee receives from the insurer no less than its entitlement under the policy.

PART 12: DEALINGS WITH TRUSTEE LEASE AND PREMISES

12.1 Parting with Possession of Premises

In addition to complying with Clause 11.1 of the Mandatory Standard Terms Document, the Trustee Lessee but only first having obtained Trustee consent, may appoint, to act for and on behalf of the Trustee Lessee and at the Trustee Lessee's risk and liability, a person to manage or operate the Premises, or the business or other activities the Trustee Lessee conducts upon the Premises, including any Caretaker under Clause 13, ("share arrangement").

12.2 Usage in Ordinary Course

The Trustee Lessee does not breach Clause 12.1 merely through permitting its agents and contractors to enter the Premises in the ordinary course of visiting it and conducting with it day-to-day transactions consistent with the Permitted Use.

12.3 Pre-requisites for Trustee Consent to Dealing

The Trustee is not obliged to consent to a Trustee Lessee dealing with this Trustee Lease or the Premises if the Trustee Lessee fails to comply with this Part 12.

12.4 Notice of Proposed Dealing

- (1) The Trustee Lessee must apply for Trustee consent to the proposed dealing not later than 30 days before the due date for completion of the dealing.
- (2) The application must include:
 - (a) copies of all relevant contract documents;
 - (b) full details of the other party or parties to the proposed dealing (if these are not contained in the contract documents);

- (c) (for a proposed transfer of this Trustee Lease) a current statement of each proposed transferee's assets and liabilities; and
- (d) all other relevant information the Trustee reasonably requests.

12.5 Prohibition of Consent Applications (Outstanding Default)

- (1) While it is in default under this Trustee Lease, particularly default in the payment of money due, the Trustee Lessee is not entitled to seek Trustee consent to:
 - (a) the transfer of this Trustee Lease; or
 - (b) the grant of a sublease; or
 - (c) a mortgage of this Trustee Lease; or
 - (d) the Trustee Lessee entering into a share arrangement;
- (2) If the Trustee Lessee requests any such consent while in default, the Trustee may ignore the request.

12.6 Suitability of Proposed Transferee/Sub-Trustee Lessee/Share Arrangement

The Trustee Lessee must demonstrate to the satisfaction of the Trustee (acting reasonably) that a proposed transferee, sublessee or person under Clause 12.1 is:

- (1) respectable, responsible, and of adequate financial substance;
- (2) capable of discharging the Trustee Lessee obligations under this Trustee Lease;
- (3) capable of competently conducting the Permitted Use; and
- (4) not likely (or certain), through its occupation or use of the Premises, to cause:
 - (a) a security risk to the Premises or the Trust Land;
 - (b) a loss of amenity within the Premises or the Trust Land; or
 - (c) a diminution in value of the Premises or the Trust Land, greater than that (if any) caused by the Trustee Lessee's occupation.

12.7 Formal Consent to Proposed Dealing

- (1) Before completing a proposed transfer, sublease, or other dealing the subject of this Part 12, the Trustee Lessee must execute, and ensure that the proposed transferee, sub-lessee or other party executes, a consent agreement in favour of the Trustee, in the form the Trustee requires.
- (2) The consent agreement must contain:
 - (a) a transferee covenant to discharge the Trustee Lessee obligations under this Trustee Lease,
 - (b) a sublease or sharer covenant not to cause or contribute to a breach of this Trustee Lease;
 - (c) a sublease or sharer covenant to discharge its obligations under the sublease or share agreement; and
 - (d) a grant of the transferee's, sub-lessee's or sharer's power of attorney in favour of the Trustee, in similar terms to those of the Trustee Lessee's power of attorney in this Trustee Lease.

12.8 Mortgage of Trustee Lease

The Trustee may withhold consent to the proposed grant of a mortgage in this Trustee Lease until the mortgagee executes a consent agreement, in the form the Trustee requires, specifying the conditions upon which the mortgagee may:

- (1) deal with this Trustee Lease; and
- (2) enter and use the Premises to enforce its mortgage.

12.9 Excepted Finance Dealings

- (1) If the Premises, including the Improvements, and this Trustee Lease is not to be included in the secured property, the Trustee Lessee need not obtain Trustee consent where it wishes, in good faith, to secure financial accommodation in the normal course of its business via:

- (a) a charge over its undertaking or other assets;
 - (b) the encumbrance of other specific property upon the Premises;
 - (c) a hire purchase agreement for goods to be used at the Premises; or
 - (d) a chattel leasing agreement for goods to be used at the Premises.
- (2) However, Clause 12.9(1) does not constitute Trustee consent to the financier entering the Trust Land or the Premises to enforce its interest under the relevant agreement.
- (3) Irrespective of the terms of the agreement, the financier acquires no entitlement:
- (a) to enter the Trust Land or the Premises; or
 - (b) to deal with this Trustee Lease or the Premises,
- other than in compliance with the relevant provisions of this Part 12 (as if it were the Trustee Lessee).
- (4) The Trustee Lessee must bring this Clause 12.9 clearly to the attention of the financier before it enters the relevant agreement.

12.10 Consent Agreements

The Trustee's solicitors will prepare all agreements to be executed pursuant to this Part 12.

12.11 Trustee Costs and Expenses

The Trustee Lessee must bear, and must pay to the Trustee upon demand (irrespective of whether the relevant dealing is completed), the legal costs and other expenses the Trustee incurs:

- (1) investigating any transfer of the Trustee Lease, sublease of the Trustee Lease, share agreement, or mortgage, whether proposed or completed;
- (2) drawing, settling, executing, and stamping any document mentioned in Clause 12.10; and
- (3) doing anything else, necessary or requested, to facilitate any Registration of the relevant dealing.

PART 13: CARETAKER

13.1 Appointment of Caretaker

- (1) With Trustee permission, the Trustee Lessee may permit a Caretaker to occupy the Premises for and on behalf of the Trustee Lessee and at the Trustee Lessee's risk and liability.
- (2) In its absolute discretion, the Trustee may:
 - (a) grant its permission, conditionally or unconditionally;
 - (b) refuse its permission; or
 - (c) decline to give a reason for its decision.
- (3) To prevent doubt, the Trustee is not required to act reasonably in determining whether to grant or refuse its permission for the Trustee Lessee to install a Caretaker.
- (4) Without limiting the effect of any of the foregoing provisions, the Trustee Lessee acknowledges that the Trustee will not grant the Trustee Lessee permission to install a Caretaker upon other than a periodic basis.

13.2 Caretaker's Residence

If the Caretaker is to occupy a caravan, mobile home, demountable structure, or other temporary or movable quarters upon the Premises, the structure:

- (1) must be securely anchored or affixed to the Premises;
- (2) must be situated in a position that will not render them an obstacle or nuisance to persons lawfully using the Premises or the Trust Land;
- (3) must be closed and securely locked when the Caretaker is not using them or in their immediate vicinity;
- (4) must be in safe and habitable repair and condition;

- (5) must be used for no purpose other than the Caretaker's residence; and
- (6) must be removed from the Premises promptly:
 - (a) when the Term expires or this Trustee Lease is otherwise terminated, subject to Clause 20 of the Mandatory Standard Terms Document and section 66 of the Act; or
 - (b) when they are no longer required by the Trustee Lessee for use as the Caretaker's residence.

13.3 Revocation of Permission

- (1) The Trustee may revoke at any time its permission for a Caretaker to occupy the Premises.
- (2) The Trustee may revoke the permission by notice addressed to the Trustee Lessee and the Caretaker, and given to each of them.
- (3) The Trustee's notice may direct the Caretaker to leave the Premises, in which event the notice must specify the date by which the Caretaker must leave.
- (4) If the Trustee's notice does not direct the Caretaker to leave the Premises, the Trustee Lessee must give the Caretaker a notice to leave within the shortest period permissible by law.²⁷
- (5) If the Caretaker fails to remove all of his belongings from the Premises before the direction or notice to leave expires, the Trustee Lessee must:
 - (a) remove them from the Premises promptly, unless the Trustee directs the Trustee Lessee otherwise; and
 - (b) repair any damage that is caused to the Premises or other part of the Trust Land or to any other Trustee property in the removal process.

13.4 Preventing Breach of Trustee Lease

- (1) The Trustee Lessee must not permit or suffer a Caretaker to do anything that constitutes or may precipitate the breach of a Trustee Lessee obligation under this Trustee Lease.
- (2) The Trustee Lessee must ensure the Caretaker does not continue or repeat such a breach.

13.5 Trustee Lessee Indemnity

The Trustee Lessee indemnifies the Trustee against any Cost that the Trustee sustains or incurs through the Caretaker failing to discharge its obligations.

13.6 Variation/Waiver Obligations

- (1) The Trustee Lessee must not waive or vary any Caretaker obligation if the waiver or variation will or might hinder the Trustee Lessee in discharging its obligations under this Trustee Lease.
- (2) The Trustee Lessee must give the Trustee prompt notice containing all reasonable and relevant particulars of any waiver or variation of a Caretaker obligation.

PART 14: TRUSTEE COVENANT

14.1 Quiet Enjoyment

- (1) While it discharges promptly its obligations under this Trustee Lease, the Trustee Lessee may occupy and use the Premises without interruption from the Trustee.
- (2) Clause 14.1(1) does not apply to interruption specifically permitted under this Trustee Lease.

Examples of interruptions specifically permitted: Interruptions under Clauses 9.2,²⁸ 9.4,²⁹ 9.5,³⁰ 9.6,³¹ and 9.7.³²

²⁷ Generally, this will mean the shortest period permissible under the Residential Tenancies and Rooming Accommodation Act 2008 (Qld).

²⁸ Use of Premises by Third Persons.

²⁹ Use of Premises for Plebiscites and Emergencies.

³⁰ Alterations/Additions by Trustee.

³¹ Use of Trustee Alterations/Additions.

³² Entry by Trustee.

PART 15: DAMAGE AND DESTRUCTION (FIXED IMPROVEMENTS)

15.1 Trustee Causes Damage

Clauses 15.2, 15.3 and 15.8 do not apply to the Trustee Lessee if the damage or destruction is caused by the Trustee who, subject to Clause 15.7, must immediately repair or replace the Fixed Improvement to the same standard prior to the damage or destruction occurring.

15.2 Repairing Damage

Without limiting Clause 7.6, if a Fixed Improvement upon or comprising the Premises is damaged, the Trustee Lessee must repair the damage promptly, to the satisfaction of the Trustee (acting reasonably), irrespective of who or what has caused the damage.

15.3 Replacement upon Destruction

If a Fixed Improvement upon or comprising the Premises is destroyed, the Trustee Lessee must replace the improvement to the satisfaction of the Trustee (acting reasonably), irrespective of who or what has caused the destruction.

15.4 Compliance with Trustee Directions

- (1) In effecting repairs or constructing or installing a replacement, the Trustee Lessee must comply with all directions given by the Trustee, including directions concerning:
 - (a) the submission and pursuit of insurance claims;
 - (b) the application of insurance proceeds.
- (2) The purpose of that obligation is to facilitate:
 - (a) timely and competent completion of the necessary repair or replacement work (if this Trustee Lease is to continue); or
 - (b) compensation of the Trustee for loss of or damage to the Fixed Improvement (if the Trustee Lease is terminated under this Part 15).

15.5 Suspension of Cleaning and Maintenance Obligations

If a Fixed Improvement is destroyed, or is so damaged as to be inaccessible or unusable, the Trustee Lessee obligations to clean and Maintain the structure (Clause 7.6) will be suspended until the structure (or its replacement) is accessible and fit for the Permitted Use.

15.6 Abatement of Cleaning and Maintenance Obligations

If a Fixed Improvement is damaged but still partially usable, the Trustee Lessee obligations to clean and Maintain the structure will abate proportionately with the nature and extent of the damage and diminution of utility.

15.7 Termination/Surrender for Damage/Destruction

If the destruction of or damage to Fixed Improvements renders the Premises unusable:

- (1) the Trustee may terminate this Trustee Lease, other than if the destruction or damage was caused by the Trustee;
- (2) the Trustee Lessee may surrender this Trustee Lease, but only upon satisfying the requirements of Clause 15.8, other than if the destruction or damage was caused by the Trustee; and
- (3) any rights of the Trustee Lessee to take action against the Trustee for failure to replace or repair Fixed Improvements destroyed or damaged by the Trustee that leads to the Premises being unable to be used for the Permitted Use is not affected by a surrender under Clause 15.7(2)

15.8 Pre-requisite for Surrender (Insurance Payment)

The Trustee Lessee may surrender this Trustee Lease pursuant to Clause 15.7:

- (1) only if the insurer has granted full indemnity upon a claim under the Damage Policy, for the reinstatement or replacement value of the Fixed Improvements; and

- (2) only after the insurer or the Trustee Lessee has paid the Trustee the proceeds of the claim.

PART 16: DEFAULT BY TRUSTEE LESSEE

16.1 Events of Default

The Trustee Lessee defaults under this Trustee Lease if:

- (1) it fails to discharge an obligation this Trustee Lease imposes upon it;
- (2) it fails to discharge an obligation to the Trustee in an agreement for consent to a sublease or the transfer of this Trustee Lease;
- (3) it fails to discharge an obligation to the Trustee in an agreement for consent to the grant of a mortgage over this Trustee Lease;
- (4) it commits an act of Insolvency; or
- (5) it does not use the Premises for the Permitted Use for 45 consecutive days.

16.2 Remedies upon Default

- (1) If the Trustee Lessee defaults under this Trustee Lease by failing to pay money, or to discharge an obligation, to a person other than the Trustee, the Trustee may:
 - (a) pay the money or discharge the obligation as the agent of the Trustee Lessee; and
 - (b) recover from the Trustee Lessee as a liquidated debt³³ all of the money it expends in doing so.
- (2) Subject to the Act and the *Property Law Act* section 124,³⁴ if the Trustee Lessee is in default under this Trustee Lease, the Trustee also may:
 - (a) terminate this Trustee Lease by retaking possession of the Premises at any time, with or without notice; or
 - (b) otherwise terminate this Trustee Lease,without prejudicing the entitlements that have accrued to it for any earlier default by the Trustee Lessee.

16.3 Entry by Trustee without Forfeiture

- (1) If the Trustee Lessee vacates the Premises during the Term (whether or not it ceases to make rent and other payments), neither:
 - (a) its acceptance of keys; nor
 - (b) its entry upon the Premises to inspect, clean, repair, or alter them, or to show them to prospective occupiers; nor
 - (c) its advertisement of the Premises for tenancy,will constitute Trustee re-entry or a waiver of Trustee entitlement to recover all rent and other money owing by the Trustee Lessee:
- (2) In those circumstances, this Trustee Lease will continue, fully binding and effective, until the earlier of:
 - (a) the time a new trustee lessee (or trustee permittee under a Trustee Permit) takes occupation of the Premises; and
 - (b) the time this Trustee Lease expires;
- (3) Entry by the Trustee before that time will be deemed entry with the Trustee Lessee's permission.

³³ When the amount of a debt is certain, or can be ascertained by objective means (e.g. by the application of a formula or scale), the debt is a liquidated debt. In contrast, a non-liquidated debt is one that cannot be calculated until evidence is obtained and considered (e.g. evidence of what damage has been sustained and how much it will cost to repair).

³⁴ Section 124 prevents a lessor from terminating a lease for the lessee's breach unless and until the lessee fails, within a reasonable time after being served with it, to comply with a written notice from the lessor (in a prescribed form) specifying the breach, requiring the lessee to remedy the breach (if it is capable of remedy), and requiring the lessee to pay compensation for the breach (if the lessor claims monetary compensation).

- (4) Clauses 16.3(1) and 16.3(2) will not apply where the Trustee gives the Trustee Lessee notice:
 - (a) accepting surrender of this Trustee Lease; or
 - (b) confirming forfeiture of this Trustee Lease and re-entry into possession of the Premises.
- (5) Clauses 16.3(1) and 16.3(2) also will not apply where the Trustee:
 - (a) changes the locks to the Premises, or otherwise prevents the Trustee Lessee reassuming possession; or
 - (b) executes the acceptance provision in a formal surrender of this Trustee Lease, and delivers the executed instrument to the Trustee Lessee.

16.4 Removal of Equipment

- (1) Upon lawfully re-entering the Premises for Trustee Lessee default, the Trustee may:
 - (a) remove Trustee Lessee Property from the Premises; and
 - (b) store that property at Trustee Lessee cost.
- (2) In exercising that entitlement, the Trustee will not be liable to the Trustee Lessee for:
 - (a) conversion or unlawful distress; or
 - (b) Cost occasioned by the removal or storage.
- (3) The Trustee Lessee must reimburse the Trustee upon demand expenses the Trustee reasonably incurs in removing and storing Trustee Lessee Property under Clause 16.4(1).

16.5 Essential Terms

Each of the following covenants by the Trustee Lessee is an essential term of this Trustee Lease:

- (1) the covenants to pay at the times and in the manner specified:
 - (a) the annual rent (Clause 4.1);
 - (b) money owing for Rates and Utility Charges (Clause 4.2); and
 - (c) the GST payable in conjunction with a payment under this Trustee Lease (Clause 5.2);
- (2) the covenant to use and administer the Premises in the required manner and in compliance with relevant Acts (Clauses 6.1 to 6.3 and 6.12);
- (3) the covenant not to store, sell, or supply, liquor upon or from the Premises, or allow it to be stored, sold or supplied, without consent, or without a necessary licence or authority (Mandatory Standard Terms Document Clause 10.1);
- (4) the covenant not to operate gaming machine facilities, KENO facilities, or TAB facilities, upon the Premises (Mandatory Standard Terms Document Clauses 10.2 to 10.4);
- (5) the covenant not to undertake extractive activities upon the Premises (Clause 6.11);
- (6) the covenant to install and Maintain water supply and waste disposal facilities (Clause 7.1);
- (7) the covenant to Maintain the Premises and keep them clean (Clause 7.5);
- (8) the covenants (Clauses 9.2 to 9.4):
 - (a) to permit third persons to use the Premises; and
 - (b) to make the Premises available for plebiscites and Civil Emergencies;
- (9) the covenants to insure (Part 11 and Mandatory Standard Terms Document Clause 14);
- (10) the covenants (Part 12 and Mandatory Standard Terms Document Clause 11.1):
 - (a) not to transfer this Trustee Lease;
 - (b) not to sublease the Premises or any area of them;
 - (c) not to enter into a share arrangement (see Clause 12.1); and
 - (d) not to grant a mortgage over or affecting this Trustee Lease;

- (11) the covenant not to transfer a Liquor Licence, or allow it to be transferred, without Trustee consent or the approval of the Minister (Clauses 18.4 and 18.12);
- (12) the covenant to give the Trustee, or to ensure the holder of the Liquor Licence gives the Trustee, annual returns particularising liquor purchases for the Premises (Clause 18.5); and
- (13) the covenant to notify the Trustee promptly if the Liquor Licence is suspended, cancelled, or surrendered, or is not renewed (Clause 18.8).

16.6 Damages upon Termination for Breach

If it lawfully terminates this Trustee Lease for breach of an essential term (whether the term possesses the character of essentiality pursuant to or independently of Clause 16.5) the Trustee:

- (1) may recover damages for the breach, including damages for loss of bargain;³⁵ but
- (2) will not be relieved of any duty it otherwise possesses at law to mitigate those damages.

16.7 Appointment of Receiver where the Trustee Lessee is a corporation or incorporated association

- (1) If the Trustee Lessee fails to comply with a notice from the Trustee requiring it to remedy a default under this Trustee Lease, the Trustee may appoint a Receiver (without prejudice to any other entitlement that it possesses under this Trustee Lease).
- (2) The Receiver may comprise one or more persons.
- (3) If the Receiver comprises more than one person, those persons may act jointly and individually.
- (4) An appointee must be qualified to act as receiver/manager.³⁶
- (5) The Trustee may:
 - (a) revoke the appointment of a person as Receiver;
 - (b) appoint another person or an additional person as Receiver.
- (6) Unless its appointment instrument states otherwise, the Receiver is the Trustee Lessee's agent.
- (7) In any event, the Trustee Lessee is responsible for paying the Receiver's remuneration.
- (8) The Trustee Lessee is solely responsible for the Receiver's acts.
- (9) The Receiver is not liable to the Trustee Lessee for its (the Receiver's) act.
- (10) The Receiver may exercise all of the powers the *Corporations Act* gives a receiver and manager.³⁷
- (11) Without limiting Clause 16.7(10):
 - (a) the Receiver may do in relation to the Trustee Lessee's affairs under this Trustee Lease anything that the Trustee Lessee's Directorate could do were the Receiver not appointed; and
 - (b) generally, the Receiver may operate the Trustee Lessee's business or superintend the Trustee Lessee's affairs and activities at the Premises to the extent the Trustee Lessee could have done before the Receiver's appointment.
- (12) Throughout the receivership, the Directorate's power will abate to the extent of the Receiver's power.
- (13) A person who deals with the Receiver need not enquire about:
 - (a) the Receiver's authority to act; or
 - (b) the application of money paid to the Receiver.
- (14) Neither the Receiver nor the Trustee will be responsible for a loss the Receiver makes:
 - (a) in conducting Trustee Lessee activities at the Premises; or
 - (b) in exercising its power as receiver or manager.

³⁵ Loss of bargain is loss of the benefit of performance of the Trustee Lessee's obligations under this Trustee Lease during the period between the date of termination by the Trustee and the date upon which the Trustee Lease otherwise would have expired.

³⁶ Refer to *Corporations Act* section 418.

³⁷ Refer to *Corporations Act* section 420.

PART 17: POWER OF ATTORNEY

17.1 Additional Provisions

The power of attorney granted under this Part 17 is additional to the power of attorney granted by the Trustee Lessee under Clause 16 of the Mandatory Standard Terms Document.

17.2 Appointment of Chief Executive Officer

- (1) The Trustee Lessee irrevocably appoints the Chief Executive Officer as its attorney:
 - (a) to pursue a claim under a policy of Trustee Lessee insurance, pursuant to Clause 11.10;
 - (b) to terminate on behalf of the Trustee Lessee, and as the act of Trustee Lessee, a (purported) sublease, or other permission to use or occupy the Premises, granted by the Trustee Lessee without Trustee consent;
 - (c) to recover on behalf of the Trustee Lessee, and as the act of the Trustee Lessee, possession of the area the subject of the terminated (purported) sublease or other permission;
 - (d) to remedy a Trustee Lessee default under this Trustee Lease.
- (2) The Trustee Lessee also irrevocably appoints the Chief Executive Officer its attorney:
 - (a) to take charge of the business or other activity the Trustee Lessee conducts upon the Premises; and
 - (b) to manage that business or activity in consultation with the Trustee Lessee but to the exclusion of the Trustee Lessee's own personnel,whenever, as for as long as, the Chief Executive Officer considers the action necessary for ensuring that the Trustee Lessee uses the Premises responsibly and competently.
- (3) The Trustee must ensure the Chief Executive Officer gives the Trustee Lessee reasonable notice of his intention to exercise the power conferred by Clause 17.2(2).
- (4) In the exercise of that power, the Chief Executive Officer may delegate to a person he considers possesses the requisite skill:
 - (a) one of more of his management functions;
 - (b) all of his management functions.

17.3 Proof of Entitlement to Terminate

Sufficient proof of Trustee Lessee default will be a statutory declaration by the Chief Executive Officer, detailing the default.

17.4 Ratification and Reimbursement

- (1) The Trustee Lessee will:
 - (a) ratify whatever the attorney does; and
 - (b) reimburse the Trustee upon demand every expense the attorney reasonably and properly incurs,in the lawful exercise of its powers as attorney.
- (2) To prevent argument, the Trustee Lessee releases the attorney from all liability the attorney incurs to the Trustee Lessee through exercising power of attorney under the Mandatory Standard Terms Document and Clause 17.2.

PART 18: LIQUOR LICENSING COVENANTS

18.1 Request for Trustee Consent

If asking the Trustee to consent to it obtaining a Liquor Licence concerning the Premises,³⁸ the Trustee Lessee must give the Trustee:

³⁸ Refer to Mandatory Standard Terms Document Clause 10.1.

- (1) copies of the completed application and supporting documents it proposes to submit to the *Liquor Act* Administering Authority; and
- (2) whatever additional items of information and other material the Trustee requests to enable it to process the request.

18.2 Conditions of Trustee Consent

- (1) The Trustee may grant or refuse consent in its absolute discretion.
- (2) To prevent argument, the Trustee may grant consent upon whatever conditions it considers appropriate; for example, conditions concerning:
 - (a) variation of the rent payable under this Trustee Lease;
 - (b) development work;
 - (c) the hours during which the Trustee Lessee may Sell liquor at or from the Premises (which hours may be shorter than those that the relevant Liquor Licence permits);
 - (d) abatement or minimisation of noise or other nuisance;
 - (e) parking vehicles; and
 - (f) Premises security, including lighting installation and positioning.

18.3 Dealing with Licence upon Termination of Trustee Lease

- (1) When this Trustee Lease terminates, the Trustee Lessee must deliver promptly to the Trustee the application/s for transfer, the returns, and any other forms that the Trustee requests to facilitate:
 - (a) transfer of the Liquor Licence to the Trustee or its nominee; or
 - (b) the issue of a new Liquor Licence enabling the Trustee to conduct the Licensed Activity wholly or in part.
- (2) The Trustee Lessee must do everything necessary and everything reasonable to enable the Trustee, by itself or its nominee, to obtain the transfer or the new licence.

18.4 Transfer of Licence (Trustee Consent)

- (1) The Trustee Lessee must not transfer the Liquor Licence without Trustee consent.
- (2) The Trustee must not withhold unreasonably its consent to a proposed transfer.

18.5 Returns to Administering Authority

The Trustee Lessee must give the Trustee, not later than 30 September each year during the Term, a statement, in the form required or accepted by the Trustee, detailing to the extent the Trustee requires:

- (1) the quantities of liquor purchased under the Liquor Licence during the year ending upon the immediately-preceding 30 June; and
- (2) the purchase prices paid or payable for those quantities.

18.6 Standards for Conduct of Licensed Activity

- (1) Subject to whatever restrictions the Trustee lawfully imposes upon it, the Trustee Lessee must conduct the Licensed Activity in a professional and businesslike manner, during the hours and for the purposes:
 - (a) customary for activities of that nature; and
 - (b) permitted by the Liquor Licence.
- (2) The Trustee Lessee must not do, or permit to occur, upon or about the Premises, anything that results or may result in:
 - (a) the Liquor Licence being suspended or cancelled; or
 - (b) the Administering Authority refusing to renew the licence.
- (3) In particular, the Trustee Lessee must ensure, to the satisfaction of the Trustee (acting reasonably), that all persons entering the Premises for a purpose associated with or incidental to the Licensed Activity

cause no excessive noise and create no nuisance, whether to the annoyance of other persons upon the Premises or persons living in proximity to the Premises.

- (4) The Trustee Lessee must give to the Trustee, upon request:
 - (a) a true and accurate account of the Licensed Activity; and
 - (b) balance sheets and profit/loss accounts for the Licensed Activity, in forms acceptable to the Trustee.
- (5) The Trustee Lessee must permit authorised Trustee personnel to inspect and copy financial records and other material relevant to the Licensed Activity, to enable the Trustee to verify or audit information and other material provided pursuant to Clause 18.6(3).

18.7 Inspection of Administering Authority Records

- (1) The Trustee Lessee authorises the Trustee to obtain from the Administering Authority or a court of competent jurisdiction, whatever information the Trustee requires, and the Administering Authority or the court holds, concerning the Trustee Lessee's Liquor Licence.
- (2) In particular, the Trustee Lessee authorises the Trustee to obtain:
 - (a) particulars and copies of all returns and assessments concerning the Premises; and
 - (b) details of charges or complaints against the Trustee Lessee.

18.8 Notification of Licence Cessation

The Trustee Lessee must notify the Trustee promptly if the Liquor Licence is suspended, cancelled, or surrendered, or is not renewed.

18.9 Defence of Proceedings

- (1) If a proceeding is instituted against the Trustee Lessee or its nominee, for breach of the *Liquor Act* occurring upon or concerning the Premises, the Trustee may (without being obliged to do so):
 - (a) defend the proceedings, in whichever name it chooses; and
 - (b) appear or be represented at the proceedings.
- (2) Every Cost the Trustee incurs or sustains as a result of those proceedings (irrespective of whether it appears or is represented at them):
 - (a) must be paid or reimbursed by the Trustee Lessee upon demand; and
 - (b) will bear interest at the rate charged for the time being by the Trustee's banker on commercial overdraft accommodation exceeding \$100,000.00.

18.10 Presentation of Premises

- (1) The Trustee Lessee must ensure that the Premises are properly furnished and presented to the standard required by the Administering Authority.
- (2) That obligation is additional to, not in substitution for, any other obligation under this Trustee Lease governing the standard of finish and presentation of the Premises (it being the intention of the Parties that, if there is inconsistency, the higher or highest of the standards variously required will prevail).

18.11 Payment of Fees

- (1) The Trustee Lessee must ensure that all licence fees, imposts and levies assessed under the *Liquor Act* concerning the Premises or the Licensed Activity are paid when due.
- (2) The Trustee Lessee must produce to the Trustee upon request receipts or other evidence of payment.

18.12 Minister's approval

A transfer or issue of a new Liquor Licence under this Part 18 is subject to the approval of the Minister.

PART 19: NOTICES

19.1 Notices (General)

- (1) This Part governs notices under this Trustee Lease unless a provision of this Trustee Lease specifically provides otherwise.
- (2) A notice must be in writing.
- (3) The Chief Executive Officer may sign a notice to be given by the Trustee.
- (4) A notice given by the Trustee Lessee may be signed by:
 - (a) the Trustee Lessee; or
 - (b) one or more of its Officers.

19.2 Service of Notices

A Party may give a notice by:

- (1) delivering it to the intended recipient's Address for Notices; or
- (2) posting it to the intended recipient at its Address for Notices; or
- (3) transmitting it by facsimile to the intended recipient at its Address for Notices.

19.3 Receipt of Notices

- (1) A notice that is delivered or posted will be deemed received:
 - (a) if delivered, at the moment of delivery;
 - (b) if posted to an address in Australia, two Business Days after posting; or
 - (c) if posted to an address outside Australia, five Business Days after posting.
- (2) A notice sent by facsimile transmission will be deemed received at the time of receipt specified in a Confirmation Report, if the report discloses that the transmission was received at or before 5:00pm.
- (3) If the Confirmation Report discloses that the transmission was received after 5:00pm, the notice will be deemed received at 8:30am on the Business Day following the date of receipt disclosed in the report.
- (4) A Confirmation Report is, for a facsimile transmission, a transmission confirmation report produced by the sender's facsimile machine:
 - (a) containing the identification code of the intended recipient's facsimile machine; and
 - (b) indicating that the transmission was received without error.

PART 20: MISCELLANEOUS

20.1 Applications to Trustee

An application or request for Trustee consent, approval, or permission must be submitted in writing to the Trustee.

20.2 Communication between Parties

- (1) Neither an approval nor a consent or permission given under this Trustee Lease binds the Party giving it unless that Party gives it in writing.
- (2) An appointment or direction made or given under this Trustee Lease is ineffective unless made or given in writing.
- (3) A request made under this Trustee Lease is deemed neither made nor received if not made in writing.
- (4) The waiver of an entitlement under this Trustee Lease is not binding unless made in writing.
- (5) To prevent uncertainty, a notice under this Trustee Lease is ineffective unless given in writing.³⁹

³⁹ Refer to Clause 19.1(2), which states that a notice must be in writing.

20.3 Waiver/Abandonment of Entitlement

- (1) The mere fact that a Party does not exercise an entitlement under or concerning this Trustee Lease when the entitlement accrues:
 - (a) does not deprive it of the entitlement; and
 - (b) does not deprive it of similar entitlements that accrue at other times.⁴⁰
- (2) The mere fact that a Party grants an indulgence under or concerning this Trustee Lease on a given occasion does not entitle the recipient to the same or a similar indulgence on another occasion.
- (3) The mere fact that a Party grants an indulgence under or concerning this Trustee Lease in a given circumstance does not entitle the recipient to the same or a similar indulgence in a similar circumstance.

20.4 Jurisdiction (Adjudication of Disputes)

- (1) For this Clause 20.4, a *Queensland Court* is:
 - (a) a court or tribunal, constituted under Queensland legislation and empowered to adjudicate a dispute arising under this Trustee Lease; and
 - (b) the High Court of Australia (as the final forum of appeal from the decision of any such court or tribunal).
- (2) The Parties submit to the exclusive jurisdiction of the Queensland Courts for the adjudication and resolution of disputes under this Trustee Lease.
- (3) Each Party waives all entitlement to object to a Party bringing action upon this Trustee Lease before a Queensland Court, including entitlement to claim that:
 - (a) the Queensland Court is an inconvenient forum; or
 - (b) no Queensland Court has jurisdiction.
- (4) Each Party undertakes to refrain from bringing action upon this Trustee Lease in a forum other than a Queensland Court.

20.5 Completion of Documents

The Trustee Lessee irrevocably authorises the Trustee and its solicitor, collectively and individually, to complete this Trustee Lease and every ancillary document, but only prior to the endorsement of the Minister's approval on this Trustee Lease for lodgement for Registration of this Trustee Lease, by:

- (1) inserting a sketch or plan identifying the Premises (if necessary);
 - (2) inserting a necessary word and figure; and
 - (3) initialling, executing, or correcting this Trustee Lease or document (if necessary),
- but to the extent only that doing so will not alter the substance of the Parties agreement.

[End of Instrument]

⁴⁰ Refer also to Clause 20.2(4).

ATTACHMENT 6:
CODE ASSESSMENT (DOUGLAS SHIRE PLANNING SCHEME 2018)

Application

- (1) This code applies to assessing development in Conservation Zone.
- (2) When using this code, reference should be made to Part 5.

Criteria for assessment

Table 6.2.3.3.a – Conservation Zone – Assessable Development

PERFORMANCE OUTCOMES	ACCEPTABLE MEASURES	COMPLIES	COMMENT
FOR SELF-ASSESSABLE AND ASSESSABLE DEVELOPMENT			
PO1 The establishment of uses is consistent with the outcomes sought for the Conservation Zone and protects the zone from the intrusion of inconsistent uses.	AO1 Uses identified in Table 6.2.3.3.b are not established in the Conservation Zone.	YES	The proposed use is not listed under the prescribed table.
PO2 The height of buildings is compatible with the character of the area and does not adversely affect the amenity of the area.	AO2 Buildings and structures are not more than 8.5 metres in height and two storeys. <i>Note: Height is inclusive of roof height.</i>	ALTERNATE SOLUTION	The proposed tower stands 18m tall. Refer section 6.6.2 of the planning report for commentary demonstrating compliance with the corresponding PO.
PO3 Development is setback from site boundaries so they are screened from view from the boundaries of adjoining properties and adjoining roads to maintain the scenic values of the area.	AO3 Buildings and structures are setback not less than: <ol style="list-style-type: none"> (a) 40 metres from the frontage of a State-controlled road, existing or proposed arterial road, existing or proposed sub-arterial road, as identified on the Transport network overlay maps contained in Schedule 2; (b) 25 metres from any other road frontage (c) 10 metres from site and rear boundaries. 	YES	The tower is greater than 40m away from any boundary and greater than 25m away from the nearest gazetted road (Mossman Gorge Road).

PERFORMANCE OUTCOMES	ACCEPTABLE MEASURES	COMPLIES	COMMENT
PO4 The site coverage of all buildings and structures does not have an adverse effect on the conservation or scenic amenity values of the site and surrounding area and buildings are subservient to the natural environment.	AO4 Development is sited in an existing cleared area or an area approved for clearing, but which is not yet cleared under a development permit to carry out Building Works is issued. Any clearing is limited to a maximum area of 700m ² and is sited clear of the high bank of any watercourse. <i>Note: the 700m² area of clearing does not include an access driveway.</i>	YES	the tower is proposed to be located in an existing cleared area – see Figures 2 & 3 provided under the Planning Report.
PO5 Development is consistent with the overall outcomes sought for the Conservation Zone.	AO5 No acceptable outcomes are prescribed.	YES	Refer to commentary provided under section 6.6.2 of the Planning Report demonstrating compliance with the corresponding PO.
PO6 Development compliments, and is subservient to, the surrounding environment and is in keeping with the ecological, landscape and scenic values of the area.	AO6 The exterior finishes and colours of all development are non-reflective and consist of colours that blend easily with surrounding native vegetation and view-shed.	YES	The tower will be power coated in a matte green colour to blend in with the natural surrounds.
PO7 Development is screened from view from adjoining roads and properties with a dense screen of endemic/native landscape which: <ul style="list-style-type: none"> (a) Is information in character and complementary to the existing natural environment; (b) Provides screening; (c) Enhances the visual appearance of the development. <i>Note: Planning Scheme Policy – Landscaping provides further guidance on meeting the performance outcome.</i>	AO7.1 For any development, the balance area of the site not built upon, including all setback areas, must be landscaped/revegetated with dense three tier, endemic planting which is maintained to ensure successful screening is achieved.	YES	The site is already heavily vegetated, which will ensure that the tower will be obscured from view from any walking trails or any other tourist areas.
	AO7.2 Endemic palm species, where used, are planted as informal accent features and not as avenues and not in a regular pattern.	N/A	As AO7.1 above. The site is not required to be revegetated.

PERFORMANCE OUTCOMES	ACCEPTABLE MEASURES	COMPLIES	COMMENT
PO8 Development is complimentary to the surrounding environment.	AO8.1 Development harmonises with the surrounding environment, for example, through suspended, light-weight construction on sloping sites, which requires minimal excavation or fill.	YES	The tower is slender in design and will be power coated in a matte green finish to blend in with the surrounding vegetation. The proposed footings will be a maximum of 700m dia., which is the smallest allowable size to suitably maintain the structural integrity of the tower and support all of its movements. The portion of the site where the tower is proposed to be located in generally flat, and the anticipated construction works require very little excavation works to prepare the site for the pouring of the foundations.
	AO8.2 A driveway or parking areas are constructed and maintained to: <ul style="list-style-type: none"> (a) Minimise erosion, particularly in the wet season; (b) Minimise cut and fill; (c) Follow the natural contours of the site; (d) Minimise vegetation clearing. 	N/A	This part of the site is access via an unsealed access track, which is proposed to be maintained in its current form. There are no parking areas that are sought/required to be established over the site to accompany the tower.
	AO8.3 Buildings and structures are erected on land not exceeding a maximum gradient of 1 in 6 (16.6%). or On land steeper than 1 in 6 (16.6%) gradient: <ul style="list-style-type: none"> (a) A split level building form is utilised; (b) A single plane concrete slab is not utilised; (c) Any voids between building and ground level, or between outdoor decks and ground level are screened from view using lattice/battens and/or landscaping; and 	YES	The portion of the site where the tower is proposed to be located in generally flat.

PERFORMANCE OUTCOMES	ACCEPTABLE MEASURES	COMPLIES	COMMENT
	(d) Is accompanied by a Geotechnical Report prepared by a qualified engineer at development application stage which includes certification that the site can be stabilised, followed by a certificate upon completion of works.		
	AO8.4 Building and structures are sited below any ridgelines and are sited to avoid protrusion above the surrounding tree-level canopy.	YES	A small portion of the proposed tower will protrude above the existing canopy; however, considering: <ol style="list-style-type: none"> 1. The sits location in respect to the top of the hill; 2. the size of the proposed infrastructure; 3. the proposed finish (i.e. powercoated matte green; and 4. its slender design, it is considered that the proposed tower will sit well below the ridge line and will not place any adverse impacts on the viewshed as it will not be able to be seen from any distance.
PO9 Development is located to: <ol style="list-style-type: none"> (a) Protect the ecological values of the site and surrounding land; (b) Maintain the scenic values of the area; (c) Maintain appropriate setbacks to waterways, watercourses, wetlands, tidal areas and overland flow paths; (d) Avoid areas that are vulnerable to natural hazards; (e) Minimises excavation and filling; (f) Provides buffers to cultural, historical or ecological features; 	AO9 No acceptable outcomes are prescribed.	YES	The proposed tower: <ol style="list-style-type: none"> (a) Is sited over an existing cleared portion the subject land, with no vegetation required to be cleared to support its placement and/or operation; and will not prevent the growth of flora and the movement of fauna over the site; (b) Will be finished (i.e. powercoated matte green) to blend in with and compliment the surrounding environment; and although it will protrude above the canopy it will not result in any detrimental impacts on the viewshed given its size and slender design;

PERFORMANCE OUTCOMES	ACCEPTABLE MEASURES	COMPLIES	COMMENT
(g) Minimises visibility from external sites or public viewing points; (h) Minimises to the greatest extent possible the loss of native vegetation and fauna habitat.			(c) Is suitably setback from any waterways present over the site; (d) Is sited on a fairly flat portion of the site and is suitably engineered to ensure it will not be subject to or create any potential landslip hazards; (e) Only requires very minor excavation works to prepare the site for the pouring of the foundations; (f) Is suitably separated from any and all cultural and ecological features present over the site; (g) Will not be visible from any external sites/public areas within the viewshed giving consideration to its design (shape, size, finish), the topography, and the presence of abundant mature vegetation throughout the Gorge and the valley.
PO10 Development does not result in adverse impacts on: <ul style="list-style-type: none"> (a) Ecological function or features; (b) On-site or surrounding waterways and wetlands. 	AO10 No acceptable outcomes are prescribed.	YES	The proposed tower is not considered to impact on the ecological function and/or features of the site as: <ul style="list-style-type: none"> ▪ The tower will not impede, restrict, or reduce the movement of fauna; ▪ Impair/restrict the natural growth of flora; ▪ Introduce pests; ▪ Block or restrict physical or visual access to any natural features present over the site. The tower is considered to be suitably separated from any waterways present over the site.

PERFORMANCE OUTCOMES	ACCEPTABLE MEASURES	COMPLIES	COMMENT
PO11 Rehabilitation of natural processes on disturbed sites is undertaken to improve the environmental integrity of the area.	AO11 No acceptable outcomes are prescribed.	WILL COMPLY	As highlighted under the Planning Report, the Applicant only seeks to undertake minor trimming/pruning of approx. two (2) surrounding trees to support the towers seesaw movements. This include removing vines and trimming some branches. There are no trees proposed to be removed to support the placement or function of this tower. If required to Application will rehabilitate the area in the immediate vicinity if required.
PO10 Fencing is designed to not impede the free movement of native fauna through the site.	AO12 No acceptable outcomes are prescribed.	N/A	The tower will not be fenced. The tower is located in an area of the site that is only accessible by staff, so fencing is not required to ensure the safety of visitors.
PO10 New lots contain a maximum lot size of 200 hectares, unless: <ul style="list-style-type: none"> (a) The lot reconfiguration results in no additional lots (e.g. amalgamation, boundary realignments); (b) The reconfiguration is limited to one additional lot to accommodate an existing or approved: <ul style="list-style-type: none"> (i) Telecommunication facility (ii) Utility (c) The lot reconfiguration facilitates an outcome consistent with the Return to Country local plan. <p><i><u>Note:</u> Boundary realignments must result in an improved environmental outcome or resolve encroachments.</i></p>	AO13 No acceptable outcomes are prescribed.	N/A	This application does not seek to reconfigure the subject land.

Application

- (1) This code applies to assessing development in Low Density Residential Zone.
- (2) When using this code, reference should be made to Part 5.

Criteria for assessment

Table 6.2.6.3.a – Low Density Residential Zone Code – Assessable Development

PERFORMANCE OUTCOMES	ACCEPTABLE MEASURES	COMPLIES	COMMENT
FOR SELF-ASSESSABLE AND ASSESSABLE DEVELOPMENT			
PO1 The height of all buildings and structures must be in keeping with the residential character of the area.	AO1 Buildings and structures are not more than 8.5 metres and two storeys in height. <i>Note - Height is inclusive of the roof height.</i>	ALTERNATE SOLUTION	The existing two (2) storey building + the yagi aerial (6.5m) is estimated to stand approx. 14.5m tall. Refer section 6.6.2 of the planning report for commentary demonstrating compliance with the corresponding PO.
FOR ASSESSABLE DEVELOPMENT			
PO2 The establishment of uses is consistent with the outcomes sought for the Low Density Residential Zone and protects the zone from the intrusion of inconsistent uses.	AO2 Uses identified in Table 6.2.2.3.b are not established in the Low Density Residential Zone.	YES	The proposed use is not listed under the prescribed table.
PO3 The setback of buildings and structures: <ol style="list-style-type: none"> (a) Maintains the amenity of adjoining lots and the residential character of the area; (b) Achieves separation from neighbouring buildings and frontages. 	AO3 No acceptable outcomes are prescribed.	YES	The tower is mounted on top of an existing structure and is therefore conserved to comply.

PERFORMANCE OUTCOMES	ACCEPTABLE MEASURES	COMPLIES	COMMENT
PO4 Development is located, designed, operated and managed to respond to the natural characteristics, features and constraints of the site and surrounds. <i>Note: Planning Scheme Policy – Site Assessments provides guidance on identifying the characteristics and features and constraints of a site and its surrounds.</i>	AO4 No acceptable outcomes are prescribed.	YES	All of these characteristics were addressed through the construction of the existing building in which the proposed aerial will be mounted to.
PO5 Development does not adversely affect the residential character and amenity of the area in terms of traffic, noise, dust, odour, lighting or other physical or environmental impacts.	AO5 No acceptable outcomes are prescribed.	YES	The placement of the proposed aerial is not considered to be a type of use that will generate any additional traffic, or create any noise, dust, odour, or lighting. The Applicant considers that the only potential affect to consider as a potential impact on the Zone is visual amenity, where it is noted that the aerial is obscured from view from the street, and adjoining and adjacent properties.
PO6 New lots contain a minimum area of: (a) 600m ² (in sewerred areas); (b) 1000m ² (in unsewerred areas).	AO6 No acceptable outcomes are prescribed.	N/A	This application does not seek to reconfigure/subdivide the subject land.
PO7 New lots have a minimum road frontage of 15 metres.	AO7 No acceptable outcomes are prescribed.	N/A	As AO6 above.
PO5 New lots contain a 20m x 15m rectangle.	AO8 No acceptable outcomes are prescribed.	N/A	As AO6 above.

Application

- (1) This code applies to assessing development in Tourism Zone.
- (2) When using this code, reference should be made to Part 5.

Criteria for assessment

Table 6.2.13.3.a - Tourism Zone – Assessable Development

PERFORMANCE OUTCOMES	ACCEPTABLE MEASURES	COMPLIES	COMMENT
FOR SELF-ASSESSABLE AND ASSESSABLE DEVELOPMENT			
PO1 The height of all buildings and structures is compatible with the character and amenity of the area.	AO1 No acceptable outcomes are prescribed.	YES	The proposed digital repeater will stand approx. 5m tall, which is considered to be a height that is complimentary to the existing visitor centre, its associated ancillary outbuildings (i.e. awning over shuttle bus pick up/drop off area) and mature vegetation located over the subject land.
PO2 Development is consistent with the overall outcomes sought for the Tourism Zone and protects the zone from the intrusion of inconsistent uses.	AO2.1 Inconsistent uses as identified in Table 6.2.13.3.b are not established in the Tourism Zone.	YES	The proposed use is not listed under the prescribed table.
PO3 Buildings and structures are set back to: <ol style="list-style-type: none"> (a) Establish a high standard of amenity; (b) Achieve separation from adjoining premises. 	AO3 No acceptable outcomes are prescribed.	YES	The tower is considered to be suitably separated from the road and existing structures to ensure the safe and continued operations of the adjacent road network and the existing tourism operations. The tower is sited in an existing cleared portion of the site that is encircled by mature vegetation between the road to ensure the tower is obscured from view internally to the site and from view from the street.

PERFORMANCE OUTCOMES	ACCEPTABLE MEASURES	COMPLIES	COMMENT
PO4 Development is located, designs, operated and managed to respond to the characteristics, features and constraints of the site and its surrounds. <i>Note: Planning Scheme Policy SC 6.13 – Site assessments provides guidance on identifying the characteristics, features and constraints of a site and its surrounds.</i>	AO4 No acceptable outcomes are prescribed.	YES	The part of the site in which this tower is proposed to be located is generally flat and unencumbered.
PO5 Development does not adversely affect the character and amenity of the area and adjoining areas in terms of traffic, noise, dust, odour, lighting or other physical or environmental impacts.	AO5 No acceptable outcomes are prescribed.	YES	The placement of the proposed aerial is not considered to be a type of use that will generate any additional traffic, or create any noise, dust, odour, or lighting. The Applicant considers that the only potential affect to consider as a potential impact on the Zone is visual amenity, where it is noted that the aerial is obscured from view from the street and adjoining and adjacent properties.

Application

- (1) This code applies to assessing a material change of use, reconfiguring a lot, operational work or building work within the Flood and storm tide hazard overlay, if:
 - (a) self-assessable or assessable development where the code is identified as being applicable in the Assessment criteria for the Overlay Codes contained in the Levels of Assessment Tables in section 5.6;
 - (b) impact assessable development.
- (2) Land in the Flood and storm tide hazard overlay is identified on the Flood and storm tide hazard overlay map in Schedule 2 and includes the:
 - (a) Storm tide – high hazard sub-category;
 - (b) Storm tide – medium hazard sub-category;
 - (c) Flood plain assessment sub-category;
 - (d) 100 ARI Mossman, Port Douglas and Daintree Township Flood Studies sub-category.
- (3) When using this code, reference should be made to Part 5.

Criteria for assessment

Table 8.2.4.3.a – Flood and storm tide overlay code –Assessable Development

PERFORMANCE OUTCOMES	ACCEPTABLE MEASURES	COMPLIES	COMMENT
FOR SELF-ASSESSABLE AND ASSESSABLE DEVELOPMENT			
PO1 Development is located and designed to: ensure the safety of all persons; <ol style="list-style-type: none"> (a) minimise damage to the development and contents of buildings; (b) provide suitable amenity; (c) minimise disruption to residents, recovery time, and rebuilding or restoration costs after inundation events. 	AO1.1 Development is sited on parts of the land that is not within the Flood and Storm tide hazards overlay maps contained in Schedule 2; or	YES & REFER BELOW	Lot 7: refer AO1.4 below Lot 94: the proposed tower is sited outside of any area of the site subject to an element depicted on the Flood and Storm Tide Hazard Overlay Map (FST-009). Lot 152: refer AO1.4 below

PERFORMANCE OUTCOMES	ACCEPTABLE MEASURES	COMPLIES	COMMENT
<p><i>Note – For assessable development within the flood plain assessment sub-category, a flood study by a suitably qualified professional is required to identify compliance with the intent of the acceptable outcome.</i></p>	<p>AO1.2</p> <p>For dwelling houses:</p> <p>Development within the Flood and Storm Tide hazards overlay maps (excluding the Flood plain assessment sub-category) is designed to provide immunity to the Defined Inundation Event as outlined within Table 8.2.4.3.b plus a freeboard of 300mm.</p>	N/A	There are no new 'dwellings' proposed under this application.
	<p>AO1.3</p> <p>New buildings are:</p> <ul style="list-style-type: none"> (a) not located within the overlay area; (b) located on the highest part of the site to minimise entrance of flood waters; (c) provided with clear and direct pedestrian and vehicle evacuation routes off the site. 	N/A	There are no new 'buildings' proposed under this application.
	<p>AO1.4</p> <p>In non-urban areas, buildings and infrastructure are set back 50 metres from natural riparian corridors to maintain their natural function of reducing velocity of floodwaters.</p>	YES	<p>Lot 7: the tower is sited more than 50m away from the North Mossman River.</p> <p>Lot 152: the tower is sited more than 50m away from Marrs and/or Quill Creek/s.</p>
FOR ASSESSABLE DEVELOPMENT			
<p>PO2</p> <p>The development is compatible with the level of risk associated with the natural hazard.</p>	<p>A02</p> <p>The following uses are not located in land inundated by the Defined Flood Event (DFE) / Storm tide:</p> <ul style="list-style-type: none"> (a) Retirement facility; (b) Community care facility; (c) Child care centre. 	YES	The Applicant does not seek to establish any of the prescribed uses over either of the allotments prescribed under this application.

PERFORMANCE OUTCOMES	ACCEPTABLE MEASURES	COMPLIES	COMMENT
PO3 Development siting and layout responds to flooding potential and maintains personal safety	For Material change of use AO3.1 New buildings are: <ul style="list-style-type: none"> (a) not located within the overlay area; (b) located on the highest part of the site to minimise entrance of flood waters; (c) provided with clear and direct pedestrian and vehicle evacuation routes off the site. or	N/A	There are no new 'buildings' proposed under this application.
	AO3.2 The development incorporates an area on site that is at least 300mm above the highest known flood inundation level with sufficient space to accommodate the likely population of the development safely for a relatively short time until flash flooding subsides, or people can be evacuated. or	N/A	As AO3.1 above.
	AO3.3 Where involving an extension to an existing dwelling house that is situated below DFE /Storm tide, the maximum size of the extension does not exceed 70m ² gross floor area. <i>Note – If part of the site is outside the Hazard Overlay area, this is the preferred location of all buildings.</i>	N/A	As AO3.1 above.

PERFORMANCE OUTCOMES	ACCEPTABLE MEASURES	COMPLIES	COMMENT
	<p>For Reconfiguring a lot</p> <p>AO3.4</p> <p>Additional lots:</p> <ul style="list-style-type: none"> (a) are not located in the hazard overlay area; or (b) are demonstrated to be above the flood level identified for the site. <p><i>Note - If part of the site is outside the Hazard Overlay area, this is the preferred location for all lots (excluding park or other open space and recreation lots).</i></p> <p><i>Note – Buildings subsequently developed on the lots will need to comply with the relevant building assessment provisions under the Building Act 1975.</i></p>	N/A	This application does not seek to reconfigure any of the lots the subject of this application.
	<p>AO3.5</p> <p>Road and/or pathway layout ensures residents are not physically isolated from adjacent flood free urban areas and provides a safe and clear evacuation route path:</p> <ul style="list-style-type: none"> (a) by locating entry points into the reconfiguration above the flood level and avoiding cul-de-sac or other non-permeable layouts; and (b) by direct and simple routes to main carriageways. 	N/A	As AO3.4 above.
	<p>AO3.6</p> <p>Signage is provided on site (regardless of whether the land is in public or private ownership) indicating the position and path of all safe evacuation routes off the site and if the site contains, or is within 100m of a floodable waterway, hazard warning signage and depth indicators are also provided at key hazard points, such as at floodway crossings or entrances to low-lying reserves. or</p>	N/A	As AO3.4 above.

PERFORMANCE OUTCOMES	ACCEPTABLE MEASURES	COMPLIES	COMMENT
	<p>AO3.7</p> <p>There is no intensification of residential uses within the flood affected areas on land situated below the DFE/Storm tide.</p>	N/A	As AO3.4 above.
	<p>For Material change of use (Residential uses)</p> <p>AO3.8</p> <p>The design and layout of buildings used for residential purposes minimise risk from flooding by providing:</p> <p>(a) parking and other low intensive, non- habitable uses at ground level;</p> <p><i>Note - The high-set 'Queenslander' style house is a resilient low-density housing solution in floodplain areas. Higher density residential development should ensure only non- habitable rooms (e.g. garages, laundries) are located on the ground floor.</i></p>	N/A	This application does not seek to establish any residential uses.
<p>PO4</p> <p>Development is resilient to flood events by ensuring design and built form account for the potential risks of flooding.</p>	<p>For Material change of use (Non-residential uses)</p> <p>AO4.1</p> <p>Non-residential buildings and structures allow for the flow through of flood waters on the ground floor.</p> <p><i>Note - Businesses should ensure that they have the necessary contingency plans in place to account for the potential need to relocate property prior to a flood event (e.g. allow enough time to transfer stock to the upstairs level of a building or off site).</i></p> <p><i>Note - The relevant building assessment provisions under the Building Act 1975 apply to all building work within the Hazard Area and need to take into account the flood potential within the area.</i></p>	YES	<p>Lot 7: the tower proposed over this allotment is considered to be of a suitable design as to not impede the movement of flood waters over the site.</p> <p>Lot 152: the tower is proposed to be mounted to the roof of the existing 2-storey structure. Therefore, it is considered that the tower will not impact on the way in which flood waters will move through the site.</p>

PERFORMANCE OUTCOMES	ACCEPTABLE MEASURES	COMPLIES	COMMENT
	<p>AO4.2</p> <p>Materials are stored on-site:</p> <ul style="list-style-type: none"> (a) are those that are readily able to be moved in a flood event; (b) where capable of creating a safety hazard by being shifted by flood waters, are contained in order to minimise movement in times of flood. <p><i>Notes -</i></p> <p><i>Businesses should ensure that they have the necessary contingency plans in place to account for the potential need to relocate property prior to a flood event (e.g. allow enough time to transfer stock to the upstairs level of a building or off site).</i></p> <p><i>Queensland Government Fact Sheet 'Repairing your House after a Flood' provides information about water resilient products and building techniques.</i></p>	YES	All parts of the tower proposed over Lot 7 are fixed – refer to plans design certification as Appendix 2 .
<p>PO5</p> <p>Development directly, indirectly and cumulatively avoids any increase in water flow velocity or flood level and does not increase the potential flood damage either on site or on other properties.</p> <p><i>Note – Berms and mounds are considered to be an undesirable built form outcome and are not supported.</i></p>	<p>For Operational works</p> <p>AO5.1</p> <p>Works in urban areas associated with the proposed development do not involve:</p> <ul style="list-style-type: none"> (b) any physical alteration to a watercourse or floodway including vegetation clearing; or (c) a net increase in filling (including berms and mounds). 	N/A	This application is not for any Operational Works.

PERFORMANCE OUTCOMES	ACCEPTABLE MEASURES	COMPLIES	COMMENT
	<p>AO5.2</p> <p>Works (including buildings and earthworks) in non-urban areas either:</p> <ul style="list-style-type: none"> (a) do not involve a net increase in filling greater than 50m³; or (b) do not result in any reductions of on-site flood storage capacity and contain within the subject site any changes to depth/duration/velocity of flood waters; <p>or</p> <p>do not change flood characteristics outside the subject site in ways that result in:</p> <ul style="list-style-type: none"> (a) loss of flood storage; (b) loss of/changes to flow paths; (c) acceleration or retardation of flows or any reduction in flood warning times elsewhere on the flood plain. 	N/A	As AO5.1 above.
	<p>For material change of use</p> <p>AO5.3</p> <p>Where development is located in an area affected by DFE/Storm tide, a hydraulic and hydrology report, prepared by a suitably qualified professional, demonstrates that the development maintains the flood storage capacity on the subject site; and</p> <ul style="list-style-type: none"> (a) does not increase the volume, velocity, concentration of flow path alignment of stormwater flow across sites upstream, downstream or in the general vicinity of the subject site; and 	N/A	Neither of the allotments subject to this application are affected by any storm tide element depicted on the Flood and Storm Tide Inundation Overlay Mapp (FST-009).

PERFORMANCE OUTCOMES	ACCEPTABLE MEASURES	COMPLIES	COMMENT
	(b) does not increase ponding on sites upstream, downstream or in the general vicinity of the subject site.		
	<p>For Material change of use and Reconfiguring a lot</p> <p>AO5.4</p> <p>In non-urban areas, buildings and infrastructure are set back 50 metres from natural riparian corridors to maintain their natural function of reducing velocity of floodwaters.</p> <p><i>Note – Fences and irrigation infrastructure (e.g. irrigation tape) in rural areas should be managed to minimise adverse the impacts that they may have on downstream properties in the event of a flood.</i></p>	YES	As AO1.4 above.
<p>PO6</p> <p>Development avoids the release of hazardous materials into floodwaters.</p>	<p>For Material change of use</p> <p>AO6.1</p> <p>Materials manufactured or stored on site are not hazardous or noxious, or comprise materials that may cause a detrimental effect on the environment if discharged in a flood event;</p> <p>or</p>	N/A	The proposed telecommunication facilities are not of a type of use that would produce any materials nor require any hazardous or noxious material or substances to be stored on site to support its operation.
	<p>AO6.2</p> <p>If a DFE level is adopted, structures used for the manufacture or storage of hazardous materials are:</p> <p>(a) located above the DFE level; or</p> <p>(b) designed to prevent the intrusion of floodwaters.</p>	N/A	As AO6.1 above.

PERFORMANCE OUTCOMES	ACCEPTABLE MEASURES	COMPLIES	COMMENT
	<p>AO6.3</p> <p>Infrastructure is designed and constructed to resist hydrostatic and hydrodynamic forces as a result of inundation by the DFE.</p>	N/A	As AO6.1 above.
	<p>AO6.4</p> <p>If a flood level is not adopted, hazardous materials and their manufacturing equipment are located on the highest part of the site to enhance flood immunity and designed to prevent the intrusion of floodwaters.</p> <p><i>Note – Refer to Work Health and Safety Act 2011 and associated Regulation and Guidelines, the Environmental Protection Act 1994 and the relevant building assessment provisions under the Building Act 1975 for requirements related to the manufacture and storage of hazardous materials.</i></p>	N/A	As AO6.1 above.
<p>P07</p> <p>The development supports, and does not unduly burden, disaster management response or recovery capacity and capabilities.</p>	<p>A07</p> <p>Development does not:</p> <ul style="list-style-type: none"> (a) increase the number of people calculated to be at risk of flooding; (b) increase the number of people likely to need evacuation; (c) shorten flood warning times; and (d) impact on the ability of traffic to use evacuation routes, or unreasonably increase traffic volumes on evacuation routes. 	YES	<p>The towers can operate unmanned, therefore not requiring or generating additional people to be present over the site due to its presence.</p> <p>Conversely, however, the towers will improve response times for natural hazards, accidents, or emergencies that may take place in the Gorge and ensure that traffic (both vehicular and pedestrian) can move safely between the MGC and the Gorge itself.</p>

PERFORMANCE OUTCOMES	ACCEPTABLE MEASURES	COMPLIES	COMMENT
PO8 Development involving community infrastructure: <ul style="list-style-type: none"> (a) remains functional to serve community need during and immediately after a flood event; (b) is designed, sited and operated to avoid adverse impacts on the community or environment due to impacts of flooding on infrastructure, facilities or access and egress routes; (c) retains essential site access during a flood event; (d) is able to remain functional even when other infrastructure or services may be compromised in a flood event. 	AO8.1 The following uses are not located on land inundated during a DFE/Storm tide: <ul style="list-style-type: none"> (a) community residence; and (b) emergency services; and (c) residential care facility; and (d) utility installations involving water and sewerage treatment plants; and (e) storage of valuable records or items of historic or cultural significance (e.g. archives, museums, galleries, libraries). or	YES	The Applicant does not seek to establish any of the prescribed uses over either of the allotments prescribed under this application.
	AO8.2 The following uses are not located on land inundated during a 1% AEP flood event: <ul style="list-style-type: none"> (a) community and cultural facilities, including facilities where an education and care service under the Education and Care Services National Law (Queensland) is operated or child care service under the <i>Child Care Act 2002</i> is conducted; (b) community centres; (c) meeting halls; (d) galleries; (e) libraries. The following uses are not located on land inundated during a 0.5% AEP flood event: <ul style="list-style-type: none"> (a) emergency shelters; (b) police facilities; (c) sub stations; 	N/A	As AO8.1 above.

PERFORMANCE OUTCOMES	ACCEPTABLE MEASURES	COMPLIES	COMMENT
	<p>(d) water treatment plant</p> <p>The following uses are not located on land inundated during a 0.2% AEP flood event:</p> <ul style="list-style-type: none"> (a) correctional facilities; (b) emergency services; (c) power stations; (d) major switch yards. <p>and/or</p>		
	<p>AO8.3</p> <p>The following uses have direct access to low hazard evacuation routes as defined in Table 8.2.4.3.c:</p> <ul style="list-style-type: none"> (a) community residence; and (b) emergency services; and (c) hospitals; and (d) residential care facility; and (e) sub stations; and (f) utility installations involving water and sewerage treatment plants. 	N/A	As AO8.1 above.
	<p>AO8.4</p> <p>Any components of infrastructure that are likely to fail to function or may result in contamination when inundated by flood, such as electrical switch gear and motors, telecommunications connections, or water supply pipeline air valves are:</p> <ul style="list-style-type: none"> (a) located above DFE/Storm tide or the highest known flood level for the site; (b) designed and constructed to exclude floodwater intrusion / infiltration. 	YES	The battery pack associated with the digital repeater tower located over Lot 7 sits approx. 660mm above the current natural ground level; which is considered to be suitable level of immunity.

PERFORMANCE OUTCOMES	ACCEPTABLE MEASURES	COMPLIES	COMMENT
	<p>A08.5</p> <p>Infrastructure is designed and constructed to resist hydrostatic and hydrodynamic forces as a result of inundation by a flood.</p>	N/A	The tower proposed over Lot 7 is considered to present a suitable level of immunity.

Application

- (1) This code applies to assessing a material change of use, reconfiguring a lot, operational work or building work within the Hillslopes overlay, if:
 - (a) self-assessable or assessable development where the code is identified as being applicable in the Assessment criteria for the Overlay Codes contained in the Levels of Assessment Tables in section 5.6;
 - (b) impact assessable development.
- (2) Land in the Hillslopes overlay is identified on the Hillslopes overlay map in Schedule 2 and includes the following sub-categories:
 - (a) Hillslopes constraint sub-category.
- (3) When using this code, reference should be made to Part 5.

Criteria for assessment

Table 8.2.5.3.a - Hillslopes overlay code –Assessable Development

PERFORMANCE OUTCOMES	ACCEPTABLE MEASURES	COMPLIES	COMMENT
FOR SELF-ASSESSABLE DEVELOPMENT			
PO1 The landscape character and visual amenity quality of hillslopes areas is retained to protect the scenic backdrop to the region.	AO1.1 Development is located on parts of the site that are not within the Hillslopes constraint sub- category as shown on the Hillslopes overlay Maps contained in schedule 2.	YES & REFER BELOW	Lot 7: this allotment is not impacted by any element depicted on the Hillslopes Overlay Map (HS-008) Lot 94: the whole allotment is impacted by the Hillslopes Overlay – see AO2.1 below. Lot 152: the tower will be placed on the portion of the site that is impacted by the Hillslopes Overlay – see AO2.1 below.

PERFORMANCE OUTCOMES	ACCEPTABLE MEASURES	COMPLIES	COMMENT
FOR ASSESSABLE DEVELOPMENT			
PO2 The landscape character and visual amenity quality of hillslopes areas is retained to protect the scenic backdrop to the region.	A02.1 Development does not occur on land with a gradient in excess of 1 in 6 (16.6%) or	YES & N/A	Lot 94: the portion of the site chosen for the placement of the 18m tower is generally flat. Lot 152: the tower is to be mounted on top of the existing two (2) storey structure, where the proposed slope is considered not application to the placement of this tower as all matters relating to the slope of the land were addressed through the initial design and construction of the existing structure.
	A02.2 Where development on land steeper than 1 in 6 (16.6%) cannot be avoided, development follows the natural contours of the site.	N/A	As A02.1 above.
	A02.3 Access ways and driveways are: <ul style="list-style-type: none"> (a) constructed with surface materials that blend with the surrounding environment; (b) landscaped with dense planting to minimise the visual impact of the construction; (c) provided with erosion control measures immediately after construction. 	N/A	All vehicular access arrangements are existing for both Lots 94 & 152 and are proposed to be retained under their current state.

PERFORMANCE OUTCOMES	ACCEPTABLE MEASURES	COMPLIES	COMMENT
	AO2.4 The clearing or disturbance of vegetation is limited to clearing and disturbance that: <ul style="list-style-type: none"> (a) is necessary for the construction of driveways; (b) is necessary to contain the proposed development; (c) minimises canopy clearing or disturbance; (d) minimises riparian clearing or disturbance. 	YES	Lot 94: as highlighted throughout the planning report, the Applicant will need to lightly prune/trim (i.e. remove vines a couple of trees encircling the existing cleared area Lot 152: there is no vegetation damage proposed over this allotment to support the placement of the roof mounted aerial.
	AO2.5 On land with slopes greater than 1 in 6 (16.6%) or greater, alternative construction methods to concrete slab on ground are utilised (i.e. split level or post and beam constructed buildings that minimise modification to the natural terrain of the land).	N/A	As AO2.1 above.
	AO2.6 Development does not alter the sky line.	YES	All towers will blend seamlessly with their surrounding environment – i.e. the tower proposed over Lot 152 will not extend beyond the height of the canopy; and the tower proposed over Lot 94, although it will protrude above the canopy, it cannot be seen from any public areas or adjoining properties ensuring the character and amenity of the viewshed remains unimpacted.

PERFORMANCE OUTCOMES	ACCEPTABLE MEASURES	COMPLIES	COMMENT
	AO2.7 Buildings and structures: <ul style="list-style-type: none"> (a) are finished predominantly in the following exterior colours or surfaces: (b) moderately dark to darker shades of olive green, brown, green, blue, or charcoal; or (c) moderately dark to darker wood stains that blend with the colour and hues of the surrounding vegetation and landscape; (d) are not finished in the following exterior colours or surfaces: (e) pastel or terracotta colours, reds, yellows, shades of white or beige, or other bright colours that do not blend with the surrounding vegetation and landscape; (f) reflective surfaces. 	YES	Lot 94: the tower will be powercoated in a matte green finish Lot 152: the yagi tower will remain as a standard aluminium mast.
	AO2.8 Exterior colour schemes limit the use of white or other light colours to exterior trim and highlighting of architectural features	YES	As AO2.7 above.
	AO2.9 Areas between the first floor (including outdoor deck areas) and ground level are screened from view.	YES	Lot 94: the tower is proposed is be located in a staff only access area that cannot be seen from view of any public/tourist areas or from Mossman Gorge Road. Lot 152: the existing building is considered to be appropriately screened.

PERFORMANCE OUTCOMES	ACCEPTABLE MEASURES	COMPLIES	COMMENT
	AO2.10 Recreational or ornamental features (including tennis courts, ponds or swimming pools) do not occur on land: <ul style="list-style-type: none"> (a) with a gradient of 1 in 6 (16.6%) or more; (b) are designed to be sited and respond to the natural constraints of the land and require minimal earthworks. 	N/A	There are no recreational or ornamental features proposed under this application
PO3 Excavation or filling does not have an adverse impact on the amenity, safety, stability or function of the site or adjoining premises through: <ul style="list-style-type: none"> (a) loss of privacy; (b) loss of access to sunlight; (c) intrusion of visual or overbearing impacts; (d) complex engineering solutions. 	AO3 Excavation or fill: <ul style="list-style-type: none"> (a) is not more than 1.2 metres in height for each batter or retaining wall; (b) is setback a minimum of 2 metres from property boundaries; (c) is stepped with a minimum 2-metre-wide berm to incorporate landscaping in accordance with Planning scheme policy SC6.7 – Landscaping; (d) does not exceed a maximum of 3 batters and 3 berms (i.e. not greater than 3.6 metres in height) on any one lot. 	YES & N/A	Lot 94: Only minor earthworks are required to prepare the site for the pouring of the foundations. Accordingly, these works: <ul style="list-style-type: none"> (a) are significantly less than 1.5m in height; and (b) are setback greater than 2m from the property boundary; and (c) will not be placed upon or create any batters or berms. Lot 152: not applicable – the tower will be mount to the roof of the existing structure.
LOT RECONFIGURATION			
PO4 For development that involves reconfiguring a lot, lot layout and design is responsive to the natural constraints of the land and each lot is capable of being used for its intended purpose.	AO4.1 The frontage and depth of all lots is of sufficient width to: <ul style="list-style-type: none"> allow driveways to follow the natural contours of the site and not exceed a gradient of 1 in 6 (16.6%); accommodate any changes in gradient between the road and lot within the lot boundary and not within the road reserve. 	N/A	This application does not seek to reconfigure any of the allotments the subject of this application.

PERFORMANCE OUTCOMES	ACCEPTABLE MEASURES	COMPLIES	COMMENT
	AO4.2 Development does not create new lots containing land of greater than 1 in 6 (16.6%), except where a rectangular area of land of lesser grade is contained within the new lots to accommodate the intended land use, with the balance left in its natural state to the greatest extent possible. <i>Note – The size of rectangular areas is outlined within each zone code.</i>	N/A	As AO4.2 above
	AO4.3 Development does not alter ridgelines.	N/A	As AO4.2 above
	AO4.4 Lots are designed to ensure rooflines of future buildings and structures do not protrude above a ridgeline.	N/A	As AO4.2 above

Application

- (1) This code applies to assessing a material change of use, reconfiguring a lot, operational work or building work within the Landscape values overlay, if:
 - (a) self-assessable or assessable development where the code is identified as being applicable in the Assessment criteria for the Overlay Codes contained in the Levels of Assessment Tables in section 5.6;
 - (b) impact assessable development.
- (2) Land in the Landscape values overlay is identified on the Landscape values overlay map in Schedule 2 and includes in following sub-categories:
 - (a) High landscape value sub-category;
 - (b) Medium landscape value sub-category;
 - (c) Scenic route buffer / view corridor area sub-category;
 - (d) Coastal scenery area sub-category.
- (3) When using this code, reference should be made to Part 5.

Criteria for assessment

Table 8.2.6.3.a – Landscape values overlay code –Assessable Development

PERFORMANCE OUTCOMES	ACCEPTABLE MEASURES	COMPLIES	COMMENT
FOR ASSESSABLE DEVELOPMENT			
DEVELOPMENT IN A HIGH LANDSCAPE VALUE AREA			
PO1 Development within High landscape value areas identified on the Landscape values overlay maps contained in Schedule 2: <ol style="list-style-type: none"> (a) avoids detrimental impacts on the landscape values of forested skylines, visible hillslopes, ridgelines, the coastal foreshore or the shoreline of other water bodies through the loss of vegetation; (b) is effectively screened from view from a road, lookout or other public place by an existing 	AO1.1 Buildings and structures are not more than 8.5 metres and two storeys in height. Note - Height is inclusive of roof height.	ALTERNATE SOLUTION	<i>NB: Only Lots 94 & 152 are impacted by the prescribed element.</i> The height of each tower is as follows: Lot 94: 18m Lot 152: approx. 14.5m (height inclusive of 6.5m roof mounted aerial and existing two (2) storey structure). For the non-compliance presented with regards to towers over Lots 94 & 152, please see section 6.6 of the Planning Report for commentary demonstrating compliance with the corresponding PO.

PERFORMANCE OUTCOMES	ACCEPTABLE MEASURES	COMPLIES	COMMENT
<p>natural landform or native vegetation, or will be effectively screened by native vegetation within 3 years of construction;</p> <p>(c) retains existing vegetation and incorporates new landscaping to enhance existing vegetation and visually soften built form elements;</p> <p>(d) incorporates development of a scale, design, height, position on site, construction materials and external finishes that are compatible with the landscape values of the locality;</p> <p>(e) avoids detrimental impacts on landscape values and excessive changes to the natural landform as a result of the location, position on site, scale, design, extent and alignment of earthworks, roads, driveways, retaining walls and other on-ground or in-ground infrastructure;</p> <p>(f) avoids detrimental impacts on landscape values and views as a result of the location, position on site, scale, design and alignment of telecommunications facilities, electricity towers, poles and lines and other tall infrastructure;</p> <p>(g) extractive industry operations are avoided.</p> <p><i>Note - A visual impact assessment is undertaken in accordance with Planning scheme policy SC6.6 – Landscape values in order to satisfy performance outcomes.</i></p>			NB: it is noted that Lot 7 is subject to both High and Medium Landscape Values; however, the tower is being placed within a portion of the site that is subject to the Medium Landscape Values and will be addressed accordingly under this code.
	<p>AO1.2</p> <p>Buildings and structures are setback not less than 50 metres from ridgelines or peaks.</p>	YES	None of the proposed towers are located along ridgelines or peaks
	<p>AO1.3</p> <p>Development is screened from view from roads or other public places by an existing natural landform or an existing native vegetation buffer.</p>	YES	<p>Lot 94: the 18m tower is located in an existing cleared area that is access by staff members only and is obscured from view through existing dense vegetation.</p> <p>Lot 152: the 6.5m roof mounted tower is obscured from view from the road or adjoining properties through a combination of mature dense vegetation that encircles the site and topography.</p>
	<p>AO1.4</p> <p>Where development on land steeper than 1 in 6 (16.6%) cannot be avoided:</p> <ul style="list-style-type: none"> (a) development follows the natural; contours of the site; (b) buildings are split level or suspended floor construction, or a combination of the two; (c) lightweight materials are used to areas with suspended floors. <p><i>Note - Examples of suitable lightweight materials include timber or fibre cement boards or sheeting for walls and factory treated metal sheeting for walls and roofs.</i></p>	N/A	None of the towers are being placed on land steeper than 1 in 6.

PERFORMANCE OUTCOMES	ACCEPTABLE MEASURES	COMPLIES	COMMENT
	<p>AO1.5</p> <p>The external features, walls and roofs of buildings and structures have a subdued and non-reflective palette.</p> <p><i>Note - Examples of suitable colours include shades of green, olive green, blue green, grey green, green blue, indigo, brown, blue grey, and green yellow.</i></p>	YES & ALTERNATE SOLUTION	<p>Lot 94: complies - the proposed 18.0m tower will present a powder coated matte green finish.</p> <p>Lot 152: alternate solution sought - the Yagi tower presents its standard aluminium finish.</p> <p>Refer section 6.6 of the planning report for commentary demonstrating compliance with the corresponding PO.</p>
	<p>AO1.6</p> <p>No clearing of native vegetation occurs on land with a slope greater than 1 in 6 (16.5%).</p>	YES	The Applicant does not seek to undertake any 'vegetation damage' activities.
	<p>AO1.7</p> <p>Where for accommodation activities or reconfiguration of a lot in a High landscape value area, development demonstrates that the height, design, scale, positioning on-site, proposed construction materials and external finishes are compatible with the landscape values.</p> <p><i>Note - A visual impact assessment undertaken in accordance with Planning scheme policy SC6.6 – Landscape values may be required.</i></p>	N/A	This application does not seek to establish any accommodation activities or reconfigure any of the allotments subject to this application.
	<p>AO1.8</p> <p>Advertising devices do not occur.</p>	N/A	There are no advertising devices proposed under this application.

PERFORMANCE OUTCOMES	ACCEPTABLE MEASURES	COMPLIES	COMMENT
DEVELOPMENT WITHIN THE MEDIUM LANDSCAPE VALUE AREA			
PO2 Development within Medium landscape value areas identified on the Landscape values overlay maps contained in Schedule 2: (a) avoids detrimental impacts on the landscape values of forested skylines, visible hillslopes, ridgelines, the coastal foreshore or the shoreline of other water bodies through the loss of vegetation; (b) is effectively screened from view from a road, lookout or other public place by an existing natural landform or native vegetation, or will be effectively screened by native vegetation within 5 years of construction; (c) retains existing vegetation and incorporates new landscaping to enhance existing vegetation and visually soften built form elements; (d) incorporates development of a scale, design, height, position on site, construction materials and external finishes that are compatible with the landscape values of the locality; (e) avoids detrimental impacts on landscape values and excessive changes to the natural landform as a result of the location, position on site, scale, design and alignment of earthworks, roads, driveways, retaining walls and other on-ground or in-ground infrastructure; (f) avoids detrimental impacts on landscape values and views as a result of the location, position on site, scale, design and alignment of	AO2.1 Buildings and structures are not more than 8.5 metres and two storeys in height. <i>Note - Height is inclusive of the roof height.</i>	YES	<i>NB: Only Lot 7 are impacted by the prescribed element.</i> The height of each tower is as follows: Lot 7 approx. 5m
	AO2.2 Development is screened from view from roads or other public places by an existing natural landform or an existing native vegetation buffer.	YES	Lot 7: the 5m tower is obscured from view from the road and internal parking areas via existing mature vegetation that encircles the cleared/grassed area.
	AO2.3 Where development on land steeper than 1 in 6 (16.6%) cannot be avoided: (a) development follows the natural; contours of the site; (b) buildings are split level or suspended floor construction, or a combination of the two; (c) lightweight materials are used to areas with suspended floors. <i>Note - Examples of suitable lightweight materials include timber or fibre cement boards or sheeting for walls and factory treated metal sheeting for walls and roofs.</i>	N/A	None of the towers are being placed on land steeper than 1 in 6.

PERFORMANCE OUTCOMES	ACCEPTABLE MEASURES	COMPLIES	COMMENT
<p>telecommunications facilities, electricity towers, poles and lines and other tall infrastructure;</p> <p>(g) extractive industry operations are avoided, or where they cannot be avoided, are screened from view.</p> <p><i>Note - A visual impact assessment is undertaken in accordance with Planning scheme policy SC6.6 – Landscape values in order to satisfy performance outcomes.</i></p>	<p>AO2.4</p> <p>The external features, walls and roofs of buildings and structures have a subdued and non-reflective palette.</p> <p><i>Note - Examples of suitable colours include shades of green, olive green, blue green, grey green, green blue, indigo, brown, blue grey, and green yellow.</i></p>	YES	The proposed tower system will present a powder coated white finish.
	<p>AO2.5</p> <p>No clearing of native vegetation occurs on land with a slope greater than 1 in 6 (16.6%).</p>	YES	The Applicant does not seek to undertake any 'vegetation damage' activities.
	<p>AO2.6</p> <p>Advertising devices do not occur.</p>	YES	There are no advertising devices proposed under this application.
DEVELOPMENT WITHIN A SCENIC ROUTE BUFFER / VIEW CORRIDOR AREA			
<p>PO3</p> <p>Development within a Scenic route buffer / view corridor area as identified on the Landscape values overlay maps contained in Schedule 2:</p> <p>(a) retains visual access to views of the surrounding landscape, the sea and other water bodies;</p> <p>(b) retains existing vegetation and incorporates landscaping to visually screen and soften built form elements whilst not impeding distant views or view corridors; incorporates building materials and external finishes that are compatible with the visual amenity and the landscape character;</p> <p>(c) minimises visual impacts on the setting and views in terms of:</p>	<p>AO3.1</p> <p>Where within a Scenic route buffer / view corridor area, the height of buildings and structures is not more than identified within the acceptable outcomes of the applicable zone code.</p>	N/A	None of the allotments forming part of this application are subject to a Scenic Route / Scenic Route Buffer / View Corridor element depicted on the Landscape Values Overlay Map (LV-009).
	<p>AO3.2</p> <p>No clearing of native vegetation is undertaken within a Scenic route buffer area.</p>	N/A	As AO3.1 above.

PERFORMANCE OUTCOMES	ACCEPTABLE MEASURES	COMPLIES	COMMENT
(d) the scale, height and setback of buildings; (e) the extent of earthworks and impacts on the landform including the location and configuration of access roads and driveways; (f) the scale, extent and visual prominence of advertising devices. <i>Note - A visual impact assessment is undertaken in accordance with Planning scheme policy SC6.6 – Landscape values in order to satisfy performance outcomes.</i>	AO3.3 Where within a Scenic route buffer / view corridor area development is set back and screened from view from a scenic route by existing native vegetation with a width of at least 10 metres and landscaped in accordance with the requirements of the landscaping code.	N/A	As AO3.1 above.
	AO3.4 Development does not result in the replacement of, or creation of new, additional, or enlarged advertising devices.	N/A	As AO3.1 above.
DEVELOPMENT WITHIN THE COASTAL SCENERY AREA			
PO4 The landscape values of the Coastal scenery zone as identified on the Landscape values overlay maps contained in Schedule 2 are managed to integrated and limit the visual impact of development. <i>Note - A visual impact assessment is undertaken in accordance with Planning scheme policy SC6.6 – Landscape values in order to satisfy performance outcomes.</i>	AO4.1 The dominance of the natural character of the coast is maintained or enhanced when viewed from the foreshore.	N/A	None of the allotments forming part of this application are subject to a Coastal Scenery element depicted on the Landscape Values Overlay Map (LV-009).
	AO4.2 Where located adjacent to the foreshore buildings and structures are setback: <ul style="list-style-type: none"> (a) Where no adjoining development, a minimum of 50 metres from the coastal high-water mark and the setback area is landscaped with a native vegetation buffer that has a minimum width of 25 metres; or (b) Where there is adjoining development, setbacks will be consistent with that of adjoining buildings and structures, but not less than 10 metres from the coastal high-water mark. The setback area is landscaped in accordance with the requirements of the Landscaping code. 	N/A	As AO4.2 above.

PERFORMANCE OUTCOMES	ACCEPTABLE MEASURES	COMPLIES	COMMENT
	<p>AO4.3</p> <p>Where separated from the foreshore by land contained within public ownership (e.g. unallocated State land, esplanade or other public open space), buildings and structures area setback:</p> <p>where no adjoining development, a minimum of 6 metres from the coastward property boundary. The setback area is landscaped in accordance with the requirements of the Landscaping code; or</p> <p>where there is adjoining development, setbacks will be consistent with that of adjoining buildings and structures. The setback area is landscaped in accordance with the requirements of the Landscaping code.</p>	N/A	As AO4.2 above.
<p>PO5</p> <p>Development is to maximise opportunities to maintain and/or enhance natural landscape values through the maintenance and restoration of vegetated buffers between development and coastal waters, where practical.</p> <p><i>Note – A visual impact assessment is undertaken in accordance with Planning scheme policy SC6.6 – Landscape values in satisfaction of a performance outcome</i></p>	<p>AO5</p> <p>No clearing of native vegetation is undertaken within a Coastal scenery area zone, except for exempt vegetation damage undertaken in accordance with the Vegetation management code</p>	N/A	As AO4.2 above.

Application

- (1) This code applies to assessing a material change of use, reconfiguring a lot, operational work or building work within the Natural areas overlay, if:
 - (a) self-assessable or assessable development where the code is identified as being applicable in the Assessment criteria for the Overlay Codes contained in the Levels of Assessment Tables in section 5.6;
 - (b) impact assessable development.
- (2) Land in the Natural areas overlay is identified on the Natural areas overlay map in Schedule 2 and includes the following sub-categories:
 - (a) MSES – Protected area;
 - (b) MSES – Marine park;
 - (c) MSES – Wildlife habitat;
 - (d) MSES – Regulated vegetation;
 - (e) MSES – Regulated vegetation (intersecting a Watercourse);
 - (f) MSES – High ecological significance wetlands;
 - (g) MSES – High ecological value waters (wetlands);
 - (h) MSES – High ecological value waters (watercourse);
 - (i) MSES – Legally secured off set area.

Note – MSES = Matters of State Environmental Significance.

- (3) When using this code, reference should be made to Part 5.

Criteria for assessment

Table 8.2.7.3.a – Natural area overlay code –Assessable Development

PERFORMANCE OUTCOMES	ACCEPTABLE MEASURES	COMPLIES	COMMENT
FOR SELF-ASSESSABLE DEVELOPMENT AND ASSESSABLE DEVELOPMENT			
PROTECTION OF MATTERS OF ENVIRONMENTAL SIGNIFICANCE			
PO1 Development protects matters of environmental significance.	AO1.1 Development avoids significant impact on the relevant environmental values. or	YES	The Applicant seeks to place these towers within existing cleared areas over each site, with only very minor pruning/trimming works (i.e. removing vines, trimming branches, etc.) required to support the full movement of the seesaw arm for maintenance of the 18m tower over Lot 94.

PERFORMANCE OUTCOMES	ACCEPTABLE MEASURES	COMPLIES	COMMENT
	AO1.2 A report is prepared by an appropriately qualified person demonstrating to the satisfaction of the assessment manager, that the development site does not contain any matters of state and local environmental significance. or	N/A	As AO1.1 above.
	AO1.3 Development is located, designed and operated to mitigate significant impacts on environmental values. For example, a report certified by an appropriately qualified person demonstrating to the satisfaction of the assessment manager, how the proposed development mitigates impacts, including on water quality, hydrology and biological processes.	N/A	As AO1.1 above.
MANAGEMENT OF IMPACTS ON MATTERS OF ENVIRONMENTAL SIGNIFICANCE			
PO2 Development is located, designed and constructed to avoid significant impacts on matters of environmental significance.	AO2 The design and layout of development minimises adverse impacts on ecologically important areas by: <ul style="list-style-type: none"> (a) focusing development in cleared areas to protect existing habitat; (b) utilising design to consolidate density and preserve existing habitat and native vegetation; (c) aligning new property boundaries to maintain ecologically important areas; (d) ensuring that alterations to natural landforms, hydrology and drainage patterns on the development site do not negatively affect ecologically important areas; 	YES	As AO1.1 above.

PERFORMANCE OUTCOMES	ACCEPTABLE MEASURES	COMPLIES	COMMENT
	(e) ensuring that significant fauna habitats are protected in their environmental context; and (f) incorporating measures that allow for the safe movement of fauna through the site.		
PO3 An adequate buffer to areas of state environmental significance is provided and maintained.	AO3.1 A buffer for an area of state environmental significance (Wetland protection area) has a minimum width of: (a) 100 metres where the area is located outside Urban areas; or (b) 50 metres where the area is located within a Urban areas. or	YES	Only Lot 94 is subject to this element. The proposed tower is considered to be suitably separated from all waterways present over this Lot.
	AO3.2 A buffer for an area of state environmental significance is applied and maintained, the width of which is supported by an evaluation of environmental values, including the function and threats to matters of environmental significance.	N/A	As AO3.1 above.
PO4 Wetland and wetland buffer areas are maintained, protected and restored. <i>Note – Wetland buffer areas are identified in AO3.1.</i>	AO4.1 Native vegetation within wetlands and wetland buffer areas is retained.	N/A	None of the allotments a part of this application includes or sit adjacent to a defined wetland.
	AO4.2 Degraded sections of wetlands and wetland buffer areas are revegetated with endemic native plants in patterns and densities which emulate the relevant regional ecosystem	N/A	As AO4.1 above.

PERFORMANCE OUTCOMES	ACCEPTABLE MEASURES	COMPLIES	COMMENT
PO5 Development avoids the introduction of non- native pest species (plant or animal), that pose a risk to ecological integrity. <i>Note – A visual impact assessment is undertaken in accordance with Planning scheme policy SC6.6 – Landscape values in satisfaction of a performance outcome</i>	AO5.1 Development avoids the introduction of non-native pest species.	YES	All allotments present mature dense vegetation which is sought to be retained under this application; and the Applicant does not seek to undertake any additional landscape works.
	AO5.2 The threat of existing pest species is controlled by adopting pest management practices for long-term ecological integrity.	N/A	As AO5.1 above.
ECOLOGICAL CONNECTIVITY			
PO6 Development protects and enhances ecological connectivity and/or habitat extent.	AO6.1 Development retains native vegetation in areas large enough to maintain ecological values, functions and processes. and	YES	All vegetation is sought to be retained under this application.
	AO6.2 Development within an ecological corridor rehabilitates native vegetation. and	YES	All existing vegetation is considered to be in pristine condition and will not required to be rehabilitated as the Applicant does not seek to undertake any 'vegetation damage' works.
	AO6.3 Development within a conservation corridor mitigates adverse impacts on native fauna, feeding, nesting, breeding and roosting sites and native fauna movements.	YES	The Applicant does not seek to undertake any 'vegetation damage' works. It is in the Applicant's best interest to retain the high natural/environmental values currently present over each site as it is vital to success of their tourism venture.

PERFORMANCE OUTCOMES	ACCEPTABLE MEASURES	COMPLIES	COMMENT
P07 Development minimises disturbance to matters of state environmental significance (including existing ecological corridors).	A07.1 Development avoids shading of vegetation by setting back buildings by a distance equivalent to the height of the native vegetation. and	YES	Each tower presents a slim profile, which will not result in any overshadowing.
	A07.2 Development does not encroach within 10 metres of existing riparian vegetation and watercourses.	YES	The towers proposed over Lots 94 & 152 are considered to present a reasonable level of separation from the watercourses that traverse each site.
WATERWAYS IN AN URBAN AREA			
P08 Development is set back from waterways to protect and maintain: <ul style="list-style-type: none"> (a) water quality; (b) hydrological functions; (c) ecological processes; (d) biodiversity values; (e) riparian and in-stream habitat values and connectivity; (f) in-stream migration. 	A08.1 Where a waterway is contained within an easement or a reserve required for that purpose, development does not occur within the easement or reserve; or	DEEMED TO COMPLY	Only Lot 152 is located within an urban area. As the tower proposed for this site is to be mounted on an existing structure, the proposed development is deemed to comply as these matters (i.e. provisions prescribed under AO8.1 and AO8.2) would have been considered as part of the initial redevelopment of the land.
	A08.2 Development does not occur on the part of the site affected by the waterway corridor. <i>Note – Waterway corridors are identified within Table 8.2.7.3.b.</i>	DEEMED TO COMPLY	As AO8.1 above.

PERFORMANCE OUTCOMES	ACCEPTABLE MEASURES	COMPLIES	COMMENT
WATERWAYS IN A NON-URBAN AREA			
PO9 Development is set back from waterways to protect and maintain: <ul style="list-style-type: none"> (a) water quality; (b) hydrological functions; (c) ecological processes; (d) biodiversity values; (e) riparian and in-stream habitat values and connectivity; (f) in-stream migration. 	A09 Development does not occur on that part of the site affected by a waterway corridor. <i>Note – Waterway corridors are identified within Table 8.2.7.3.b.</i>	YES	Lot 7 is free of any waterways. The tower proposed over Lot 94 is considered to present a more than reasonable level of separation from the watercourses that traverse through the centre of the site.

Application

- (1) This code applies to assessing a material change of use, reconfiguring a lot, operational work or building work within the Potential landslide hazard overlay; if
 - (a) self-assessable or assessable development where the code is identified as being applicable in the Assessment criteria for the Overlay Codes contained in the Levels of Assessment Tables in section 5.6;
 - (b) impact assessable development.
- (2) Land in the Potential landslip hazard overlay is identified on the Potential landslide hazard overlay maps in Schedule 2 and includes the following sub-categories:
 - (a) Places of potential landslide hazard sub-category.
- (3) When using this code, reference should be made to Part 5.

Note – The Potential landslide hazard overlay shows modelled areas where the factors contributing to landslip potential accumulate to provide a moderate or higher risk if certain factors are exacerbated (e.g. factors include significant vegetation clearing, filling and excavation, changes to soil characteristics, changes to overland water flow, or changes to sub-surface water flow). It shows areas that the Council has identified where landslides may occur and where land may be impacted by a landslide but does not mean that landslides will occur or that the land will be impacted by a landslide. Other areas not contained within the potential landslide hazard overlay may sustain landslides or be impacted by landslides and consideration should be given to this issue, where appropriate.

Criteria for assessment

Table 8.2.9.3.a – Potential landslide hazard overlay code –Assessable Development

PERFORMANCE OUTCOMES	ACCEPTABLE MEASURES	COMPLIES	COMMENT
FOR SELF-ASSESSABLE DEVELOPMENT AND ASSESSABLE DEVELOPMENT			
PO1 The siting and design of development does not involve complex engineering solutions and does not create or increase the potential landslide hazard risk to the site or adjoining premises through: <ol style="list-style-type: none"> (a) building design; 	AO1.1 Development is located on that part of the site not affected by the Potential landslide hazard overlay. or	YES	All towers are located outside of defined potential landslip hazard areas as identified on Overlay Map PLH-006.

PERFORMANCE OUTCOMES	ACCEPTABLE MEASURES	COMPLIES	COMMENT
(b) increased slope; (c) removal of vegetation; (d) stability of soil; (e) earthworks; (f) alteration of existing ground water or surface water paths; (g) waste disposal areas.	AO1.2 Development is on an existing stable, benched site and requires no further earthworks or	N/A	As AO1.1 above.
	AO1.3 A competent person certifies that: <ul style="list-style-type: none"> (a) the stability of the site, including associated buildings and infrastructure, will be maintained during the course of the development and will remain stable for the life of the development; (b) development of the site will not increase the risk of landslide hazard activity on other land, including land above the site; (c) the site is not subject to the risk of landslide activity on other land; (d) any measures identified in a site-specific geotechnical report for stabilising the site or development have been fully implemented; (e) development does not concentrate existing ground water and surface water paths; (f) development does not incorporate on-site waste water disposal. <i>Note – Planning scheme policy SC6.9 – Natural hazards provides guidance on preparing a site specific geo-technical assessment.</i> <i>Note – Development may alter the conditions of ground water and surface water paths in accordance with a site-specific geotechnical</i>	N/A	As AO1.1 above.

PERFORMANCE OUTCOMES	ACCEPTABLE MEASURES	COMPLIES	COMMENT
	<p><i>report but should ensure that its final disbursement is as-per pre-developed conditions.</i></p> <p><i>Consideration for location, velocity, volume and quality should be given.</i></p>		
<p>PO2</p> <p>The siting and design of necessary retaining structures does not cause an adverse visual impact on landscape character or scenic amenity quality of the area.</p>	<p>AO2</p> <p>Excavation or fill:</p> <ul style="list-style-type: none"> (a) is not more than 1.2 metres in height for each batter or retaining wall; (b) is setback a minimum of 2 metres from property boundaries; (c) is stepped with a minimum 2-metre-wide berm to incorporate landscaping in accordance with Planning scheme policy SC6.7 – Landscaping; (d) does not exceed a maximum of 3 batters and 3 berms (i.e. Not greater than 3.6 metres in height) on any one lot. 	YES	<p>The Applicant only seeks to undertake minor excavation and/or fill works to prepare the site for the necessary foundations and placement of each tower (except the roof mounted tower over Lot 152), both of which:</p> <ul style="list-style-type: none"> (a) will not be greater than 1.2m in height; (b) will be more than 2m away from its respective boundaries; (c) will not result in the creation of any betterments or berms; and (d) will not be required to be retained.
ADDITIONAL REQUIREMENTS FOR COMMUNITY INFRASTRUCTURE			
<p>PO3</p> <p>Development for community infrastructure:</p> <ul style="list-style-type: none"> (a) is not at risk from the potential landslide hazard areas; (b) will function without impediment from a landslide; (c) provides access to the infrastructure without impediment from the effects of a landslide; (d) does not contribute to an elevated risk of a landslide to adjoining properties. 	<p>AO3</p> <p>Development is designed in accordance with the recommendations of a site-specific geotechnical assessment which makes reference to the community infrastructure and its needs and function.</p> <p><i>Note - A site specific geotechnical assessment will detail requirements that will address the Acceptable Outcomes of this Performance Outcome. Planning scheme policy SC6.9 – Natural hazards provides guidance on preparing a site specific geotechnical assessment.</i></p>	N/A	<p>The proposed works do not include any community infrastructure.</p>

Application

- (1) This code applies to assessing a material change of use, reconfiguring a lot, operational work or building work within the Transport network overlay; if:
 - (a) self-assessable or assessable development where the code is identified as being applicable in the Assessment criteria for the Overlay Codes contained in the Levels of Assessment Tables in section 5.6;
 - (b) impact assessable development.
- (2) Land within the Transport network overlay is identified on the Transport network (Road Hierarchy) overlay map and the Transport network (Pedestrian and Cycle) overlay map in Schedule 2 and includes the following sub-categories:
 - (a) Transport network (Road Hierarchy) overlay sub-categories:
 - (i) State controlled road sub-category;
 - (ii) Sub-arterial road sub-category;
 - (iii) Collector road sub-category;
 - (iv) Access road sub-category;
 - (v) Industrial road sub-category;
 - (vi) Major rural road sub-category;
 - (vii) Minor rural road sub-category;
 - (viii) Unformed road sub-category;
 - (ix) Major transport corridor buffer area sub-category.
 - (b) Transport network (Pedestrian and Cycle) overlay sub-categories:
 - (i) Principal route;
 - (ii) Future principal route;
 - (iii) District route;
 - (iv) Neighbourhood route;
 - (v) Strategic investigation route.
- (3) When using this code, reference should be made to Part 5.

Criteria for assessment

Table 8.2.10.3.a – Transport network overlay code –Assessable Development

PERFORMANCE OUTCOMES	ACCEPTABLE MEASURES	COMPLIES	COMMENT
FOR ASSESSABLE DEVELOPMENT			
PO1 Development supports the road hierarchy for the region. <i>Note -A Traffic impact assessment report prepared in accordance with Planning scheme policy SC6.10 - Parking and access is one way to demonstrate achievement of the Performance Outcomes.</i>	AO1.1 Development is compatible with the intended role and function of the transport network as identified on the Transport network overlay maps contained in Schedule 2.	YES	The proposed development is compatible with the adjacent transport network as it will not generate additional traffic demands.
	AO1.2 Development does not compromise the safety and efficiency of the transport network.	YES	As AO1.1 above. It is noted that the primary purpose of these towers is to improve on current communication between the Gorge and the Visitor Centre, which includes enhancing communication between shuttle bus drivers to ensure bus movements can be suitably co-ordinate in terms of scheduled departures, potential hazards, and location of cyclists/pedestrians moving between the Gorge; which will in turn improve the safety and efficiency of the existing transport network.
	AO1.3 Development is designed to provide access via the lowest order road, where legal and practicable access can be provided to that road.	YES & N/A	Access to each allotment is existing and is not proposed to be changed under this application.

PERFORMANCE OUTCOMES	ACCEPTABLE MEASURES	COMPLIES	COMMENT
<p>PO2</p> <p>Transport infrastructure is provided in an integrated and timely manner.</p> <p><i>Note - A Traffic impact assessment report prepared in accordance with Planning scheme policy SC6.10 - Parking and access is one way to demonstrate achievement of the Performance Outcomes.</i></p>	<p>AO2</p> <p>Development provides infrastructure (including improvements to existing infrastructure) in accordance with:</p> <ul style="list-style-type: none"> (a) the Transport network overlay maps contained in Schedule 2; (b) any relevant Local Plan. <p><i>Note – The Translink Public Transport Infrastructure Manual provides guidance on the design of public transport facilities.</i></p>	N/A	Transport infrastructure fronting each site is existing and is considered to be of a suitable design, capacity, and state of repair to continue to service each allotment.
<p>PO3</p> <p>Development involving sensitive land uses within a major transport corridor buffer area is located, designed and maintained to avoid or mitigate adverse impacts on amenity for the sensitive land use.</p>	<p>AO3</p> <p>No acceptable outcomes are prescribed.</p> <p><i>Note – Part 4.4 of the Queensland Development Code provides requirements for residential building design in a designated transport noise corridor.</i></p>	N/A	This application does not seek to establish any sensitive land use/s.
<p>PO4</p> <p>Development does not compromise the intended role and function or safety and efficiency of major transport corridors.</p> <p><i>Note - A Traffic impact assessment report prepared in accordance with Planning scheme policy SC6.10 - Parking and access is one way to demonstrate achievement of the Performance Outcomes.</i></p>	<p>AO4.1</p> <p>Development is compatible with the role and function (including the future role and function) of major transport corridors.</p>	N/A	The land subject to this application does not sit adjacent or in close proximity to a major transport corridor.
	<p>AO4.2</p> <p>Direct access is not provided to a major transport corridor where legal and practical access from another road is available.</p>	N/A	As AO4.1 above.

PERFORMANCE OUTCOMES	ACCEPTABLE MEASURES	COMPLIES	COMMENT
	AO4.3 Intersection and access points associated with major transport corridors are located in accordance with: <ul style="list-style-type: none"> (a) the Transport network overlay maps contained in Schedule 2; and (b) any relevant Local Plan. 	N/A	As AO4.1 above.
	AO4.4 The layout of development and the design of the associated access is compatible with existing and future boundaries of the major transport corridor or major transport facility.	N/A	As AO4.1 above.
PO5 Development retains and enhances existing vegetation between a development and a major transport corridor, so as to provide screening to potential noise, dust, odour and visual impacts emanating from the corridor.	AO5 No acceptable outcomes are prescribed.	N/A	As AO4.1 above.
PEDESTRIAN AND CYCLE NETWORK			
PO6 Lot reconfiguration assists in the implementation of the pedestrian and cycle movement network to achieve safe, attractive and efficient pedestrian and cycle networks.	AO6.1 Where a lot is subject to, or adjacent to an element of the pedestrian and cycle Movement network (identified on the Transport network overlay maps contained in Schedule 2) the specific location of this element of the pedestrian and cycle network is incorporated in the design of the lot layout.	YES	The proposed development has respected the adjacent pedestrian and cycle networks (i.e. the Iconic Recreation Route) as this application proposes to retain all arrangements in their current form.

PERFORMANCE OUTCOMES	ACCEPTABLE MEASURES	COMPLIES	COMMENT
	<p>AO6.2</p> <p>The element of the pedestrian and cycle network is constructed in accordance with the Design Guidelines set out in Sections D4 and D5 of the Planning scheme policy SC6.5 – FNQROC Regional Development Manual.</p>	N/A	As AO6.1 above.

Application

- (1) This code applies to assessing development for Telecommunication Facilities if:
 - (a) assessable development where the code is an applicable code identified in the assessment criteria column of a table of assessment; or
 - (b) impact assessable development.
- (2) When using this code, reference should be made to Part 5.

Criteria for assessment

Table 9.3.21.3.a – Telecommunication Facility –Assessable Development

PERFORMANCE OUTCOMES	ACCEPTABLE MEASURES	COMPLIES	COMMENT
FOR ASSESSABLE DEVELOPMENT			
PO1 Development does not cause human exposure to electromagnetic radiation beyond limited outlined in the 'Radio Communications (Electromagnetic Radiation – Human Exposure Standard 2003)' and 'Radio Protection Standard for Maximum Exposure Levels to Radio Frequency Fields' – 3kHz to 300GHz.	AO1.1 Development is designed and operated to restrict human exposure to electromagnetic radiation in accordance with: <ol style="list-style-type: none"> (a) 'Radio Communications (Electromagnetic Radiation – Human Exposure Standard 2003'; (b) 'Radio Protection Standard for Maximum Exposure Levels to Radio Frequency Fields'. 	YES	The proposed towers have been designed and certified by a suitably qualified communications system provider (Austek), where the health of safety of the operation of each tower would have been considered as part of the design works.
IF FOR A TELECOMMUNICATIONS TOWER			
PO2 Telecommunication Towers and associated structure are setback from property boundaries to maintain clear separation to neighbouring properties and roads.	AO2.1 The maximum height of the tower is 30 metres.	YES	The height of each tower is: Lot 7: 4.9m Lot 94: 18m Lot 152: 6.5m (tower) or approx. 14.5m (if including existing structure).

PERFORMANCE OUTCOMES	ACCEPTABLE MEASURES	COMPLIES	COMMENT
	AO2.2 The tower is a colour and width that minimises visual recognition in the landscape.	YES	Each tower presents to following finishes: Lot 7: powercoated white enclosure with aluminium mast. Lot 94: entire tower powercoated 'eucalypt green' Lot 152: aluminium finish (NB: mast is obscured from view via dense vegetation.
PO3 Telecommunication towers and associated structures are setback from property boundaries to maintain clear separation to neighbouring properties and roads.	AO3.1 Where telecommunication towers are located near to a sensitive land use, they are setback a minimum of 1:1 (height to the setback of the common boundary).	N/A	None of the towers are located near a sensitive land use.
	AO3.2 Where telecommunication towers are not located to a sensitive land use, they are setback a minimum of 6 metres to the common boundary.	YES	Each tower is sited more than 6m away from their respective boundaries.
	AO3.3 Telecommunication towers and associated structures are setback from a road frontage to align with the setbacks provided on the adjoining land (if no setback on adjoining land, a minimum of at least 6 metres).	YES	As AO3.2 above.

PERFORMANCE OUTCOMES	ACCEPTABLE MEASURES	COMPLIES	COMMENT
P04 Development ensures: <ul style="list-style-type: none"> (a) The facility is inaccessible to the general public; and (b) Safety and warning signage are displayed where necessary. 	AO4.1 To discourage public access, the site is enclosed by a 1.8 metre high black security fence.	ALTERNATE SOLUTION	The Applicant does not want to any form of fencing around either of the proposed towers to retain the high level of character and amenity of each site; as well as ensuring that the movement of any fauna within or over any of the sites is not restricted. Refer to section 6.6 of the Planning Report for commentary demonstrating compliance with the corresponding PO.
	AO4.2 The site is appropriately signed with warning signs.	WILL COMPLY	The applicant will comply with this provision if and when required. To ensure compliance, the Applicant is agreeable to including this provision as part of the conditions of approval.
P05 Development that is a new telecommunications facility is designed to facilitate co-location.	AO5 Development ensure the design facilitates co-masting or co-siting with other carries.	YES	The upgrade of the existing communication infrastructure includes the placement of additional towers to ensure the existing signal is greatly improved.
P06 Development ensures that the telecommunications facility and associated buildings are adequately screened from view of any adjoining land use or street.	AO6 Development provides a vegetative buffer between buildings and structures and adjoining land uses and the street, consisting of a minimum of two tier planting.	YES	All allotments present a mature, dense vegetation through out the site and/or to each boundary to ensure that this infrastructure will be obscured from view from the street and/or adjoining properties.
P07 Adequate access and a vehicle standing area are provided to facilitate the required level of servicing and maintenance.	AO7.1 A vehicular driveway of no more than 4 metres in width is provided, which is constructed to provide an all-weather surface and designed to accommodate drainage.	N/A	All vehicular access, parking, and manoeuvring areas are existing and proposed to be retained under their current arrangements.

PERFORMANCE OUTCOMES	ACCEPTABLE MEASURES	COMPLIES	COMMENT
	A07.2 A vehicular standing area is provided within the fenced site of the facility.	YES	All sites present existing parking areas that are in close proximity to each tower that can be utilised if and when maintenance works are required.

Application

- (1) This code applies to assessing:
 - (a) operational work which requires a compliance assessment as a condition of a development permit; or
 - (b) a material change of use or reconfiguring a lot if:
 - (i) self-assessable or assessable development where this code is identified in the assessment criteria column of the table of assessment;
 - (ii) impact assessable development, to the extent relevant.
- (2) When using this code, reference should be made to Part 5.

Criteria for assessment

Table 9.4.1.3.a – Access, parking and servicing code –Assessable Development

PERFORMANCE OUTCOMES	ACCEPTABLE MEASURES	COMPLIES	COMMENT
FOR SELF-ASSESSABLE AND ASSESSABLE DEVELOPMENT			
PO1 Sufficient on-site car parking is provided to cater for the amount and type of vehicle traffic expected to be generated by the use or uses of the site, having particular regard to: <ol style="list-style-type: none"> (a) the desired character of the area; (b) the nature of the particular use and its specific characteristics and scale; (c) the number of employees and the likely number of visitors to the site; (d) the level of local accessibility; (e) the nature and frequency of any public transport serving the area; 	AO1.1 The minimum number of on-site vehicle parking spaces is not less than the number prescribed in Table 9.4.1.3.b for that particular use or uses. <i>Note - Where the number of spaces calculated from the table is not a whole number, the number of spaces provided is the next highest whole number.</i>	YES / N/A	The prescribed table does not specifically specify a minimum number of spaces to be provided for a development of this nature, only that sufficient spaces be provided to accommodate any parking demands that would be generated by the proposed use giving consideration to the number of vehicles to be parked over the site at any one time. It is confirmed that each of the proposed towers operate autonomously as they are supported by individual power supply and will remain in continued operations (i.e. will never be turned off). Therefore, it is confirmed that there is no requirement to provide any additional parking spaces over any of the sites a party to this application. It is noted that a tower or two (2) may require general maintenance to be performed once or twice a year; however, it is contended that

9.4.1 Access, Parking and Servicing Code

PERFORMANCE OUTCOMES	ACCEPTABLE MEASURES	COMPLIES	COMMENT
(f) whether or not the use involves the retention of an existing building and the previous requirements for car parking for the building (g) whether or not the use involves a heritage building or place of local significance; (h) whether or not the proposed use involves the retention of significant vegetation.			<p>should a technical specialist be required to attend the site, there is a suitable amount of parking already presented over each allotment that can easily accommodate this short-term parking.</p> <p>These parking potential demands generated to support maintenance requirements are considered to present a nil impact on the existing parking infrastructure present over each allotment due to its infrequency (i.e. once or twice a year maximum), and the time in which a space may be occupied.</p>
	AO1.2 Car parking spaces are freely available for the parking of vehicles at all times and are not used for external storage purposes, the display of products or rented/sub-leased.	YES	As AO1.1 above.
	AO1.3 Parking for motorcycles is substituted for ordinary vehicle parking to a maximum level of 2% of total ordinary vehicle parking.	N/A	As AO1.1 above
	AO1.4 For parking areas exceeding 50 spaces parking, is provided for recreational vehicles as a substitute for ordinary vehicle parking to a maximum of 5% of total ordinary vehicle parking rate.	N/A	As AO1.1 above

PERFORMANCE OUTCOMES	ACCEPTABLE MEASURES	COMPLIES	COMMENT
PO2 Vehicle parking areas are designed and constructed in accordance with relevant standards.	AO2 Vehicle parking areas are designed and constructed in accordance with Australian Standard: <ul style="list-style-type: none"> (a) AS2890.1; (b) AS2890.3; (c) AS2890.6. 	YES / N/A	As AO1.1 above & all existing parking is considered to comply.
PO3 Access points are designed and constructed: <ul style="list-style-type: none"> (a) to operate safely and efficiently; (b) to accommodate the anticipated type and volume of vehicles (c) to provide for shared vehicle (including cyclists) and pedestrian use, where appropriate; (d) so that they do not impede traffic or pedestrian movement on the adjacent road area; (e) so that they do not adversely impact upon existing intersections or future road or intersection improvements; (f) so that they do not adversely impact current and future on-street parking arrangements; (g) so that they do not adversely impact on existing services within the road reserve adjacent to the site; (h) so that they do not involve ramping, cutting of the adjoining road reserve or any built structures 	AO3.1 Access is limited to one access cross over per site and is an access point located, designed and constructed in accordance with: <ul style="list-style-type: none"> (a) Australian Standard AS2890.1; (b) Planning scheme policy SC6.5 – FNQROC Regional Development Manual - access crossovers. 	YES / N/A	All site access, manoeuvring and parking areas are existing and are proposed to be retained under their current arrangements.
	AO3.2 Access, including driveways or access crossovers: <ul style="list-style-type: none"> (a) are not placed over an existing: (b) telecommunications pit; (c) stormwater kerb inlet; (d) sewer utility hole; (e) water valve or hydrant; (f) are designed to accommodate any adjacent footpath; (g) adhere to minimum sight distance requirements in accordance with AS2980.1. 	N/A	As AO3.1 above.

PERFORMANCE OUTCOMES	ACCEPTABLE MEASURES	COMPLIES	COMMENT
(other than what may be necessary to cross over a stormwater channel).	AO3.3 Driveways are: <ul style="list-style-type: none"> (a) designed to follow as closely as possible to the existing contours, but are no steeper than the gradients outlined in Planning scheme policy SC6.5 – FNQROC Regional Development Manual; (b) constructed such that where there is a grade shift to 1 in 4 (25%), there is an area with a grade of no more than 1 in 6 (16.6%) prior to this area, for a distance of at least 5 metres; (c) on gradients greater than 1 in 6 (16.6%) driveways are constructed to ensure the cross-fall of the driveway is one way and directed into the hill, for vehicle safety and drainage purposes; (d) constructed such that the transitional change in grade from the road to the lot is fully contained within the lot and not within the road reserve; (e) designed to include all necessary associated drainage that intercepts and directs storm water runoff to the storm water drainage system. 	N/A	As AO3.1 above.
	AO3.4 Surface construction materials are consistent with the current or intended future streetscape or character of the area and contrast with the surface construction materials of any adjacent footpath.	N/A	As AO3.1 above.

PERFORMANCE OUTCOMES	ACCEPTABLE MEASURES	COMPLIES	COMMENT
PO4 Sufficient on-site wheel chair accessible car parking spaces are provided and are identified and reserved for such purposes.	AO4 The number of on-site wheel chair accessible car parking spaces complies with the rates specified in AS2890 Parking Facilities.	N/A	As AO1.1 above.
PO5 Access for people with disabilities is provided to the building from the parking area and from the street.	AO5 Access for people with disabilities is provided in accordance with the relevant Australian Standard.	N/A	As AO1.1 above.
PO6 Sufficient on-site bicycle parking is provided to cater for the anticipated demand generated by the development.	AO6 The number of on-site bicycle parking spaces complies with the rates specified in Table 9.4.1.3.b.	N/A	As AO1.1 above.
PO7 Development provides secure and convenient bicycle parking which: <ul style="list-style-type: none"> (a) for visitors is obvious and located close to the building's main entrance; (b) for employees is conveniently located to provide secure and convenient access between the bicycle storage area, end-of-trip facilities and the main area of the building; (c) is easily and safely accessible from outside the site. 	AO7.1 Development provides bicycle parking spaces for employees which are co-located with end-of-trip facilities (shower cubicles and lockers);	N/A	As AO1.1 above.
	AO7.2 Development ensures that the location of visitor bicycle parking is discernible either by direct view or using signs from the street.	N/A	As AO1.1 above.
	AO7.3 Development provides visitor bicycle parking which does not impede pedestrian movement.	N/A	As AO1.1 above.

9.4.1 Access, Parking and Servicing Code

PERFORMANCE OUTCOMES	ACCEPTABLE MEASURES	COMPLIES	COMMENT
PO8 Development provides walking and cycle routes through the site which: <ul style="list-style-type: none"> (a) link to the external network and pedestrian and cyclist destinations such as schools, shopping centres, open space, public transport stations, shops and local activity centres along the safest, most direct and convenient routes; (b) encourage walking and cycling; (c) ensure pedestrian and cyclist safety. 	A08 Development provides walking and cycle routes which are constructed on the carriageway or through the site to: <ul style="list-style-type: none"> (a) create a walking or cycle route along the full frontage of the site; (b) connect to public transport and existing cycle and walking routes at the frontage or boundary of the site. 	N/A	All walking and cycling throughout the Gorge and between the Gorge and the Visitor Centre are existing and are not proposed to be altered under this application. It is noted that the primary purpose of these towers is to improve on current communication between the Gorge and the Visitor Centre, which includes enhancing communication between shuttle bus drivers to ensure bus movements can be suitably co-ordinate in terms of scheduled departures, potential hazards, and location of cyclists/pedestrians moving between the Gorge.
PO9 Access, internal circulation and on-site parking for service vehicles are designed and constructed: <ul style="list-style-type: none"> (a) in accordance with relevant standards; (b) so that they do not interfere with the amenity of the surrounding area; (c) so that they allow for the safe and convenient movement of pedestrians, cyclists and other vehicles. 	A09.1 Access driveways, vehicle manoeuvring and on- site parking for service vehicles are designed and constructed in accordance with AS2890.1 and AS2890.2.	N/A	Introducing this use over any of the allotments a party to this application does not trigger the need for any service vehicle requirements to be provided to support the use/operation of each tower.
	A09.2 Service and loading areas are contained fully within the site.	N/A	As A09.1 above.
	A09.3 The movement of service vehicles and service operations are designed so they: <ul style="list-style-type: none"> (a) do not impede access to parking spaces; (b) do not impede vehicle or pedestrian traffic movement. 	N/A	As A09.1 above.

PERFORMANCE OUTCOMES	ACCEPTABLE MEASURES	COMPLIES	COMMENT
PO10 Sufficient queuing and set down areas are provided to accommodate the demand generated by the development.	AO10.1 Development provides adequate area on-site for vehicle queuing to accommodate the demand generated by the development where drive through facilities or drop-off/pick-up services are proposed as part of the use, including, but not limited to, the following land uses: <ul style="list-style-type: none"> (a) car wash; (b) child care centre; (c) educational establishment where for a school; (d) food and drink outlet, where including a drive-through facility; (e) hardware and trade supplies, where including a drive-through facility; (f) hotel, where including a drive-through facility; (g) service station. 	N/A	The proposed use does not generate any vehicle queuing demands.
	AO10.2 Queuing and set-down areas are designed and constructed in accordance with AS2890.1.	N/A	As AO10.1above.

Application

- (a) This code applies to assessing:
 - (a) building work for outdoor lighting;
 - (b) a material change of use or reconfiguring a lot if:
 - (i) assessable development where the code is identified in the assessment criteria column of a table of assessment; or
 - (ii) impact assessable development, to the extent relevant.

Note – Where for the purpose of lighting a tennis court in a Residential zone, a compliance statement prepared by a suitably qualified person must be submitted to Council with the development application for building work.

- (b) When using this code, reference should be made to Part 5.

Criteria for assessment

Table 9.4..3.a – Environmental performance code –Assessable Development

PERFORMANCE OUTCOMES	ACCEPTABLE MEASURES	COMPLIES	COMMENT
LIGHTING			
PO1 Lighting incorporated within development does not cause an adverse impact on the amenity of adjacent uses and nearby sensitive land uses.	AO1.1 Technical parameters, design, installation, operation and maintenance of outdoor lighting comply with the requirements of Australian standard AS4282-1997 Control of the obtrusive effects of outdoor lighting.	N/A	There is no lighting proposed to be installed to support the placement and/or use of any of the towers.
	AO1.2 Development that involves flood lighting is restricted to a type that gives no upward component of light where mounted horizontally.	N/A	As AO1.1 above.

PERFORMANCE OUTCOMES	ACCEPTABLE MEASURES	COMPLIES	COMMENT
	AO1.3 Access, car parking and manoeuvring areas are designed to shield nearby residential premises from impacts of vehicle headlights.	N/A	There is no additional access, parking and/or vehicle manoeuvring arrangements proposed to be established under this application – i.e. existing access, parking and manoeuvring areas are considered suitable to access and maintain all of the proposed towers.
NOISE			
PO2 Potential noise generated from the development is avoided through design, location and operation of the activity. <i>Note – Planning Scheme Policy SC6.4 – Environmental</i>	AO2.1 Development does not involve activities that would cause noise related environmental harm or nuisance; Or environmental harm or nuisance with respect to surrounding land uses.	N/A	The proposed towners do not emit any noise.
WASTE AND RECYCLABLE MATERIAL STORAGE			
PO5 Waste and recyclable material storage facilities are located and maintained to not cause adverse impacts on adjacent uses.	AO5.1 The use ensures that all putrescent waste is stored in a manner that prevents odour nuisance and is disposed of at regular intervals.	N/A	All of the towers are able to operate unmanned; therefore, no waste or recyclable material will not be generated by the proposed use.

PERFORMANCE OUTCOMES	ACCEPTABLE MEASURES	COMPLIES	COMMENT
<p><i>Note – Planning Scheme Policy SC6.4 – Environmental management plans provides guidance on preparing a report to demonstrate compliance with the purpose and outcomes of the code.</i></p>	<p>AO5.2</p> <p>Waste and recyclable material storage facilities are located, designed and maintained to not cause an adverse impact on users of the premises and adjacent uses through consideration of:</p> <ul style="list-style-type: none"> (a) the location of the waste and recyclable material storage areas in relation to the noise and odour generated; (b) the number of receptacles provided in relation to the collection, maintenance and use of the receptacles; (c) the durability of the receptacles, sheltering and potential impacts of local climatic conditions; (d) the ability to mitigate spillage, seepage or leakage from receptacles into adjacent areas and sensitive receiving waters and environments. <p><i>Editor's note - the Environmental Protection (Waste Management) Policy 2008 provides guidance on the design of waste containers (receptacles) to ensure environmental harm (including nuisance) is avoided.</i></p>	N/A	<p>As AO5.1 above.</p> <p>NB: all waste and recyclable material storage is existing over each site to support uses already established.</p>
SENSITIVE LAND USE ACTIVITIES			
<p>PO6</p> <p>Sensitive land use activities are not established in areas which will receive potentially incompatible impacts on amenity from surrounding, existing development activities and land uses.</p>	<p>AO6.1</p> <p>Sensitive land use activities are not established in areas that will be adversely impacted upon by existing land uses, activities and potential development possible in an area;</p> <p>or</p>	YES	<p>This application does not include the establishment of any sensitive land uses.</p>

PERFORMANCE OUTCOMES	ACCEPTABLE MEASURES	COMPLIES	COMMENT
	AO6.2 Sensitive land activities are located in areas where potential adverse amenity impacts mitigate all potential impacts through layout, design, operation and maintenance.	N/A	As AO6.1 above.
STORMWATER QUALITY			
PO7 The quality of stormwater flowing over, through or being discharged from development activities into watercourses and drainage lines is of adequate quality for downstream environments, with respect to: <ul style="list-style-type: none"> (a) the amount and type of pollutants borne from the activity; (b) maintaining natural stream flows; the amount and type of site disturbance; (c) site management and control measures. 	AO7.1 Development activities are designed to ensure stormwater over roofed and hard stand areas is directed to a lawful point of discharge.	YES	This application seeks to utilise existing stormwater drainage and soil and water control arrangements in effect over each allotment. Additionally, it is noted that neither of the towers are not roofed and present small foundations/footprints.
	AO7.2 Development ensures movement of stormwater over the site is not impeded or directed through potentially polluting activities.	YES	As AO7.1 above.
	AO7.3 Soil and water control measures are incorporated into the activity's design and operation to control sediment and erosion potentially entering watercourses, drainage lines and downstream receiving waters. <i>Note - Planning scheme policy - FNQROC Regional Development Manual provides guidance on soil and water control measures to meet the requirements of the Environmental Protection Act 1994.</i> <i>During construction phases of development, contractors and builders are to have consideration in their work methods and site preparation for their environmental duty to protect stormwater quality.</i>	YES	As AO7.1 above.

PERFORMANCE OUTCOMES	ACCEPTABLE MEASURES	COMPLIES	COMMENT
PEST PLANTS (FOR MATERIAL CHANGE OF USE ON VACANT LAND OVER 1,000M²)			
PO8 Development activities and sites provide for the removal of all pest plants and implement ongoing measures to ensure that pest plants do not reinfest the site or nearby sites. <i>Editor's note - This does not remove or replace all land owner's obligations or responsibilities under the Land Protection (Pest and Stock Route Management) Act 2002.</i>	AO8.1 The land is free of declared pest plants before development establishes new buildings, structures and practices; or	N/A	Neither of the allotments subject to this application are vacant of any development.
	AO8.2 Pest plants detected on a development site are removed in accordance with a management plan prepared by an appropriately qualified person prior to construction of buildings and structures or earthworks. <i>Note - A declaration from an appropriately qualified person validates the land being free from pest plants.</i> Declared pest plants include locally declared and State declared pest plants.	N/A	As AO8.1 above.

Application

- (1) This code applies to assessing:
- (a) operational work for filling or excavation which is self-assessable or code assessable development if this code is an applicable code identified in the assessment criteria column of a table of assessment; or
 - (b) a material change of use or reconfiguring a lot if:
 - (i) assessable development where this code is identified as a prescribed secondary code in the assessment criteria column of a table of assessment; or
 - (ii) impact assessable development, to the extent relevant.

Note—This code does not apply to building work that is regulated under the Building Code of Australia.

- (2) When using this code, reference should be made to Part 5.

Criteria for assessment

Table 9.4.4.3.a – Filling and excavation code –Assessable Development

PERFORMANCE OUTCOMES	ACCEPTABLE MEASURES	COMPLIES	COMMENT
FOR SELF-ASSESSABLE AND ASSESSABLE DEVELOPMENT			
FILLING AND EXCAVATION - GENERAL			
PO1 All filling and excavation work does not create a detrimental impact on the slope stability, erosion potential or visual amenity of the site or the surrounding area.	AO1.1 The height of cut and/or fill, whether retained or not, does not exceed 2 metres in height. and Cuts in excess of those stated in A1.1 above are separated by benches/ terraces with a minimum width of 1.2 metres that incorporate drainage provisions and screen planting.	N/A	There are excavation and/or filling works proposed under this application, other than to prepare a small portion of Lots 7 and 94 for the pouring of the foundations..

9.4.4 Filling and Excavation Code

PERFORMANCE OUTCOMES	ACCEPTABLE MEASURES	COMPLIES	COMMENT
	AO1.2 Cuts are supported by batters, retaining or rock walls and associated benches/terraces are capable of supporting mature vegetation.	N/A	As AO1.1 above – any minor excavation or filling works require to prepare the site for each of the towers over Lots 7 and 94 will not result in any batters, berms, or any retaining features to support any foundations.
	AO1.3 Cuts are screened from view by the siting of the building/structure, wherever possible.	N/A	As AO1.2 above.
	AO1.4 Topsoil from the site is retained from cuttings and reused on benches/terraces.	N/A	As AO1.1 & AO1.2 above.
	AO1.5 No crest of any cut or toe of any fill, or any part of any retaining wall or structure is closer than 600mm to any boundary of the property, unless the prior written approval of the adjoining landowner has been obtained.	N/A	As AO1.2 above.
	AO1.6 Non-retained cut and/or fill on slopes are stabilised and protected against scour and erosion by suitable measures, such as grassing, landscaping or other protective/aesthetic measures.	N/A	As AO1.2 above.

PERFORMANCE OUTCOMES	ACCEPTABLE MEASURES	COMPLIES	COMMENT
VISUAL IMPACT AND SITE STABILITY			
PO2 Filling and excavation are carried out in such a manner that the visual/scenic amenity of the area and the privacy and stability of adjoining properties is not compromised.	AO2.1 The extent of filling and excavation does not exceed 40% of the site area, or 500m ² whichever is the lesser, except that AO2.1 does not apply to reconfiguration of 5 lots or more.	YES	As AO1.1 above.
	AO2.2 Filling and excavation does not occur within 2 metres of the site boundary.	YES	All towers, and their associated foundations, are sited greater than 2m away from their respective lot boundaries.
FLOODING AND DRAINAGE			
PO3 Filling and excavation does not result in a change to the run off characteristics of a site which then have a detrimental impact on the site or nearby land or adjacent road reserves.	AO3.1 Filling and excavation does not result in the ponding of water on a site or adjacent land or road reserves.	YES	As AO1.1 above.
	AO3.2 Filling and excavation does not result in an increase in the flow of water across a site or any other land or road reserves.	YES	As AO1.1 above.
	AO3.3 Filling and excavation does not result in an increase in the volume of water or concentration of water in a watercourse and overland flow paths.	YES	As AO1.1 above.

9.4.4 Filling and Excavation Code

PERFORMANCE OUTCOMES	ACCEPTABLE MEASURES	COMPLIES	COMMENT
	AO3.4 Filling and excavation complies with the specifications set out in Planning Scheme Policy No SC5 – FNQROC Development Manual.	YES & WILL COMPLY WHERE REQUIRED	As AO1.1 above.
WATER QUALITY			
PO4 Filling and excavation does not result in a reduction of the water quality of receiving waters.	AO4 Water quality is maintained to comply with the specifications set out in Planning Scheme Policy No SC5 – FNQROC Development Manual.	YES & WILL COMPLY WHERE REQUIRED	As AO1.1 above.
INFRASTRUCTURE			
PO5 Excavation and filling does not impact on Public Utilities.	AO5 Excavation and filling is clear of the zone of influence of public utilities.	YES	Each of the proposed towers is clear of any public utilities.

Application

- (1) This code applies to assessing:
- (a) operational work which requires an assessment as a condition of a development permit or is assessable development if this code is identified in the assessment criteria column of a table of assessment;
 - (b) a material change of use or reconfiguring a lot if:
 - (i) assessable development where this code is identified in the assessment criteria column of the table of assessment;
 - (ii) impact assessable development, to the extent relevant.

Note – The Filling and excavation code applies to operational work for filling and excavation.

- (2) When using this code, reference should be made to Part 5.

Criteria for assessment

Table 9.4.5.3.a – Infrastructure works code –Assessable Development

PERFORMANCE OUTCOMES	ACCEPTABLE MEASURES	COMPLIES	COMMENT
FOR SELF-ASSESSABLE AND ASSESSABLE DEVELOPMENT			
WORKS ON A LOCAL GOVERNMENT ROAD			
PO1 Works on a local government road do not adversely impact on footpaths or existing infrastructure within the road verge and maintain the flow, safety and efficiency of pedestrians, cyclists and vehicles.	AO1.1 Footpaths/pathways are located in the road verge and are provided for the hierarchy of the road and located and designed and constructed in accordance with Planning scheme policy SC5 – FNQROC Regional Development Manual.	N/A	There is no requirement to establish any footpaths to support the instalment and operation of the proposed towers.
	AO1.2 Kerb ramp crossovers are constructed in accordance with Planning scheme policy SC 5 – FNQROC Regional Development Manual.	N/A	Access areas to all allotments subject to this application are existing and not proposed to be altered under this application; and are therefore considered to comply.

PERFORMANCE OUTCOMES	ACCEPTABLE MEASURES	COMPLIES	COMMENT
	<p>AO1.3</p> <p>New pipes, cables, conduits or other similar infrastructure required to cross existing footpaths:</p> <ul style="list-style-type: none"> a) are installed via trenchless methods; or b) where footpath infrastructure is removed to install infrastructure, the new section of footpath is installed to the standard detailed in the Planning scheme policy SC5 – FNQROC Regional Development Manual, and is not less than a 1.2 metre section. 	N/A	There is no requirement for any new pipes, cables, or conduits (or similar) to be installed to support the operation of either tower.
	<p>AO1.4</p> <p>Where existing footpaths are damaged as a result of development, footpaths are reinstated ensuring:</p> <ul style="list-style-type: none"> a) similar surface finishes are used; b) there is no change in level at joins of new and existing sections; c) new sections are matched to existing in terms of dimension and reinforcement. <p><i>Note – Figure 9.4.5.3.a provides guidance on meeting the outcomes.</i></p>	WILL COMPLY	The Application will comply with the provisions of this AO if and when required.
	<p>AO1.5</p> <p>Decks, verandahs, stairs, posts and other structures located in the road reserve do not restrict or impede pedestrian movement on footpaths or change the level of the road verges.</p>	N/A	There are no buildings proposed to be established or altered under this application.

PERFORMANCE OUTCOMES	ACCEPTABLE MEASURES	COMPLIES	COMMENT
ACCESSIBILITY STRUCTURES			
PO2 Development is designed to ensure it is accessible for people of all abilities and accessibility features do not impact on the efficient and safe use of footpaths. <i>Note – Accessibility features are those features required to ensure access to premises is provided for people of all abilities and include ramps and lifts.</i>	AO2.1 Accessibility structures are not located within the road reserve.	N/A	As AO1.5 above.
	AO2.2 Accessibility structures are designed in accordance with AS1428.3.	N/A	As AO1.5 above.
	AO2.3 When retrofitting accessibility features in existing buildings, all structures and changes in grade are contained within the boundaries of the lot and not within the road reserve.	N/A	As AO1.5 above.
WATER SUPPLY			
PO3 An adequate, safe and reliable supply of potable, firefighting and general use water is provided.	AO3.1 The premises is connected to Council's reticulated water supply system in accordance with the Design Guidelines set out in Section D6 of the Planning scheme policy SC5 – FNQROC Regional Development Manual; or	N/A	None of the proposed towers are required to be serviced by any water infrastructure, reticulated or otherwise. NB: it is confirmed that the placement and/or operation of either of the proposed towers will not interrupt, change, or prevent their respective site to continue to be serviced by existing water infrastructure already connected to the site.

PERFORMANCE OUTCOMES	ACCEPTABLE MEASURES	COMPLIES	COMMENT
	AO3.2 Where a reticulated water supply system is not available to the premises, on site water storage tank/s with a minimum capacity of 10,000 litres of stored water, with a minimum 7,500 litre tank, with the balance from other sources (e.g. accessible swimming pool, dam etc.) and access to the tank/s for fire trucks is provided for each new house or other development. Tank/s are to be fitted with a 50mm ball valve with a camlock fitting and installed and connected prior to occupation of the house and sited to be visually unobtrusive.	N/A	As AO3.1 above.
TREATMENT AND DISPOSAL OF EFFLUENT			
PO4 Provision is made for the treatment and disposal of effluent to ensure that there are no adverse impacts on water quality and no adverse ecological impacts as a result of the system or as a result of increasing the cumulative effect of systems in the locality.	AO4.1 The site is connected to Council's sewerage system and the extension of or connection to the sewerage system is designed and constructed in accordance with the Design Guidelines set out in Section D7 of the Planning scheme policy SC5 – FNQROC Regional Development Manual; or	N/A	None of the proposed towers are required to be serviced by any sewerage infrastructure, reticulated or otherwise. NB: it is confirmed that the placement and/or operation of either of the proposed towers will not interrupt, change, or prevent their respective site to continue to be serviced by any existing sewerage infrastructure already connected to the site.
	AO4.2 Where not in a sewerage scheme area, the proposed disposal system meets the requirements of Section 33 of the <i>Environmental Protection Policy (Water) 1997</i> and the proposed on site effluent disposal system is designed in accordance with the <i>Plumbing and Drainage Act (2002)</i> .	N/A	As AO4.1 above.

PERFORMANCE OUTCOMES	ACCEPTABLE MEASURES	COMPLIES	COMMENT
STORMWATER QUALITY			
PO5 Development is planned, designed, constructed and operated to avoid or minimise adverse impacts on stormwater quality in natural and developed catchments by: <ul style="list-style-type: none"> a) achieving stormwater quality objectives; b) protecting water environmental values; c) maintaining waterway hydrology. 	AO5.1 A connection is provided from the premises to Council's drainage system; or	YES	This application seeks to utilise existing stormwater drainage arrangements in effect over each allotment. Additionally, it is noted that neither of the towers are not roofed and present small foundations/footprints.
	AO5.2 An underground drainage system is constructed to convey stormwater from the premises to Council's drainage system in accordance with the Design Guidelines set out in Sections D4 and D5 of the Planning scheme policy SC5 – FNQROC Regional Development Manual.	N/A	As AO5.1 above.
	AO5.3 A stormwater quality management plan is prepared, and provides for achievable stormwater quality treatment measures meeting design objectives listed in Table 9.4.5.3.b and Table 9.4.5.3.c, reflecting land use constraints, such as: <ul style="list-style-type: none"> a) erosive, dispersive and/or saline soil types; b) landscape features (including landform); c) acid sulfate soil and management of nutrients of concern; d) rainfall erosivity. 	N/A	In accordance with the assessment benchmarks for water quality available under Part E of the State Planning Policy (July 2017), this application is not required to be supported by a Stormwater Quality Management Plan, Erosion and Sediment Control Plan, and/or a Wastewater Management Plan as the development will not result in 6 or more dwellings, or an impervious area greater than 25% of the respective site area.
	AO5.4 Erosion and sediment control practices are designed, installed, constructed, monitored, maintained, and carried out in accordance with an erosion and sediment control plan.	N/A	As AO5.4 above.

PERFORMANCE OUTCOMES	ACCEPTABLE MEASURES	COMPLIES	COMMENT
	<p>AO5.5</p> <p>Development incorporates stormwater flow control measures to achieve the design objectives set out in Table 9.4.5.3.b and Table 9.4.5.3.c, including management of frequent flows, peak flows, and construction phase hydrological impacts.</p> <p><i>Note – Planning scheme policy SC5 – FNQROC Regional Development Manual provides guidance on soil and water control measures to meet the requirements of the Environmental Protection Act 1994.</i></p> <p><i>Note – During construction phases of development, contractors and builders are to have consideration in their work methods and site preparation for their environmental duty to protect stormwater quality.</i></p>	N/A	As AO5.4 above.
NON-TIDAL ARTIFICIAL WATERWAYS			
<p>PO6</p> <p>Development involving non-tidal artificial waterways is planned, designed, constructed and operated to:</p> <ul style="list-style-type: none"> a) protect water environmental values; b) be compatible with the land use constraints for the site for protecting water environmental values; c) be compatible with existing tidal and non-tidal waterways; d) perform a function in addition to stormwater management; e) achieve water quality objectives. 	<p>AO6.1</p> <p>Development involving non-tidal artificial waterways ensures:</p> <ul style="list-style-type: none"> a) environmental values in downstream waterways are protected; b) any ground water recharge areas are not affected; c) the location of the waterway incorporates low lying areas of the catchment connected to an existing waterway; d) existing areas of ponded water are included. 	N/A	The allotments subject to this application does not comprise, sit adjacent to, nor seek to construct, a non-tidal artificial waterway.
	<p>AO6.2</p> <p>Non-tidal artificial waterways are located:</p> <ul style="list-style-type: none"> a) outside natural wetlands and any associated buffer areas; 	N/A	As AO6.2 above.

PERFORMANCE OUTCOMES	ACCEPTABLE MEASURES	COMPLIES	COMMENT
	<ul style="list-style-type: none"> b) to minimise disturbing soils or sediments; c) to avoid altering the natural hydrologic regime in acid sulfate soil and nutrient hazardous areas. 		
	<p>AO6.3</p> <p>Non-tidal artificial waterways located adjacent to, or connected to a tidal waterway by means of a weir, lock, pumping system or similar ensures:</p> <ul style="list-style-type: none"> a) there is sufficient flushing or a tidal range of >0.3 m; or b) any tidal flow alteration does not adversely impact on the tidal waterway; or c) there is no introduction of salt water into freshwater environments. 	N/A	As AO6.2 above.
	<p>AO6.4</p> <p>Non-tidal artificial waterways are designed and managed for any of the following end-use purposes:</p> <ul style="list-style-type: none"> a) amenity (including aesthetics), landscaping or recreation; or b) flood management, in accordance with a drainage catchment management plan; or c) stormwater harvesting plan as part of an integrated water cycle management plan; or d) aquatic habitat. 	N/A	As AO6.2 above.
	<p>AO6.5</p> <p>The end-use purpose of the non-tidal artificial waterway is designed and operated in a way that protects water environmental values.</p>	N/A	As AO6.2 above.

PERFORMANCE OUTCOMES	ACCEPTABLE MEASURES	COMPLIES	COMMENT
	AO6.6 Monitoring and maintenance programs adaptively manage water quality to achieve relevant water quality objectives downstream of the waterway	N/A	As AO6.2 above.
	AO6.7 Aquatic weeds are managed to achieve a low percentage of coverage of the water surface area, and pests and vectors are managed through design and maintenance.	N/A	As AO6.2 above.
WASTEWATER DISCHAGE			
PO7 Discharge of wastewater to waterways, or off site: 1) meets best practice environmental management; a) is treated to: i. meet water quality objectives for its receiving waters; ii. avoid adverse impact on ecosystem health or waterway health; iii. maintain ecological processes, riparian vegetation and waterway integrity; iv. offset impacts on high ecological value waters.	AO7.1 A wastewater management plan is prepared and addresses: a) wastewater type; b) climatic conditions; c) water quality objectives; d) best practice environmental management.	N/A	As AO5.4 above.
	AO7.2 The waste water management plan is managed in accordance with a waste management hierarchy that: a) avoids wastewater discharge to waterways; or b) if wastewater discharge cannot practicably be avoided, minimises wastewater discharge to waterways by re-use, recycling, recovery and treatment for disposal to sewer, surface water and ground water.	N/A	As AO5.4 above.

PERFORMANCE OUTCOMES	ACCEPTABLE MEASURES	COMPLIES	COMMENT
	AO7.3 Wastewater discharge is managed to avoid or minimise the release of nutrients of concern so as to minimise the occurrence, frequency and intensity of algal blooms.	N/A	As AO5.4 above.
	AO7.4 Development in coastal catchments avoids or minimises and appropriately manages soil disturbance or altering natural hydrology and: <ul style="list-style-type: none"> a) avoids lowering ground water levels where potential or actual acid sulfate soils are present; b) manages wastewater so that: c) the pH of any wastewater discharges is maintained between 6.5 and 8.5 to avoid mobilisation of acid, iron, aluminium and other metals; d) holding times of neutralised wastewater ensures the flocculation and removal of any dissolved iron prior to release; e) visible iron floc is not present in any discharge; f) precipitated iron floc is contained and disposed of; g) wastewater and precipitates that cannot be contained and treated for discharge on site are removed and disposed of through trade waste or another lawful method. 	N/A	As AO5.4 above.
ELECTRICITY SUPPLY			
PO8 Development is provided with a source of power that will meet its energy needs.	AO8.1 A connection is provided from the premises to the electricity distribution network; or	YES	Each of the allotments subject to this application present an existing connection to the electrical grid. However, each of the proposed towers will be supported by their own battery and/or solar systems. This will ensure that this infrastructure remain

PERFORMANCE OUTCOMES	ACCEPTABLE MEASURES	COMPLIES	COMMENT
			operational throughout any emergency, particularly during any power outage.
	AO8.2 The premises is connected to the electricity distribution network in accordance with the Design Guidelines set out in Section D8 of the Planning scheme policy SC5 – FNQROC Regional Development Manual. <i>Note - Areas north of the Daintree River have a different standard.</i>	N/A	As AO8.1 above.
PO9 Development incorporating pad-mount electricity infrastructure does not cause an adverse impact on amenity.	AO9.1 Pad-mount electricity infrastructure is: <ul style="list-style-type: none"> a) not located in land for open space or sport and recreation purposes; b) screened from view by landscaping or fencing; c) accessible for maintenance. 	N/A	As AO8.1 above.
	AO9.2 Pad-mount electricity infrastructure within a building, in a Town Centre is designed and located to enable an active street frontage. <i>Note – Pad-mounts in buildings in activity centres should not be located on the street frontage.</i>	N/A	As AO8.1 above.

PERFORMANCE OUTCOMES	ACCEPTABLE MEASURES	COMPLIES	COMMENT
TELECOMMUNICATIONS			
PO10 Development is connected to a telecommunications service approved by the relevant telecommunication regulatory authority.	AO10 The development is connected to telecommunications infrastructure in accordance with the standards of the relevant regulatory authority.	N/A	This infrastructure is a standalone communications system, which is not required to be connected to any existing telecommunication network. It is confirmed that this placement of this infrastructure will not disrupt or impact on the existing delivery of this infrastructure to either site subject to this application.
PO11 Provision is made for future telecommunications services (e.g. fibre optic cable).	AO11 Conduits are provided in accordance with Planning scheme policy SC5 – FNQROC Regional Development Manual.	N/A	As AO1.3 above.
ROAD CONSTRUCTION			
PO12 The road to the frontage of the premises is constructed to provide for the safe and efficient movement of: <ul style="list-style-type: none"> a) pedestrians and cyclists to and from the site; b) pedestrians and cyclists adjacent to the site; c) vehicles on the road adjacent to the site; d) vehicles to and from the site; e) emergency vehicles. 	AO12.1 The road to the frontage of the site is constructed in accordance with the Design Guidelines set out in Sections D1 and D3 of the Planning scheme policy SC5 – FNQROC Regional Development Manual, for the particular class of road, as identified in the road hierarchy.	YES	All roads throughout the Gorge are existing and are therefore considered to comply.
	AO12.2 There is existing road, kerb and channel for the full road frontage of the site.	YES	All road works are proposed to be retained in their current state.

PERFORMANCE OUTCOMES	ACCEPTABLE MEASURES	COMPLIES	COMMENT
	AO12.3 Road access minimum clearances of 3.5 metres wide and 4.8 metres high are provided for the safe passage of emergency vehicles.	YES	All access areas to each site subject to this application is existing and proposed to be retained under this application.
ALTERATIONS AND REPAIRS TO PUBLIC UTILITY SERVICES			
PO13 Infrastructure is integrated with, and efficiently extends, existing networks.	AO13 Development is designed to allow for efficient connection to existing infrastructure networks.	N/A	The application does not seek, and is not required, to alter any public utility services.
PO14 Development and works do not affect the efficient functioning of public utility mains, services or installations.	AO14.1 Public utility mains, services and installations are not required to be altered or repaired as a result of the development; or	YES	As AO13 above.
	AO14.2 Public utility mains, services and installations are altered or repaired in association with the works so that they continue to function and satisfy the relevant Design Guidelines set out in Section D8 of the Planning scheme policy SC5 – FNQROC Regional Development Manual.	N/A	As AO13 above.

PERFORMANCE OUTCOMES	ACCEPTABLE MEASURES	COMPLIES	COMMENT
CONSTRUCTION MANAGEMENT			
PO15 Work is undertaken in a manner which minimises adverse impacts on vegetation that is to be retained.	AO15 Works include, at a minimum: <ul style="list-style-type: none"> a) installation of protective fencing around retained vegetation during construction; b) erection of advisory signage; c) no disturbance, due to earthworks or storage of plant, materials and equipment, of ground level and soils below the canopy of any retained vegetation; d) removal from the site of all declared noxious weeds. 	YES	The Applicant will comply with the provisions of this AO if and when required. The Applicant is agreeable for the provisions to form part of the conditions of approval to ensure compliance.
PO16 Existing infrastructure is not damaged by construction activities.	AO16 Construction, alterations and any repairs to infrastructure is undertaken in accordance with the Planning scheme policy SC5 – FNQROC Regional Development Manual. <i>Note - Construction, alterations and any repairs to State- controlled roads and rail corridors are undertaken in accordance with the Transport Infrastructure Act 1994.</i>	N/A	As AO13 above.
FOR ASSESSABLE DEVELOPMENT			
HIGH SPEED TELECOMMUNICATION INFRASTRUCTURE			
PO17 Development provides infrastructure to facilitate the roll out of high speed telecommunications infrastructure.	AO17 No acceptable outcomes are prescribed.	N/A	As AO1.3 above.

PERFORMANCE OUTCOMES	ACCEPTABLE MEASURES	COMPLIES	COMMENT
TRADE WASTE			
PO18 Where relevant, the development is capable of providing for the storage, collection treatment and disposal of trade waste such that: <ul style="list-style-type: none"> a) off-site releases of contaminants do not occur; b) the health and safety of people and the environment are protected; c) the performance of the wastewater system is not put at risk. 	AO18 No acceptable outcomes are prescribed.	N/A	The proposed radio towers are not considered to be a type of use that would generate any trade waste.
FIRE SERVICES IN DEVELOPMENTS ACCESSED BY COMMON PRIVATE TITLE			
PO19 Hydrants are located in positions that will enable fire services to access water safely, effectively and efficiently.	AO19.1 Residential streets and common access ways within a common private title places hydrant at intervals of no more than 120 metres and at each intersection. Hydrants may have a single outlet and be situated above or below ground.	N/A	Neither of the allotments are access or include access arrangements under a common private title.
	AO19.2 Commercial and industrial streets and access ways within a common private title serving commercial properties such as factories and warehouses and offices are provided with above or below ground fire hydrants located at not more than 90 metre intervals and at each intersection. Above ground fire hydrants have dual-valved outlets.	N/A	As AO19.1 above.

PERFORMANCE OUTCOMES	ACCEPTABLE MEASURES	COMPLIES	COMMENT
<p>PO20</p> <p>Hydrants are suitable identified so that fire services can locate them at all hours.</p> <p><i>Note – Hydrants are identified as specified in the Department of Transport and Main Roads Technical Note: 'Identification of street hydrants for firefighting purposes' available under 'Publications'.</i></p>	<p>AO20</p> <p>No acceptable outcomes are prescribed.</p>	<p>YES</p>	<p>Emergency service infrastructure is existing and considered to comply.</p>

Application

- (1) This code applies to assessing:
 - (a) operational work which requires a compliance assessment as a condition of a development permit; or
 - (b) a material change of use or reconfiguring a lot if:
 - (i) assessable development where this code is identified in the assessment criteria column of the table of assessment;
 - (ii) impact assessable development, to the extent relevant.
- (2) When using this code, reference should be made to Part 5.

Criteria for assessment

Table 9.4.6.3.a – Landscaping code –Assessable Development

PERFORMANCE OUTCOMES	ACCEPTABLE MEASURES	COMPLIES	COMMENT
FOR SELF-ASSESSABLE AND ASSESSABLE DEVELOPMENT			
LANDSCAPE DESIGN			
PO1 Development provides landscaping that contributes to and creates a high-quality landscape character for the site, street and local areas of the Shire by: <ol style="list-style-type: none"> a) promoting the Shire’s character as a tropical environment; b) softening the built form of development; c) enhancing the appearance of the development from within and outside the development and makes a positive contribution to the streetscape; d) screening the view of buildings, structures, open storage areas, service equipment, machinery plant and the like from public places, residences and other sensitive development; 	AO1 Development provides landscaping: <ol style="list-style-type: none"> a) in accordance with the minimum area, dimensions and other requirements of applicable development codes; b) that is designed and planned in a way that meets the guidelines for landscaping outlined in Planning Scheme Policy SC6.7 – Landscaping; c) that is carried out and maintained in accordance with a landscaping plan that meets the guidelines for landscaping outlined in Planning Scheme Policy SC6.7 – Landscaping. <p><i>Note - Planning scheme policy SC6.7 – Landscaping provides guidance on meeting the outcomes of this code. A landscape plan submitted for</i></p>	YES	All allotments subject to this application are densely landscaped and deemed to comply as these arrangements are not sought to be removed or modified in any manner.

PERFORMANCE OUTCOMES	ACCEPTABLE MEASURES	COMPLIES	COMMENT
<ul style="list-style-type: none"> e) where necessary, ensuring the privacy of habitable rooms and private outdoor recreation areas; f) contributing to a comfortable living environment and improved energy efficiency, by providing shade to reduce glare and heat absorption and re-radiation from buildings, parking areas and other hard surfaces; g) ensuring private outdoor recreation space is useable; h) providing long term soil erosion protection; i) providing a safe environment; j) integrating existing vegetation and other natural features of the premises into the development; k) not adversely affecting vehicular and pedestrian sightlines and road safety. 	<p><i>approval in accordance with the Planning policy is one way to achieve this outcome.</i></p>		
FOR ASSESSABLE DEVELOPMENT			
PO2 Landscaping contributes to a sense of place, is functional to the surroundings and enhances the streetscape and visual appearance of the development.	A02.1 No acceptable outcomes are specified. <i>Note - Landscaping is in accordance with the requirements specified in Planning scheme policy SC6.7 – Landscaping.</i>	YES	As AO1 above.
	A02.2 Tropical urbanism is incorporated into building design. <i>Note – ‘Tropical urbanism’ includes many things such as green walls, green roofs, podium planting and vegetation incorporated into the design of a building.</i>	N/A	All buildings are existing and are not proposed to be altered under this application.

PERFORMANCE OUTCOMES	ACCEPTABLE MEASURES	COMPLIES	COMMENT
PO3 Development provides landscaping that is, as far as practical, consistent with the existing desirable landscape character of the area and protects trees, vegetation and other features of ecological, recreational, aesthetic and cultural value.	AO3.1 Existing vegetation on site is retained and incorporated into the site design, wherever possible, utilising the methodologies and principles outline in AS4970-2009 Protection of Trees on Development Sites.	YES	As AO1 above.
	AO3.2 Mature vegetation on the site that is removed or damaged during development is replaced with advanced species.	N/A	This application does not seek to remove any vegetation (mature or otherwise) over any of the allotment; only to potentially undertaken minor vegetation damage works, which is anticipated to comprise trimming branches and removing vines of 1-2 trees encircling the existing cleared area over Lot 94 to ensure the swinging arm tower associated with the propose 18m tower is able to complete a full range of movement for maintenance works when required. As the proposed works do not seek to remove any vegetation in full, it is considered that there is no requirement to revegetation any part of the site.
	AO3.3 Where there is an existing landscape character in a street or locality which results from existing vegetation, similar species are incorporated into new development.	YES	As AO1 above.
	AO3.4 Street trees are species which enhance the landscape character of the streetscape, with species chosen from the Planning scheme policy SC6.7 – Landscaping.	N/A	There are no street trees proposed to be established under this application.

PERFORMANCE OUTCOMES	ACCEPTABLE MEASURES	COMPLIES	COMMENT
PO4 Plant species are selected with consideration to the scale and form of development, screening, buffering, streetscape, shading and the locality of the area.	AO4 Species are selected in accordance with Planning scheme policy SC6.7 – Landscaping.	N/A	As AO1 above.
PO5 Shade planting is provided in car parking areas where uncovered or open, and adjacent to driveways and internal roadways.	AO5 Species are selected in accordance with Planning scheme policy SC6.7 – Landscaping.	YES	As AO1 above.
PO6 Landscaped areas are designed in order to allow for efficient maintenance.	AO6.1 A maintenance program is undertaken in accordance with Planning scheme policy SC6.7 – Landscaping.	YES	As AO1 above.
	AO6.2 Tree maintenance is to have regard to the 'Safe Useful Life Expectancy of Trees (SULE). <i>Note – It may be more appropriate to replace trees with a SULE of less than 20 years (as an example), and replant with younger healthy species.</i>	YES	As AO1 above.
PO7 Podium planting is provided with appropriate species for long term survival and ease of maintenance, with beds capable of proper drainage.	AO7.1 Podium planting beds are provided with irrigation and are connected to stormwater infrastructure to permit flush out.	N/A	There are no buildings proposed under this application.
	AO7.2 Species of plants are selected for long term performance designed to suit the degree of access to podiums and roof tops for maintenance.	N/A	As AO7.1 above.

PERFORMANCE OUTCOMES	ACCEPTABLE MEASURES	COMPLIES	COMMENT
PO8 Development provides for the removal of all weed and invasive species and implement on-going measures to ensure that weeds and invasive species do not reinfest the site and nearby premises.	AO8 Weed and invasive species detected on a development site are removed in accordance with a management plan prepared by an appropriately qualified person.	YES	The presence and/or removal of any weeds and/or invasive species will already be managed under existing management plans.
PO9 The landscape design enhances personal safety and reduces the potential for crime and vandalism.	AO9 No acceptable outcomes are specified. <i>Note - Planning scheme policy SC6.3 – Crime prevention through environmental design (CPTED) provides guidance on meeting this outcome.</i>	YES	As AO1 above.
PO10 The location and type of plant species does not adversely affect the function and accessibility of services and facilities and service areas.	AO10 Species are selected in accordance with Planning scheme policy SC6.7 – Landscaping.	YES	As AO1 above.

Application

- (1) This code applies to assessing operational works for vegetation damage if:
 - (a) assessable development where the code is an applicable code identified in the assessment criteria column of a table of assessment;
 - (b) impact assessable development, to the extent relevant.
- (2) When using this code, reference should be made to Part 5.

Criteria for assessment

Table 9.4.9.3.a – Vegetation management code –Assessable Development

PERFORMANCE OUTCOMES	ACCEPTABLE MEASURES	COMPLIES	COMMENT
FOR SELF-ASSESSABLE AND ASSESSABLE DEVELOPMENT			
PO1 Vegetation is protected to ensure that: <ol style="list-style-type: none"> a) the character and amenity of the local area is maintained; b) vegetation damage does not result in fragmentation of habitats; c) vegetation damage is undertaken in a sustainable manner; d) the Shire's biodiversity and ecological values are maintained and protected; e) vegetation of historical, cultural and / or visual significance is retained; f) vegetation is retained for erosion prevention and slope stabilisation. 	AO1.1 Vegetation damage is undertaken by a statutory authority on land other than freehold land that the statutory authority has control over; or	N/A	Refer to commentary provided against AO1.3 and AO1.5 below.
	AO1.2 Vegetation damage is undertaken by or on behalf of the local government on land controlled, owned or operated by the local government; or	N/A	Refer to commentary provided against AO1.3 and AO1.5 below.
	AO1.3 Vegetation damage, other than referenced in AO1.1 or AO1.2 is the damage of:	YES	The Applicant only seeks to undertake very minor pruning works, primarily comprising the removal of vines and 1 or 2 branches to ensure the seesaw arm associated with the 18m tower proposed over Lot 94 can complete a full unrestricted movement for maintenance. Any potential clearing (pruning) works

PERFORMANCE OUTCOMES	ACCEPTABLE MEASURES	COMPLIES	COMMENT
	<ul style="list-style-type: none"> a) vegetation declared as a pest pursuant to the <i>Land Protection (Pest and Stock Route Management) Act 2002</i>; or b) vegetation identified within the local government's register of declared plants pursuant to the local government's local laws; or c) vegetation is located within a Rural zone and the trunk is located within ten metres of an existing building; or d) vegetation is located within the Conservation zone or Environmental management zone and the trunk is located within three metres of an existing or approved structure, not including a boundary fence. <p>or</p>		are considered to comply with item (d) as the trees would be located within 3m of the existing pump station.
	<p>AO1.4</p> <p>Vegetation damage that is reasonably necessary for carrying out work that is:</p> <ul style="list-style-type: none"> a) authorised or required under legislation or a local law; b) specified in a notice served by the local government or another regulatory authority; <p>or</p>	N/A	Refer to commentary provided against AO1.3 above and AO1.5 below.
	<p>AO1.5</p> <p>Vegetation damage for development where the damage is on land the subject of a valid development approval and is necessary to give effect to the development approval;</p> <p>Or</p>	YES	In addition to the commentary provided to AO1.3 above, it is noted that light pruning of the surrounding trees and removal of any vines is required to support the placement of the proposed tower and thus give effect to the approval.

PERFORMANCE OUTCOMES	ACCEPTABLE MEASURES	COMPLIES	COMMENT
	AO1.6 Vegetation damage is in accordance with an approved Property Map of Assessable Vegetation issued under the <i>Vegetation Management Act 1999</i> ; Or	N/A	Refer to commentary provided against AO1.3 and AO1.5 above.
	AO1.7 Vegetation damage is essential to the maintenance of an existing fire break; Or	N/A	Refer to commentary provided against AO1.3 and AO1.5 above.
	AO1.8 Vegetation damage is essential to prevent interference to overhead service cabling; Or	N/A	Refer to commentary provided against AO1.3 and AO1.5 above.
	AO1.9 Vegetation damage is for an approved Forest practice, where the lot is subject to a scheme approved under the <i>Vegetation Management Act 1999</i> ; or	N/A	Refer to commentary provided against AO1.3 and AO1.5 above.
	AO1.10 Vegetation damage is undertaken in accordance with section 584 of the <i>Sustainable Planning Act 2009</i> .	N/A	Refer to commentary provided against AO1.3 and AO1.5 above.

PERFORMANCE OUTCOMES	ACCEPTABLE MEASURES	COMPLIES	COMMENT
	AO1.11 Vegetation damage where it is necessary to remove one tree in order to protect an adjacent more significant tree (where they are growing close to one another).	N/A	Refer to commentary provided against AO1.3 and AO1.5 above.
	AO1.12 Private property owners may only remove dead, dying, structurally unsound vegetation following receipt of written advice from, at minimum, a fully qualified Certificate V Arborist. A copy of the written advice is to be submitted to Council for its records, a minimum of seven business days prior to the vegetation damage work commencing.	N/A	Refer to commentary provided against AO1.3 and AO1.5 above.
PO2 Vegetation damaged on a lot does not result in a nuisance	AO2.1 Damaged vegetation is removed and disposed of at an approved site; or	WILL COMPLY	The Applicant will ensure the arborist will either dispose of all vegetation/materials in an appropriate manner or that the vegetation/materials are chipped/mulched and used to fill existing garden beds that are proposed to be retained over the site.
	AO2.2 Damaged vegetation is mulched or chipped if used onsite.	WILL COMPLY	As AO2.1 above.
FOR ASSESSABLE DEVELOPMENT			
PO3 Vegetation damage identified on the Places of significance overlay lot does not result in a negative impact on the site's heritage values.	A03 No acceptable outcomes are prescribed.	N/A	Lot 94 is not recognised as a place of significance.

ATTACHMENT 7:
CODE ASSESSMENT (SDAP)

State code 16: Native vegetation clearing

Table 16.2.2: General

Performance outcomes	Acceptable outcomes	Response
Clearing avoids or minimises impacts		
<p>PO1 Clearing and adverse impacts of clearing do not occur unless the application has demonstrated that the clearing and the adverse impacts of clearing have been:</p> <ol style="list-style-type: none"> 1. reasonably avoided; or 2. reasonably minimised where it cannot be reasonably avoided. 	No acceptable outcome is prescribed.	<p>Complies with PO1 <i>The Applicant does not seek to remove any vegetation under this application as the proposed tower over Lot 94 is located in an existing cleared area – refer to 'Potential Vegetation Clearing' plan prepared by RPS Australia East Pty Ltd (RPS) as Attachment 2.</i> <i>In Consideration of any exemptions that may come into effect upon approving this MCU, it is noted that any vegetation sought to be cleared will only be done so to protect the tower, whilst ensuring that strong consideration is afforded to any environmental, character and amenity impacts. It stressed here that it is in the Applicants best interest to retain all vegetation as it forms a vital part of the tourist attraction.</i></p>
Clearing on land in particular circumstances		
<p>PO2 Clearing is consistent with any notice requiring compliance on the land subject to the development application, unless a better environmental outcome can be achieved.</p> <p>Note: The discharge of the vegetation management requirements under the notice requiring compliance can only occur in conjunction with the better environmental outcome being legally secured.</p> <p>Further guidance on meeting the requirements of a better environmental outcome can be found in State Development Assessment Provisions Guidance Material: State code 16: Native vegetation clearing, Department of Natural Resources and Mines, 2018.</p>	No acceptable outcome is prescribed.	<p>Notice Applicable <i>There are compliance notices tied to the subject land.</i></p>
<p>PO3 Clearing is consistent with vegetation management requirements for particular regulated</p>	No acceptable outcome is prescribed.	<p>Not Applicable <i>As PO1 above – there are no clearing activities proposed under this Application.</i></p>

Performance outcomes	Acceptable outcomes	Response
<p>areas unless a better environmental outcome can be achieved.</p> <p>Note: The discharge of the vegetation management requirements under the notice requiring compliance can only occur in conjunction with the better environmental outcome being legally secured.</p> <p>Further guidance on meeting the requirements of a better environmental outcome can be found in State Development Assessment Provisions Guidance Material: State code 16: Native vegetation clearing, Department of Natural Resources and Mines 2018.</p>		
<p>PO4 Clearing of a legally secured offset area:</p> <ol style="list-style-type: none"> 1. is consistent with the offset delivery plan; or agreement for the offset area on the land subject to the development application; or 2. only occurs if an additional offset is provided that is consistent with the <i>Environmental Offsets Act 2014</i> and the relevant policy in the Queensland Environmental Offsets Policy, Department of Environment and Heritage Protection, 2014. <p>Note: Reference to 'agreement' above includes the 'agreed delivery arrangement' for the offset area as well as instruments associated with the legally secured offset area. Clearing should be consistent with any agreement however described.</p>	No acceptable outcome is prescribed.	<p>Not Applicable</p> <p><i>There are no existing offset agreements tied to the subject land and the Applicant does not seek or require to arrange any offsets under this application to support the placement of the tower over Lot 94.</i></p>
Clearing of vegetation as a result of the material change of use or reconfiguration of a lot		
<p>PO5 Clearing as a result of a material change of use, or clearing as a result of reconfiguring a lot does not occur.</p>	No acceptable outcome is prescribed.	<p>Complies with PO1</p> <p><i>As PO1 above – there are no clearing activities proposed under this Application.</i></p>
Clearing that could already be done under an exemption		
<p>PO6 Clearing does not occur unless it is clearing that could be done as exempt clearing work for the purpose of the development (as prescribed under schedule 21 of the Planning Regulation 2017) prior to the material change of use or reconfiguring a lot application being approved.</p>	No acceptable outcome is prescribed.	<p>Not Applicable</p> <p><i>The tower is proposed to be sited in an already cleared portion of the subject land – refer plans prepared by RPS as Attachment 2.</i></p>

Table 16.2.3: Specific

Performance outcomes	Acceptable outcomes	Response
Clearing associated with wetlands (public safety, relevant infrastructure activities consequential development of IPA approval, a coordinated project, extractive industry)		
PO7 Clearing maintains the current extent of vegetation associated with any natural wetland to protect: <ol style="list-style-type: none"> 1. bank stability by protecting against bank erosion 2. water quality by filtering sediments, nutrients and other pollutants 3. aquatic habitat; and terrestrial habitat. 	AO7.1 Clearing does not occur in a natural wetland or within 100 metres of the defining bank of any natural wetland. OR	Not Applicable <i>Lot 94 is not recognised as comprising or siting adjacent to any defined wetlands.</i>
	AO7.2 Clearing within 100 metres of the defining bank of any natural wetland: <ol style="list-style-type: none"> 1. does not occur within 50 metres of the defining bank of any natural wetland; and 2. does not exceed widths in table 16.3.1 in this code. OR	Not Applicable <i>As per comment to PO7.1 above.</i>
	AO7.3 Where clearing cannot be reasonably avoided, and clearing has been reasonably minimised, an offset is provided for any acceptable significant residual impact from clearing of vegetation associated with a natural wetland (matter of state environmental significance).	Not Applicable <i>As per comment to PO7.1 above.</i>
Clearing associated with wetlands (necessary to control non-native plants or declared pests, encroachment, managing thickened vegetation, fodder harvesting)		
PO8 Clearing maintains vegetation associated with a natural wetland to protect: <ol style="list-style-type: none"> 1. bank stability by protecting against bank erosion 2. water quality by filtering sediments, nutrients and other pollutants 3. aquatic habitat; and 4. terrestrial habitat. 	<i>Clearing necessary to control non-native plants or declared pests:</i> AO8.1 Where clearing is necessary to control non-native plants or declared pests, mechanical clearing does not occur within five metres of the defining bank of a natural wetland.	Not Applicable <i>As per comment to PO7.1 above.</i>
	AND	

Performance outcomes	Acceptable outcomes	Response
	<p>AO8.2 Clearing only occurs:</p> <ol style="list-style-type: none"> 1. within a 1.5 metre radius from the base of the stem of individual non-native or declared pests; or 2. to the extent necessary to provide access for the control of the non-native plants or declared pests. <p>AND</p> <p>AO8.3 Clearing for access tracks running parallel to a natural wetland is not to be located within 10 metres of the defining bank of a natural wetland.</p> <p>AND</p> <p><i>Clearing for managing thickened vegetation:</i></p> <p>AO8.4 Mechanical clearing does not occur in any of the following areas:</p> <ol style="list-style-type: none"> 1. inside the defining bank of a natural wetland; 2. within 50 metres of the defining bank of a natural wetland. <p>AND</p> <p><i>Clearing for encroachment:</i></p> <p>AO8.5 Mechanical clearing does not occur within 20 metres of the defining bank of a natural wetland.</p> <p>AND</p> <p>AO8.6 Clearing does not include the application of root absorbed broad spectrum herbicides within 50 metres of the defining bank of a natural wetland or within the distance specified from a wetland in the directions for use on the label for the product, whichever is the greater.</p> <p>AND</p>	

Performance outcomes	Acceptable outcomes	Response
	<p><i>Clearing for fodder harvesting:</i></p> <p>AO8.7 Mechanical clearing does not occur in any of the following areas:</p> <ol style="list-style-type: none"> 1. inside the defining bank of any natural wetland; and 2. within 20 metres of the defining bank of any natural wetland. <p>AND</p> <p>AO8.8 Mechanical clearing that is strip harvesting or block harvesting does not occur in any of the following areas:</p> <ol style="list-style-type: none"> 1. inside the defining bank of any natural wetland; and 2. within 100 metres of the defining bank of any natural wetland. 	
Clearing associated with wetlands (necessary environmental clearing – land restoration and natural disaster preparation)		
<p>P09 Clearing maintains vegetation associated with any natural wetland or rehabilitates the cleared area to protect:</p> <ol style="list-style-type: none"> 1. water quality by filtering sediments, nutrients and other pollutants 2. aquatic habitat; and 3. terrestrial habitat. 	<p>AO9.1 Clearing does not occur in, or within 100 metres of, the defining bank of any natural wetland.</p> <p>OR</p> <p>AO9.2 Clearing within 100 metres of the defining bank of any natural wetland and:</p> <ol style="list-style-type: none"> 1. does not occur within 50 metres of the defining bank of the natural wetland; and 2. does not exceed the widths in table 16.3.1 of this code. <p>OR</p> <p>AO9.3 Where clearing cannot be reasonably avoided, and clearing has been reasonably minimised, the cleared area is rehabilitated.</p>	<p>Not Applicable</p> <p><i>As per comment to PO7.1 above.</i></p>

Performance outcomes	Acceptable outcomes	Response
Clearing associated with wetlands (necessary environmental clearing - natural channel diversion and contaminants removal)		
<p>PO10 Clearing maintains the current extent of vegetation associated with any natural wetland or rehabilitates the cleared area to protect:</p> <ol style="list-style-type: none"> 1. bank stability by protecting against bank erosion 2. water quality by filtering sediments, nutrients and other pollutants 3. aquatic habitat; and 4. terrestrial habitat. 	<p>AO10.1 Clearing does not occur in, or within 100 metres of the defining bank of any natural wetland.</p> <p>OR</p> <p>AO10.2 Clearing within 100 metres of the defining bank of any natural wetland and:</p> <ol style="list-style-type: none"> 1. does not occur within 50 metres of the defining bank of any natural wetland; and 2. does not exceed the widths in table 16.3.1 of this code. <p>OR</p> <p>AO10.3 Where clearing cannot be reasonably avoided, and clearing has been reasonably minimised, the cleared area is rehabilitated.</p> <p>OR</p> <p>AO10.4 Where clearing is for natural channel diversion or contaminants removal, and clearing cannot be reasonably avoided, and:</p> <ol style="list-style-type: none"> 1. clearing has been reasonably minimised; and 2. the cleared area cannot be reasonably rehabilitated, <p>an offset is provided for any acceptable significant residual impact from clearing of vegetation associated with a natural wetland (a matter of state environmental significance).</p>	<p>Not Applicable As per comment to PO7.1 above.</p>

Performance outcomes	Acceptable outcomes	Response
Clearing associated with watercourses and drainage features (public safety, relevant infrastructure activities, consequential development of IPA approval, coordinated project, extractive industry)		
PO11 Clearing maintains the current extent of vegetation associated with any watercourse or drainage feature to protect: 1. bank stability by protecting against bank erosion 2. water quality by filtering sediments, nutrients and other pollutants 3. aquatic habitat; and 4. terrestrial habitat.	AO11.1 Clearing does not occur in any watercourse or drainage feature, or within the relevant distance of the defining bank of any watercourse or drainage feature in table 16.3.2 of this code. OR	Complies with AO11.1 There are no clearing activities proposed under this Application. Additionally, it is noted that the proposed location of the 18m tower over Lot 49 is suitably sited away from any watercourses or drainage features that traverse through or around the site. Therefore the maximum extent of any exempt clearing works that could be undertaken as a result of approving the MCU will not intersect with or impact a watercourse or drainage feature.
	AO11.2 Clearing within any watercourse or drainage feature, or within the relevant distance of the defining bank of any watercourse or drainage feature in table 16.3.2 of this code: 1. does not exceed the widths in table 16.3.1 of this code; and 2. does not occur within five metres of the defining bank, unless clearing is required into or across the watercourse or drainage feature. OR	
	AO11.3 Where clearing cannot be reasonably avoided, and clearing has been reasonably minimised, an offset is provided for any acceptable significant residual impact from clearing of vegetation associated with any watercourse or drainage feature (a matter of state environmental significance).	
Clearing associated with watercourses and drainage features (necessary environmental clearing- land restoration and natural disaster preparation)		
PO12 Clearing maintains vegetation associated with any watercourse or drainage feature or rehabilitates the cleared area to protect: 1. bank stability by protecting against bank erosion 2. water quality by filtering sediments, nutrients and other pollutants	AO12.1 Clearing does not occur within any watercourse or drainage feature or within the relevant distances from each defining bank of any watercourse or drainage feature in table 16.3.2 of this code. OR	Complies with AO12.1 As per comment to AO11.1 above.

Performance outcomes	Acceptable outcomes	Response
3. aquatic habitat; and 4. terrestrial habitat.	<p>AO12.2 Clearing in any watercourse or drainage feature, or within the relevant distance of the defining bank of any watercourse or drainage feature in table 16.3.2 of this code:</p> <ol style="list-style-type: none"> 1. does not exceed the widths in table 16.3.1 of this code; and 2. does not occur within five metres of the defining bank, unless clearing is required into or across the watercourse or drainage feature. <p>OR</p> <p>AO12.3 Where clearing cannot be reasonably avoided, and clearing has been reasonably minimised, the cleared area is rehabilitated.</p>	
Clearing associated with watercourses and drainage features (necessary environmental clearing – natural channel diversion, and contaminants removal)		
<p>PO13 Clearing maintains the current extent of vegetation associated with any watercourse or drainage feature or rehabilitates the cleared area to protect:</p> <ol style="list-style-type: none"> 1. bank stability by protecting against bank erosion 2. water quality by filtering sediments, nutrients and other pollutants 3. aquatic habitat; and 4. terrestrial habitat. 	<p>AO13.1 Clearing does not occur within any watercourse or drainage feature or within the relevant distances from each defining bank of any watercourse or drainage feature in table 16.3.2 of this code.</p> <p>OR</p> <p>AO13.2 Clearing in any watercourse or drainage feature, or within the relevant distance of the defining bank of any watercourse or drainage feature in table 16.3.2 of this code:</p> <ol style="list-style-type: none"> 1. does not exceed the widths in table 16.3.1 of this code; and 2. does not occur within five metres of the defining bank, unless clearing is required into or across the watercourse or drainage feature. <p>OR</p>	<p>Complies with AO13.1 <i>As per comment to AO11.1 above.</i></p>

Performance outcomes	Acceptable outcomes	Response
	<p>AO13.3 Where clearing cannot be reasonably avoided, and:</p> <ol style="list-style-type: none"> 1. clearing has been reasonably minimised; and 2. the cleared area cannot be reasonably rehabilitated <p>an offset is provided for any acceptable significant residual impact from clearing of vegetation associated with a watercourse or drainage feature (a matter of state environmental significance).</p>	
Clearing associated with watercourses or drainage features (necessary to control non-native plants or declared pests, managing thickened vegetation, fodder harvesting)		
<p>PO14 Clearing maintains vegetation associated with any watercourse or drainage feature to protect:</p> <ol style="list-style-type: none"> 1. bank stability by protecting against bank erosion 2. water quality by filtering sediments, nutrients and other pollutants 3. aquatic habitat; and 4. terrestrial habitat. 	<p><i>Clearing necessary to control non-native plants or declared pests:</i></p> <p>AO14.1 Mechanical clearing does not occur within 20 metres of the defining bank of a watercourse or drainage feature.</p> <p>AND</p> <p>AO14.2 Clearing only occurs:</p> <ol style="list-style-type: none"> 1. within a 1.5 metre radius from the base of the stem of individual non-native or declared pests; or 2. to the extent necessary to provide access for the control of the non-native plant or declared pest. <p>AND</p> <p>AO14.3 Clearing for access tracks running parallel to a watercourse or drainage feature is not to be located within 10 metres of the defining bank of the watercourse or drainage feature.</p> <p><i>Clearing for managing thickened vegetation:</i></p> <p>AO14.4 Mechanical clearing does not occur in any of the following areas:</p> <ol style="list-style-type: none"> 1. inside the defining bank of any watercourse or drainage feature; 	<p>Complies with AO14.1 As per comment to AO11.1 above.</p>

Performance outcomes	Acceptable outcomes	Response
	<p>2. within 10 metres of the defining bank of a watercourse or drainage feature that is a stream order 1 or 2 watercourse or drainage feature.</p> <p>3. within 30 metres of the defining bank of a watercourse or drainage feature that is a stream order 3 or 4 watercourse or drainage feature.</p> <p>4. within 50 metres of the defining bank of a watercourse or drainage feature that is a stream order 5 or more watercourse or drainage feature.</p> <p><i>Clearing for fodder harvesting:</i></p> <p>AO14.5 Mechanical clearing does not occur in any of the following areas:</p> <ol style="list-style-type: none"> 1. inside the defining bank of any watercourse or drainage feature; and 2. within 20 metres of the defining bank of any watercourse or drainage feature. <p>AND</p> <p>AO14.6 Mechanical clearing that is strip harvesting or block harvesting does not occur in any of the following areas:</p> <ol style="list-style-type: none"> 1. inside the defining bank of any watercourse or drainage feature; and <p>within 100 metres of the defining bank of any watercourse or drainage feature.</p>	
Clearing associated with watercourses or drainage features (encroachment)		
<p>PO15 Clearing of encroachment maintains:</p> <ol style="list-style-type: none"> 1. bank stability by protecting against bank erosion; and 2. water quality by filtering sediments, nutrients and other pollutants; and 	<p>AO15.1 Mechanical clearing does not occur within 20 metres of the defining bank of a watercourse or drainage feature.</p> <p>AND</p>	<p>Complies with AO15.1 As per comment to AO11.1 above.</p>

Performance outcomes	Acceptable outcomes	Response
3. aquatic habitat; and 4. terrestrial habitat.	AO15.2 Clearing does not include the application of root-absorbed broad spectrum herbicides within 50 metres of the defining bank of a watercourse or drainage feature or within the distance specified from a watercourse or drainage feature in the directions for use on the label for the product, whichever is the greater.	
Maintaining connectivity (public safety, relevant infrastructure activities, consequential development of IPA approval, extractive industry)		
PO16 In consideration of vegetation on the land subject to the development application and on adjacent land, sufficient vegetation is retained to maintain ecological processes and remains in the landscape despite threatening processes.	AO16.1 Clearing occurs in accordance with table 16.3.3 in this code.	<i>Complies with AO16.1</i> Should any clearing be undertaken in accordance with any exemptions, it is highlighted that: <ol style="list-style-type: none"> 1. the vegetation that forms part of the Gorge, and the surrounding foothills, is greater than 10 hectares; 2. the maximum amount of vegetation that could be removed under any currently available exemptions is considerably less than 10 hectares; 3. the vegetation surrounding the proposed tower presents a width greater than 100m; 4. the maximum amount of vegetation that could be removed under any currently available exemptions will not reduce the vegetation to a width less than 100m; and 5. removing the maximum amount of vegetation under any currently available exemption will not result in reducing the vegetation portion of the subject land to 30% or less.

Performance outcomes	Acceptable outcomes	Response
Connectivity areas (coordinated project)		
PO17 In consideration of vegetation on the land subject to the development application and on adjacent land: 1. sufficient vegetation is retained to maintain ecological processes and remains in the landscape despite threatening processes; or 2. where this not reasonably possible, the applicant provides an offset.	AO17.1 Clearing occurs in accordance with table 16.3.3 of this code.	Complies with AO17.1 Refer to commentary provided to AO16.1 above.
	OR AO17.2 Where clearing cannot be reasonably avoided; and clearing has been reasonably minimised; an offset is provided for any acceptable significant residual impact from clearing of vegetation that forms a connectivity area (a matter of state environmental significance).	
Maintaining connectivity (necessary environmental clearing - land restoration and natural disaster preparation)		
PO18 In consideration of vegetation on the land subject to the development application and on adjacent land, sufficient vegetation is retained to maintain ecological processes and remains in the landscape despite threatening processes, or where this is not reasonably possible, the cleared area is rehabilitated.	AO18.1 Clearing occurs in accordance with table 16.3.3 of this code.	Complies with AO18.1 Refer to commentary provided to AO16.1 above.
	OR AO18.2 Where clearing cannot be reasonably avoided, and clearing has been reasonably minimised, the cleared area is rehabilitated.	
Connectivity areas (necessary environmental clearing – natural channel diversion and contaminants removal)		
PO19 In consideration of vegetation on the land subject to the development application and on adjacent land: 1. sufficient vegetation is retained to maintain ecological processes and remains in the landscape despite threatening processes; or 2. where this is not reasonably possible, the applicant rehabilitates the cleared area; or 3. where this not reasonably possible, the applicant provides an offset.	AO19.1 Clearing occurs in accordance with table 16.3.3 of this code.	Complies with AO19.1 Refer to commentary provided to AO16.1 above.
	OR	
	AO19.2 Where clearing cannot be reasonably avoided, and clearing has been reasonably minimised, the cleared area is rehabilitated.	
	OR AO19.3 Where clearing cannot be reasonably avoided, and: 1. clearing has been reasonably minimised; and 2. the cleared area cannot be reasonably rehabilitated an offset is provided for any acceptable significant residual impact from clearing of vegetation that forms a connectivity area (a matter of state environmental significance).	

Performance outcomes	Acceptable outcomes	Response	
Soil erosion (public safety, relevant infrastructure activities, consequential development of IPA approval, coordinated project, necessary environmental clearing)			
PO20 Clearing does not result in: 1. accelerated soil erosion including, but not limited to – mass movement, gully erosion, rill erosion, sheet erosion, tunnel erosion, stream bank erosion, wind erosion, or scalding; and 2. any associated loss of chemical, physical or biological fertility – including, but not limited to water holding capacity, soil structure, organic matter, soil biology, and nutrients, within or outside the land the subject of the development application.	AO20.1 Clearing is undertaken in accordance with an erosion and sediment control plan, which includes measures to ensure the rates of soil loss and sediment movement are the same or less than those prior to the proposed development. OR AO20.2 The local government is the assessment manager for the development application. Note: For guidance on developing a sediment and erosion control plan, please refer to the Best Practice Erosion and Sediment Control Document, IECA, 2008.	Not Applicable Will comply with AO20.1 (if required). There are no clearing activities proposed under this application. However, should any be required in the future to maintain or certify the safety of the proposed structure (i.e. as per available exemptions), the Applicant will ensure an erosion and sediment control plan is formulated to manage all associated clearing activities. Compliance can be conditioned.	
	Soil erosion (necessary to control non-native plants or declared pests, managing thickened vegetation, encroachment, fodder harvesting)		
PO21 Clearing does not result in: 1. accelerated soil erosion – including, but not limited to - mass movement, gully erosion, rill erosion, sheet erosion, tunnel erosion, stream bank erosion, wind erosion, or scalding; and 2. any associated loss of chemical, physical or biological fertility – including, but not limited to water holding capacity, soil structure, organic matter, soil biology and nutrients, within or outside the land subject of the development application.	Clearing necessary to control non-native plants or declared pests: AO21.1 Mechanical clearing retains 50 per cent of the ground cover (dead or alive) in each 50 by 50 metre (0.25 hectare) area. AND AO21.2 New access tracks to gain access to a non-native plant or declared pest infestation do not exceed five metres in width or de-stabilise the banks of any watercourse or drainage feature as a result of crossing, construction or use. AND Clearing for managing thickened vegetation: AO21.3 Mechanical clearing does not: 1. occur in a regional ecosystem in table 16.3.6 of this code that states ‘mechanical clearing not permitted’;	Not Applicable Will comply with AO20.1 (if required). There are no clearing activities proposed under this application.	

Performance outcomes	Acceptable outcomes	Response
	<p>2. disturb more than 50 per cent of the ground surface or result in any hectare having less than 50 per cent ground cover, whether dead or alive; and</p> <p>3. occur on slopes in excess of five per cent.</p> <p>AND</p> <p>AO21.4 Mechanical clearing does not occur within 50 metres of an area of soil erosion and instability.</p> <p>AND</p> <p><i>Clearing for encroachment:</i></p> <p>AO21.5 Mechanical clearing:</p> <p>1. is limited to slopes less than five per cent; and</p> <p>2. retains 50 per cent of the ground cover (dead or alive) in each 50 by 50 metre (0.25 hectare) area.</p> <p>AND</p> <p><i>Clearing for fodder harvesting:</i></p> <p>AO21.6 Mechanical clearing does not occur on a slope greater than five percent.</p> <p>OR</p> <p>AO21.7 Mechanical clearing does not occur within 50 metres of an areas of soil erosion and instability.</p>	
Salinity (public safety, relevant infrastructure activities, consequential development of IPA approval, coordinated project, extractive industry, necessary environmental clearing, fodder harvesting)		
PO22 Clearing does not contribute to or accelerate land degradation through waterlogging, or through the salinisation of groundwater, surface water or soil.	AO22.1 Clearing does not occur within 100 metres of a salinity expression area.	Not Applicable <i>The subject land is not recognised as comprising or siting adjacent to a defined salinity expression area.</i>
Conserving endangered and of concern regional ecosystems (public safety and relevant infrastructure activities, consequential development of IPA approval, coordinated project, extractive industry)		
PO23 Clearing maintains the current extent of endangered regional ecosystems and of concern regional ecosystems.	<p>AO23.1 Clearing does not occur in an endangered regional ecosystem or an of concern regional ecosystem.</p> <p>OR</p>	Complies with AO23.1 <i>There are no clearing activities proposed under this application.</i>

Performance outcomes	Acceptable outcomes	Response
	<p>AO23.2 Total clearing of endangered regional ecosystems and of concern regional ecosystems combined does not exceed the widths prescribed in table 16.3.1 of this code.</p> <p>OR</p> <p>AO23.3 Total clearing of endangered regional ecosystems and of concern regional ecosystems combined does not exceed areas prescribed in table 16.3.1 of this code.</p> <p>OR</p> <p>AO23.4 Where clearing cannot be reasonably avoided, and clearing has been reasonably minimised, an offset is provided for any acceptable significant residual impact from clearing of endangered regional ecosystems and of concern regional ecosystems (a matter of state environmental significance).</p>	<p><i>In consideration of any exemptions that may come into effect upon approval of this application, however, it is noted that the extent of any maximum clearing that could be undertaken by a currently available exemption does not exceed the thresholds prescribed under table 16.3.1. (i.e. a maximum of approx. 4,053m² (or 0.4053ha) could be cleared under an exemption to establish or maintain a necessary firebreak, which is less than the 0.5ha prescribed under table 16.3.1. Refer to Potential Vegetation Clearing – Site Plan prepared by RPS for further details on defined buffer areas).</i></p>
Essential habitat (public safety, relevant infrastructure activities, consequential development of IPA approval, coordinated project, extractive industry, fodder harvesting)		
PO24 Clearing maintains the current extent of essential habitat.	<p>AO24.1 Clearing does not occur in essential habitat.</p> <p>OR</p> <p>AO24.2 Clearing in essential habitat does not exceed the widths prescribed in table 16.3.1 of this code.</p> <p>OR</p> <p>AO24.3 Clearing in essential habitat does not exceed the areas prescribed in table 16.3.1 of this code.</p> <p>OR</p>	<p>Complies with AO24.1 <i>As per comment provided to AO23.1 above.</i></p>

Performance outcomes	Acceptable outcomes	Response
	AO24.4 Where clearing cannot be reasonably avoided, and clearing has been reasonably minimised, an offset is provided for any acceptable significant residual impact from clearing of essential habitat (a matter of state environmental significance).	
Essential habitat (necessary environmental clearing – land restoration and natural disaster preparation)		
PO25 Clearing does not occur in essential habitat, or where this is not reasonably possible, the applicant rehabilitates the cleared area.	AO25.1 Clearing does not occur in essential habitat. OR	Complies with AO25.1 <i>As per comment provided to AO23.1above.</i>
	AO25.2 Clearing in essential habitat does not exceed the widths prescribed in table 16.3.1 of this code. OR	
	AO25.3 Clearing in essential habitat does not exceed the areas prescribed in table 16.3.1 of this code. OR	
	AO25.4 Where clearing cannot be reasonably avoided, and clearing has been reasonably minimised, the cleared area is rehabilitated.	
Essential habitat (necessary environmental clearing – natural channel diversion and contaminants removal)		
PO26 Clearing does not occur in essential habitat, or where this is not reasonably possible, the applicant rehabilitates the cleared area, or maintains the current extent of essential habitat.	AO26.1 Clearing does not occur in essential habitat. OR	Complies with AO26.1 <i>As per comment provided to AO23.1above.</i>
	AO26.2 Clearing in essential habitat does not exceed the widths prescribed in table 16.3.1 of this code. OR	
	AO26.3 Clearing in essential habitat does not exceed the areas prescribed in table 16.3.1 of this code. OR	

Performance outcomes	Acceptable outcomes	Response
	<p>AO26.4 Where clearing cannot be reasonably avoided, and clearing has been reasonably minimised, the cleared area is rehabilitated.</p> <p>OR</p> <p>AO26.5 Where clearing cannot be reasonably avoided, and:</p> <ol style="list-style-type: none"> 1. clearing has been reasonably minimised; and 2. the cleared area cannot be reasonably rehabilitated <p>an offset is provided for any acceptable significant residual impact from clearing of essential habitat (a matter of state environmental significance).</p>	
Acid sulfate soils (public safety, relevant infrastructure activities, consequential development of IPA approval, coordinated project, extractive industry, necessary environmental clearing, necessary to control non-native plants or declared pests, managing thickened vegetation, encroachment)		
<p>PO27 Clearing does not result in, or accelerate, disturbance of acid sulfate soils or changes to the hydrology of the location that will result in either of the following:</p> <ol style="list-style-type: none"> 1. aeration of horizons containing iron sulphides; or 2. mobilisation of acid or metals. 	<p>AO27.1 Clearing does not occur in land zone 1, land zone 2 or land zone 3.</p> <p>OR</p> <p>AO27.2 Clearing in land zone 1, land zone 2 or land zone 3 in areas below the five metre Australian Height Datum only occurs where:</p> <ol style="list-style-type: none"> 1. it does not involve mechanical clearing; and 2. acid sulfate soils are managed consistent with the State Planning Policy, Department of Infrastructure, Local Government and Planning, July 2017, and with the soil management guidelines in the Queensland Acid Sulfate Soil Technical Manual, Department of Science Information Technology Innovation and the Arts, 2014. <p>OR</p> <p>AO27.3 The local government is the assessment manager for the development application.</p>	<p>Not Applicable</p> <p><i>The subject land does not comprise any acid sulfate soils.</i></p>

Performance outcomes	Acceptable outcomes	Response
Clearing is staged (extractive industry)		
PO28 Clearing: 1. is staged in line with operational needs that restrict clearing to the current operational area 2. only occurs in the area from which material will be extracted, and any reasonably associated infrastructure, within the term of the development approval; and 3. does not occur without required permits.	No acceptable outcome is prescribed.	Not Applicable <i>There are no clearing activities proposed under this application.</i>
Coordinated project – involving clearing for agriculture		
PO29 Clearing only occurs where the land is suitable for agriculture having regard to topography, climate and soil attributes.	No acceptable outcome is prescribed.	Not Applicable <i>This application is not defined as a Coordinated Project.</i>
PO30 For applications for irrigated crops, the owner of the land has, or may have, access to enough water for establishing, cultivating and harvesting the crops to which the clearing relates.	No acceptable outcome is prescribed.	Not Applicable <i>This application is not defined as a Coordinated Project.</i>
Clearing for necessary environmental clearing – land restoration and natural disaster preparation		
PO31 Clearing does not occur, or where this is not reasonably possible, the applicant rehabilitates the cleared area.	AO31.1 Clearing maintains the natural floristic composition and range of sizes across the application area.	Not Applicable <i>There are no clearing activities proposed under this application, particularly for land restoration or preparation for a natural disaster.</i>
	OR	
	AO31.2 Clearing does not exceed the widths prescribed in table 16.3.1 of this code.	
	OR	
	AO31.3 Clearing does not exceed the areas prescribed in table 16.3.1 of this code.	
	OR	
	AO31.4 Where clearing cannot be reasonably avoided, and clearing has been reasonably minimised, the cleared area is rehabilitated.	

Performance outcomes	Acceptable outcomes	Response
Clearing for necessary environmental clearing - natural channel diversion and contaminants removal		
PO32 Clearing does not occur, or where this is not reasonably possible, the applicant rehabilitates the cleared area or maintains the current extent of vegetation.	AO32.1 Clearing maintains the natural floristic composition and range of sizes across the application area.	Not Applicable There are no clearing activities proposed under this application, including for channel diversion or removal of contaminants.
	OR	
	AO32.2 Clearing does not exceed the widths prescribed in table 16.3.1 of this code.	
	OR	
	AO32.3 Clearing does not exceed the areas prescribed in table 16.3.1 of this code.	
	OR	
AO32.4 Where clearing cannot be reasonably avoided, and clearing has been reasonably minimised, the endangered regional ecosystems and of concern regional ecosystems are rehabilitated.		
OR		
AO32.5 Where clearing an endangered regional ecosystem or of concern regional ecosystem cannot be reasonably avoided, minimised or rehabilitated, an offset is provided for any acceptable significant residual impact from clearing of an endangered regional ecosystem or of concern regional ecosystem (a matter of state environmental significance).		
Conserving remnant vegetation that are regional ecosystems (necessary to control non-native plants or declared pests)		
PO33 Clearing activities: 1. maintain the natural floristic composition and range of sizes of each species of the regional ecosystem evenly spaced across the application area; and 2. retain mature trees.	AO33.1 Mechanical clearing does not exceed the limitations defined in table 16.3.4 of this code.	Not Applicable There are no clearing activities proposed under this application, including for controlling non-native or declared pests.
	OR	
	AO33.2 Root-absorbed broad spectrum herbicides are not: 1. applied via aerial application; or 2. ground applied on a broad acre basis; or 3. used inconsistently with the product directions.	

Performance outcomes	Acceptable outcomes	Response
Requirements for dense regional ecosystems (necessary to control non-native plants or declared pests)		
PO34 Clearing retains canopy vegetation in dense regional ecosystems.	AO34.1 Clearing does not occur in regional ecosystems listed in table 16.3.5 of this code. OR	Not Applicable As AO33.1 above.
	AO34.2 Clearing and associated soil disturbance in regional ecosystems listed in table 16.3.5 of this code only occurs: 1. within a 1.5 metre radius from the base of the stem of individual non-native plants or declared pests; and 2. to the extent necessary to provide access for the control of the non-native plants or declared pests.	
Restoring the regional ecosystem (managing thickened vegetation)		
PO35 Clearing activities: 1. restore the natural floristic composition and range of sizes of each species of the regional ecosystem evenly spaced across the application area; and 2. retain mature trees, habitat trees and tall immature trees and thickets.	AO35.1 Clearing does not occur in any of the following areas: 1. in thickets; 2. for mechanical clearing, within five metres or less from the trunk of a mature tree, habitat tree or tall immature tree. AND	Not Applicable There are no clearing activities proposed under this application. It is also highlighted that the existing vegetation is healthy and the RE is not required to be restored.
	AO35.2 Clearing retains: 1. all mature trees and habitat trees; 2. a full range of sizes and species typical of the regional ecosystem in the area; and 3. where the number of mature trees plus habitat trees is less than 20 per hectare, tall immature trees to total 20 mature trees, habitat trees and tall immature trees per hectare. AND	
	AO35.3 If clearing immature trees, retain immature trees distributed in a pattern that is as natural as possible and of at least the density specified in table 16.3.6 of this code. AND	

Performance outcomes	Acceptable outcomes	Response
	<p>AO35.4 If clearing low shrubs:</p> <ol style="list-style-type: none"> 1. in regional ecosystems where clearing is restricted to low shrubs as specified in table 16.3.6 of this code – clearing retains all immature trees; 2. in regional ecosystems where clearing is not restricted to low shrubs as specified in table 16.3.6 of this code – clearing retains at least the number of immature trees specified in table 16.3.6; and 3. clearing retains at least 10 per cent of the predominate species that have thickened. <p>AND</p> <p>AO35.5 Mechanical clearing does not result in debris being stacked or pushed against a mature tree, habitat tree or tall immature tree.</p> <p>AND</p> <p>AO35.6 Clearing is not undertaken by:</p> <ol style="list-style-type: none"> 1. aerial application of any herbicide; 2. application of a root-absorbed broad spectrum herbicide. <p>AND</p> <p>AO35.7 Chemical clearing does not occur within five metres of the trunk of a mature tree, habitat tree or tall immature tree.</p>	
Clearing limited to specific regional ecosystems and specific clearing methods (managing thickened vegetation)		
<p>PO36 Clearing must be for the purpose of restoring the remnant regional ecosystem and only occur if all of the following apply:</p> <ol style="list-style-type: none"> 1. clearing is in regional ecosystems prescribed in table 16.3.6 of this code; and 2. clearing is in accordance with the clearing restrictions for the regional ecosystem prescribed in table 16.3.6 of this code. 	No acceptable outcome is prescribed.	<p>Not Applicable As per AO35.1 above.</p>

Performance outcomes	Acceptable outcomes	Response
Clearing limited to specific regional ecosystems (encroachment)		
PO37 Clearing of encroachment does not occur, other than in the regional ecosystems listed in table 16.3.7 of this code.	No acceptable outcome is prescribed.	Not Applicable <i>As per AO35.1 above.</i>
Retained trees (encroachment)		
PO38 Clearing of encroachment: 1. results in the restoration of the regional ecosystem 2. retains mature trees and habitat trees 3. retains all woody vegetation within a grove; and 4. retains representatives of all immature, non-encroaching species in a natural pattern.	No acceptable outcome is prescribed.	Not Applicable <i>As per AO35.1 above.</i>
Limits to clearing for fodder harvesting (fodder harvesting)		
PO39 Clearing is limited to: 1. the extent necessary to provide fodder for stock; and 2. areas where the stock is located, and the stock has sufficient water.	No acceptable outcome is prescribed.	Not Applicable <i>The subject land does not currently support, and this Application does not seek approval for, any fodder harvesting activities.</i>
PO40 Clearing must only occur: 1. in regional ecosystems listed in table 16.3.8 or table 16.3.9 of this code; and 2. in accordance with the harvesting method limitations for the regional ecosystem listed in table 16.3.8 or table 16.3.9 of this code.	No acceptable outcome is prescribed.	Not Applicable <i>As per PO39 above.</i>
PO41 Clearing consists predominantly of fodder species.	No acceptable outcome is prescribed.	Not Applicable <i>As per PO39 above.</i>
Conserving vegetation (fodder harvesting)		
PO42 Clearing is carried out in a way that conserves: 1. remnant vegetation in perpetuity; and 2. the regional ecosystem in which the vegetation is situated.	AO42.1 Clearing does not result in the removal of non-fodder species with a height of four metres or more.	Not Applicable <i>As per PO39 above.</i>
	AO42.2 Selective harvesting: 1. retains all non-fodder species except where the damage is an unavoidable consequence of clearing the selected fodder tree; and 2. when using a chainsaw in regional ecosystems listed in table 16.3.8 of this code, retains at least one fodder tree for every fodder tree cleared; and	

Performance outcomes	Acceptable outcomes	Response
	<p>3. in least concern regional ecosystems listed in table 16.3.9 of this code, retains at least one fodder tree for each fodder tree cleared; and</p> <p>4. in of concern regional ecosystems listed in table 16.3.9 of this code, retains at least two fodder trees for each fodder tree cleared.</p> <p>AND</p> <p>AO42.3 Strip harvesting and block harvesting:</p> <p>1. where fodder harvesting has previously occurred in an area of a lot, only occurs if all of the following apply:</p> <ul style="list-style-type: none"> a. the vegetation has not been cleared in the last 10 years; and b. the average height of the fodder trees is at least 70 per cent of the height of the tallest stands of fodder species in the regional ecosystem; and c. the fodder trees that were previously harvested have now attained an average height of at least 4 metres. <p>2. aligns clearing along the contour where practical; and</p> <p>3. does not occur in patches of regional ecosystems that are less than 10 hectares in area or less than 500 metres wide.</p> <p>AND</p>	

Performance outcomes	Acceptable outcomes	Response
	<p>AO42.4 Strip harvesting:</p> <ol style="list-style-type: none"> 1. does not result in any strip harvesting area exceeding 50 metres in width; and 2. results in all strip retention areas: <ol style="list-style-type: none"> a. being preserved along the length of strip harvest areas to a width of at least 1.5 times that of the adjacent strip harvest area; and b. containing fodder species with an average height of at least four metres; and 3. does not result in clearing for machinery access between strip harvest areas exceeding 15 metres in width. <p>AND</p> <p>AO42.5 Block harvesting:</p> <ol style="list-style-type: none"> 1. does not result in any block harvest area exceeding one hectare; and 2. results in block retention areas: <ol style="list-style-type: none"> a. being preserved between block harvest areas in accordance with the widths specified in table 16.3.10 of this code; and b. containing fodder species with an average height of at least four metres; and 3. does not result in clearing for machinery access between block harvest areas exceeding 10 metres in width. 	
Cleared vegetation (fodder harvesting)		
PO43 Fodder harvesting is carried out in a way that results in the woody biomass of the cleared vegetation remaining where it is cleared.	No acceptable outcome is prescribed.	Not Applicable As per PO39 above.

Performance outcomes	Acceptable outcomes	Response
Conserving the fodder resource (fodder harvesting)		
PO44 Fodder harvesting is carried out in a way that will conserve the fodder resource.	AO44.1 Within any 10 year period, commencing from the expiry date of any development approval or any Accepted Development Vegetation Clearing Code notification, clearing does not occur: <ol style="list-style-type: none"> 1. more than once in the same area of a lot; and 2. in more than 50 per cent of the area of the regional ecosystem listed in table 16.3.8 and table 16.3.9 of this code on the lot; and 3. in areas required to be retained under this code, a development approval or any accepted development vegetation clearing code. 	Not Applicable <i>As per PO39 above.</i>